

MINUTES

7:30 PM

PRESENT: R. Dodds
D. Haywood
P. Lubitz
J. Mathieu
J. Strasser
M. Synchronick
L. Voronin, Alt #1

ABSENT: S. McNicol
L. Riggio
C. Ely, Alt #2

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 – EREH, LLC State Route 12 – Preliminary and Final Site Plan -Public Hearing

D. Pierce stated he has reviewed the notice of publication and service and the applicant has satisfied the notice requirements. The Board can exercise jurisdiction on the matter and can open the hearing.

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

J. Murphy stated the application before the Board is for preliminary and final site plan approval for Block 21, Lots 1.01, 1.02 and 1.03, which is located along Route 12 and Whiskey Lane in the BP Zone. The essence of the application is for approval for the installation of a deer exclusion fencing to be installed to protect plantings.

D. Pierce swore in J. Ingram.

J. Ingram thanked the Board for meeting with them tonight. Since he appeared at the last meeting, he has had a meeting with the DEP Land Use Department. He had thought that the fence would have to be kept outside of

the flood plain but the DEP permits the fence to be in the flood plain. The fence in the flood plain would have a gate. The area he is referencing is 1C. At the last meeting discussion was had to see if the fence could be installed 3” off the ground. He is agreeable to installing it 3” off the ground. Also, a discussion was had to remove the green ash from the planting plan and suggested Hackberry be included. When the project is completed, he will transfer ownership of the property to someone, possibly the DR Conservancy, State of New Jersey, Hunterdon County or Kingwood Township. He inquired if the Township might have some interest in this property in the future.

R. Dodds stated if the Township would have an interest in the property prior to the approval, it would be a conflict of interest.

D. Pierce stated that discussion should be held until after any decision is made on the application.

J. Ingram inquired if anyone were interested in the property does the Board feel that they would want to have an area excluded from the easement for future parking.

R. Dodds responded if the property does become open to the public, in the future, having off street parking would be desirable.

D. Pierce stated the issue for the Board is if on-site parking is compatible with the potential use of the property.

R. Dodds stated that while the contractors are working on the project, they would need some off street parking. J. Ingram indicated on the overhead the farm entrance and where the contractors would be parking. He stated the fence will not be going up to Route 12.

J. Murphy stated there is a recorded common driveway easement in place.

J. Ingram stated the plan indicates the actual footprint that has already been dedicated.

D. Pierce stated the parking area would be excluded out of the conservation easement. It is not something the Board has to address. It is an easement area that already exists and if someone, in the future, wants to come in and improve it, they would be able to since it was excluded from the easement.

R. Dodds stated he would prefer the excluded area to be a little larger to allow for future parking.

J. Ingram stated the original plan was to develop the lot commercially and have a shared entrance.

M. Syrnick stated once the property is used as a mitigation bank, the proposed excluded area would not be available.

D. Pierce stated it is equivalent to an exception area on a preserved property. Possibly an education organization might want to install a kiosk.

J. Ingram stated he would like to make it large enough for a bus. In New Jersey the DEP is the grantee for the conservation easement. Even if the lot is donated to another organization they will always been the taskmaster. He stated in the upper zone there will be some limited plantings. They will be planting 8-10 trees for acre but larger ones.

M. Syrnick called for comments from the public. No response was heard.

M. Syrnick closed the public hearing.

It was moved by J. Strasser, seconded by P. Lubitz and carried to approve the above application with the following conditions:

1. The Applicant shall close the existing farm drive after completing the installation of the deer exclusion fencing.
2. The Applicant shall remove Green Ash from the Planting Schedule and replace it with Hackberry and other native species.
3. The deer exclusion fencing shall be installed with a clearance of approximately three inches off the ground surface.
4. The Applicant shall consult with the Board engineer and determine the dimensions of an appropriate area adjacent to the existing common driveway easement for Lots 1.02 and 1.03 to be excluded from the Conservation Easement so as to provide parking and turnaround area for busses.
5. The Applicant shall submit a Plat revised to:
 - a. Include a note requiring closure of the existing farm drive after installation of the deer exclusion fencing is completed;
 - b. Delete Green Ash from the planting schedule and replace it with Hackberry and other native species;
 - c. Include a note requiring installation of the deer exclusion fencing to have a clearance of approximately three inches off the ground surface;
 - d. Include the designation of a bus parking and turnaround area adjacent to the common driveway easement between Lots 1.02 and 1.03;
 - e. Show the relocation of the fence to include planting area "1C;"
6. The Applicant shall submit one copy of an "as-built" site plan in electronic form and via hard copy after satisfaction of conditions 1 through 5.
7. This approval is subject to receipt and submission to the Board of approval for the project from the New Jersey Department of Environmental Protection.
8. The Township of Kingwood is dedicated to providing affordable housing and has established an affordable housing program with supporting land use ordinances and a housing trust fund based on the Fair Housing Act of 1998.

In the event that the applicable ordinance requires Applicant to pay a development fee to the Kingwood Township Affordable Housing Trust Fund, then Applicant shall pay fifty percent (50%) of the estimated developer's fee, if any, to the Kingwood Township prior to the issuance of building permits based on the Tax Assessor's estimated assessed value and his determination of the appropriate developer's fee. Building plans and as-built building plans for each development subject to payment of the developer's fee must be provided to the Tax Assessor and the remaining portion of the developer's fee shall be paid at the time of issuance of a Certificate of Occupancy for the new development. This paragraph does not constitute any determination by the Board as to whether the applicant is required to pay a developer's fee.
9. Neither the Board nor its employees or professionals will perform any service in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant shall be under a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid. This memorializing resolution shall not be

- released to the applicant unless all outstanding escrow fees have been paid and the applicant's escrow account contains sufficient funds to cover anticipated unbilled expenses.
10. Approval of this application by the Planning Board shall not and is not to be considered as an approval of any other requirements or approvals of permits as may be necessary to allow construction.
 11. The within approval, and the use of all property subject to the within approval, are conditioned upon and made subject to any and all laws, ordinances, requirements, and/or regulations of and/or by any and all Municipal, County, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of all property subject to the within approval are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or the use of the property. In the event of any inconsistency(ies) between the terms and/or condition of the within approval and any approvals(s) required by the above, the terms and conditions of the within approval shall prevail unless and until changed by the Board upon property application.
 12. The Kingwood Township Planning Board reserves the right to revoke and withdraw any approval hereby granted in the event that there is any deviation from or alterations of the plan hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Planning Board. Minor deviations and field changes may be authorized in writing by the Township Engineer.
 13. All improvements shall conform to building standards and other regulations as set forth in Federal, State, County and Municipal Statutes, Regulations, Codes and Ordinances, at the time of installation of the said improvement.
 14. The acceptance by the applicant of this approval and reliance thereon by the applicant for the purpose of commencement of construction of improvements within the project in accordance with the approval, shall operate as an acknowledgment and agreement by the applicant, its successors and assigns, that it accepts the official action herewith memorialized as being subject to the terms and conditions as contained herein, and agrees to fully comply and be bound thereby.

All members present voted **AYE** on **ROLL CALL VOTE**.

Green Infrastructure – EC Commission

L. Voronin will be gathering more information on the subject. There is a brochure from the DEP. One of the suggestions is to plant flowers in the swales in parking lots.

P. Lubitz suggested the EC obtain some feedback from the Township's park directors who have had some experience with swales and plantings.

APPROVAL OF MINUTES

It was moved by J. Mathieu, seconded by R. Dodds and carried to approve the minutes of July 13, 2017 and place on file. All member present voted **AYE** on **ROLL CALL VOTE**.

APPLICATION STATUS

CORRESPONDENCE

The Board reviewed the correspondence on listed on the agenda.

The New Jersey Planner - May-June 2017;
Environmental Commission Comments to DEP – Re: NJ Water Supply Plan Draft;

M. Syrnick thanked the Environmental Commission for their letter to the DEP regarding the New Jersey Water Supply Plan Draft. R. Dodds and P. Lubitz also commented that it was very well done.

PRIVILEGE OF THE FLOOR

J. Strasser inquired if Sustainable Aquaculture received approval from Franklin Township. D. Pierce stated the application was approved by a vote of 5-2. Sustainable Aquaculture proposed that if a well was rendered unusable and they were unable to rehabilitate it they would purchase the property, which in essence gives them eminent domain.

ADJOURNMENT

It was moved by J. Mathieu, seconded by R. Dodds and carried to adjourn the meeting at 7:57 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary