

**KINGWOOD TOWNSHIP  
BOARD OF ADJUSTMENT**

**MINUTES  
May 9, 2018  
7:30 PM**

**CALL TO ORDER**

The meeting was called to order at 7:32

**PRESENT:**

P. Lubitz  
O. Hooley  
M.L. Haring  
J. Laudenbach  
D. Hewitt  
J. Mathieu  
C. Ostergaard

**ABSENT:**

D. Pierce, Attorney  
T. Decker, Engineer

**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 announced the continuation of Blue Mountain Partners LLC Hearing, Block 17, Lot 9.01 and asked for a motion to re-open the public hearing.

It was moved by O. Hooley and seconded by J. Laudenback and carried to approve the re-opening of the public hearing for Blue Mountain Partners LLC. **All in favor vote AYE.**

Attorney Erica Edwards announced the applicants return and gave an overview of the information previously presented to the Board. The expense and associated delay of going forward with a delineation was not reasonable and proposed recording a deed notice that stated now and any future development or use of the property would be confined to the area that is currently developed. Effectively the boundary of the existing development becomes the delineation providing the Township with recorded constraints. Maintenance of the towers area is still necessary.

M.L. Haring asked what maintenance is required.

Mr. Mecca was reminded by D. Pierce that he is still under oath and responded that on occasion an engineer may need to access that tower. The area is brush hogged for access.

P. Lubitz asked for confirmation of the 12-foot easement.

D. Pierce confirmed the easement.

P. Lubitz asked for confirmation on other access easement, building and basin would be in a conservation easement.

D. Pierce explained that the ordinance permits a deed restriction notice as an alternate to a conservation easement but it has never been done.

P. Lubitz noted that the township has an ordinance that requires all final approved plan submitted electronically also showing conservation easements allowing restriction to be found quickly in the future.

D. Pierce responded yes, because a condition would be set to add a note to the plan.

T. Decker stated that the deed notice would note the plans.

P. Lubitz asked the Board for comments.

All members of the Board were in agreement that this option.

P. Lubitz asked Attorney Edwards to continue.

Attorney Erica Edwards called Mr. Hajjar to review item #47 from T. Decker's review letter. D. Pierce reminded Mr. Hajjar that he is still under oath. Item #47 was read aloud.

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.***

T. Decker pointed out the location of the stream and buffers to the Board and confirmed this was addressed. The following comments from the March 7<sup>th</sup> review letter were read aloud.

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.

P. Lubitz asked for a review of conditions.

D. Pierce suggested that any additional questions be addressed and then open the discussion to the public.

Attorney Erica Edwards had no further comments.

P. Lubitz followed the above suggestion and asked for comments from the members of the public.

No comments noted.

P. Lubitz called for motion to close the public hearing.

It was moved by J. Mathieu and seconded by D. Hewitt and carried to approve closing the public hearing. **All in favor voted AYE.**

D. Pierce reviewed the conditions as listed below:

1. Satisfaction of the items set forth under the heading “Proposed Improvements” on page 4 of Tom Decker’s letter dated March 7, 2018.
2. Removal of 720 square feet of impervious coverage as proposed on the Plat.
3. Submission to, and receipt of approval from, the Township Engineer of a Maintenance Manual for stormwater management.
4. Submission of a Plat revised to:
  - a. Designate 21 parking spaces;
  - b. Include a striping detail for one ADA compliant, van accessible parking space;
  - c. Include a note referring to the deed restriction to be recorded.
5. Recordation of a deed restriction, approved by the Board professionals, prohibiting any development of the Property beyond those areas of improvements identified on the Plat depicting the extent of development permitted under this site plan approval.
6. Receipt of confirmation from the Township Engineer that the stormwater management basin has been modified in accordance with the recommendations of the Stormwater Management Report.
7. The Applicant shall submit one copy of all revised plans in electronic form.
8. The antennae, as well as all cables, fasteners and related accessories and equipment shall be removed with all foundations to a level below grade that is acceptable to the Township Engineer within 90 days of the cessation of use of the radio facility and the area shall be restored to its pre-construction state.

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 Board of Adjustment 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 Board of Adjustment 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 Board of Adjustment. 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 application, 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 with and be bound thereby.

It was moved by M.L. Haring and seconded by D. Hewitt and carried to approve the Blue Mountain Partners application with the conditions listed above. **On roll call vote.**

**Abstain:**

**Absent:**

**Aye: J. Mathieu, D. Hewitt, J. Laudenschach, M.L. Haring, O. Hooley, C. Ostergaard, P. Lubitz**

P. Lubitz review the planning board agenda and reminded the board to file the financial disclosure forms. The storm water management link was discussed.

D. Hewitt announced the annual senior picnic details.

P. Lubitz asked for any other comments.

**ADJOURNMENT:**

The meeting was adjourned with a motion by M.L. Haring, seconded and carried by J. Laudenbach. **All in favor.** The meeting was adjourned at 8:08.

**Respectfully submitted,**

**Kris Boxwell, Secretary**