

## MINUTES

7:30 PM

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

**ABSENT:** M. Syrnick

### CALL TO ORDER

The meeting was called to order at 7:31 PM 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

Block 22, Lot 13 & 13.06 – Gulics/Redl – Locktown Road – Boundary Line Adjustment

A. Gulics was present for the matter this evening.

T. Decker stated there were a couple of revisions that were needed on the original plat. He found a slight error in the metes and bounds description. A. Gulics provided revised plats to T. Decker with contained the revisions. T. Decker stated the application is a straightforward lot line adjustment. The lots are well within compliance of the minimum lot size and the shifting of the property lines will actually increase some of the setbacks and alleviate some of the existing non-conformity of the lots.

It was moved by J. Mathieu, seconded by R. Dodds and carried to approve the above lot line adjustment. All members present voted **AYE** on **ROLL CALL VOTE**.

Block 23, Lot 17.02 – BDAC – Barbertown Point Breeze Road – Amendment to Prior Approval

A. Belle was present for the application this evening.

D. Pierce stated the request for an amendment to the prior approval is to reflect the fact that the original approval was granted a variance for a smaller buildable lot area than allowed by the ordinance at that time. The ordinance has been amended so the variance is no longer needed. The original approval was granted in 2009. The applicant has been going through various approval processes. He has received D & R Canal approval and is ready for move forward to finalize the application. The amended approval will reflect the fact that there is no longer a variance required for the buildable lot area.

E. Niemann stated she has been made aware that there is a shortfall in the escrow for the application. D. Pierce responded the deeds would not be released for recording without the escrow being brought current.

It was moved by J. Mathieu, seconded by L. Riggio and carried to grant the amended approval. All members present voted **AYE** on **ROLL CALL VOTE**, except S. McNicol, who **ABSTAINED**.

D. Pierce stated the applicant has requested he prepare a form of resolution for the Board to adopt this evening. The proposed resolution deletes the reference to the variance and reflects the fact that since the time of prior approval was granted, the ordinance has been changed. He has deleted the requirement for the D & R approval due to the fact that it has been submitted to the Board. There are some minor wording changes which do not affect the substance of the resolution.

It was moved by J. Mathieu, seconded by T. Cicciarelli and carried to adopt **Resolution No. 2013 – 04 – Amending Minor Subdivision Approval BDAC, LLC, Block 23, Lot 17.02 and Proposed New Lot 17.04**. All members present voted **AYE** on **ROLL CALL VOTE**, except S. McNicol, who **ABSTAINED**.

### **Driveway Ordinance**

T. Decker reviewed the suggested amendments to the ordinance contained in his memo:

- Definitions for “altered” and “modified” have been added to §112-7B
- Maintains review and approval with the Road Supervisor with the option for referral to the Township Engineer by the Road Supervisor. §112-8B
- All driveways serving multi-family, commercial or industrial driveways are referred to the Township Engineer for review. §112-7D
- Application fee has been increased from \$50 to \$100. Escrow, if needed, is set at \$300. §112-7F
- Pavement is required in portions of driveway steeper than 8% within 200 ft of right-of-way. §112-9B6
- Alignment of driveways at sharp bends in the road has been added. §112-10C
- Driveways at road intersections. §112-10.1
- Requirement for applicant to engage an environmental consultant regarding presence/absence of wetlands & buffers. §112-14A.
- Sight areas revised to be more consistent with surrounding municipalities. §112-16
- Number of permitted driveways including provisions for agricultural fields. §112-16.1
- Performance guaranty increased from \$1,000 to 120% of construction cost or \$2,000 minimum. §112-19B
- Appeal process, §112-22, revised to note the Board of Adjustment as having jurisdiction per §132-131A(5) and establish an escrow requirement of \$500

- Add §132-131A(5) to add the driveway ordinance appeals to the powers of the Board of Adjustment..

Also attached is a copy of the existing driveway permit application. I suggest that the application form be updated as follows:

1. Include a checklist of the basic items required. (plan, wetlands determination, etc.)
2. Add applicant contact information (mailing address, phone, fax, email)
3. Type of driveway to be checked off (residential, multi-family, commercial, etc.)

After some discussion in regard to 112-17(c), the Board recommended the time frame to be 45 days after submission to act on or issue comments on the application from either the Township Engineer or Road Supervisor. The Board also recommended if any existing driveway is altered or modified in the Right of Way, the Right of Way portion will have to be brought into conformance with the amended ordinance. There was a brief discussion on requiring residences to pave an apron when the residence is sold as a condition of sale. The Board determined, after more discussion, the reasons why the requirement should not be included in the amendment.

It was moved by J. Mathieu, seconded by J. Strasser and carried to recommend the Township Committee introduce and adopt on first reading the draft submitted by T. Decker. All members voted **AYE** on **ROLL CALL VOTE**.

**Amendment to Chapter 132 – Definitions and Provisions for helistops, helipads and heliports**

R. Dodds stated the review of the ordinance is as a result of a recommendation from the Board of Adjustment to incorporate helistops, helipads and heliports into Section 132-102 of Kingwood Township’s zoning ordinance.

D. Pierce related an Appellate Division decision which was rendered in December relating to the Trump National Golf Club. He stated the local Board denied Mr. Trump’s request and he applied to the State and they granted him the approval for a helistop with stringent conditions. The Aeronautical Division has the final say in the matter and does consider the local requirements. The property owner had a huge tract of land. E. Niemann stated part of the outrage was that it did not allow the public to comment. D. Pierce stated the flight path would be preempted by the Division of Aeronautics.

Some discussion was held with regard to the helipad at the old Clinton property. Is the helipad still a valid approval since the size of the lot has been greatly reduced in size? R. Dodds stated the helipad is still registered with the DOT. It is currently considered an uninspected landing spot.

The Board was concerned the FAA might come into the Township on an application and look at the population and not see the impacts the application might have on the rural character of the Township. T. Ciacciarelli stated the director of the Department of Aeronautics has the sole approval discretion.

D. Pierce suggested the ordinance could contain a Statement of Purpose. R. Dodds, J. Mathieu and L. Riggio will assist D. Pierce with the development of the Statement of Purpose.

**Approval of Minutes**

It was moved by R. Dodds, seconded by P. Lubitz and carried to approve the minutes of April 11, 2013. All members present voted **AYE** on **ROLL CALL VOTE**.

**APPLICATION STATUS**

**CORRESPONDENCE**

The New Jersey Planner – March/April 2013.

**PRIVILEGE OF THE FLOOR**

E. Niemann stated the Board of Adjustment was supposed to hear the Delaware Tubing application last evening.

D. Pierce stated the applicant wanted to address as many of the comments of T. Decker and D. Banisch in their plans and submit revised plans which would narrow the issues before the Board.

E. Niemann stated the Board of Health will be holding a public hearing on a well ordinance amendment. The general purpose of the amendment is to allow some flexibility in water consumption limitations for non-residential uses.

**ADJOURNMENT**

It was moved by J. Mathieu, seconded by P. Lubitz and carried to adjourn the meeting at 8:42 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschick, Secretary**