

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT**

**MINUTES
March 14, 2018
7:30 PM**

CALL TO ORDER

The meeting was called to order by P. Lubitz at 7:31

PRESENT:

P. Lubitz
D. Hewitt
C. Ostergaard
M.L. Haring
J. Laudenbach
D. Pierce, Attorney
T. Decker, Engineer
D. Banisch, Planner

ABSENT:

O. Hooley
J. Mathieu

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.

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon County Democrat on February 22, 2018 and Courier News on February 19, 2018 also by telefaxing copies of the notice to the Express Times on February 26, 2018. Copies of the notice were also posted in the Kingwood Township Municipal Building on February 16, 2018. The Board of Adjustment proceedings close at 10:30 pm.

New Business:

P. Lubitz confirmed a quorum.

P. Lubitz announced the new business of Memorializing Resolution 2018-01 for Locktown Veterinary Services and asked the board for any discussion.

No comments noted.

P. Lubitz then asked for a motion for approval.

It was moved by J. Laudenbach, seconded by D. Hewitt and carried to approve the Locktown Veterinary Services Memorializing Resolution 2018-01. **On roll call to vote**

Abstain: C. Ostergaard

Absent: O. Hooley, J. Mathieu

Aye: D. Hewitt, J. Laudenbach, M.L. Haring, P. Lubitz

P. Lubitz announce the Locktown Veterinary Services site plan completeness review.

T. Decker reviewed the follow letter:

March 7, 2018

Kingwood Township Board of Adjustment Via Email:
kboxwell@kingwoodtownship.com
Township of Kingwood
PO Box 199
Baptistown, NJ 08803

Reference: Completeness & Engineering Review
 Site Plan Application
 Blue Mountain Partners, LLC
 Block 17, Lots 9.01
 Kingwood Township, Hunterdon County, New Jersey
 VCEA # 6598.031

Dear Board Members:

Our office recently received documentation in support of a Site Plan application for Block 17, Lot 9.01. As the Board recalls, Locktown Veterinary Services received a use variance for a proposed veterinary clinic as memorialized in Resolution 2018-01. Variance approval was conditioned upon approval of Final Site Plan approval no later than August 8, 2018. The property owner, Blue Mountain Partners, LLC, has submitted site plan application to address the condition of approval. Documents received include:

1. Cover letter from Erica Edwards, Esq Law Offices, LLC dated February 21, 2018.
2. Township of Kingwood Site Plan Application form.

3. Plans titled "Site Plan for Locktown Veterinary Services." consisting of four (4) sheets as prepared by Land Solutions Engineering, LLC, dated February 14, 2018.
4. Plan titled "Location & Partial Topographic Survey for Blue Mountain Partners, LLC" prepared by Patrick H. Fatton Surveying, LLC dated January 14, 2018.
5. Report titled "Hydrologic Study for Hunterdon Mercury Communications" prepared by Grant Associates dated April 23, 1988, last revised September 2, 1988.
6. Report titled "Impervious Coverage Summary" prepared by Land Solutions Engineering, LLC, undated.
7. Taxpayer Identification Number and Certification dated October 24, 2017.
8. Kingwood Township Checklist for Variance Applications dated February 21, 2018
9. Escrow Agreement
10. Certifications as to Owners of 10% or Greater Interest in the Subject property dated October 24, 2017.

Completeness Review

Our office has reviewed the above submitted documentation for completeness in accordance with the current Kingwood Township Site Plan Checklist. Based on our review of the packet we find the following checklist items as outstanding. All other items have either been provided or are not applicable to the proposed application.

A. Administrative

- | | |
|---------|---|
| Item 1 | Copies of completed checklist. <i>Applicant submitted the Checklist for Variance Applications rather than Site Plan Checklist.</i> |
| Item 4 | One (1) copy of site plan in electronic format in accordance with §132-110G. <i>Board Secretary should confirm receipt of electronic files.</i> |
| Item 11 | Certification from the Tax Collector that all taxes and assessments on the entire tract have been paid to date. <i>Board Secretary should confirm receipt of Tax Collector certification.</i> |
| Item 13 | Proof of submission of application and fee to New Jersey Department of Environmental Protection for Freshwater Wetlands Letter of Interpretation or Presence/Absence determination. <i>A waiver is recommended as site improvements are minimum.</i> |

Item 14 Certification as to D & R Canal Review Zone or that property is exempt. *According to the NJDEP GeoWeb database, the site is located in the DRCC Review Zone B. **A waiver for completeness purposes is recommended.** Applicant may need to obtain a non-applicability determination as a condition of any approval granted by the Board.*

B. Plan Requirements

Item 16 Contours and topography covering the property and surrounding area within 10 feet, maximum contour interval of 2 feet. **A waiver is recommended.** *Adequate contours and topography are provided in the area of the project limits.*

Item 17 Existing & proposed drainage facilities on tract and within 200'. **A waiver is recommended.** *Adequate information is provided in the area of the project limits.*

Item 19 Depiction of freshwater wetlands within 150 feet of the property. *NJDEP GeoWeb database indicate extensive wetlands on the site. **A waiver for completeness purposes is recommended.** Applicant shall provide testimony at the public hearing regarding wetlands or buffers in the vicinity of the proposed improvements.*

Item 20 Documentation of feasibility of an adequate method of sewage disposal & reserve site. **Condition #2 of the variance approval requires confirmation from the Hunterdon County Health Department that the existing septic system is adequate for the proposed veterinary hospital. Proof of submission to the Hunterdon County Health Department shall be provided.**

Item 41 Location of natural features to be preserved, including conservation easements. **Since the original site plan's approval, the Township has adopted Ordinance §132-111.1 requiring the creation and recordation of conservation easements for environmentally sensitive areas including freshwater wetlands, wetlands buffers, riparian buffers and Category One streams. The Muddy Run, a Category One Stream transverses the site as do freshwater wetlands. The Board should determine the applicability of the Ordinance §132-111.1 to the proposed application.**

Item 47 Depiction of Category One streams and tributaries within 300 feet of the property. **The Muddy Run, a Category One Stream traverses the site. A "small stream" is shown on the submitted survey plan. Riparian buffers associated with the stream shall be added to the plans.**

Completeness Determination

We recommend that waivers be granted where noted above. The applicant should either provide the deficient items or request relief to Board's satisfaction. Absent the granting of waivers for the deficient checklist items, we recommend the application be deemed incomplete at this time.

Proposed Improvements

As previously determined, the existing site improvements were identified as being inconsistent with the original site plan approval granted in 1989. Applicant proposes to remedy by performing the following:

- Remove 720 sf of pavement at the loading area and replace with topsoil and grass.
- Remove approximately 60 feet of curbing and install 12 feet of curbing at the end of the loading area.
- Remove the existing deteriorated trash enclosure and construct a new 10' x 10' enclosure on a concrete pad with a depressed curb at the end of the parking lot.
- Replace existing railings with ADA compliant railings
- Repairs to the existing parking lot to the satisfaction of the Township Engineer.
- Restripe the parking lot.
- Repairs to the existing stormwater inlets to the satisfaction of the Township Engineer.
- Detention basin to be cleaned to the satisfaction of the Township Engineer.
- Outlet Structure to be repaired to the satisfaction of the Township Engineer.
- Installation of fifteen (15) Douglas Fir trees around the existing detention basin.
- Install a new 15 sf sign face on the existing sign.

General Comments

1. Overall the repairs and modifications proposed will bring the site into general conformance with the original site plan approval and address areas of disrepair.
2. The removal of 720 sf of impervious surface satisfactorily brings the site back into compliance with the previously proposed lot coverage and original design parameters of the stormwater management basin.

3. Applicant shall provide certification by a licensed professional engineer that the as-built stormwater management basin volume and control structures are in compliance with the original design.
4. Since the time of the original application NJDEP has adopted new regulations requiring municipalities to maintain records on stormwater management facility design and annual maintenance. Applicant is to provide the following:
 - a. A site specific Stormwater Management Maintenance Manual in accordance with the NJDEP Best Management Practices (BMP) Manual including annual maintenance reporting forms.
 - b. Complete the attached "Attachment D – Major Development Stormwater Summary" form.
5. Memorializing Resolution 2018-01 granted a variance for the required number of parking spaces. 24 spaces are required where 20 were provided. The submitted survey plans indicate that there are actually 21 available parking spaces including one ADA space. A striping detail shall be added to the plans for a van accessible ADA parking space.
6. As required in Condition #2 of the Resolution 2018-01, confirmation from the Hunterdon County Health Department that the existing septic system is adequate for the proposed veterinary hospital shall be provided.
7. A cost estimate of the proposed site improvements shall be provided for determination of inspection escrow.

This concludes our review of the application at this time. Please contact our office with any questions.

Sincerely,



Thomas R. Decker, PE, PP, CME
Kingwood Township Engineer

P. Lubitz asked the board for any questions or concerns.

No comments noted.

It was moved by D. Hewitt, and seconded by M.L. Haring and carried to approve granting waivers for item numbers 13, 16 & 17 as recommended by T. Decker.

Abstain: C. Ostergarrd

Absent: O. Hooley, J. Mathieu

Aye: D. Hewitt, J. Laudenbach, M.L. Haring, P. Lubitz

D. Pierce then advised the board to make a second motion granting waivers for completeness purposes.

It was moved by M.L. Haring, second D. Hewitt and carried to approve granting waivers for completeness purpose items 19 & 41.

Abstain: C. Ostergarrd

Absent: O. Hooley, J. Mathieu

Aye: D. Hewitt, J. Laudenbach, M.L. Haring, P. Lubitz

D. Pierce announced the hearing would be set for April 11, 2018.

P. Lubitz called for additions or corrections to the November 8, 2017 meeting minutes.

M.L. Haring noted that the wording “additions or correction” should be used when calling for approval of meeting minutes.

It was moved by D. Hewitt, seconded by M.L. Haring and carried to approve the November 8, 2017 Meeting Minutes with the correction noted by M.L. Haring. On roll call to vote

Abstain: P. Lubitz

Absent: O. Hooley, J. Mathieu

Aye: D. Hewitt, J. Laudenbach, M.L. Haring, C. Ostergaard

P. Lubitz called for additions or corrections to the December 13, 2017 meeting minutes.

D. Hewitt noted a correction on page #3 “symmetric”

C. Ostergaard question the number of the address on page #6, 119 was confirmed.

It was moved by D. Hewitt, seconded by J. Laudenbach and carried to approve the December 13, 2017 Meeting Minutes. On roll call to vote

Abstain: P. Lubitz

Absent: O. Hooley, J. Mathieu

Aye: D. Hewitt, J. Laudenbach, M.L. Haring, C. Ostergaard

P. Lubitz suggested the January 10, 2018 meeting minute approval be deferred to the April meeting. **All in favor voted AYE.**

P. Lubitz announced Resolution No. 2018-02 and asked for comments.

M.L. Haring noted the change of meeting date listed.

It was moved by D. Hewitt, seconded M.L. Haring and carried to approve Resolution No. 2018-02-Report on variance applications for 2017. **On roll call to vote.**

Abstain: P. Lubitz

Absent: O. Hooley, J. Mathieu

Aye: D. Hewitt, J. Laudenbach, M.L. Haring, C. Ostergaard

P. Lubitz discussed the need to communicate Planning Board matters with the Board of Adjustment on a regular basis since they have common similarities.

D. Pierce gave an overview of the recently passed shed ordinance.

P. Lubitz announced the Stormwater Management Plan educational video and asked T. Decker to explain.

T. Decker gave an overview and explained the categories, point system and the importance of all board members to participate.

The Board discussed the Township settlement regarding COAH.

The Board discussed Delaware River Tubing possibly coming before the Board in the near future.

The new Zoning officer, Greg Bonin was announced.

D. Hewitt announced upcoming Park and Recreation events.

OPEN TO THE PUBLIC:

None present

ADJOURNMENT:

The meeting was adjourned with a motion by D. Hewitt, seconded and carried by J. Laudenbach. **All in favor.** The meeting was adjourned at 8:18.

Respectfully submitted,

Kris Boxwell, Secretary