

MINUTES

7:30 PM

PRESENT:

R. Dodds
D. Haywood (7:32 PM)
P. Lubitz
J. Mathieu
L. Riggio
M. Syrnick
L. Voronin, Alt #1
C. Ely, Alt #2

ABSENT:

S. McNicol
J. Strasser

CALL TO ORDER

The meeting was called to order by M. Syrnick 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 17, Lot 9.01 – Locktown Veterinary Services – Locktown Road – Application for Site Plan Exemption

D. Haywood entered the meeting at 7:32 PM.

E. Edwards, attorney, and A. Mecca, Vice-President of Real Estate for Blue Mountain Ltd., owner of the property were present for the application this evening.

E. Edwards stated they have seen the letter from the Board's engineer and realize he is taking the position that they may not be entitled to an exemption. The Board's engineer has identified unapproved deviations from the existing site plan. The owner of the property is present this evening. On the application, the current owner did sign a certification that there were no deviations from the site plan. When Nassau Holdings purchased the building, they were not aware that there had been deviations from the site plan. No changes have been made since they purchased the property. Apparently the prior owner made the deviations. They are asking the

Board's indulgence to be able to proceed this evening. They intend to put testimony on the record for the exemption application. The owner of the property is willing to testify and accept as a condition of approval the removing of any of the site conditions that are not on the original site plan, do the maintenance to the detention basin and repair the trash enclosure.

D. Pierce stated the ordinance is straightforward and indicates that the applicant would not be eligible for an exemption if there were deviations from the previously approved site plan. The Board has, at its discretion in extraordinary circumstances, the ability to grant waivers. The Board can hear the testimony, debate it and then make a decision.

A. Mecca of Camryn Holdings, LLC, was sworn in by D. Pierce.

A. Mecca testified that he is the Vice President of Real Estate for Blue Mountain Limited. The property was purchased, through bankruptcy, in 2016. Nassau Holdings is one of many entities. Blue Mountain Partners LLC are the owners. The current owners were not responsible for making any of the changes not on the approved site plan. The current owners will commit as a condition of approval that they would follow the Best Management Practices in regard to the detention basin, remove any unapproved site improvements, perform any necessary maintenance and address any and all issues in the engineer's letter. He also stated he was either willing to remove the generator or obtain the appropriate building permits. He will address the loading areas and the sidewalk, as they were both additional items to the original site plan.

P. Lubitz inquired if there were going to be enough parking spaces for a medical facility.

E. Edwards responded that a veterinary office is not considered a medical office. It is considered a professional use which is permitted in the zone. There is no other distinction that classifies a veterinarian's office as a medical office for parking purposes.

D. Pierce stated, it is his opinion, that a veterinary office is not a medical office. They are treating different species. They are going to be different instances which differentiate the use, such as pets and other animals are dropped off at the facility and picked up later. At a medical office, patient's park and are treated. There are possibly more practitioners. If the ordinance does not define a medical office to include a veterinarian office, it is not the same thing.

P. Lubitz inquired if there is additional impervious coverage that wasn't on the original site plan, how will that affect the plan for water runoff. He inquired if the current basin is adequate.

E. Edwards responded if the additional impervious coverage is removed it is a non-issue. If they would obtain approval this evening, they would hire an engineer to make a determination and possibly return for an amendment to the site plan.

E. Edwards stated that Dr. Leonia will address in her testimony the issue of the disposal of medical waste.

J. Mathieu inquired about the size of the lot. A. Mecca stated the size of the lot is 18.4 acres. J. Mathieu inquired if there is an area on the lot that can provide for additional parking while not infringing on the wetlands.

A. Mecca responded he is not an engineer and would have to consult with one to determine a proper response. In a layman's thinking, the area between the building and the street parking could be expanded.

J. Mathieu stated the issue is if the property could support additional parking if required.

M. Szymnick stated according to the Township's ordinance, medical facilities require 24 spaces and professional offices require 14.

D. Pierce stated the site plan has 20 spaces.

R. Dodds inquired if the owner was willing to remove the five existing 199' antennas.

A. Mecca responded that the owner is not willing to remove the antennas. There is a radio station that currently broadcasts from that station.

D. Pierce stated that raises another issue. Two uses on a single lot will require a use variance.

E. Edwards stated there is no one on site for the radio station.

A. Mecca stated the building is not used for the radio station and does not employ any people. It only uses the equipment. All the programming is done remotely. The operation does not require any person at this property. The broadcasting is done from Princeton.

D. Pierce stated they had obtained a use variance to permit the current use of the property and it is considered the principal use of the property.

A. Mecca testified that the owner would be willing to meet the ADA requirements for accessibility. He testified that the owner would be willing to correct the dumpster enclosure. He testified that the owner would commit to correct or maintain the stormwater basin issue.

E. Edwards stated Dr. Leonia will testify that there will be no overnight boarding or runs.

D. Pierce stated the application would have to go before the Board of Adjustment for a use variance to permit two principal uses on a single lot. He stated the Planning Board cannot take any action at this time. The applicant can request the Board of Adjustment to conduct the site plan review in conjunction with the use variance. The Board of Adjustment would determine if they are eligible for a use variance and for the site plan exemption with a waiver of certain items with the applicant and owners' permission. The issue is that there is some urgency for the applicant to actually have an operating facility that she utilize for her practice. The Board of Adjustment would probably want to know more about the operation of the practice, such as the hours of operation, how many employees, etc. The use variance the applicant would be requesting is for operating a veterinarian's office where an approval was granted to the radio station, which is considered the principal use.

E. Edwards stated the radio station is not really there anymore. The character has changed and it is not really a principal use of the property. The use variance was for a radio station and all that it encompassed. It was a

3,500 sq ft facility with up to 8 full time employees and multiple part time employees. The proposed veterinarian practice will be a smaller operation.

E. Edwards thanked the Board for their time and to allow the applicant to work through the issues on the record.

Resolution No. 2017 – 06 - Block 22, Lot 17.04 – Bunker Hill Homes – Heath Road/Barbertown Point Breeze Road – Amendment to Prior Approval

It was moved by P. Lubitz, seconded by C. Ely and carried to adopt **Resolution No. 2017 – 06 - Block 22, Lot 17.04 – Bunker Hill Homes – Heath Road/Barbertown Point Breeze Road – Amendment to Prior Approval**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, L. Riggio, L. Voronin and C. Ely, who **ABSTAINED**.

Ordinance No. 19-16-2017 – Site Plan Waiver – Adding Change in Ownership or Tenant

It was moved by L. Riggio, seconded by R. Dodds and carried to recommend adoption of **Ordinance No. 19-16-2017 – Site Plan Waiver – Adding Change in Ownership or Tenant** to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**, except R. Dodds and P. Lubitz, who **ABSTAINED**.

Approval Minutes

It was moved by P. Lubitz, seconded by R. Dodds and carried to approve the minutes of October 12, 2017 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, L. Riggio and C. Ely, who **ABSTAINED**.

APPLICATION STATUS

CORRESPONDENCE

NJ Planner – July-August 2017

PRIVILEGE OF THE FLOOR

M. Syrnick stated the Environmental Commission had requested the Planning Board look into developing an ordinance for soil importation for the Township. She stated it is a complicated issue. The Planning Board appointed a subcommittee of L. Voronin, S. McNicol and herself. She stated the Hunterdon County Soil Conservation District deals with any disturbance of 5,000 sq ft, either coming or leaving the Township. They don't require soil testing. If there is an issue with contamination, it is under the Department of Health or DEP. The subcommittee is not sure where to start. The amount would have to be quantified as well as the process defined.

D. Pierce suggested the subcommittee could possibly get someone from DEP to consult with them. He stated the DEP will not provide assistance with enforcement.

M. Syrnick stated the Hunterdon County Soil District doesn't handle fill they just handle soil.

D. Pierce stated concrete can be considered fill if it meets a certain criteria.

M. Synchronic inquired if it would be more appropriate to be under the jurisdiction of the Board of Health.

D. Pierce stated an ordinance would have to be introduced by the Township Committee that would require anyone that is proposing to bring in fill in excess of a certain quantity to obtain a permit. The ordinance could require that the person submit an application to the Board of Health with the proposed activity. If the Board of Health is satisfied that the person has met the ordinance criteria a permit is issued. The ordinance can require an external certifier who would be a Licensed Site Remediation Professional (LSRP). The LSRP would review the application, documentation and determine that the imported material meets the requirements of clean fill. There are specific requirements for a determination of clean fill. He stated the first ten yards are required to have four samples. Twenty five hundred yards would require twenty samples. There is a criteria for direct residential compact standards. The LSRP is licensed and qualified to make all of those determinations.

ADJOURNMENT

It was moved by R. Dodds, seconded by P. Lubitz and carried to adjourn the meeting at 8:22 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary