

KINGWOOD TOWNSHIP COMMITTEE

Regular Meeting Agenda

December 7, 2017 – 7:00PM

Call to Order

Pledge of Allegiance

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on January 12, 2017 and by telefaxing a copy of the notice to the Express Times on January 6, 2017. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 6, 2017.

In order to ensure full public participation in this meeting, all members of this Committee, and also 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.

Roll Call

Correspondence

Letter from Dept of Ag re: Gypsy Moth Survey

Letter from Senator Pennacchio re: Thank You for Resolution Opposing OPMA & OPRA

Letter from Senator Sweeney re: Thank you for Resolution Opposing OPMA & OPRA

Letter from Statewide Insurance Fund re: Approval of 2017 Grant Application

Public Comment – Privilege of the Floor

Resolution No. 2017-108 – 2017 Appropriation Transfers

Bills and Claims

Reports

Emergency Management Coordinator

Animal Control Report of October 2017 & November 2017

Dog Licensing Report

Finance Reports:

Budget thru 12/4/2017

Collector's Report of November 2017

December 7, 2017 Kingwood Township Committee Agenda Continued

Reports Continued

NJSP Report of October 2017 & November 2017
Township Engineer's Report of November 2017
Zoning Officer Report of November 2017

Future Meetings and Activities

December 9 - Recycling at Township Garage from 9:00am-12:00noon
December 27 - Twp Com Special Mtg. to pay bills & claims, beginning at
5:00PM at Municipal Building

Schedule Reorganization Meeting & Regular January Meeting

Ordinances

Ordinance No. 19-14-2017 To Amend And Supplement The Land Use Regulations Of The Township, Specifically "Zoning, Chapter 132" Of The General Ordinances Of The Township Amending And Supplementing The Route 12 Scenic Corridor Overlay (SCO) District Regulations – Public Hearing & Final Adoption

Ordinance No. 19-15-2017 To Amend And Supplement The Land Use Regulations Of The Township, Specifically "Zoning, Chapter 132" Of The General Ordinances Pertaining To Site Plan Approvals – Public Hearing & Final Adoption

Second Public Comment Privilege of the Floor

Resolutions

Resolution No. 2017-109 - Banking of Funds from HC Open Space Trust Funds Program
Resolution No. 2017-110 - Support of Preservation of Bl 4 L 3 (Dirt Capital LLC)
Resolution No. 2017-111 – List of Targeted Farm Properties for Preservation
Resolution No. 2017-112 - HC Municipal Alliance Program – Renewal Application
Resolution No. 2017-113 - Refund of Erroneous Tax Payment Bl 20 L 14 & 14Q
Resolution No. 2017-114 – Refund of Duplicate Payment Bl 17 L 9.01
Resolution No. 2017-115 – Cancellation of Real Estate Taxes Bl 39 L 9.02
Resolution No. 2017-116 – Relieve Tax Collector from Collecting Certain Taxes on
Bl 30 L 14
Resolution No. 2017-117 – Chapter 159 for Statewide Ins Fund Grant
Resolution No. 2017-118 – Statewide Insurance Fund – Appointing Fund Commissioner
Resolution No. 2017-119 – Statewide Insurance Fund – Appointing Risk Mgt Consultant

New Business

Proclamation for Environmental Commission Member David Posey
Municipal Hours on 12-26-2017
Vote to Approve Change Order – Storage Addition to Morton Bldg. at HBPNorth
Municipal Building – Downstairs Ramp – Outside Lights
Municipal Building – Telephone System Proposals
Employee Handbook – Update to Eye Care & Dental Coverage

December 7, 2017 Kingwood Township Committee Agenda Continued

New Business Continued

- Recommendation from Twp Env Comm – Write Letter of Appreciation to Volunteer at HBP & Leash Free Area
- Review Municipal Appointments for 2018

Personnel

- Vote to Appoint Municipal Clerk

Old Business

- PennEast Pipeline – Sample Road Use Maintenance Agreement, Delaware Twp - Letter & Analysis to FERC, Resolution Requesting Time & Access with the DRBC & Supporting Letter of October 5th from Delaware Riverkeeper Network to DRBC
- Long Term Future of Email & Website
- NJDEP Stormwater Management

Minutes

- November 2, 2017 Regular Meeting Minutes
- November 2, 2017 Executive Session Meeting Minutes
- November 27, 2017 Special Meeting Minutes
- November 27, 2017 Executive Session Meeting Minutes

Executive Session – Resolution No. 2017-120

- Personnel - Teamsters Local Union
- Possible Zoning Violations – Freedenfeld/Mikes Bl 51 L 46, Terraglia Bl 8 L 19.03

Return to Regular Session

Affordable Housing Settlement Agreement

Deputy Clerk, Deputy Registrar Position

Adjournment

PLEASE NOTE THIS AGENDA IS SUBJECT TO LAST MINUTE CHANGES

2017 – 253

December 7, 2017

A Regular Meeting of the Kingwood Township Committee was called to order at 7:00P.M. with Mayor Phillip Lubitz presiding.

Also present at the meeting were Deputy Mayor Richard Dodds, Committeeman Thomas Ciacciarelli, Attorney Katrina Campbell, C.F.O. Diane Laudenbach, Deputy Clerk Cynthia Keller and Clerk Mary E. MacConnell. Mayor Phillip Lubitz called the meeting to order and following the salute to the flag, read aloud the following:

Call to Order

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In order to ensure full public participation in this meeting, all members of this Committee, and also 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.

CORRESPONDENCE

Letter from Dept. of Ag re: Gypsy Moth Survey

Mayor Lubitz noted a survey was completed by the Department of Agriculture and they found no major infestations detected in our municipality. The Department is not recommending any aerial treatment next spring.

Letter from Senator Pennacchio re: Thank You for Resolution Opposing OPMA & OPRA

Mayor Lubitz reviewed the letter from Senator Pennacchio.

Letter from Senator Sweeney re: Thank you for Resolution Opposing OPMA & OPRA

Mayor Lubitz reviewed the letter from Senator Sweeney.

Letter from Statewide Insurance Fund re: Approval of 2017 Grant Application

Mayor Lubitz noted Statewide Insurance Fund has approved a grant reimbursement in the amount of \$982.01. This is to purchase automated external defibrillators for locations used for public events within the township. The Township Committee all agreed to spend additional funds and purchase two defibrillators.

PUBLIC COMMENT PRIVILEGE OF THE FLOOR

There were no public comments at this time.

RESOLUTION

Resolution No. 2017-108 – 2017 Appropriation Transfers

The following Resolution was introduced:

RESOLUTION NO. 2017 – 108

2017 BUDGET APPROPRIATION TRANSFERS

BE IT RESOLVED, by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to make the following transfers within the 2017 Budget Appropriations:

FROM ACCOUNT	TO ACCOUNT	AMOUNT
Administration & Executive – Other Expense	Board of Adjustment Other Expense	\$250.00
Administration & Executive – Other Expense	Engineering – Other Expense	\$500.00
Planning Board – Other Expense	Fair Share Housing Plan – Other Expense	\$2100.00

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

BILLS AND CLAIMS

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to approve and pay all bills and claims in the amount of **\$613,934.70** that are in order and attached as Bill List for December, 2017.

Roll Call Vote: **AYE** - Ciacciarelli, Dodds, Lubitz
 NAY - None
 ABSTAIN - None
 ABSENT - None

REPORTS

Mayor Lubitz noted that the following have been received and are available for review:

Emergency Management Coordinator

EMC, Jack MacConnell reported on the Thanksgiving run at the Kingwood Township School and how he assisted by putting cones out to control the traffic. He suggested a letter of commendation be sent to the trooper who was present at the school. Jack MacConnell commented on the Environmental meeting earlier this week with representatives from MEL. He feels the meeting went very well and commented on Committeeman Ciacciarelli's participation. He noted there were also representatives at the Open Space and Agricultural meeting from the State Fish and Wildlife speaking to the local farmers to discuss leases and field management. He suggested the township consider a memorandum of understanding for five years. He would like to see a representative from the State come and speak to the Township Committee.

EMC, Jack MacConnell reported on the forecast for snow this coming week, which is predicted to bring 2-4 inches.

Mayor Lubitz wanted to thank EMC, Jack MacConnell for educating and working so well with him over the years. He wanted to thank Jack MacConnell for all the hard work he puts into the position he holds here at the township. Jack MacConnell thanked Mayor Lubitz and noted he feels the same in return.

Animal Control Report of October 2017 & November 2017

Mayor Lubitz noted the township should consider canvassing or increasing the penalty for not have dog licensed. There was a brief discussion regarding licensing at the rabies clinic.

Dog Licensing Report

Finance Reports:

Budget thru 12/4/2017

Collector's Report of November 2017

NJSP Report of October 2017 & November 2017

Mayor Lubitz suggested contacting the State Police and thank them for their reports. He would like them contacted and request they continue adding accidents due to deer in future reports.

Township Engineer's Report of November 2017

It was moved by Mr. Ciacciarelli, seconded by Mr. Dodds and carried to authorize to proceed with surveys and engineering of Ridge Road Section One, estimated cost of \$6,500.00 to locate the road features and topography for Ridge Road to be used for design purposes.

C.F.O. Diane Laudenbach explained that the township will need to adopt a resolution for preliminary expenses for the Ridge Road Project. Mayor Lubitz, noted this resolution will be added to next month's agenda to be considered adopted. Mr. Ciacciarelli and Mr. Dodds withdrew their motion.

Zoning Officer Report of November 2017

FUTURE MEETINGS AND ACTIVITIES

Mayor Lubitz reviewed as per the agenda.

Schedule Reorganization Meeting & Regular January Meeting

Township Committee Reorganization Meeting to be scheduled on Tuesday, January 2, 2018 at 6:00PM with the Regular Twp. Committee Meeting to follow at 7:00PM.

ORDINANCES

ORDINANCE NO. 19-14-2017 TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP, SPECIFICALLY "ZONING, CHAPTER 132" OF THE GENERAL ORDINANCES OF THE TOWNSHIP AMENDING AND SUPPLEMENTING THE ROUTE 12 SCENIC CORRIDOR OVERLAY (SCO) DISTRICT REGULATIONS VOL. 19, PG. 19-14-2017 – Public Hearing and Final Adoption

Mayor Lubitz read aloud the ordinance by title, which was then introduced:

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 5th day of October 2017.

It was moved by Mr. Ciacciarelli, seconded by Mr. Dodds carried to open the public hearing. **All voted Aye on Roll Call Vote.**

Mayor Lubitz reviewed the ordinance to be discussed.

Public Comments: There were no comments.

It was moved by Mr. Ciacciarelli, seconded by Mr. Dodds and carried to close the public hearing. **All voted Aye on Roll Call Vote.**

AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP AMENDING AND SUPPLEMENTING THE ROUTE 12 SCENIC CORRIDOR OVERLAY (SCO) DISTRICT REGULATIONS.

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey is desirous of preserving and enhancing undeveloped rural lands situated along the Route 12 Corridor in such a manner that will maintain and reinforce Kingwood Township’s rural character and existing scenic views and vistas within and along the Route 12 Corridor, while at the same time providing for reasonable land use opportunities for lands situated within the Route 12 Corridor; and

WHEREAS, the Township Committee wishes to maintain the prevailing rural character of the Route 12 Corridor through the establishment of design standards that will guide future development in such a manner that will serve to achieve this land use planning objective, and simultaneously provide new opportunities for development in a coordinated fashion within the Route 12 Corridor; and

WHEREAS, existing nonresidential land use zoning within the Route 12 Corridor has been established in the Township’s zoning ordinances for decades, which has sought to attract a robust variety of industrial, business, and commercial development, but has instead attracted limited piecemeal and uncoordinated land use changes, sporadic development and strip highway commercial development; and

WHEREAS, the Scenic Corridor Overlay Ordinance (SCO) and Eastern Gateway Center Overlay Ordinance (EGVCO) were adopted in 2012 with requirements for the protection of the scenic rural character corridor and scenic views and vistas, which continue to predominate through the Route 12 Corridor; and

WHEREAS, the Township received a Local Demonstration Program Grant from Together North Jersey that resulted in the release of a document entitled, “Kingwood: A Plan For Preserving Rural Character Through Controlled Development Of Route 12” (TNJ TDR Plan) in December of 2015; and

WHEREAS, the TNJ TDR Plan included recommendations for supplementary amendments to both the Scenic Corridor Overlay Zoning District and the Eastern Gateway Village Center Overlay District;

NOW, THEREFORE, in view of the foregoing, be it ordained by the Mayor and Township Committee of the Township of Kingwood, as follows:

SECTION I

CHAPTER 132 – ZONING, of the Ordinances of Kingwood Township, ARTICLE III, District Regulations, §132-41, entitled “Route 12 Scenic Corridor Overlay (SCO) – District Regulations, is hereby amended and supplemented as follows:

§132-41. Route 12 Scenic Corridor (SCO) Overlay Zone regulations.

- A. Purpose. The purpose of the Scenic Corridor Overlay Zone is to revise the zoning to be more in conformance with the development opportunities that realistically exist in the subject area, to preserve the rural character and rare scenic beauty in and along the subject zone and to promote design compatibility for the development, redevelopment, and changes in land use along the Route 12 corridor in Kingwood Township by employing design standards intended to preserve existing viewsheds, especially the open vistas in the section of the corridor west of Baptistown, and to avoid the perpetuation of strip highway commercial sprawl development along the corridor. The planning objective of this section is to replace a zone plan that currently allows linear highway commercial development as close to the highway as possible and which has not resulted in significant development of the zone within the last 30 years or more with a zone plan that allows the zone to provide realistic opportunities for development while preserving the corridor's existing scenic beauty and rural character.
- B. The Scenic Corridor Overlay Zone is intended for properties that front the Route 12 corridor as shown on the Township's Zoning Map. Any lot or parcel of land located at least partially within the Overlay Zone shall follow the requirements of this section for that portion of the lot or parcel.
- C. Applicability. These standards and guidelines shall be applicable to any new development of any property within the Scenic Corridor Overlay Zone. The standards shall be applied to the use of any property within the Overlay Zone that is not already developed or any property that is being expanded or redeveloped that is currently used in a way that is nonconforming with these regulations. Such nonconforming uses shall rely on the relevant use and bulk regulations defined in the underlying zoning districts until such time as they are expanded in size or area or otherwise converted to a use conforming to this section. Unless otherwise noted, these standards shall apply uniformly to the underlying zoning districts; in those cases where the standard varies with the district, these provisions supersede.
 - (1) The scope of the standards covers all exterior aspects of the rehabilitation of existing structures, additions to existing structures, and construction of new buildings, as well as all site improvements, streetscape, signage, lighting and landscaping.
 - (2) In the exercise of its powers of review, the reviewing board may recommend approval, conditional approval, request modifications, or recommend denial to an application based upon its review of the materials submitted by the applicant and any additional information which it may deem appropriate.

- (3) These standards shall be interpreted with flexibility. The reviewing board shall view them as a tool, since exceptional situations, requiring unique interpretations, can be expected. When applying them, the reviewing board shall carefully weigh the specific circumstances surrounding each application, and strive for design solutions that best promote the spirit and intent of the standards and guidelines.

D. Permitted principal uses of buildings and structures are as follows:

- (1) Agricultural and farming uses pursuant to § 132-30.
- (2) Single-family residential uses pursuant to §132-30, excluding the Class I Minor Subdivision pursuant to §115-3.
- (3) Public playgrounds, conservation areas, parks and public purpose uses pursuant to §132-30.
- (4) Churches and cemeteries pursuant to § 132-30.
- (5) Golf courses pursuant to §132-30.
- (6) Firehouses, rescue squad facilities and government buildings pursuant to §132-30.
- (7) Family day-care homes (as per N.J.S.A. 40:55D-66.5b) pursuant to § 132-30.
- (8) Nurseries & Garden Centers
- (9) Wholesale Feed & Grain Outlet Stores in one or more buildings of 25,000 square feet or less
- (10) Wholesale Greenhouses

E. Permitted accessory uses of buildings and structures are as follows:

- (1) Private residential swimming pools, subject to the provisions of § 132-55.
- (2) Accessory and temporary residences at a farm, provided that the housing is for farmworkers employed on the farm and meets all state, county and Township rules and regulations. If a building containing such dwelling quarters is located so that it can be subdivided and sold separately from the main building, its location shall be such that it can be subdivided to conform to all provisions for street frontage, lot area and dimensions and well and septic requirements, and the building shall meet all setback requirements for a principal building. Buildings for tools and equipment used for maintenance of the grounds. Such building shall not exceed 12 feet in height.
- (3) Travel trailers, vacation trailers and campers may be parked or stored on the lot only in the rear yard out of view from Route 12. They shall not be used for temporary or permanent living quarters.
- (4) Private garages.

- (5) Tenant house for resident's domestic employees or guests, provided that a building containing such dwelling quarters shall be located so that it can be subdivided and sold separately from the main building; its location shall be such that it can be subdivided to conform to all provisions in its zone for street frontage, lot area and dimensions and well and septic requirements, and the building shall meet all setback requirements for a principal building. Mobile homes, vacation trailers, campers or trailers of any kind shall not be permitted to provide residency for persons or animals under the provisions of this section, and shall be stored in rear yards only.
- (6) The keeping of poultry, horses or ponies for the use and pleasure of the occupant of a residential lot of at least two acres in the AR-2 District is permitted, provided that the buildings or structures related thereto and manure pile meet the minimum setback for accessory buildings or are located to be at least 150 feet from the residence on the adjacent lot, whichever is greater.
- (7) For lots with an area of six acres or more, farm markets shall be a permitted accessory use, subject to the following conditions:
 - (a) The size of the building, structure or enclosure and outdoor sales area, inclusive of the parking area of the farm market shall not exceed 5,000 square feet, and all construction shall comply with the Uniform Construction Code;
 - (b) Farm produce and farm-related goods may be sold at the farm market; provided, however, that at least 51% of the annual gross sales, on a dollar basis, of the farm market are generated from or attributable to sales of farm produce grown on the same parcel as the farm market or on another farm in Kingwood Township;
 - (c) If any farm produce is packaged with materials that do not qualify as farm produce and the combination is then sold as a single unit, then the sale of such unit shall be considered to be a sale of farm produce for purposes of Subsection E(8)(b) above if the value of the farm produce incorporated into such unit is equal to or greater than 25% of the value of the unit;
 - (d) The farm market provides a parking area with parking spaces as follows: A minimum of five parking spaces, plus one additional parking space for every 500 square feet of floor space in the Farm Market, in excess of 2,500 square feet, but not to exceed 12 parking spaces;
 - (e) The owner (or tenant with landlord's written approval) shall submit to the Planning Board a minor site plan application for the location requisite submissions as specifically required by these development regulations for the approval of such use;

- (f) The operation and/or management and sole responsibility for the farm market shall be limited to the farm owner or a tenant farmer with a written valid lease; and by applying for and accepting the benefits or approval, the owner/tenant agree to provide written documentation of his/her compliance with all sales requirements set forth herein as requested by the Township but not more frequently than once per year;
- (g) All operations and business of the farm market shall be limited to daylight hours. High-intensity lights are prohibited; normal residential or security lighting shall be permitted;
- (h) Buildings, structures and parking areas for farm markets may be located within the front yard area in the SCO District except that parking areas must be improved only with pervious materials such as gravel or pervious pavement, and a landscaped buffer of at least 30 feet in width shall separate the area devoted to the farm market improvements from the right-of-way of Route 12, and driveway and parking layout shall be subject to site plan approval, but shall be located to the rear of a principal or accessory building unless sufficiently screened from view from Route 12 by a planted buffer. Actual buffer design shall be based upon Subsection O(4) of this ordinance using a line-of-sight analysis to confirm that the buffer is of sufficient length, depth and placement along driveways and property lines to minimize the visual impact as viewed from Route 12.

F. Conditional uses. The following uses are permitted subject to the approval of the Planning Board as conditional uses according to the standards set forth in Article VI and in accordance with the general provisions set forth in Article IV:

- (1) Home occupations.
- (2) Barn conversions
- (3) Accessory apartments.
- (4) Elder Cottage Housing Opportunity Unit (ECHO Unit). (See §132-102 for conditions.)

G. Maximum building height. No residential building shall exceed 35 feet in height nor 2 1/2 stories, except that churches and barns shall not exceed 55 feet, and for any existing or proposed "elevated building" as defined in §132-37, Floodplain District, the height shall be measured from the flood hazard elevation at the building location. For purposes of retaining views and vistas over nonresidential buildings, no nonresidential building constructed after the effective date of this section shall exceed one story or 25 feet in height.

