

MINUTES

7:30 PM

PRESENT: R. Dodds
D. Haywood
P. Lubitz
J. Mathieu
L. Riggio
J. Strasser
M. Synchronick
L. Voronin, Alt #1
C. Ely, Alt #2
D. Pierce, Attorney

ABSENT: S. McNicol

CALL TO ORDER

The meeting was called to order by M. Synchronick at 7:30 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 on January 19, 2017, and has been posted in the Kingwood Township Municipal Building on January 13, 2017 and has been filed with the Municipal Clerk.

NEW AND PENDING MATTERS

Block 32, Lots 10 & 11.02 – Tumble Partnership – Tumble Idell Road - Determination of Completeness

R. Zederbaum, engineer, was present for the matter this evening. He stated the Board had approved this subdivision about a year ago and unfortunately, the deeds were not filed in the required statutory time frame. He was informed by D. Pierce that the applicant would have to reapply and receive approval. He requesting the Board determine the application complete and hear it this evening.

T. Decker provided the following memo:

Completeness Review

The current application is identical to that previously approved. We recommend that the application be deemed complete.

Technical Review

There have been no ordinance changes since the original approval that would impact the proposed subdivision. All zoning and design comments resulting from our original review of the project have been previously addressed and reflected on the submitted plans. We recommend that any approval granted by the Board include the conditions as outlined in Approval Resolution 2016-02.

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

D. Pierce stated the application does not require public notice so if the Board so chooses it can approve the application this evening.

It was moved by R. Dodds, seconded by J. Mathieu and carried to approve the application with the following conditions:

1. Review and approval by the Board's professionals, and recordation within 190 days, of deeds perfecting the subdivision.
2. Review and approval by the Board's professionals, and recordation, of:
 - A. A common driveway access and maintenance agreement;
 - B. A conservation easement for Lots 10, 11.02 and 11.05, with an attached map depicting the area of the Conservation Easement noting and subject to the right to apply to the New Jersey Department of Environmental Protection for permits to conduct activities within the area of the conservation easement;
 - C. A drainage easement.
3. The conservation easement shall be delineated in the field prior to the issuance of any building permit by the installation of two markers on each property at the outer boundary lines of such areas.
4. Prior to the issuance of a building permit, the applicant shall submit a baseline documentation report for the conservation easement documenting with photographs the installation of the boundary markers and the condition of the easement area;
5. No building/construction permit shall be issued for any lot unless and until a well permit has been obtained as required by Kingwood Township Ordinance Section 153-24.
6. Satisfaction of all requirements of the Kingwood Township well ordinance prior to the issuance of any building permit, including the issuance of a well certification for each potable well and the posting of all required escrows.
7. Prior to the issuance of a certificate of occupancy, water quality testing shall be conducted on the well for each lot as required by Kingwood Township Ordinance Section 153-25. The test results shall be submitted to the Township's hydrogeologist for review and determination as to whether a water treatment system is necessary.
8. Receipt of unconditional approval from the Hunterdon County Planning Board.

9. Receipt of unconditional approval from the Hunterdon County Soil Conservation District.
10. Receipt of approval of the proposed lot numbers from the Kingwood Township tax assessor.
11. The Township of Kingwood is dedicated to providing affordable housing and has established an affordable housing program with supporting land use ordinances and a housing trust fund based on the Fair Housing Act of 1998. If the applicant is required to pay a development fee to the Kingwood Township Affordable Housing Trust Fund, the applicant shall pay fifty percent (50%) of the estimated developer's fee to the Kingwood Township prior to the issuance of building permits based on the Tax Assessor's estimated assessed value and his determination of the appropriate developer's fee. Building plans and as-built building plans for each development subject to payment of the developer's fee must be provided to the Tax Assessor and the remaining portion of the developer's fee shall be paid at the time of issuance of a Certificate of Occupancy for the new development. This paragraph does not constitute any determination by the Board as to whether the applicant is required to pay a developer's fee.
12. 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 Plats or 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.
13. 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.
14. 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.
15. 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.
16. 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 37, Lot 18 – Filler/Clover Rod and Gun Club – 100 Byram Kingwood Road –
Boundary Line Adjustment - Determination of Completeness**

R. Diegnan, attorney for the applicant was present this evening for the application. E. Rupnrain, professional engineer, was also present.

R. Diegnan stated tonight's application is for a boundary line adjustment. He is requesting the Board determine the application complete and hear it this evening.

T. Decker provided the following memo:

Completeness Review

Comments from the April letter have been addressed as follows with updates provided in ***bold italics***:

A. Administrative

4. Copy of the plan in electronic format. ***Satisfied.***
5. Submission of a hydrogeologic report and pump test. ***Revised application no longer proposes a new lot, therefore this item is no longer applicable.***
8. Submission of a Stormwater Management Plan. Applicant requests a waiver as no new dwelling is proposed. ***A waiver is appropriate.***
9. Submission of an Affordable Housing Plan. Applicant requests a waiver as no new dwelling is proposed. ***A waiver for completeness purposes is appropriate.***
12. Proposed Block and Lot numbers as approved by the Tax Assessor. Applicant requests a waiver. ***Revised application no longer proposes a new lot, therefore this item is no longer applicable.***
13. Certification from the tax collector that all taxes and assessments have been paid. ***Satisfied.***
14. Proof of submission of application and fee to NJDEP for a Freshwater Wetlands Letter of Interpretation. Applicant requests a waiver. Submitted plan indicates freshwater wetlands as obtained from the NJDEP GeoWeb database within proposed Lot 18.02. Applicant requests a waiver since no disturbance is proposed. ***Based on conversations with the applicant's engineer, we understand that testimony will be provided regarding their field inspection of the on-site wetlands. Pending testimony, the Board can determine if application to NJDEP for a Letter of Interpretation is warranted. We recommend a waiver for completeness purposes.***

16. Proof of submission to Hunterdon County Soil Conservation District. Applicant requests a waiver as no construction is proposed. *A waiver is appropriate.*
17. Proof of submission to D&R Canal Commission. Applicant requests a waiver as no construction is proposed. *A waiver is appropriate.*
20. Threatened/Endangered Species Survey Data Sheet. Applicant requests a waiver as no construction is proposed. *A waiver for completeness purposes is appropriate.*
22. Threatened and Endangered Species Investigation. Applicant requests a waiver as no construction is proposed. *A waiver for completeness purposes is appropriate.*

B. Plan Requirements

7. Proposed deeds to lots & lands remaining. Not provided. Deeds are to be provided as a condition of any approval that may be granted by the Board. *A waiver for completeness purposes is appropriate.*
22. Deeds to contain wording stating that subdivision approval should not be construed as an approval of a sewage disposal system or design. Applicant requests a waiver as no construction is proposed. The wording shall be included on deeds upon submission. (See Item 7 above). *A waiver for completeness purposes is appropriate.*
23. Plats to contain perc and soil log certification. Applicant requests a waiver as no construction is proposed. *Revised application no longer proposes a new lot, therefore perc and soil log certifications are no longer applicable.*
24. Deeds to contain wording regarding the Right to Farm ordinance. Not provided. Wording shall be included on deeds upon submission. (See Item 7 above). *A waiver for completeness purposes is appropriate.*
26. For all subdivisions except mergers not creating any new lot, plat shall show locations and results of soil profile pits and/or borings and permeability testing for each lot, including the remaining lands and Engineer's certification pursuant to Ordinance §115-9(1)(q). *Revised application no longer proposes a new lot, therefore perc and soil log certifications are no longer applicable. Satisfied.*
27. Location of natural features to be preserved, including conservation easements. Not provided. Per Ordinance §115-6.5:

“The Board shall require, for the protection of environmentally sensitive areas, either 1) the creation and recordation of a conservation easement for or 2) the inclusion of language in the deeds and/or plat recorded to perfect the subdivision providing notice of restrictions applicable to all lands within or comprising freshwater wetlands, freshwater wetland buffers and/or transition areas, stream corridors, stream riparian buffers and Category One stream buffers on the property (the "protected area"), including the remaining lands, which is the subject of the subdivision application.”

We understand that testimony will be provided regarding a field inspection of the on-site wetlands. Pending testimony, the Board can determine if conservation easements are warranted. A waiver for completeness purposes is appropriate.

28. Location and details of Conservation Easement Markers. Not provided. *For reasons provided in Item #27 above, a waiver for completeness purposes is appropriate.*

29. Completed constrained Area Maximum Tract Yield Calculation. Applicant requests a waiver as no construction is proposed. ***Revised application no longer proposes a new lot, therefore this item is no longer applicable.***
30. Sketch of prospective layout of entire tract where subdivision covers only a portion of existing parcel. ***Revised application no longer proposes a new lot, therefore this item is no longer applicable.***
31. Mapping of steep slopes in accordance with Chapter 114, Steep Slope Conservation. Applicant requests a waiver as no construction is proposed. ***A waiver for completeness purposes is appropriate.***
32. Depiction of freshwater wetlands on and within 300 feet of the property. Applicant requests a waiver. Wetlands as shown on the plan have been obtained from the NJDEP GeoWeb database and are not site specific. ***We understand that testimony will be provided regarding a field inspection of the on-site wetlands. Pending testimony, the Board can determine if conservation easements are warranted. A waiver for completeness purposes is appropriate.***
35. Contours and topography covering the property and surrounding area within 200 feet, maximum contour interval of 20 ft. Topography is not provided within 200 feet. Applicant requests a waiver as no construction is proposed. ***A waiver for completeness purposes is appropriate.***
36. Existing and proposed drainage facilities on tract and within 200 feet. Applicant requests a waiver as no construction is proposed. ***A waiver for completeness purposes is appropriate.***
37. Calculations demonstrating the adequacy of existing and/or proposed drainage and/or surface water management facilities. ***Applicant requests a waiver as no construction is proposed. A waiver is appropriate.***

Completeness Recommendation

We recommend the Board deem the application complete at this time pending the following waivers are granted:

- Recommended Waivers:
 - Administrative Items 8, 16, 17, 20 and 22
 - Plan Items 35, 36 and 37
- Recommended Waivers for Completeness Purposes Only:
 - Administrative Item 9
 - Plan Items 7, 22, 24, 27, 28, 31 and 32

D. Pierce stated the board typically does not hear on the same evening as the application is deemed complete but it is within the Board's discretion if it so desires to hear it this evening because no public notice is required.

D. Pierce stated the process is that the Board review T. Decker's memo, have a motion on the requested waivers and then determine it complete.

M. Syrnick stated that T. Decker recommends that the application be deemed complete. There are a couple of waivers and administrative issues which need to be addressed.

It was moved by J. Mathieu, seconded by L. Riggio and carried to grant waivers for administrative item Nos. 8, 16, 17, 20 and 22 and plan item Nos. 35, 36 and 37. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by J. Mathieu, seconded by C. Ely and carried to grant waivers for administrative item No. 9 and plan item Nos. 7, 22, 24, 27, 28, 31 and 32 for completeness purposes only. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by R. Dodds, seconded by J. Mathieu and carried to determine the above application complete. All members present voted **AYE** on **ROLL CALL VOTE**.

R. Diegnan stated Clover Rod and Gun Club has been in existence since 1957. The application's purpose is for the Club to acquire more property. There is no proposed development and no variances are being sought.

E. Rupnarain was sworn in by D. Pierce.

E. Rupnarain testified he is a licensed professional engineer in New Jersey and Pennsylvania. He is employed by Goldenbaum Baill Engineering Inc. He testified he has twenty years of experience almost exclusively in land development. He has represented over 200 clients in various municipalities in New Jersey. He has completed both major and minor subdivisions, site plans and boundary line adjustments. He has appeared before several municipalities.

R. Diegnan requested the Board accept R. Rupnarain as an expert to provide special engineering testimony for this application.

E. Rupnarain testified that this is a relatively simple application. Existing Lot 18, on the western side of the property contains 21 acres. Lot 18 will contain four acres after the boundary line adjustment. The total acreage of existing Lot 19 will be about 26 acres. They are not proposing any structures and nothing is planned other than to acquire that piece of property.

R. Diegnan stated the long term plan is that when the gentleman living in the house passes, the existing contract of sale provides Clover Rod and Gun Club the right to purchase the remaining 4 acres. Their plan is to demolish the existing structure on the 4 acre parcel.

E. Rupnarain stated the house is 74' from the proposed ROW line and does not conform to the current set back requirements but all the other structures do comply.

R. Diegnan stated they are not creating any new lots but moving over the lot line and expanding an existing lot.

They are making Lot 18 smaller and Lot 19 bigger.

P. Tarricone, president of the Clover Rod and Gun Club, stated the property will be accepted in the forestry program and remain in its natural state. They are requesting the Board approval the application.

D. Haywood commented testimony regarding the wetlands was being requested by Item #14 of T. Decker's review memo. Also, T. Decker has reviewed the application for completeness and not for a hearing this evening.

D. Pierce noted that T. Decker's Item #14 in his memo references the requirement about freshwater wetlands interpretation and that testimony will be provided. He stated he would advise the Board that the LOI and wetlands issues are only applicable in the event that there is construction on the property. It would be appropriate if the board waives that requirement, since the application is simply moving the lot lines and not proposing any new construction

P. Lubitz stated he would be hesitant to have an interpretation done at this time and it may prejudice decisions that could be made further down the road. D. Pierce stated an LOI is only valid for five years.

D. Haywood inquired if an LOI would have to be done before any construction or improvement is done to the land. D. Pierce responded yes.

P. Tarricone was sworn in by D. Pierce.

P. Tarricone testified he is the president of Clover Rod and Gun Club. The application will provide for a further buffer. The club was approached by the owner who stated he is at an age where his family is concerned about his financial state. The process was started about a year ago. With the acquisition the owner will be able to enjoy the rest of his life. The only intention is to move this property into their farm and forestry program. No development can be done without the club coming back to the board and presenting them with their plan.

L. Voronin inquired if the property will be deed restricted.

P. Tarricone testified he doesn't believe that it has been discussed.

J. Mathieu stated if the applicant wished to develop the lot, he would have to appear before the Board and have an LOI prepared.

P. Lubitz stated the only thing that changes is the ownership of a given number of acres.

M. Synchron opened the hearing up to the public for testimony.

No response was heard.

M. Synchron closed the hearing.

P. Lubitz, seconded by J. Mathieu and carried to approve the application with the following conditions:

1. Submission of deeds addressing Plan comments 7, 22 and 24 contained in Mr. Decker's letter dated June 8, 2017.
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**, except D. Haywood, who voted **NAY**.

Resolution No. 2017 – 02 - Block 40, Lots 8 & 8.04 – Tumble Falls Road - Minor Subdivision – Casuscelli;

It was moved by R. Dodds, seconded by P. Lubitz and carried to adopt **Resolution No. 2017 – 02 - Block 40, Lots 8 & 8.04 – Tumble Falls Road - Minor Subdivision – Casuscelli**. All members present voted **AYE** on **ROLL CALL VOTE**, except L. Voronin, who **ABSTAINED**.

Sheds in the AR-2 Zone

M. Syrnick stated T. Decker distributed several ordinances from different municipalities.

After a brief discussion, the Board decided to table the discussion permanently.

Soil Importation – Sample Ordinances

M. Syrnick stated S. McNicol brought the subject to the Board and indicated that the Environmental Commission would like the Planning Board to discuss the matter. The Environmental Commission feels that there needs to be some type of regulation in place in the Township.

R. Dodds stated the variable was so broad in the samples of ordinances provided to the Board.

After some discussion, the Board felt that they would like to review the State's regulations. The matter will be placed on the July agenda for discussion.

Green Infrastructure – EC Commission

Tabled until the July meeting.

Draft New Jersey Water Supply Plan – 2017-2022 – EC Commission

L. Voronin stated that the quantity of ground water being extracted has been maxed out. The State has determined that the users are withdrawing the same amount of water that is being recharged. With their computation, they are taking into consideration all the issued permits. There is a deficit of 1.3 million gallons of water per day. Unfortunately only the wells pumping over 100,000 gallons per day or more are permitted. The State does not know of all the wells that are pumping less than 100,000 gallons per day as they are not regulated. Evaporation was also considered in the State's formula. Several years ago the usage per person was 180 gallons per day but now it has been reduced to 100 gallons per day. This is an issue that should be considered when new applications come before the Board.

Approval of Minutes

It was moved by R. Dodds, seconded by L. Riggio and carried to adopt the minutes of May 11, 2017 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except

CORRESPONDENCE

LOI – Block 39, Lot 7.02 – Cramer Ecological Services LLC

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by R. Dodds, seconded by J. Mathieu and carried to adjourn the meeting at 8:35 PM. All members present voted **AYE**.

PLANNING BOARD
JUNE 8, 2017

Respectfully submitted,

Diane Laudenschach,

Secretary