

**MINUTES**

**7:30 PM**

**PRESENT:** R. Dodds  
C. Ely  
L. Frank  
D. Haywood  
J. Mathieu  
S. McNicol  
L. Riggio  
J. Strasser  
M. Synchronick  
L. Voronin, Alt #1  
T. Decker, Engineer  
D. Pierce, Attorney

**ABSENT:**

**CALL TO ORDER**

The meeting was called to order by L. Riggio 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 25, 2018, and has been posted in the Kingwood Township Municipal Building on January 22, 2018 and has been filed with the Municipal Clerk.

**NEW AND PENDING MATTERS**

**Block 12, Lot 33 – Delia – Route 519 – Minor Subdivision – Determination of Completeness**

T. Decker provided the following memo on the application to the Board:

Our office recently received documentation in support of a Minor Subdivision application for Block 12, Lot 33. The applicant proposes to subdivide the 48.412 acre property into two lots of 5.169 acres and 43.243 acres. The property is located in the AR-2 Agricultural and Single Family Residential Zone. Documentation provided consisted of the following:

1. Township of Kingwood Checklist for Subdivision dated January 26, 2018.

2. Plans titled "Minor Subdivision of Land for the Estate of Samuel M. Delia, Sr." as prepared by Newton Land Surveyor, dated October 2017.
3. Various deeds as recorded in the Hunterdon County Clerk's office.
4. Proposed deeds for Block 12, Lots 33 and 33.03
5. Cover letter dated January 23, 2018 and application to the Delaware and Raritan Canal Commission.
6. Cover letter dated January 23, 2018 and application to the Hunterdon County Planning Board.
7. Cover letter dated January 23, 2018 and application to the Hunterdon County Soil Conservation Department.

### **Completeness Review**

Our office has reviewed the above submitted documentation for completeness in accordance with the current Kingwood Township Checklist for Subdivisions. Based on communication with the Board Secretary and 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 2 20 copies of completed application form.
- Item 12 Proposed block and lot numbers as approved by the Tax Assessor.

#### **B. Plan Requirements**

- Item 15 Name(s) of the owner(s) of all property within 200 feet of the property being subdivided as disclosed by the most recent municipal tax records and certified by the Municipal Tax Assessor
- Item 23 Certification on plat that percolation tests and soil logs were conducted on the site as shown on the plans. *Applicant requests a waiver stating that the remaining tract is greater than 10 acres. The ordinance does not provide for exclusions for lots over 10 acres.*
- Item 26 For all subdivisions except mergers not creating any new lot, plat shall show locations and results of soil profile pits and/or borings and permeability testing for each lot, including the remaining lands and engineer's certification. *Applicant has requested a waiver since the application is "Boundary line adjustment only". The application as presented is not a boundary line adjustment as it creates a new lot. Septic suitability testing is required.*
- Item 27 Location of natural features to be preserved, including conservation easements. *Per Ordinance §115-6.5A, conservation easements are required for natural features including freshwater wetlands and riparian buffers. The NJDEP GeoWeb database indicates that there could be a significant amount of wetlands on-site. On-site streams are located on the site which have discernable channels and/or drain 50 acres or more. These streams will have NJDEP buffers associated with them. Conservation Easements will be required.*
- Item 28 Location and details of conservation easement markers. *See Item #27*
- Item 29 Completed Constrained Area Maximum Tract Yield Calculation Form to be shown on subdivision plan. *Per Item #27 there are on-site natural features creating constrained areas.*

- Item 30 Sketch of prospective layout of entire tract where subdivision covers only a portion of existing parcel. *Remaining lot area is 43.2 acres and may have the potential for future subdivision subject to the findings of Item #29.*
- Item 32 Depiction of freshwater wetlands on and within 150 feet of the property. *Per NJDEP GeoWeb database the site contains wetlands. A site specific wetland delineation is needed.*



Wetland Limits per NJDEP GeoWeb Database

**Recommendation**

Based on the above deficiencies, we recommend that the application be deemed incomplete at this time.

It was moved by J. Mathieu, seconded by D. Haywood and carried to deem the application incomplete. All members present voted **AYE** on **ROLL CALL VOTE**.

