

## MINUTES

7:30 PM

**PRESENT:** T. Ciacciarelli  
R. Dodds  
P. Lubitz  
J. Mathieu  
S. McNicol  
J. Strasser  
M. Synchronick  
L. Voronin, Alt #1 (7:41 PM)

**ABSENT:** L. Riggio  
C. Ely, Alt #1

### CALL TO ORDER

The meeting was called to order by M. Synchronick at 7:31 PM.

### 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 6, Lot 12 & 12.01 – Ridge Road – Boundary Line Adjustment – Determination of Completeness**

G. DeSapio, applicant, was present this evening. M. DeSapio, owner of lot 12.01, was present this evening also. The application proposes to add three acres to Lot 12.01 from 12.

T. Decker provided the following review letter:

Our office recently received documentation in support of a proposed Boundary Line Adjustment for Block 6, Lots 12 & 12.01. Documentation provided consisted of the following:

1. Plan titled "Proposed Merger prepared for the benefit of Mary Ann DeSapio situated in Block 6, Lot 12.01" as prepared by Stanley M. Norkevich, PLS dated February 1, 2014.
2. Subdivision Application Form executed on November 2, 2015.
3. Kingwood Township Subdivision Checklist executed on November 18, 2015.

**Completeness Review**

Our office has reviewed the above submitted documentation for completeness in accordance with the current Kingwood Township Subdivision Checklist as last amended February 7, 2013. All plan checklist requirements have either been provided or are not applicable for a lot line adjustment. The application is to adjust the common property line between Lots 12 and 12.01 with no improvements proposed at this time. **We recommend that the application be deemed Complete.**

**Zoning Review**

Subject properties are located within the AR-2 Residential District.

**AR-2 District Requirements for Detached Dwellings**

<b>Requirements</b>	<b>Required</b>	<b>Lot 12 Existing/Proposed</b>	<b>Lot 12.01 Existing/Proposed</b>
Min. Lot Area	7 acres	42.960 ac / 39.906 ac	5.945 ac / 9.000 ac
Min. Lot Frontage	250 ft	598.60 ft / 598.60 ft	315.88 ft / 315.88 ft
Min. Lot Width	250 ft	587 ft / 587 ft	321 ft / 321 ft
Min. Lot Depth	300 ft	2,577 ft	747 ft/ 1,072 ft
Min. Side Yard (each)	40 ft	N/A	130 ft± / 130 ft±
Min. Front Yard	75 ft	N/A	496 ft± / 496 ft±
Min. Rear Yard	60 ft	N/A	174.8 ft / 474 ft±
Max. Building Height	35 ft; 2 ½ stories	<35ft or 2 ½ stories	<35 ft or 2 ½ stories
<b><i>Accessory Building</i></b>			
Min. Front Yard	100 ft	466.6 ft / 466.6 ft	608 ft±/ 608 ft± (swimming pool)
Min. Side Yard	30 ft	179.7 ft / 179.7 ft	27 ft±/ 27 ft± (Solar) (1)
Min. Rear Yard	30 ft	460 ft / 460 ft	32 ft±/383 ft±
Min. Distance between Buildings	20 ft	2,050 ft / 2,050 ft	N/A
<b><i>Coverage</i></b>			
Max. Building Coverage of Principal Bldg.	8%	0% / 0%	1.4% / 0.92%
Max. Building Coverage of Accessory Bldgs.	2%	0.20% / 0.22%	0% / 0%
Max. Aggregate Impervious Lot Coverage	13%	0.20% / 0.22%	6.56% / 4.33%

**(1) Existing Non-Conforming**

**Plan Review**

1. Remaining Lot 12 is in accordance with the bulk requirements of the AR-Agricultural Residential Zone.
2. The solar panels are located approximately 27 feet from the westerly property line. Required side yard setback for a minor solar facility is 30 feet for an accessory use. Therefore the existing solar panels location is an existing non-conforming use. Project surveyor should clarify the dimension.
3. It appears that some of the dimensions provided within the plan's zoning table do not reflect the shortest distance to the property line and should be confirmed. Dimensions include:
  - a. Lot 12.01 Principal Building front, side and rear setback dimensions.
  - b. Lot 12.01 Accessory Building front, side and rear setback dimensions.
4. Percentages of principal building coverage as shown in the table for Lot 12.01 appear to be for the total impervious coverage. Building coverage should be broken out separately.
5. Distances as shown on the plan for the easterly property line (N-03°-34'-30"-E) and western property line (S-03°-46'-45"-W) should be clarified as to whether they include or do not include the 25 foot Ridge Road Right of Way.
6. The proposed lot line adjustment is in full compliance with the AR zoning requirements. No variances are required.
7. Metes and Bounds descriptions for Lots 12 and 12.01 should be submitted as a condition of any approval.

G. DeSapio stated the missing items will be provided by the surveyor.

It was moved by P. Lubitz, seconded by J. Strasser and carried to deem the application complete. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by P. Lubitz, seconded by J. Strasser and carried to approve the application with the following conditions:

1. Submission of a plat revised to address comments 2, 3, 4, 5 and 7 contained in Mr. Decker's letter dated December 2, 2015.
2. Review and approval by the Board's professionals, and recordation within 190 days of deeds perfecting the boundary line adjustment.
3. Neither the Board nor its employees or professionals will perform any service in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant shall be under a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid. Approved Deeds shall not be released for recordation unless all outstanding escrow fees have been paid and the applicant's escrow account contains sufficient funds to cover anticipated unbilled expenses.

4. The within approval and the use of all property subject to the within approval are conditioned upon and made subject to any and all laws, ordinances, requirements, and/or regulations of and/or by any and all Municipal, County, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of all property subject to the within approval are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or the use of the property. In the event of any inconsistency(ies) between the terms and/or condition of the within approval and any approval(s) required by the above, the terms and conditions of the within approval shall prevail unless and until changed by the Board upon proper application.
5. The Township of Kingwood Planning Board reserves the right to revoke and withdraw any approval hereby granted in the event that there is any deviation from or alterations of the plan hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Planning Board. Minor deviations and field changes may be authorized in writing by the Township Engineer.
6. All improvements shall conform to building standards and other regulations as set forth in Federal, State, County and Municipal Statutes, Regulations, Codes and Ordinances, at the time of installation of the said improvement.
7. The acceptance by the applicant of this approval and reliance thereon by the applicant for the purpose of commencement of construction of improvements within the project in accordance with the approval, shall operate as an acknowledgment and agreement by the applicant, its successors and assigns, that it accepts the official action herewith memorialized as being subject to the terms and conditions as contained herein, and agrees to fully comply and be bound thereby.

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

**Block 5, Lot 5.01 – Ridge Road – Conditional Use (Preliminary/Final) Determination of Completeness (Postponed to 1/14/2016 meeting)**

**Review of application hearing procedures**

R. Dodds requested the matter to be added to the agenda. He stated there are some applications that are very straight forward. The policy of the board has been that the matter is listed on the agenda for completeness one month and then heard the following month. Does the board have any concerns or objections to have a simple application, such as a lot line adjustment, be deemed complete and heard at the same meeting, rather than coming in multiple nights?

*L. Voronin entered the meeting at 7:41 PM.*

D. Pierce stated boundary line adjustments and minor subdivisions do not require any notice and the board could proceed directly to the hearing after the determination of completeness. D. Pierce stated the policy could be changed by the board adopting a revised policy, by motion, that in the circumstance of a boundary line adjustment and minor subdivision, which do not require notice of a public hearing, the board can and would, if possibly proceed, with completeness determination and hearing the same evening.

It was moved by P. Lubitz, seconded by T. Ciacciarelli and carried to adopt the foregoing policy. All members present voted **AYE** on **ROLL CALL**, except L. Voronin, who **ABSTAINED**.

### **2016 Re-Org meeting**

The Re-Organization meeting was scheduled for Thursday, January 14, 2016 starting at 7:30 PM.

### **Approval of Minutes**

It was moved by P. Lubitz, seconded by R. Dodds and carried to approve the minutes of November 12, 2015. All members present voted **AYE** on **ROLL CALL VOTE**, except S. McNicol and L. Voronin, who **ABSTAINED**.

### **Draft Ordinance Banning Fracking**

L. Voronin stated she would like to add a little more detail to the draft ordinance. M. Synchronic stated the Planning Board decided to have the Township Committee send it out to the surrounding municipalities. She should make her comments available to M. MacConnell.

## **APPLICATION STATUS**

### **CORRESPONDENCE**

Reviewed as per the agenda.

### **PRIVILEGE OF THE FLOOR**

S. McNicol inquired about the status of the Accurate Wastewater application. D. Pierce responded the D&R Canal Commission has determined they are within their jurisdiction. The applicant has corresponded with the Township that they wish to have the matter adjourned.

P. Lubitz announced that he will be stepping down from the Board for 2016 and D. Haywood will be returning.

R. Dodds stated that the closing on the United Reform Church property on Horseshoe Bend Road is scheduled for December 16, 2015 at 8:30 in Flemington. The County contributed \$500,000 and Green Acres contributed \$590,000. No money was expended from the Township's Open Space funds.

P. Lubitz stated the property had been tax exempt so the preservation will result in no loss of tax revenue.

R. Dodds stated the property will be used for horseback riding and possibly some group camping with scouts. He stated unfortunately, PennEast will be going through the property. He stated it is a beautiful property. The property originally contained a road that went from Horseshoe Bend Road to Route 12.

M. Synchronic stated PennEast is offering residents package offers. The NJDEP has given PennEast a laundry list of items to provide. There is legislation in the Assembly to restrict the DEP from lessening the environmental requirements. PennEast wants to do fly over surveys and the DEP has requested ground surveys.

**ADJOURNMENT**

It was moved by R. Dodds, seconded by S. McNicol and carried to adjourn the meeting at 7:51 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenbach, Secretary**