H. Area and yard requirements.

- (1) The lot and buildings thereon for properties within the portion of the SCO District east of Baptistown (intersection of Route 12 and County Route 519) shall comply with the Schedule of Lot and Building Requirements for the AR-2 District included at the end of §132-30,1 except that all principal and accessory structures except access drives shall maintain a minimum setback of 100 feet from Route 12, except that golf courses shall maintain a minimum setback of 200 feet from Route 12.
 - (2) In order to preserve the scenic vistas and distant views along the Route 12 Corridor between Baptistown and Frenchtown in Kingwood, the lot and buildings thereon for properties within the portion of the SCO District west of Baptistown (intersection of Route 12 and County Route 519) shall comply with an enhanced requirement for setback from Route 12 such that no principal or accessory building or off-street parking area shall be located closer to Route 12 than a distance equal to 1/2 of the average lot depth or a maximum of 300 feet, whichever is less. Building width shall not exceed 2 feet of width for each 3 feet of building depth as measured parallel to Route 12. The profile of a building parallel to Route 12 shall not occupy more than 2 feet of the lot width measured at the setback line for each 3 feet of lot depth occupied. A preexisting front yard building setback less than 300 feet that was in existence on February 5, 2015, shall be permitted to continue without a variance from the Zoning Board of Adjustment; provided, however, that in no case shall a future principal or accessory building or off-street parking area be located closer to Route 12 than 100 feet and further provided that future building additions shall conform to the building width to depth ratio required in this section. New residential subdivisions in the SCO District west of Baptistown shall comply with the Schedule of Lot and Building Requirements for the AR-2 District included at the end of §132-30,2 except that the use of clustering and lot size averaging shall be mandatory for all new major residential subdivisions for purposes of maintaining the scenic vistas of this portion of the Route 12 corridor in accordance with the provisions of §132-30C and the site design standards of Subsection O of this Ordinance shall apply.
- I. Accessory uses permitted. Accessory uses and structures to any of the above permitted principal uses are permitted as follows:
 - (1) All accessory farm buildings shall have a minimum distance to the side lot line, the rear lot line and other buildings of 50 feet, plus 10 additional feet for each 1,000 square feet of gross floor area within the building, provided that, when the nature of the use requires additional setbacks in order to meet other requirements herein and in Article VI, the Planning Board may increase the distance.
 - J. A detached single-family dwelling may be constructed on an irregularly shaped lot, commonly known as a "flag lot," composed of a strip of land with public road frontage of at least 50 feet in width and a minimum 200 feet in depth (the "flag stem") and with the

area beyond the access strip composed of at least four acres in the main buildable portion of the lot to the rear of the access strip. If, pursuant to Chapter 115, Subdivision of Land, a Class II minor subdivision involving more than one flag lot is undertaken, then the width of the flag stem for each flag lot may be reduced to 25 feet, provided that the two flag stems are located side by side, each flag lot is granted a reciprocal right to use the flag stem of the other lot for ingress and egress, and a common driveway maintenance agreement is recorded as set forth in §115 (3). All flag lots must conform to the provisions of Chapter 115, Subdivision of Land, and this chapter.

K. Building design standards.

- (1) Buildings shall be located to allow for adequate fire and emergency access.
- (2) Principal and accessory buildings shall be oriented on the property so that the front facade either faces Route 12 or otherwise screens the view of service or loading areas, solid waste storage areas or other areas that would adversely impact the quality of the view shed from Route 12. The Planning Board may approve other forms of visual screens for applications that require site plan or subdivision approval. Visual screens shall consist of a combination of deciduous and evergreen trees and shrubs, grouped together at various heights to form an effective buffer of an average width of 50 feet that resembles wind rows of native trees and understory vegetation or other naturally occurring vegetative edge consistent with the rural scenic character of the Route 12 corridor. Actual buffer design shall follow the design standards of Subsection O(4) of this Ordinance and be based upon a line-of-sight analysis to confirm that the buffer is of sufficient length, depth and placement along driveways and property lines to minimize the visual impact as viewed from Route 12. To the extent that the Board determines that variance relief from the front yard setback is warranted as part of an application for development, the width of the buffer in the area of the granted relief shall be increased equivalent to the amount of the relief. For example, a reduction in the front yard setback from 100 feet to 75 feet will require an increase in the vegetative buffer in the area of the relief from 50 feet to the full 75 feet in width.
- (3) Front yard areas shall be kept free of paved areas except for access roads or driveways. Off-street parking is not permitted within the required front yard.
- (4) Architectural standards for nonresidential buildings.
 - (a) All new nonresidential buildings for which development approval is required in the SCO District shall comply with the following standards: Architectural style shall be compatible with traditional rural or farm buildings such as barns, farmhouses, etc. (see Figure 1).



Figure 1: This retail building in Gettysburg Pennsylvania, in the top image and the pole barn style building in the bottom image illustrate the intended architectural style for nonresidential buildings in the SCO District within the twenty-five-foot height limitation for nonresidential buildings.

L. Off-street parking and loading.

- (1) Only those parking spaces meeting the dimensions of this chapter shall be counted in meeting the minimum number of parking spaces.
- (2) The minimum requirement shall be two spaces per dwelling unit, plus 0.5 space per bedroom over the first bedroom. Fractional spaces shall be rounded up to the next whole number.
- (3) All lots shall provide a turnaround area on site so that all vehicles can exit in a forward direction.
- (4) Where the driveway access to a lot has a slope exceeding 12%, at least two additional off-street parking spaces shall be located adjacent to the street but outside the street right-of-way.
- (5) Churches shall provide one space for every five seats (one seat equaling 22 inches for pews and benches).
- (6) See §132-53for additional standards.

M. Signs are permitted subject to Article V.

N. Nonconforming uses. Where an existing use within the Route 12 Scenic Corridor Overlay Zone conforming to zoning on the effective date of this section has been made nonconforming as a result of Ordinance Amendment No. 17 - 15-2012, the use may continue in accordance with the use and bulk zoning provisions in effect immediately prior to the effective date of Ordinance Amendment No.17-15-2012.

O. Site design standards. In addition to site plan and related design standards required elsewhere in this Chapter, the following design standards for sustainable development shall be required in for new development requiring Major Site Plan Approval in the SCO:

1. The management of stormwater runoff shall be designed to utilize Best Management Practices (BMPs) intended to maximize recharge, remove pollutants and to capture rainwater for irrigation use in place of potable water sources. All stormwater management basins should be designed for bio-retention and may include a network of stormwater wetlands, bio-swales, rain gardens and the equivalent. Rain gardens that are designed to create or supplement landscaped buffers, open space areas or wildlife habitat and are reasonably accessible to the public may be counted toward any minimum open space requirements. Rain gardens of 2,500 square feet or greater that are incorporated into parking lots as a component of stormwater management and which are designed into the pedestrian circulation system with a sitting area adjacent to the rain garden/bio-retention basin and accessible from the walkway may be included in the open space counted towards a minimum open space requirement.