**Resolution No. 2018-04 – Block 37, Lot 18 – Clover Rod and Gun Club – Kingwood Byram Road – Extension of Time to File**

It was moved by D. Haywood, seconded by J. Mathieu and carried to adopt the following resolution:

**RESOLUTION NO. 2018- 04  
MEMORIALIZING RESOLUTION FOR KINGWOOD TOWNSHIP PLANNING BOARD  
GRANTING EXTENSION OF BOUNDARY LINE ADJUSTMENT APPROVAL  
ROBERT FILLER BLOCK 37, LOT 18 CLOVER ROD & GUN CLUB BLOCK 37, LOT 19**

**WHEREAS**, Clover Rod & Gun Club (the “Applicant”), as owner of Block 37 Lot 19 and as Applicant, with the permission of Robert Filler, owner of Block 37, Lot 18 received approval of a Boundary Line Adjustment for Block 37, Lots 18 and 19 by virtue of a Memorializing Resolution dated July 13, 2017; and

**WHEREAS**, the Applicant submitted a request for an extension of the time to file the deeds to perfect the subdivision, citing the issues resulting in the improper recording of the deeds without endorsement by the Planning Board; and

**WHEREAS**, the Planning Board considered the applicant’s request at its meeting on February 8, 2018; and

**WHEREAS**, the Board voted after due deliberation, on a motion properly made and seconded, to extend the time to record deeds perfecting the subdivision for 90 days, until April 19, 2018, by a vote of 7 to 0;

**IT IS THEREFORE RESOLVED** on this 8<sup>th</sup> day of March, 2018 that the foregoing application to extend the time to record deeds perfecting the subdivision for 90 days, until April 19, 2018, be, and hereby is, granted.

|                 |   |
|-----------------|---|
| <b>MOVED</b>    | <b>HAYWOOD</b>  |
| <b>SECONDED</b> | <b>SYRNICK</b>  |
| <b>IN FAVOR</b> | <b>DODDS, ELY, FRANK, HAYWOOD, STRASSER, SYRNICK, VORONIN</b> |
| <b>OPPOSED</b>  | <b>NONE</b>   |
| <b>ABSTAIN</b>  | <b>NONE</b>   |
| <b>ABSENT</b>   | <b>MATHIEU, MCNICOL, RIGGIO,</b>                              |

The within memorializing resolution was adopted on the 8<sup>th</sup> day of March, 2018 by the following vote of those Board Members who voted in favor of the approval:

| <u>Members</u>  | <u>Yes</u> | <u>No</u> | <u>Abstain</u> | <u>Absent</u> | <u>Ineligible</u> |
|-----------------|------------|-----------|----------------|---------------|-------------------|
| <b>DODDS</b>    | <b>X</b>   |           |                |               |                   |
| <b>ELY</b>      | <b>X</b>   |           |                |               |                   |
| <b>HAYWOOD</b>  | <b>X</b>   |           |                |               |                   |
| <b>MATHIEU</b>  |            |           |                |               | <b>X</b>          |
| <b>MCNICOL</b>  |            |           |                |               | <b>X</b>          |
| <b>RIGGIO</b>   |            |           |                |               | <b>X</b>          |
| <b>STRASSER</b> | <b>X</b>   |           |                |               |                   |
| <b>SYRNICK</b>  | <b>X</b>   |           |                |               |                   |
| <b>VORONIN</b>  | <b>X</b>   |           |                |               |                   |
| <b>FRANK</b>    | <b>X</b>   |           |                |               |                   |

All members present voted **AYE** on **ROLL CALL VOTE**, except Mathieu, McNicol and Riggio.

**Ordinance No. 19-03-2018 – Setback Requirements for Sheds**

D. Pierce had stated that the ordinance was before the Board in February. The Planning Board had recommended some changes. The Township Committee has re-introduced the proposed Ordinance with the revised language for Section 1 as follows:

- 1) Accessory buildings, whose primary purpose is the storage of garden tools, mowers and other ancillary residential items and are less than 200 square feet in area, may be located within fifteen (15) feet of any side or rear lot line on lots of three (3) acres or less.

It was moved by J. Mathieu, seconded by J. Strasser and carried to recommend adoption of **Ordinance No. 19-03-2018** to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**.

**Ordinance No. 19-06-2018 – Amending Chapter 132-6 – Affordable Accessory Apartments**

D. Pierce stated the changes in the proposed ordinance are in connection with the settlement of the affordable housing litigation and to satisfy Kingwood’s affordable housing obligation. It expands the conditional use for accessory apartments in order to make it more accessible for affordable housing.

It was moved by D. Haywood, seconded by S. McNicol and carried to recommend adoption of **Ordinance No. 19-06-2018 – Amending Chapter 132-6 – Affordable Accessory Apartments** to the Township Committee with the following change:

First **Whereas** fourth line date should read November 2, 2017 rather than 2018

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

**Ordinance No. 19-08-2018 – Eastern Gateway Village Center Overlay Zone (EGVCO)**

D. Pierce stated this ordinance is another part required under the Affordable Housing settlement. The ordinance identifies which particular lots within the EGVCO are being designated for inclusionary housing. There are density bonuses and conditions on the development of the lots. It permits non-residential use in conjunction with affordable housing. The development could not be purely commercial but must be a mixed use, which is a change from the current requirements. The inclusionary housing only applies to the two lots in the ordinance. The rest of the Township is not subject to including affordable housing with a development application. The numbers are good through 2025.

R. Dodds stated the ordinance does not eliminate the obligation to pay the development fee. The Township is just providing zoning for affordable housing. There is no requirement for the Township to build the affordable housing.

It was moved by D. Haywood, seconded by C. Ely and carried to recommend adoption of **Ordinance No. 19-08-2018 – Eastern Gateway Village Center Overlay Zone (EGVCO)** to the Township Committee with the following change:

First **Whereas** fifth line date should read November 2, 2017 rather than 2018

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

**Ordinance No. 19-09-2018 – Development Fee Ordinance**

M. Syrnick stated the proposed ordinance provides for the collection of development fees in support of Affordable Housing as permitted by the New Jersey Fair Housing Act.

It was moved by C. Ely, seconded by J. Mathieu and carried to recommend adoption of **Ordinance No. 19-09-2018 – Development Fee Ordinance** to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**.

**Approval of Minutes**

It was moved by D. Haywood, seconded by J. Mathieu and carried to approve the minutes of January 11, 2018 and place on file.

All members present voted **AYE** on **ROLL CALL VOTE**, except M. Syrnick who **ABSTAINED**.

It was moved by D. Haywood, seconded by C. Ely and carried to approve the minutes of February 8, 2018 and place on file with the following change:

Paragraph starting: *M. Syrnick stated fracking was banned by the DRBC (added) but it did allow for the disposal of wastewater from the fracking.*

All members present voted **AYE** on **ROLL CALL VOTE**, except Mathieu, McNicol and Riggio.

**CORRESPONDENCE**

**Trileaf – Block 33, Lot 6.02 – 569 County Road 519 – Celco Partnership – Barbertown Site**

T. Decker stated the drawing they are utilizing is the 1964 USGS map. The proposed tower will look like a 116’ silo. They should be applying to the Board of Adjustment within the next two weeks.

R. Dodds stated that PennEast did a significant amount of work on the Decker property and they determined that there were Native American encampments. American artifacts would be disturbed during the excavation of the pipeline, so PennEast decided to go under the property to avoid the historic areas.

D. Pierce stated this is an opportunity for the Township to participate in the Environmental Impact Study (EIS) for the proposed tower. Under the National Environmental Protection Act, they have to prepare an EIS which would determine if there is any impact on any historical or Native American structures, designations or places and provides the Township with the ability to comment before another agency about that issue.

After a brief discussion, the Board decided to request to be considered a consulting party. The letter was requested to be forwarded to the Environmental Commission and the Township Historian, Sal DeSapio.

**PRIVILEGE OF THE FLOOR**

**ADJOURNMENT**

It was moved by J. Mathieu, seconded by R. Dodds and carried to adjourn the meeting at 8:09 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschick, Secretary**