

MINUTES

7:30 PM

PRESENT: R. Dodds
P. Lubitz
J. Mathieu
S. McNicol
L. Riggio
M. Syrnick
David Pierce, Attorney

ABSENT: T. Ciacciarelli
E. Niemann
J. Strasser

CALL TO ORDER

The meeting was called to order at 7:30 PM by M. Syrnick.

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.

PRIVILEGE OF THE FLOOR

L. Deutsch – Baptistown – Block 8, Lot 37 – She commented that since the installation of the parking lot on the Rescue Squad property and the Baptist Church her property has become a virtual swamp. The Rescue Squad has installed some French drains which have helped. She inquired if the Township would be able to have any jurisdiction over the sale or occupation of the Baptist Church property. D. Pierce responded if the Township had a requirement for a Continued Certificate of Occupancy on the sale of the building, they might be able to do something but the Township does not require a Continued Certificate of Occupancy. He is not aware of anything in the local rules that would allow the Township to interject itself into the transfer of the property. The best approach, since it really a private party issue, is to file a lawsuit which would but a proposed purchaser on notice and raises the issue during the sale and might be an incentive to work something out amongst themselves prior to the sale. L. Deutsch stated she is paying taxes on land that she cannot use and is supposed to come up with money to file a lawsuit. Those items are a tall order for a retired person. She stated she might ask for a tax abatement. D. Pierce suggested L. Deutsch file an OPRA request to review the file on the church property and see if there was a site plan for the work performed on the lot. If no site plan was filed, then she can bring up the issue with the Code Enforcement Official.

NEW AND PENDING MATTERS

Approval of Minutes of July 11, 2013

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

Bunker Hill Homes

M. Syrnick stated the O'Neill's came before the Planning Board about two months ago and showed photographs of their driveway apron in severe water conditions. T. Decker had reviewed the issue and spoken with Bunker Hill Homes in the past. She stated the Planning Board has no jurisdiction in the matter and can only offer a forum to discuss it publicly at a meeting. F. Severino, of Bunker Hill Homes, has not replenished his escrow to pay for the services of the Township Engineer to continue reviewing the matter.

D. Pierce stated there should have been a developer's agreement before he obtained his building permits. The sequence of events is the developer obtains final approval and then there is a developer's agreement with the Township. There are various obligations the developer has to fulfill on what will become a public road. He has to post performance and a maintenance bonds with the Township. The performance bond assures the developer will complete the improvements. The maintenance bond covers any defect in the construction of the improvements. The Township will not release the performance bond for the installation of the improvements until they are installed to the satisfaction of the engineer. There is a mechanism the Township will have at a later time but the O'Neill's would like some action now. In response to a question from a Board member about when the project can be considered abandoned, D. Pierce responded it is when the project ceases construction and there are no activities for a certain amount of time. He would anticipate that the Township would have to give the developer notice.

A copy of the Developer's Agreement should be provided to the Board members for next month's meeting.

A. O'Neill stated they did their research on the builder. The drainage problem developed after they had purchased the home. The issue is that the developer has five more houses to build and it might be 10 years before the project is complete. They have this dangerous issue. They have been very patient and cooperative with the developer.

D. Pierce stated, if the issue is within the ROW, someone could speak with the Construction Official and have him review the situation and make a determination if the situation is unsafe to possibly issue a stop work order until the situation is corrected.

S. McNicol suggested possibly the Construction Official could attend their September meeting. She has a concern about site plan reviews. P. Lubitz suggested the Board might want to spend some time and determine the issues before having the Construction Official or Code Enforcement Official attend a meeting.

APPLICATION STATUS

CORRESPONDENCE

Borough of Frenchtown – Proposed Ordinance;

NEW AND PENDING MATTERS

Bunker Hill Homes

F. Severino entered the meeting.

M. Syrnick stated to F. Severino that the O'Neills had come before the Board several months ago regarding the flooding across their driveway in heavy rain events. She state T. Decker has been involved and is very familiar

with the site. She stated the Planning Board, at this time, does not have any jurisdiction over the matter. She stated the Planning Board offered this meeting to hear the O’Neills and F. Severino’s point on views and offer a forum for a discussion.

F. Severino stated the issue has had some progress on it but has not been totally resolved. He has had discussions with T. Decker a number of times providing possible solutions. He feels some of the issue is coming from the blocked drainage ditch in the rear of the homes and running between Lot 17.06 and Lot 17.09 towards the road. He stated the catch basin was designed to be higher than the swale to permit recharge. A pipe has been installed and helped quite a bit. If the swale is made deeper it will become unsightly. He stated the rear ditch is on private property and he does not have any right to clear it.

D. Pierce stated the homeowner’s association has the right to maintain the area. F. Severino stated the homeowner’s association is for the basin and not for the whole development. D. Pierce stated, typically, all the other homeowner’s would have the right in the drainage easements and the ability to enforce it against a particular owner. The Township does not have any obligation to maintain the area due to non-maintenance.

J. Mathieu stated if a homeowner fails to properly maintain the drainage, specifically a basin, the Township has the authority to go in and properly maintain it and bill the homeowner’s association. D. Pierce stated if the Township would take action it is under the jurisdiction of the Township Committee and J. Kopen would have to review the agreement and send out any required notices.

P. Lubitz stated the homeowners should determine if there is a homeowner’s association and if there is an agreement and someone is not living up to the homeowner’s association agreement, remedies or responsibilities should be listed in the agreement.

F. Severino stated the rear ditch is an environmentally sensitive area and he is not allowed to have any heavy equipment in that area. He stated he would be willing to cut out the asphalt apron and install a larger pipe under the driveway which would probably raise it by 4”. He provided a time frame of 2 or 3 months to install the replacement pipe due to the fact that he will have equipment in the development to start construction on a new home.

ADJOURNMENT

It was moved by R. Dodds, seconded by P. Lubitz, and carried to adjourn the meeting at 8:27 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary