

## MINUTES

7:30 PM

**PRESENT:** T. Ciacciarelli  
R. Dodds  
P. Lubitz  
J. Mathieu  
S. McNicol  
E. Niemann  
L. Riggio  
J. Strasser  
M. Synchronick  
T. Decker, Engineer  
D. Pierce, Attorney

**ABSENT:**

### CALL TO ORDER

The meeting was called to order at 7:30 by E. Niemann.

### NOTIFICATION

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat and Courier News, and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk.

### NEW AND PENDING MATTERS

#### Resolutions

It was moved by R. Dodds, seconded by S. McNicol and carried to adopt **Resolution No. 2013 – 02 - Block 32, Lots 10 and 11.02 – Tumble Partners – Tumble Idell Road**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu and J. Strasser, who **ABSTAINED**.

#### Driveway Ordinance

T. Decker stated he has reviewed the driveway ordinances of some of the neighboring municipalities. He included a lot of additional requirements. It is easier for the Board to go through and eliminate rather than add requirements. The Board needs to determine what their end goal is in regulating driveways. How specific and detailed does the Board want to be in their regulations? How does the Board want to review driveway applications and enforce the regulations? He briefly outlined the current procedures. The first step is the applicant fills out an application and submits it to the Clerk. It is then passed along to the Road Supervisor.

The Road Supervisor will meet the applicant at the site and reviews what the applicant should do and the expectation of the pipes for the driveway. The Road Supervisor focuses on the apron. The applicant contacts the Road Supervisor approximately 24-48 prior to starting construction of the driveway. The Road Supervisor will inspect the pipe and pavement to determine if it satisfies the requirements. The Road Supervisor then signs off on the application that everything has been completed satisfactorily. The applicant can then get their building permit. The applicant does not get their building permit until the driveway apron is installed. The review of the apron is limited to the Right of Way. Anything beyond the Right of Way is not regulated by the Township. The ordinance does have some parameters which deal with the steepness of the driveway and so forth. He went through the ordinance and highlighted some sections. He spoke with the Road Supervisor, Clerk and Chief Financial Officer. He stated the Road Supervisor has indicated he would like to be included in the process and be aware of what is going on with the aprons. The Road Supervisor would like to continue doing the inspection work of the driveway pipe and apron. The Road Supervisor has some concerns with driveways that pitch towards the road that are gravel or stone. It causes the stone or gravel to wash into the road. The Road Supervisor has not seen any problems with the construction of the aprons. There are some concerns with applicants applying for two driveways. He is looking for some guidance as to what the Township would like to see on multiple accesses or a loop back in the lot with one access. Some towns have a limitation to allow one opening for a property that has 200' of frontage and allow two openings if the property has more than 200' of frontage. There are limitations on driveways to intersection distances. The current ordinance requires that no driveway pipe can be less than 12" in diameter. The Road Supervisor is not comfortable with the environmental wetlands, riparian buffers and other environment issues. His conversation with the Road Supervisor indicated that the major problem is with existing driveways, such as inadequate drainage and washing out to the main road. The Road Supervisor inquired how the Township would be able to make residents come into compliance who have existing driveways. T. Decker suggested it might possibly be done when a resident comes in for a building permit. Having that requirement might be over kill for a small project. He suggested possibly a building permit for a new barn which would generate more traffic might be a more appropriate trigger. Another issue is for existing farm fields. The farmer establishes a farm access to go into the field a couple times a year. Where do they fall in the regulations? Are they exempt? Are they required to install the necessary drainage? There is no sense for the farmer to install a paved apron.

D. Pierce responded farm activity is covered under the Right to Farm Act. Any farm activity would go to the County Ag Board for approval, who should take into account the Township's ordinances. If the application promotes agricultural purposes, the County Ag Board will approve the application.

T. Decker inquired how much the Township would like to get involved in a driveway on private property. The applicant files an application with the Township, submits a plan, gets approval and a drainage issue comes up in the future or a different property owner raises a concern. Historically, the Township has been able to tell them the issue is between the property owners but if the Township issued a permit, it might bring the potential for the Township to become involved. The Board needs to determine what regulations they would like to include in the ordinance and what risks are involved in those regulations. The majority of the concern of the Road Supervisor is the runoff down the side of the driveways. The gully washes and stone is deposited into the road. The Road Supervisor would like the ordinance to regulate that runoff so it minimizes it in future instances. He stated in Bethlehem and Alexandria their ordinances state if the driveway exceeds 8% within the first 200' that section needs to be paved. If the first 100' is a 10% grade and the rest is 4%, the first 100' has to be stabilized. Kingwood's ordinance limits the maximum driveway slope to 18%. Some townships have 15% and one has 12%. The maximum slope in the RSIS is 12%. He stated 15% is still a steep driveway but 18% is excessive. Regardless if the Board wants to make any changes, there are some items that need to be updated, such as the site distance is overly restrictive at 800' on a 50 mph road. Some of the other ordinances he reviewed provide for half of the 800' requirement. The material specifications in the ordinance were from the 1970's. They are much different today. He suggested requiring the paving material used on the driveway should be the same as the pavement on the road. The ordinance does not specify the type of pavement to be used on a driveway after