Figure 2: Example of Concept Design for Rain Garden eligible for inclusion in required open space

2. Runoff Mitigation Plan –

- (a) Any project proposed within the SCO shall include an Runoff Mitigation Plan showing that the stormwater management design elements include an appropriate combination of non-structural and/or low impact Best Management Practices. The Plan shall show how the design:

- i. Utilizes permeable areas to allow more infiltration of runoff into the ground through such means as Biofiltration, Filter strips, Swales, Infiltration trenches, Green roofs and/or Permeable pavement, and/or;
- ii. Directs runoff to permeable areas and/or utilize stormwater storage for re-use or infiltration by such means as:
- iii. Orients roof runoff towards permeable surfaces, drywells, French drains, or other Best Management Practices (BMPs) rather than directly to driveways or non-permeable surfaces so that runoff will penetrate into the ground instead of flowing off-site; and
- iv. Grades impervious surfaces to direct runoff to permeable areas, utilizing level spreaders or other methods to distribute the impervious runoff over pervious surfaces;
- v. Uses cisterns, retention structures, or rooftops to store precipitation or runoff for re-use;
- vi. Designs curbs, berms, or the like to avoid isolation of permeable or landscaped areas.

(b) A Runoff Mitigation Plan shall include a plan for the maintenance of all BMP's requiring on-going maintenance.

(c) An Runoff Mitigation Plan shall include the applicant's signed statement accepting responsibility for all structural and treatment control BMP maintenance. The transfer of property subject to an Runoff Mitigation Plan must include as a written condition to the transfer that the transferee assumes full responsibility for maintenance of any structural, and/or source or treatment control BMPs.

3. Landscaping and street trees

(a) Planting Details (General) – Plant selection should conform to the following general design principles:

- i. All landscape plants should be native species and typical full specimens conforming to the American Association of Nurserymen Standards (ANA) for quality and installation.
- ii. All plant selections should emphasize deer resistant species.
- iii. Local soil conditions and water availability should be considered in the plant selection. All plants shall be tolerant of specific site conditions.

- iv. Landscaping shall not inhibit access by emergency vehicles or inhibit visibility within required vehicular sight triangles.
 - v. Only irrigation systems using nonpotable water supplies are to be used for all new plantings.
 - vi. An appropriate variety of tree species should be provided to avoid die-out due to species-specific diseases.
- (b) Street Tree Details – In addition to the requirements found in this Chapter, street trees should be provided in accordance with the following, based on LEED-ND NPD Credit 14, “Tree-Lined and Shaded Streets”:
- i. Street trees should be provided on both sides of at least 60% of new and existing streets within the Redevelopment Plan Area and on the Redevelopment Plan Area side of bordering streets.
 - ii. The number of street trees should average one for every 35 linear feet of property frontage.
 - iii. Spacing between trees should be determined based upon species selection. In general, trees should be between 30 and 50 feet on center, averaging no more than 40 feet on center (excluding driveways and utility vaults).
 - iv. Trees should be a minimum of three and one-half to four inches caliper, based on ANA standards.
 - v. Trees are to be disease resistant and tolerant of road salts and air pollution.
 - vi. On properties with more than one tree species, species should not be alternated one-by-one; instead a single species shall be grouped together to create a canopy effect.
 - vii. Branching height should bear a relationship to the size and species of tree but shall have a minimum clearance height of seven feet above grade before branching begins.
4. Buffer Details – A landscaped buffer shall be provided as required in this Ordinance in accordance with the following:
- (a) A shrub mass of deciduous and/or evergreen species shall be planted within the required buffer area to provide for a visual and physical screen along the entire frontage. Shrubs within the buffer shall include a mixture of evergreen and deciduous trees and shrubs massed in a way that does not result in significant visual openings during the winter season.

This landscape mass shall be interspersed with the required ornamental trees to provide for a natural, random and visually interesting planting design.

(b) Selection of plants species shall provide for a variety and mixture of landscaping. Varieties should consider susceptibility to disease, shapes, seasonal display, textures, flowers, and foliage.

(c) The plant quantities constituting the buffer should include:

- i. Shrubs averaging 25 per 100 linear feet of frontage.
- ii. Ornamental trees averaging two per 100 linear feet of frontage.
- iii. Evergreen trees averaging two per 100 linear feet of frontage.
- iv. Lawn or groundcover to complete a 10-foot wide strip outside of the required shrub/tree planted area.
- v. Required plantings in the buffer area shall meet the minimum size requirements as follows:
 1. Shrubs: planted size is to be a minimum of 24 inches to 36 inches in height.
 2. Ornamental trees: planted size is to be a minimum of five feet to six feet in height.
 3. Evergreen trees: planted size is to be a minimum of five feet to six feet in height.

5. Site Protection and General Planting Requirements -

a) Topsoil Preservation

Topsoil moved during construction shall be redistributed on all re-graded surfaces to provide even cover to all disturbed areas of the development and shall be stabilized by seeding or planting. A soil erosion and sediment control plan shall be approved as part of the preliminary plat.

b) Removal of Debris

All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with the law. To the extent possible, materials should be diverted from the solid waste stream and reused on-site, consistent with LEED-ND GIB (Green Infrastructure and Building) Credit 16, “Solid Waste Management Infrastructure”, with a goal of recycling or salvaging at least 50% of nonhazardous construction and demolition debris.

c) Planting Specifications

Deciduous trees shall have a minimum 2 1/2 to 3-inch caliper measured 6 inches above the ground surface at time of installation. Size of evergreens and deciduous shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable horticultural standards. Dead or dying plants shall be replaced during the following planting season and guaranteed by the landscape contractor for a period of one (1) year. Evergreen trees shall have a minimum height of 6 feet at planting. All plant materials, planting practices, and specifications shall be in accordance with the “American Standards for Nursery Stock” by the American Association of Nurserymen Standards.

d) Plant Species

The plant species selected should be hardy for the climatic zone in which the development is located and appropriate in terms of function and size.

SECTION III- All other provisions of Chapter 132 – Zoning, of the Ordinances of Kingwood Township not modified herein shall remain unchanged and in full force and effect.

SECTION IV- If the provisions of any article, section, subsection, paragraph, subdivision, clause or application of the Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, clause or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION V - This ordinance may be renumbered for codification purposes.

SECTION VI- This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

It was moved by Mr. Ciacciarelli, seconded by Mr. Dodds and carried to adopt the foregoing Ordinance.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

The Township Committee thanked Mr. David Roberts for attending the meeting to answer questions and for working on the township’s (TDR) Transfer Development Rights Program. They hope to use this as a step for the process, and to have in the future TDR Program to retain their farms. David Roberts briefly commented.

ORDINANCE

ORDINANCE NO. 19-15-2017 TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES PERTAINING TO SITE PLAN APPROVALS VOL. 19, PG. 19-15-2017 – Public Hearing and Final Adoption

Mayor Lubitz read aloud the ordinance by title, which was then introduced:

This Ordinance was introduced and adopted on first reading at a meeting of the Kingwood Township Committee on the 2nd day of November 2017.

It was moved by Mr. Ciacciarelli, seconded by Mr. Dodds carried to open the public hearing. **All voted Aye on Roll Call Vote.**

Deputy Mayor Dodds reviewed the ordinance to be discussed.

