

**MINUTES**

**7:30 PM**

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

**CALL TO ORDER**

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

**NOTIFICATION**

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

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat and Courier News on January 19, 2017, and has been posted in the Kingwood Township Municipal Building on January 13, 2017 and has been filed with the Municipal Clerk.

**NEW AND PENDING MATTERS**

Block 21, Lots 1.01, 1.02 & 1.03 – State Route 12 – Informal Discussion

J. Ingram, applicant, and J. Murphy, attorney, were present for the discussion this evening.

J. Ingram stated he was a partner in Evergreen Environmental. Evergreen Environmental is in the business of restoring wetlands and stream mitigation. Evergreen Environmental is also involved in mitigation banking. The subject property is 44 acres. It borders Route 12 and both sides of Whiskey Lane. It is adjacent to woodland and farmland. Evergreen Environmental is proposing to develop the property as a mitigation bank. The mitigation bank proposal is for 30 acres of the property. Evergreen Environmental already preserved 13 acres as mitigation to offset some of the impacts created by the rebuilding of Scudder Falls Bridge. The proposal to the DEP is to develop the 30 acres into a mitigation bank. He reviewed the plat provided to the Board on the overhead and their plans for the property. They will be planting 600 plants per acre. The success criteria of the DEP is 370 live plants per acre. The plants sizes will vary from 18” to 4’. In order to control the

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invasive species, they have applied a pre-emergent and post-emergent on the fields by a licensed applicator. They need to have a permit specifically for this site from the DEP to apply any type of herbicide. The DEP requires that the property can only have 10% invasive species. If it is over 10% the project would be a failure. The fence they are proposing is an 8' deer exclusion fence. The fencing has smaller openings on the bottom so that all creatures other than deer can get through it. There will no longer be hunting permitted within the fenced area. He is attempting to obtain a fence with 6"x6" openings from top to bottom. With the property being fenced they will not have to use the 5' tubes. One of the greatest advantages of fencing the site is that they can plant a diversity of plants. He stated the fence will not be going all the way up to Route 12. It will be at least 200' away from Route 12. They are not planting the two fields along Route 12. The two fields along Route 12 will evolve as forest. They will control the invasive species as long as they own the property. They may manage the property for five to seven years. The farmer currently planting the fields may be obligated to plant and harvest a certain type of crop. He is meeting with the DEP to review their proposal. Once they are done with their project, they will transfer title to a non-profit with an endowment to maintain the property. They are currently writing their conservation easements and will be discussing them with the DEP. The easements will include some language that future land stewards will have to cut the upper fields. Preservation credits are eight times the amount disrupted. The DEP has already accepted the preserved 13 acres for the Scudder Falls Bridge. The DEP will release the credits to them and they will sell them in the future. They selected this property because they were looking for one for the Scudder Falls Bridge project. They are very familiar with what properties are appropriate for their mitigation programs. The trees are not allowed to be harvested in the future and it is not an agriculture use. The project is considered wetlands mitigation. He has done a fair amount of work in Virginia. In Virginia you can harvest the trees if you have an approved forestry management plan. Each state has its own requirements. NJ has determined that there will be no tree harvesting in this area. They are required to maintain the property for five years after it starts. It usually goes for six or seven years. At that point the monitoring ends and the property enters into a long term management phase with the property being transferred to a governmental or non-governmental agency. The credits should be exhausted within five years. The wetlands will not go away as long as you get the density of trees correct. In seven years, the trees should be 7' to 15' tall and will be off and running. Wetland uplands are always in a constant evolving state. The property may get wetter or dryer. He is not obligated to maintain the property in a certain fixed state in perpetuity. In regard to the fencing, most townships have permitted them to leave the fences up and allow them or the stewards to make the decision to either remove or leave the fence. It is the township's decision. The fence is triple galvanized horse fence. The posts are not put in concrete. It is the township's decision if they want pressure treated or cedar fence posts. The posts are 12' in length. The conservation easement is in place before they plant one tree. The DEP will not release the credits without it in place.

D. Pierce stated the township does not have a fence ordinance per se but the issue here is that this property is in the BP and EGVO zones and is not a residential property. It is not being developed as a single family use and it is not an agricultural use. It would not qualify for an exemption of site plan approval. The fence, under the ordinance is considered a structure. Any time a structure is placed on a non-residential property, a site plan is required. The Board has the ability to waive as many of the site plan requirements it deems appropriate. If this property was located in the AR-2 zone, no approvals would be required.

J. Ingram stated no two townships approve the fence in the same way. He is working on a project in East Amwell and they indicated the fence had to be a certain distance from back from the road and that portion had to be maintained. In Alexandria Township they mailed him a permit. In Wantage Township he had to appear before the Planning Board.

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C. Ely stated he has worked with farms throughout the years that installed exclusion fencing and has seen where it created issues with the neighbors with the animals because they don't have the area they usually go to. Also, some farmers have issues with the chemicals used to control the invasive species. The products used had drifted for several miles.

J. Ingram responded they will not be applying the herbicides willy-nilly but will be doing targeted applications.

S. McNicol stated in a previous application on a neighboring property it was discussed that the wood turtle was native in that particular area. Would it be possible to install the fence a little above grade?

J. Ingram responded that they did not find any wood turtles but would be willing to install the fence 3" off the ground. Any higher and it would allow other things to get in the field. He stated they did not choose Hackberry plant because it will only grow to about 12".

D. Pierce stated his suggestion to the Board is that they have a discussion if they would like any additional information that hasn't already been provided before considering the application. Is the basic information provided this evening sufficient to make a decision?

R. Dodds stated he would like to see the hours of operation and long term plan on the plat.

L. Voronin suggested the application go before the Environmental Commission for some input of what would be good in this area.

J. Ingram stated he would be happy to add more and different species. He stated he would be willing to attend an Environmental Commission meeting. He stated that he will be on vacation for the next two weeks but if it is after that he would be willing to attend. He stated he would like to fence the property this fall and plant the trees and shrubs late next winter or early spring.

R. Dodds requested the Environmental Commission respond to the applicant and provide their input for the next Planning Board meeting.

J. Ingram indicated that he would be open to an email, conference call or attend the meeting. He indicated that this site is not spoken for yet.

D. Pierce suggested to the Board in light of the time line, the normal operating process would be for the applicant to submit an application, have a determination of completeness the next month and have a public hearing the following month. Because the Board had a comprehensive discussion this evening and a formal application has not been filed, the Board can convert the informal application into a formal application and deem it conditionally complete. The conditions would be that the applicant file a formal application, pay the applicable fees, submit revised plans and provide a project timeline within ten days of the August meeting. The resolution would be presented to the Board for approval at the September meeting.

It was moved by J. Mathieu, seconded by R. Dodds and carried to deem the application conditionally complete conditioned on the filing of a formal application with the submission of the appropriate fees and revised plans and waive any other site plan submission requirements that are not evidenced or required. All members present voted **AYE** on **ROLL CALL VOTE**.

**Resolution No. 2017-03 Block 32, Lots 10 & 11.02 – Tumble Partnership – Tumble Idell Road – Minor Subdivision**

It was moved by J. Mathieu, seconded by R. Dodds and carried to adopt **Resolution No. 2017-03 Block 32, Lots 10 & 11.02 – Tumble Partnership – Tumble Idell Road – Minor Subdivision**. All members present voted **AYE** on **ROLL CALL VOTE**, except S. McNicol, who **ABSTAINED**.

**Resolution No. 2017-04 - Block 37, Lot 18 – Filler/Clover Rod and Gun Club – 100 Byram Kingwood Road – Boundary Line Adjustment**

It was moved by P. Lubitz, seconded by J. Mathieu and carried to adopt **Resolution No. 2017-04 - Block 37, Lot 18 – Filler/Clover Rod and Gun Club – 100 Byram Kingwood Road – Boundary Line Adjustment**, except D. Haywood and S. McNicol, who **ABSTAINED**.

**Soil Importation – Sample Ordinances**

After some discussion it was decided a subcommittee should be established. M. Synchron, L. Voronin and S. McNicol volunteered to serve on the subcommittee. The Board discussed that the results of the subcommittee's review should be presented to the Board for the October meeting.

**Green Infrastructure – EC Commission**

The matter was tabled to the August meeting.

**Approval of Minutes**

It was moved by R. Dodds, seconded by L. Riggio and carried to approve the minutes of June 8, 2017 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except S. McNicol and L. Voronin, who **ABSTAINED**.

**APPLICATION STATUS**

**CORRESPONDENCE**

The Board reviewed the following correspondence:

Environmental Technology, Inc. – Block 40, Lot 21 – Byram Kingwood Road – Wetlands Permit;  
J. Tareila Environmental Consulting – Block 33, Lot 14.06 – Barbertown Idell Road – Transition Area Averaging Plan Application;

M. Synchron stated she had received notice that there would be a public hearing in Delaware Township for the Stone Rows Farm. A corner of the property is in Kingwood, which is not affected. They are going for a variance to hold events at the farm.

**PRIVILEGE OF THE FLOOR**

**ADJOURNMENT**

It was moved by P. Lubitz, seconded by R. Dodds and carried to adjourn the meeting at 8:42 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschach**