

**MINUTES**

**7:30 PM**

**PRESENT:** T. Ciacciarelli  
R. Dodds  
P. Lubitz  
J. Mathieu  
S. McNicol  
J. Strasser  
M. Syrnick  
L. Voronin, Alt #1  
C. Ely, Alt #2  
D. Pierce, Attorney  
P. McCabe, Engineer

**ABSENT:** E. Niemann  
L. Riggio

**CALL TO ORDER**

The meeting was called to order at 7:31 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.

**NEW AND PENDING MATTERS**

Van Holten – Block 28, Lot 11.01 – County Road 519 -Final Major Subdivision Approval

M. Stanger, attorney for the applicant and J. Babey, applicant, were present for the matter this evening. M. Stanger stated the property is approximately 34.69 acres. The zoning is AR-2, which is agricultural single family residential. The applicant is applying for final major subdivision approval for 7 lots. The lots will average 4.4 acres. The application was originally submitted in 2005, with preliminary approval being granted in 2006. He reviewed the approvals that were already granted for the application. The original application contained 8 lots of which one was the remainder and granted by resolution no. 2006-16. In 2009 the applicant requested and was granted an extension of time by resolution no. 2009-05. In April of 2010 the applicant applied and was granted a variance and phased approval by resolution no. 2010-06. Due to the permit extension act, the life of the application was extended. The zoning protection is set to expire at the end of this year. The

applicant is James Babey, Jr., president of Van Holten Group who has over 25 years' experience as a developer. The engineer for the application is M. Ardman of the Reynolds Group, Inc.

M. Stanger reviewed Van Cleef's review letter dated November 5, 2014:

**Application Information:**

As previously described in our October 24, 2014 letter, the property was the subject of a Preliminary Major Subdivision application which received approval as memorialized in Resolution 2006-16 as adopted on May 9, 2006. The application proposed the creation of seven (7) new single family lots in accordance with the AR-2 Zone requirements. In 2010, Minor Subdivision approval was granted subdividing Remaining Lot 11 from the tract. The current application requests Final Major Subdivision for the creation of the seven (7) new lots.

**Completeness Review**

The following items per the Kingwood Township Subdivision Checklist remain outstanding:

***Plan Requirements***

Item #35 Contours and topography covering the property and surrounding area within 200 feet with a maximum contour interval of 2 feet is not provided on the plans as submitted.

Item #41 Applicant has requested a waiver from providing a cost estimate of the proposed improvements and performance bond.

As the merits of the subdivision were previously presented and approved during Preliminary Subdivision application, **we have no objection to the Board granting waivers for completeness purposes** for the above checklist deficiencies and proceeding with the hearing for Final Subdivision.

**Resolution Compliance Review – Preliminary Major Subdivision**

As previously indicated, the property was granted Preliminary Major Subdivision approval in 2006. The revised plans have addressed some of the outstanding items as identified in our October 24 2014 review letter. The following are those items that remain outstanding. Items which have been satisfied have been removed.

4. Submission of a deed of easement agreement regarding the drainage and detention basin easements subject to the review and approval by the Board's professionals. Applicant indicates that the documents have been submitted to the Board Attorney for review and request the recordation as a condition of final approval. **Board Attorney David Pierce has confirmed receipt of the documents and that they are under review.** *Applicant's*

*attorney has stated the deed of easement agreement has been provided.* D. Pierce stated approval is subject to the engineer's review and will remain as a condition.

6. Applicant is to prepare and submit a homeowner's association agreement subject to review and approval by the Board's professionals. Applicant states in the Rider that the documents are under review by the Board Attorney and Engineer. **Board Attorney David Pierce has confirmed receipt of the documents and that they are under review. Applicant's attorney indicated the homeowner's association agreement has been provided.**
11. Name designation for the proposed street name shall be provided by the Kingwood Township Historical Society. Applicant states in the Rider that the name "Laquear Lane" was approved and a letter by the Society was submitted to the Board Attorney. Applicant has revised the road designation from "Lane" to "Court" as is the practice for a subdivision road to be dedicated to the Township as a public road and is designed as a cul-de-sac. **Board Attorney David Pierce should confirm receipt of the letter. Applicant's attorney has stated the letter has been submitted. Since Township Committee approval is required, the matter will be listed on the December agenda.**
12. A permanent entrance or subdivision identification sign is not permitted. **Applicant requests that this continue as a condition of final approval.**
13. Individual wells for each lot are to be tested for water quality and chlorinated prior to the issuance of a Certificate of Occupancy. **Applicant requests that this continue as a condition of final approval.**
14. Results of each water quality test for the individual wells are to be provided to the Board's Hydrogeologist to determine any treatment requirements. **Applicant requests that this continue as a condition of final approval.**
15. Amount of applicant's off-tract improvement contribution and payment in lieu of installing improvements along Fairview Road is to be determined as part of the Developer's Agreement with the Township Committee. **This item can continue as a condition of final subdivision approval.**
16. Prior to final subdivision approval, the applicant shall present a proposal of how it intends to satisfy its growth share affordable housing obligation. Applicant requests excision of this condition due to the invalidation of the Growth Share methodology and requests approval of a 1.5% equalized assessed value. **Given the current state of the COAH regulations, we defer review to the Board Attorney and Planner. Applicant's attorney requested it be a condition of approval.** D. Pierce stated the calculation is appropriate since it is based on the current status of affordable housing.

Remaining items 17 through 24 are standard administrative conditions of approval and should continue as conditions of final subdivision approval.

**Plan Review – Final Major Subdivision**

Most of the comments contained in our October 24, 2014 letter have been addressed and removed. Comments which remain outstanding require additional clarification and indicated in **Bold**.

5. Lot areas for Lots 11.01, 11.02 and 11.07 are to be revised to deduct the 25 feet from centerline right of way dedication along Fairview Road. **Partially Satisfied. Line type for the Fairview Road Right of Way should be consistent with that shown for County Route 519. Notation is to be added indicating the dedication to Kingwood Township. Applicant has no objection to making the change.** P. McCabe indicated the lot line for 11.02 extends out to the existing ROW.

P. Lubitz commented that Elizabethtown Gas may be willing to extend a gas line to this development. J. Babey thanked P. Lubitz for the information.

M. Syrnick requested comments from the public.

R. Messina, 313 Horseshoe Bend Road – inquired about the sizing of the lots. He heard one lot would be 2.69 acres and he thought there was a 5 acre minimum.

D. Pierce responded the provisions at the time this subdivision was granted that lot size was a permitted size. The ordinance permitted lot size averaging.

R. Messina inquired about the value of the homes.

J. Babey was sworn in by D. Pierce.

He responded the value of the house would be in the low \$600 thousands. He will, hopefully, start construction this summer.

M. Stanger indicated they did not have County approval yet because they disapproved some of the descriptions and dedications. He is requesting Township approval be given conditioned on County approval. The development will be called Meadowview.

It was moved by J. Strasser, seconded by S. McNicol and carried to grant the waivers for completeness for the following:

Item #35 Contours and topography covering the property and surrounding area within 200 feet with a maximum contour interval of 2 feet is not provided on the plans as submitted.

Item #41 Applicant has requested a waiver from providing a cost estimate of the proposed improvements and performance bond.

All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by S. McNicol, seconded by R. Dodds and carried to grant final major subdivision approval subject to conditions.

All members present voted **AYE** on **ROLL CALL VOTE**.

Perrotti – Block 23, Lot 11 – County Road 519 – Request for Extension of Time to File

P. Henry stated they have not seen much movement in the solar application in the last year. It seems as if the progress is going sideways. The application did not get approval from the Governor's office. The applicant is still interested in pursuing the solar facility but they also want to keep the residential approval in place. The applicant has also started an application for an agricultural easement. They are trying to get the value out of the property to keep farmed. He is requesting a one year extension of time, which would allow a year to work on things and a year to spool back up and satisfy the conditions of approval. He stated he would return to the Board in a year to provide a status update.

P. Lubitz inquired if the owner has given any thought to what impact the pipeline would have on the property. P. Henry stated the pipeline had a representative contact the owner and he indicated that he would not like the pipeline to survey the property. P. Lubitz stated the property has to be posted to keep the surveyors off the property. P. Henry stated he will advise his client.

It was moved by S. McNicol, seconded by R. Dodds and carried to grant a one year extension or until November 9, 2016 with a requirement that the applicant return to the Board on October 10, 2015 with a status report. All members present voted **AYE** on **ROLL CALL VOTE**.

### **Approval of Minutes**

It was moved by P. Lubitz, seconded by R. Dodds and carried to approve the minutes of October 9, 2014. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who **ABSTAINED**.

### **APPLICATION STATUS**

### **CORRESPONDENCE**

New Jersey Planner – July & August, 2014

### **PRIVILEGE OF THE FLOOR**

### **ADJOURNMENT**

It was moved by J. Strasser, seconded by P. Lubitz and carried to adjourn the meeting at 7:54 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschick, Secretary**