Public Comments: Maureen Syrnick, Stompf Tavern Rd. Asked if there were a change in a business, even if it is the same business, does the owner have to apply for an exemption? Planning Board Secretary Diane Laudenbach responded.

It was moved by Mr. Ciacciarelli, seconded by Mr. Dodds and carried to close the public hearing. **All voted Aye on Roll Call Vote.**

ORDINANCE NO. 19 – 15 – 2017

AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES PERTAINING TO SITE PLAN APPROVALS.

WHEREAS, the Kingwood Township Committee is desirous of amending existing ordinance provisions pertaining to the requirement to obtain site plan approval to provide clarification as to when site plan approval is required and to include specific criteria for when site plan exemptions may be granted in order to balance the need to monitor development and the imposition of an undue burden on changes in use where no site improvements are anticipated, all so as to better serve the general goals and objectives of the Kingwood Township Master Plan;

NOW, THEREFORE, be it ordained by the Mayor and Township Committee of the Township of Kingwood as follows:

SECTION I - CHAPTER 132 – ZONING, of the Ordinances of the Township of Kingwood, **ARTICLE III District Regulations, §132-110. Preliminary Site Plan**, of the Ordinances of the Township of Kingwood, is hereby amended and supplemented, as follows:

A. Submission. [Amended 9-22-1988 by Ord. No. 6-13-88; 4-3-2014 by Ord. No. 18-04-2014; 10-1-2015 by Ord. No. 18-12-2015]

(1) A preliminary site plan and accompanying engineering and architectural documents shall be submitted for each of the following:

(a) All new nonresidential development proposals;

(b) All proposals for modifications to the footprint of structures used in an existing or proposed nonresidential use;

(c) All proposals for any modification or change to the exterior conditions, including, but not limited to, changes in impervious coverage, grade, cut and/or fill, and lighting, at any property on which a nonresidential use is operated or proposed to be operated;

(d) For all properties upon which a non-residential use is conducted, and for which no approved site plan is on file with the Township, whenever there is a change in ownership or a change of occupancy for the non-residential use; and

(e) Except as provided in § 132-110A (2) below, any change in the nonresidential use of a property (for example, a change in use from a fabricating business to a warehouse/storage business).

SECTION II - All other provisions of Chapter 132 – Zoning, of the Ordinances of Kingwood Township not modified herein shall remain unchanged and in full force and effect.

SECTION III- If the provisions of any article, section, subsection, paragraph, subdivision, clause or application of the Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, clause or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION VI - This Ordinance may be renumbered for codification purposes.

SECTION V- This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

It was moved by Mr. Ciacciarelli, seconded by Mr. Dodds and carried to adopt the foregoing Ordinance.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

PUBLIC COMMENT PRIVILEGE OF THE FLOOR

Mayor Lubitz noted a few people arrived after the Public Comment/Privilege of the Floor and asked if anyone would like to comment.

Susan Mauer, Byram Lane, Expressed her disappointment after writing a letter to several individuals in the township regarding her neighbor who is running the Air B&B within his home. She feels that she is not getting any response from anyone. She talked about her frustration with the Zoning Official. Mayor Lubitz noted that the township is limited as to what they can do, as far as, unsatisfactory interaction with neighbors, but he did apologize on behalf of the township. He feels that the public should be treated as the most important person and deserve to be treated that way. He advised the township attorney to explain where the township stands.

Attorney K. Campbell noted speaking to the Zoning Official, who has informed her he has a problem with finding two units, because he feels there is no actual second kitchen from what he can see in the pictures. He cannot force his way into the home if the owner does not allow the township inside. She also reported on the previous history with the construction/building dept. She noted that this definitely cannot be used as a physician’s office. She noted that an Air B&B cannot be regulated, because the township does not have regulations for Air B&B’s, as far as, the bottom being closed in. She noted it is probably a Department of Environmental Protection issue. She explained the NJDEP has regulations regarding the house, which had to be elevated and requirements for what can or cannot be done with the downstairs, which is up to the NJDEP. Attorney K. Campbell will do additional research and also contact the NJDEP.

Mayor Lubitz apologized again for the treatment towards her by the township.

Stuart Freedenfield, Byram Lane, noted he has been a physician in the area for about 40 years. He is now retired. He explained he and his family have moved into Kingwood recently. He explained they have guests, friends and family come to visit and stay often. He noted that they decided to share the home and put it on Air B&B, and feels when people come they really enjoy a lot of the activities in the area. He stated there are several properties in the township offering Air B&B’s. He described the issues he has had with his neighbor, and feels they have harassed them from the beginning. Attorney K. Campbell noted she will investigate what is allowed after homes have been raised and will be in contact with Mr. Freedenfield.

Mayor Lubitz briefly commented and explained the township will be looking into this further and try to resolve this issue.

RESOLUTIONS

Resolution No. 2017-109 - Banking of Funds from HC Open Space Trust Funds Program

2017 – 273

The following Resolution was introduced:

RESOLUTION NO. 2017 – 109

**HUNTERDON COUNTY MUNICIPAL GRANT
PROGRAM ALLOCATION**

WHEREAS, the Township of Kingwood has been allocated an amount in the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Municipal Grant Program for the year 2016;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey to request the County to bank and reserve any funds dedicated to Kingwood Township in the Hunterdon County Open Space Municipal Grant Program that have not been utilized, due to the Township’s intention to utilize the funds for ancillary costs on projects during 2018.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017–110 - Support of Preservation of Bl 4 L 3 (Dirt Capital LLC)

The following Resolution was introduced:

RESOLUTION NO. 2017 - 110

**RESOLUTION OF THE TOWNSHIP OF KINGWOOD, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY SUPPORTING THE PROPOSED
ACQUISITION OF A DEVELOPMENT EASEMENT FOR
DIRT CAPITAL LLC BLOCK 4 LOT 3**

WHEREAS, the New Jersey State Agriculture Development Committee, the County of Hunterdon and the Township of Franklin have proposed the acquisition of a development easement under the Planning Incentive Grant Program, N.J.S.A. 4:1C-43.1 *et seq.*, and the regulations thereunder; and

WHEREAS, the acquisition includes approximately ½ acre located in Kingwood Township at Block 4 Lot 3 which the County of Hunterdon will pay for; and

WHEREAS, the estimated cost sharing breakdown for the acquisition of the development easement is as follows:

State Agriculture Development Committee (\$5,460.00; 60% of the total price per acre)	\$458,640.00
Hunterdon County \$1,820.00/acre; 20% of estimated total cost	\$152,880.00
\$ 910.00 for a ½ acre in Kingwood Township	Total \$153,790.00
Township of Franklin (\$1,820.00/acre; 20% of estimated total cost)	<u>\$151,970.00</u>
Total	\$764,400.00

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey supports the acquisition of a development easement for Dirt Capital LLC as per the above noted funding schedule, at no cost to the Township of Kingwood.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017-111 – List of Targeted Farm Properties for Preservation

The following Resolution was introduced:

RESOLUTION NO. 2017 – 111

**PLANNING INCENTIVE GRANT PROGRAM
LIST OF FARMS**

Whereas, Kingwood Township has an established Municipal PIG program; and

Whereas, the Township has successfully preserved numerous farms within the Municipal PIG;
and