the apron. The ordinance can provide an option for paver blocks. The ordinance does not allow the Road Supervisor to suggest another location for the curb cut for the driveway. In Bethlehem and Alexandria Townships' ordinances, residences are allowed one driveway access but commercial can have one with a property frontage of 200' and if they have more than 200' they can have two accesses. The road frontage is reduced to 150' for one and over 151' for two accesses in Clinton Township. Some municipalities will still permit the multiple driveway access for residential. With the lot sizes in Kingwood, a resident, if they wanted to install a circular driveway, enough area should be available to loop the driveway and have one access. The Township could leave it open to a judgment call. The Hunterdon County Soil Conservation District (HCSD) regulates any type of soil disturbance. If there is an issue with erosion of soil from a farm driveway, they should be contacted as they have the ability of enforcement if a violation is present.

After a lengthy discussion, the Board decided they would like to permit one access per residential property, one access for farm use with frontage of 200' or less and two with a frontage of 200' or more and one for commercial and industrial lots with a frontage of 200' or less and two for commercial and industrial with a frontage of more than 200'. The Board also decided driveways, on a curve, should be placed at a 90 degree angle. The Board discussed requiring a presence/absence determination prior to the issuance of a driveway permit. D. Pierce stated it is always the landowner's responsibility and risk. They are prohibited from building in a wetlands area unless they have a permit. An advisory notice could be placed on the application.

T. Decker stated some residents who have driveway permit face the situation where the pavement plants close down for the season. The resident can get a building permit but cannot pave the apron. There is currently a mechanism in the ordinance which provides for a maintenance guarantee. The resident posts the bond and is informed they need to pave the apron once the pavement plants open. After the resident paves the apron, the bond is refunded. The Road Supervisor is suggesting making the bond amount 120% of the construction cost or \$2000. If the resident does not pave the driveway, the Township calls the bond and the Road Department installs the apron. The Road Supervisor does not want to be in the business of putting in someone's driveway apron. He stated the current fee for a driveway permit is \$50.00. He stated the Board needs to decide when the engineer needs to get involved in the construction of the driveway. The determining factor is how expensive do you want to regulate the driveway. If the issue is in the Right of Way, the Road Supervisor has enough knowledge and can handle 95% of the permits. If the Township is going to regulate the drainage on a driveway that would be beyond the Road Supervisor's review then the engineer would have to get involved. He stated in major or minor subdivisions the driveways are not approved as part of the subdivision plan. Currently, there is an issue with a driveway on Heath Road that has an undersized pipe. Road side drainage is addressed in the subdivision plan.

E. Niemann stated the Board seems to be agreement that the Township would like to have approval ability when someone expands their driveway. The Township should not be become involved in what should be a neighborly dispute. When there is a steep grade with gravel that washes into the road, the Township should be involved.

T. Decker stated those issues can be addressed in the ordinance. He suggested when the grade exceeds the allowable percentage, the driveway needs to be a hard surface. He stated he needed the direction discussed this evening in order to prepare a draft ordinance.

D. Pierce stated his concern is that without the direction of the Board this evening, the draft ordinance prepared by T. Decker would require any existing driveway to come into full compliance with the ordinance upon any modification. The ordinance does not provide any specifications as to the type of modification. Without specific language, it can be open to interpretation. He suggested putting in a clause that grandfathers existing driveways for the slope requirements.

T. Decker stated most of the changes are updating the information. Another aspect the Board should consider is to require, on a long driveway, after 500', a pull-off so emergency vehicles can pass on a driveway. The Board was in agreement with the requirement.

T. Decker left the meeting at 9:02 PM.

## **MINUTES**

It was moved by R. Dodds, seconded by M. Synchron and carried to approve the minutes of March 14, 2013 and place on file. All members voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu and J. Strasser, who **ABSTAINED**.

## **APPLICATION STATUS**

### **CORRESPONDENCE**

Civil Dynamics, Inc. – Application for Flood Hazard Area Individual Permit;

### **OTHER MATTERS**

#### **Bull's Island**

P. Lubitz stated he had contacted the DEP today and was informed the tree cutting plan on Bull's Island has been placed on hold. There is no immediate plan to clear cut the area. The area will be converted from a camping area to a day use area.

#### **Together North Jersey**

E. Niemann stated she has successfully applied for the Together North Jersey \$90,000 grant to assist the Township with the Eastern Gateway Village Overlay Plan in terms of the Transfer of Development Rights work that needs to be completed. The Township should hear in about a month or so if they have been awarded the grant. Kingwood is the only municipality in Hunterdon that has applied for the grant.

## **PRIVILEGE OF THE FLOOR**

### **ADJOURNMENT**

It was moved by J. Mathieu, seconded by R. Dodds and carried to adjourn the meeting at 9:07 PM. All members voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschach, Secretary**