

MINUTES

7:30 PM

PRESENT: R. Dodds
D. Haywood
P. Lubitz
S. McNicol
L. Riggio
M. Syrnick
L. Voronin, Alt #1
D. Pierce, Attorney

ABSENT: J. Mathieu
J. Strasser
C. Ely, Alt #2

CALL TO ORDER

The meeting was called to order at 7:30 PM by M. Syrnick.

NOTIFICATION

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat and Courier News 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 40, Lots 8 & 8.04 – Minor Subdivision – Tumble Falls Road – Completeness Determination

P. Casuscelli, owner, was present for the application this evening.

T. Decker provided the following memo:

In response to our March 3, 2017 review letter and subsequent March 9, 2017 Planning Board meeting, the applicant has submitted the following documentation.

1. Plan titled "Minor Subdivision, Galleria Homes, LLC, Block 40, Lot 8" as prepared by Stanley M. Norkevich, PLS dated January 30, 2017, revised March 3, 2017.
2. Plan titled "Minor Subdivision, Galleria Homes, LLC, Block 40, Lot 8" as prepared by Stanley M. Norkevich, PLS dated January 30, 2017. (Exhibit of potential buildout)

3. Plans titled “Proposed Grading and SWM Plan” comprised of two (2) sheets as prepared by Mott MacDonald dated March 28, 2017.
4. Report titled “Storm Water Calculations for Galleria Homes, LLC” prepared by Mott MacDonald dated March 2017.
5. Report titled “Stormwater Management Facilities for Galleria Homes, LLC” prepared by Mott MacDonald dated March 2017. Letter of Interpretation issued by NJDEP on December 12, 2011.
6. Email from Kingwood Township Tax Assessor confirming proposed lot number.
7. Copy of Deed Book 839, Page 762 as filed at the Hunterdon county Clerk’s office on February 8, 1979.
8. Plan titled “Pre vs Post 2011 Development Impervious Analysis, Block 40, Lot 8”
9. Copy of electronic AutoCAD file of the Minor Subdivision Plan.

Completeness Review

Our office has reviewed the above submitted documentation for completeness. All items as identified in our March 3, 2017 letter have been satisfactorily addressed. At its March 9, 2017 meeting, the Board granted a waiver for completeness purposes from Administrative Item # 8 requiring submittal of proposed deeds. The application may be **deemed complete** at this time.

Zoning Review

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

**AR-2 District Requirements for Detached Dwellings
(on following page)**

Requirements	Required	Existing Lot 8	Remaining Lot 8 Existing/Proposed	Proposed Lot 8.04 Existing/Proposed
Min. Lot Area	7 acres (2 acre) ⁽¹⁾	14.494 ac	8.813 ac ⁽²⁾	5.681 ac ⁽²⁾
Min. Lot Frontage	250 ft (200 ft) ⁽¹⁾	792.42 ft	580.15 ft	212.27 ft
Min. Lot Width	250 ft (200 ft) ⁽¹⁾	769.87 ft	569.87 ft	200.00 ft
Min. Lot Depth	300 ft (250 ft) ⁽¹⁾	724 ft	723.64 ft ⁽³⁾	724.98 ft ⁽³⁾
Min. Side Yard (each)	40 ft	167.9 ft	167.9 ft	40ft
Min. Front Yard	75 ft	410.7 ft	410.7 ft	75 ft
Min. Rear Yard	60 ft	267.7 ft	267.7 ft	> 60 ft
Max. Building Height	35 ft; 2 ½ stories	<35ft or 2½ stories	<35ft or 2½ stories	<35 ft or 2½ stories
Accessory Building				
Min. Front Yard	100 ft	250 ft	250 ft	N/A
Min. Side Yard	30 ft	341 ft	176.5 ft	N/A
Min. Rear Yard	30 ft	460 ft	460 ft	N/A
Min. Distance between Buildings	20 ft	80 ft	80 ft	N/A
Coverage				
Max. Building Coverage of Principal Bldg.	8%	0.41 % ⁽⁴⁾	0.7%	3.08% / 3.47%
Max. Building Coverage of Accessory Bldgs.	2%	.02%	0.04%	N/A
Max. Aggregate Impervious Lot Coverage	13%	2.72%	4.5%	3.9%

AR-2 District Requirements for Detached Dwellings

Engineering Review

Comments contained in our March 3, 2017 review letter have been addressed as follows. Updates are provided in ***Bold Italics***.

1. Proposed Lot 8.04 complies with the minimum 2 acre lot area in accordance with the Class I Minor Subdivision requirements. ***See comment #6 below.***
2. The ordinance defines “Lot Area” as the area contained within the lot lines of a lot, but not including any portion of the lot in use or to be used as a street or street right-of-way. Areas provided on the plan’s Zoning Schedule should be revised to reflect the lot area excluding the Tumble Falls Road ROW. ***Satisfied***

3. Lot depth dimensions should be corrected to reflect distance from the ROW. *Satisfied*
4. Principal building coverage value provided in the Zoning Schedule for Existing Lot 8 appears to be off by one decimal place. Value provided is 0.041% should be 0.41%. *Satisfied*
5. A review of historic Google Earth imagery and property record search reveals that the home and improvements on existing Lot 8 were constructed in 2011. The zoning table indicates that 2.72 percent of the lot area (14.951 ac) is impervious coverage. This represents approximately 0.41 acres.

Ordinance §115-6.2 Stormwater Management, last amended May 2, 2006 requires stormwater management measures for Major Developments. Per ordinance definition a Major Development is “Any development that provides for ultimately disturbing one or more acres of land or would create 1/4 acre or more of impervious surface.” This is consistent with the NJ Residential Site Improvement Standards (RSIS) and NJDEP stormwater management requirements.

Applicant should address what, if any, stormwater management measures were implemented on existing Lot 8 and provide stormwater management measures on proposed Lot 8.04. Stormwater management is required for both lots.

Applicant has provided calculations demonstrating that the improvements constructed on Lot 8 in 2011 resulted in a 11,300 sf decrease of impervious area. The Proposed Grading and SWM Plan indicates an additional impervious area of 6,691 sf for proposed Lot 8.04. This results in an overall net decrease of 4,609 sf of impervious area. The grading plan also indicates a disturbed area of 31,207 sf (0.72 acres). Therefore the project falls below the threshold requiring stormwater management.

Applicant proposes the construction of a bio-retention basin and drywell to address stormwater management. Based on the above findings, stormwater management is not required and may be removed from the plans.

6. Plans do not currently show any transition areas adjacent to the freshwater wetlands. The NJDEP LOI dated December 12, 2011 identifies the freshwater wetlands as having an Intermediate Resource Value with a corresponding 50 foot transition area. A follow up Transition Area Exemption letter was issued by NJDEP on May 10, 2013 stating transition areas are not required for existing Lots 8, 8.02 and 8.03 as those lots received subdivision approval from the Kingwood Township Planning Board prior to July 1, 1989.

The May 10, 2013 exemption letter states in paragraph 4 that the transition areas “shall no longer be exempt from the requirement of wetlands permit or open water fill permit if significant changes are made to the approved site or subdivision plan.” It further states that “a significant change will be deemed to have been made if the change, while not voiding the approval, would require submittal to or approval of a new or amended application from the local authorities”.

It is our opinion that the current application for the creation of a new lot satisfies the NJDEP’s definition of a significant change and 50 foot transition areas for freshwater wetlands is required. Addition of transition areas will significantly affect the buildable area of proposed Lot 8.04, NJDEP permitting and Conservation Easement limits.

A 50 foot Wetland Transition Area and associated Conservation Easement has been added to the plans in accordance with the NJDEP Letter of Interpretation.

Upon review of the revised Subdivision Plan it appears that the subdivision requires a bulk variance from the Minimum Building Area requirement. Ordinance sections 115-3 and 132-4 define Buildable Area and Building Envelope as:

Buildable Area:

“A contiguous area of land located within the building envelope of a lot which does not contain any constrained areas and which is equal in size to the lesser of one-half of the area of the building envelope or one acre.”

Building Envelope:

“The area of land located within the applicable principal building setback lines of a lot.”

Utilizing the AutoCAD drawing provided and applying the minimum setbacks, we calculate the Building Envelope for Lot 8.02 to be approximately 3 acres.

Per the definition, Buildable Area is required to be the lesser of one-half of the building envelope (approx. 1.5 acre) or one acre. The calculated buildable area is approximately 0.45 acre as bound by the setbacks and wetland transition area. Applicant should confirm calculations.

7. Conservation easement and easement sign details are to be added to the plan. ***Satisfied.***
8. Proposed Lot 8.04 will be subject to Ordinance §153-28 – Three Part Pump Test for a well servicing the property. ***No response required at this time. Test to be performed prior to issuance of a building permit.***
9. Deeds and legal descriptions for the remaining and proposed lot are required. ***Outstanding.***

As updated Comment #5 above indicates, a bulk variance is required from the minimum buildable area requirement. A request for variance relief will require an amendment to the application and the applicant to provide public notice prior to the Board conducting a public hearing on the application. As an alternate, the applicant may want to investigate adjusting the lot configuration to eliminate the variance.

D. Pierce stated T. Decker recommends the application be deemed complete. When T. Decker reviewed the application he determined that the applicant would have to apply for a bulk variance for the minimum buildable area of the lot. The Board can deem the application complete this evening but because the applicant will need a variance, he will have to provide public notice and advertisement. It can be scheduled for the May 11, 2017 meeting. He stated the applicant may want to investigate the lot lines to alleviate the need for a variance. There are no plans from the applicant this evening so the Board cannot act on the application. He can return in May to request a variance or provide revised plans to eliminate the need for a variance.

P. Casucelli stated he would like to apply for the variance for the lot. He believes the integrity of the lots work out better with the current configuration.

The Board discussed with the applicant what would be required to alleviate the need for a variance.

D. Pierce stated he had spoken to T. Decker and he indicated that the applicant can reduce the lot size to two acres and he would then meet the buildable area requirement. The wetlands in the rear are creating the issue.

P. Casuscelli responded the wetlands remain the same if they are on Lot 8 or Lot 8.04. He can extend the lot line about 75' and make it the end of the lot and the lot would be conforming.

S. McNicol stated there is a property on Oak Grove Road in a similar situation. The usable portion of the lot is in the front of the lot and the wetlands are in the back. They have been having an awful time of selling the property. The house has been on the market for the last four or five years. No one is grabbing that lot. It may be to the applicant's advantage to make it a two acre lot. Homes have sold all around it and resold but this one is just sitting.

P. Casuscelli stated the quality of construction has to do with the marketability of a house.

R. Dodds inquired if a bulk variance would require future owners to come in for a variance.

D. Pierce stated the variance will not affect future use. The variance is because the configuration of the lot is violating one of the setback requirements. The variance relates to the creation of the building lot.

P. Lubitz inquired why approve a lot that requires a variance. It is very easy to create a lot that does not require a variance. The Township has a preference for certain types of lots and this application has the ability to meet the Township's preferences. Why should the Township step away from its preferences?

D. Pierce stated the criteria for the granting of the variance is that some unique item makes it impractical to develop it or a hardship for the applicant. It is not creating a hardship because the applicant can create a conforming lot.

P. Lubitz stated the applicant is creating the hardship.

M. Syrnick inquired if the applicant decides to adjust the lot lines, is the application complete this evening.

D. Pierce responded it could be determined complete if the applicant is going to submit revised drawings ten days before the hearing date.

It was moved by P. Lubitz, seconded by L. Riggio and carried to deem the application complete and schedule the public hearing for May 11, 2017. All members present voted **AYE** on **ROLL CALL VOTE**.

Approval of Minutes

It was moved by R. Dodds, seconded by S. McNicol and carried to approve the minutes of March 9, 2017 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except P. Lubitz, L. Riggio, M. Syrnick and L. Voronin, who **ABSTAINED**.

CORRESPONDENCE

NJ Planner – January/February 2017;

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by R. Dodds, seconded by P. Lubitz and carried to adjourn the meeting at 7:43 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschach, Secretary