Whereas, the Township wishes to expand the opportunity for preservation to additional farms in the Township; and

Whereas, the Township will pursue these opportunities as the landowners indicate interest in preservation and as the Township has or can acquire funding to complete preservation projects:

Now, Therefore, Be It Resolved by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Kingwood Township requests the addition of the following properties within Kingwood Township to the Township’s Target Farm list:

1. Milford (Block 15, Lot 1) Slacktown Rd.
2. 880 State Highway 12 LLC – Block 18, Lot 2, 900 State Highway 12, 149 acres
3. Grom – Block 18 Lot 3, 103 Fitzer Rd., 104+ acres
4. Vrturic – Block 20 Lot 8, 127-219 Thatcher Rd., 116 acres
5. Kleinhans – Block 21 Lot 4, Locktown Rd., 88 acres
6. Kleinhans – Block 21 Lot 9, Locktown Rd., 36 acres
7. O’Donnell – Block 38 Lots 17, 18 and 19.01, 259 County Route 519, 131,1.1 and 19 acres respectively.
8. Ecker – Block 26, Lot 24, on Featherbed Rd
9. Jakelsky Estate – Block 22, Lot 20, on Kingwood-Locktown Rd.
10. Vastola - Block 33, Lot 1 – 39.8 acres on Barbertown Idell Rd.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017-112 - HC Municipal Alliance Program – Renewal Application

The following Resolution was introduced:

RESOLUTION NO. 2017 – 112

**GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE JULY 2014-JUNE 2019**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED that the Township of Kingwood, County of Hunterdon, State of New Jersey hereby recognizes the following:

- 1. The Kingwood Township Committee does hereby authorize submission of a strategic plan for the Delaware Valley Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	20,777.00
Cash Match	5,194.25
In-Kind	15,582.75

- 2. The Kingwood Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017-113 - Refund of Erroneous Tax Payment Bl 20 L 14 & 14Q

The following Resolution was introduced:

RESOLUTION NO. 2017 – 113

REFUND OF ERRONEOUS PAYMENT

WHEREAS, a payment was made to the Township of Kingwood but was intended for the Township of Raritan for Block 20 Lot 14 and 14Q0187 in the amount of \$4,199.27; and

NOW, THEREFORE, BE IT RESOVLED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Chief Financial Officer be authorized to issue a refund to David and Shie Lee Holland, 30 Rake Road, Flemington, New Jersey, in the amount of \$4199.27.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017-114 – Refund of Duplicate Payment Bl 17 L 9.01

The following Resolution was introduced:

RESOLUTION NO. 2017 – 114

REFUND OF DUPLICATE PAYMENT

WHEREAS, a duplicate payment was made to Kingwood Township for Block 17 Lot 9.01 in the amount of \$2,133.33; and

WHEREAS, the tax collector has received a request for a refund of the overpaid amount.

NOW, THEREFORE, BE IT RESOVLED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Chief Financial Officer be authorized to issue a refund to Camryn Holdings, 704 How Street, Bay Head, New Jersey, 08742, in the amount of \$2,133.33.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017-115 – Cancellation of Real Estate Taxes Bl 39 L 9.02

The following Resolution was introduced:

RESOLUTION NO. 2017 - 115

CANCELLATION OF REAL ESTATE TAXES

WHEREAS, the owners of Block 39 Lot 9.01 and 9.02 combined Lot 9.02 into Lot 9.01; and

WHEREAS, Lot 9.01 is a totally exempt property due to a veteran’s exemption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that the Tax Collector be authorized to cancel the following real estate taxes on Lot 9.02:

1/2017 - \$885.96
2/2017 – \$913.84
3/2017 - \$929.76
4/2017 - \$929.76

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017-116 – Relieve Tax Collector from Collecting Certain Taxes on Bl 30 L 14

The following Resolution was introduced:

RESOLUTION NO. 2017 –116

**TO RELIEVE THE TAX COLLECTOR FROM
COLLECTING CERTAIN TAXES**

WHEREAS, the Tax Assessor discovered an error in the Tax Book of the Township of Kingwood, County of Hunterdon, State of New Jersey when the tax payer brought it to the Tax Assessor’s attention after the proper time of appeal; and

WHEREAS, the Tax Assessor of the Township of Kingwood has found that the below block and lot had an acreage change to one acre due to the implementation of farmland assessment for 2017, after the owner questioned the assessment after the tax appeal date of April 2017:

Block 30 Lot 14

This said line item was assessed incorrectly in the Tax Book for the LAND at \$210,300 and the improvement at \$209,300 with a total of \$419,600.

This assessment should be \$141,000 for the land and \$209,300 for the improvement with a total assessment of \$350,300.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood relieves the Tax Collector from collecting taxes other than the corrected assessment on this block and lot.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017-117 – Chapter 159 for Statewide Ins Fund Grant

The following Resolution was introduced:

**RESOLUTION NO. 2017 – 117
REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION NJS 40AA:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Kingwood in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$982.01 which is now available from the Statewide Insurance Fund Grant in the amount of \$982.01; and

BE IT FURTHER RESOLVED that the like sum of \$982.01 is hereby appropriated under the caption Statewide Insurance Fund Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the Statewide Insurance Fund Grant in the amount of \$982.01.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017-118 – Statewide Insurance Fund – Appointing Fund Commissioner

The following Resolution was introduced:

RESOLUTION NO. 2016 – 118

RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, Kingwood Township (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey that Cynthia L. Keller is hereby appointed as the Fund Commissioner for the Local Unit for the year 2018; and

BE IT FURTHER RESOLVED that Richard Dodds is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2018; and

BE IT FINALLY RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RESOLUTION

Resolution No. 2017-119 – Statewide Insurance Fund – Appointing Risk Mgt. Consultant

The following Resolution was introduced:

RESOLUTION NO. 2017-119

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the Township of Kingwood (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10:36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood in the County of Hunterdon and State of New Jersey, as follows:

1. The Township of Kingwood hereby appoints USI Insurance Services as local Risk Management Consultant.
2. The Mayor and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2018 in the form attached hereto.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

NEW BUSINESS

Proclamation for Environmental Commission Member David Posey

Mayor Lubitz read aloud the Proclamation prepared for retiring member David Posey from the Environmental Commission. The Township Committee wishes him well.

Municipal Hours on 12-26-2017

The Township Committee Members discussed the hours for December 26th, 2017.

The Township Committee all agreed to allow municipal employees to leave half a day on Friday, December 22, 2017, and a half a day on Friday, December 29, 2017. The municipal offices will be open usual hours on December 26, 2017 from 9:00am to 7:00pm.

Vote to Approve Change Order – Storage Addition to Morton Bldg. at HBP North

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to approve the Change Order for the work on the addition to the Morton Building at the Horseshoe Bend Park in the amount of \$1,190.00.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

Municipal Building – Downstairs Ramp – Outside Lights

Deputy Mayor Dodds noted the township is looking for a way to illuminate the end of the walkway by the ramp to the entrance of the municipal offices at a low cost to the township. He noted the advantage of these lights are independent so you can angle the solar panel any way you want and still have light where you want it. Deputy Mayor Dodds noted the Department of Public Works would be able to install them. He explained that each light is approximately \$355.00 to \$375.00 per piece. They can also be set for the amount of time they will be on. The Township Committee would like to purchase two at this time.

Municipal Building – Telephone System Proposals

C.F.O. Diane Laudenbach reviewed two quotes for the Telephone System Proposals. She explained the existing system the township has and the issues, which they cannot be modified. Diane Laudenbach reviewed the following quotes:

Extel Communications, Inc. - \$5,392.00
Works Data Ltd. - \$5,731.80.

The Township Committee requested Diane Laudenbach research and look into the number of lines and stations the building can have and ask if it is expandable. This will be on the next month's agenda.

Employee Handbook – Update to Eye Care & Dental Coverage

The Township Committee reviewed the existing page of the Employee Handbook under Eye Care & Dental Coverage. They all agreed to leave the coverage as is at this time.

Recommendation from Twp. Env. Comm. – Write Letter of Appreciation to Volunteer at HBP & Leash Free Area

The Township Committee all agreed with the Environmental Commission to send a letter of appreciation to volunteer Michael Flood of Frenchtown who has helped for many years at the Horseshoe Bend Park. He took it upon himself to offer to empty the garbage bag of dog waste each week for several years. The Township Committee appreciate all that Michael Flood has done for the township.

Review Municipal Appointments for 2018

The Township Committee reviewed the list of existing appointments to be renewed for 2018.

PERSONNEL

Vote to Appoint Municipal Clerk

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to appoint Cynthia Keller Municipal Clerk for the Township of Kingwood and to be sworn into office on January 2, 2018.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

OLD BUSINESS

PennEast Pipeline – Sample Road Use Maintenance Agreement, Delaware Twp - Letter & Analysis to FERC, Resolution Requesting Time & Access with the DRBC & Supporting Letter of October 5th from Delaware Riverkeeper Network to DRBC

The Township Committee reviewed the sample ordinances. Mayor Lubitz commented on the importance of a road use agreement. There was a discussion regarding the plan the pipeline has to use the bridge at Horseshoe Bend East. Attorney K. Campbell noted the township needs to contact them and inform them of the issue and to document it. She will review the sample resolutions.

Maureen Synchronick, Stompf Tavern Rd. gave a brief update on the pipeline.

Long Term Future of Email & Website

C.F.O. Diane Laudenbach reviewed the proposal from Aptiris for the labor, Google Domain setup and migrating 25 e-mail accounts. She noted that this will stay the same and just move from one host to the new one. Deputy Mayor Dodds noted this will now provide additional space in the e-mail.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to utilize Aptiris for the township’s new email and website.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

Committeeman Ciacciarelli thanked Deputy Mayor Dodds for the service he provided to the township for many years.

NJDEP Stormwater Management

Mayor Lubitz reviewed a new statute, which has passed. It requires greater oversight of retention basins. He noted there are not that many in the township, but that there are many new requirements for managing them.

EMC, Jack MacConnell noted he has a checklist from the County, which would be a good document to make references, and the list explains what we can do and what they expect.

MINUTES

November 2, 2017 Regular Meeting Minutes

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to approve the November 2, 2017 Regular Meeting Minutes for the Township Committee.

Roll Call Vote:

AYE	- Ciacciarelli, Dodds, Lubitz
NAY	- None
ABSTAIN	- None
ABSENT	- None

November 2, 2017 Executive Session Meeting Minutes

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to approve the November 2, 2017 Executive Session Meeting Minutes for the Township Committee.

Roll Call Vote:

AYE	- Ciacciarelli, Dodds, Lubitz
NAY	- None
ABSTAIN	- None
ABSENT	- None

November 27, 2017 Special Meeting Minutes

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to approve the November 27, 2017 Special Meeting Minutes for the Township Committee.

Roll Call Vote:

AYE	- Ciacciarelli, Dodds, Lubitz
NAY	- None
ABSTAIN	- None
ABSENT	- None

November 27, 2017 Executive Session Meeting Minutes

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to approve the November 27, 2017 Executive Session Meeting Minutes for the Township Committee.

Roll Call Vote:

AYE	- Ciacciarelli, Dodds, Lubitz
NAY	- None
ABSTAIN	- None
ABSENT	- None

Committeeman Ciacciarelli thanked Mayor Lubitz for all his service he has given to Kingwood Township over the past nine years.

Mayor Lubitz stated it has been a great honor and he thanked all the employees for all their help over the years. He thanked all the office staff for all their hard work and assistance. He also expressed what a pleasure it has been working with Richard Dodds and Thomas Ciacciarelli. He also thanked Jack MacConnell again for all his efforts to keep the township safe. Mayor Lubitz feels he is leaving the township in good hands.

EXECUTIVE SESSION – RESOLUTION NO. No. 2017 - 120

The following Resolution was introduced to enter into closed session at approximately 8:50P.M.:

RESOLUTION NO. 2017 - 120

WHEREAS, Section 7 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (R.S.10:4-13) permits the exclusion of the public from a meeting or a portion of a meeting of this public body in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

- a The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - Personnel - Teamsters Local Union
Deputy Clerk, Deputy Registrar Position
 - Possible Zoning Violations – Freedenfeld/Mikes Bl 51 L 46, Terraglia Bl 8, L 19.03
 - Litigation - Affordable Housing Draft Settlement Agreement

The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is as follows:

The minutes of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements or personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 13.

3. This resolution shall take effect immediately.

4. The Township Committee may take additional action upon returning to regular session.

It was moved by Mr. Dodds, seconded by Mr. Ciacciarelli and carried to adopt the foregoing Resolution.

Roll Call Vote:	AYE	- Ciacciarelli, Dodds, Lubitz
	NAY	- None
	ABSTAIN	- None
	ABSENT	- None

RETURN TO REGULAR SESSION

The Township Committee returned to regular session at 9:20P.M.

Affordable Housing Settlement Agreement

Attorney K. Campbell noted the township's order for the Fair Share Housing Settlement Hearing was approved today in court. She noted an order will be forth coming. She explained Planner, David Banisch commented to the Court on behalf of the Township and all their efforts. The Judge commended Kingwood Township on record for the efforts they put into their affordable housing plan over the years. Planner David Banisch will be preparing a draft (HEFSP) Housing Element and Fair Share Plan, which needs to be approved by the Planning Board and reviewed by the Housing Board. The Housing Board will then make recommendations to the Township Committee by February. Attorney K. Campbell noted the township will need to approve a spending plan.

Deputy Clerk, Deputy Registrar Position

Mayor Lubitz noted if there is no response from the applicant who has been offered the position by Friday, December 8th, 2017, then the township will advertise for the position of Deputy Clerk, Deputy Registrar in the local newspapers.

ADJOURNMENT

It was moved by Mr. Ciacciarelli, seconded by Mr. Dodds and carried to adjourn the meeting at 9:25P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia L.Keller
Deputy Clerk, RMC