

MINUTES

7:30 PM

PRESENT: R. Dodds
C. Ely
D. Haywood
J. Mathieu
S. McNicol
L. Riggio
M. Syrnick
L. Voronin
S. Harris, Alt #1
W. Ingram, Engineer
D. Pierce, Attorney

ABSENT: L. Frank
K. Kocsis, Alt #2

CALL TO ORDER

The meeting was called to order by D. Laudенbach 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. Due to continuing COVID19 precautions, the Planning Board meeting was a virtual meetings held *online*. The meeting was hosted on Zoom at the following URL address: <https://zoom.us/j/96081450117?pwd=aDlVaEE0TE5YQVFsZUx5SjVwNW00Zz09>.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat and Courier News on December 10, 2020, and has been posted in the Kingwood Township Municipal Building on December 10, 2020 and has been filed with the Municipal Clerk.

NEW AND PENDING MATTERS

Re-Organization:

L. Riggio was nominated as Chairperson for 2021 by J. Mathieu, seconded by R. Dodds.

It was moved by J. Mathieu, seconded by R. Dodds and carried to close the nomination. All members present voted **AYE** on **ROLL CALL VOTE**.

C. Ely was nominated as Vice-Chairperson for 2021 by L. Voronin, seconded by M. Syrnick.

It was moved by R. Dodds, seconded by J. Mathieu and carried to close the nomination. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by J. Mathieu, seconded by L. Voronin to appoint Lindabury, McCormick and Estabrook, D. Pierce, as attorney for 2021. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by R. Dodd, seconded by J. Mathieu to appoint Engineering and Land Planning, W. Ingram, as engineer for 2021. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by J. Mathieu, seconded by R. Dodds to appoint Banisch and Associates, D. Banisch, as planner for 2021. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by S. McNicol, seconded by R. Dodds and carried to approve the meeting dates as set forth on the agenda. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by J. Mathieu, seconded by R. Dodds and carried to designate the Hunterdon County Democrat as the official newspaper, with the Courier News as alternate, of the Kingwood Township Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**.

NEW AND PENDING MATTERS

D. Pierce swore in S. Harris, J. Mathieu and L. Voronin for their new terms on the Planning Board.

Block 12, Lot 33 – Delia – County Road 519 – Variances – Public Hearing

D. Pierce announced that he has reviewed the affidavit and proof of service and the Board can proceed with the hearing.

It was moved by R. Dodds, seconded by M. Synchron and carried to open the hearing on **Block 12, Lot 33 – Delia – County Road 519 – Variances**. All members present voted **AYE** on **ROLL CALL VOTE**.

G. DeSapio stated he is representing the Estate of Samuel Delia for the application this evening. S. Delia, Jr., executor of the estate, was also present this evening.

D. Pierce swore in S. Delia, Jr.

G. DeSapio reviewed the variances the applicant is seeking this evening. He stated they were identified in D. Pierce's letter dated May 18, 2020 and included in the submission package.

G. DeSapio marked the following as Exhibits A-1 through A-6:

- A-1 – Photo of 2 car garage and car port;
- A-2 – Photo of west side of garage/car port;
- A-3 – Photo of garage/car port facing south;
- A-4 – Building permit for garage;
- A-5 – Photo of shed for farm equipment;
- A-6 – Photo of shed for farm equipment.

In response to G. DeSapio's questions, S. Delia, Jr., testified to the following regarding the two variances for the accessory structures:

Lot 33 is one of the proposed lots;
The subdivision is being used to settle the estate. His family does not want the house. One of the family members wants the house but not everyone. There are 5 beneficiaries.
The houses faces the south and the common front door of the house faces south.
The house was constructed that way.
The property fronts on County Road 519 and is located east of the house.
The two car garage, marked as Exhibit A-1, is on the west side of the site.
He took the pictures about 2 or 3 weeks ago.
His father had erected the garage.
Permits were obtained to construct the garage.
Exhibit A-4 contained the zoning officer's approval and the permits for a 24 x 28 detached garage.
The 45x60 pole barn was originally located on Lot 33 but a lot line adjustment was done to add the building to Lot, 33.02 in 2005.
Both buildings were originally located on Lot 33.
The lot line adjustment was approved by the Planning Board.
The garage is currently being used and it would be a hardship to remove or demolish it.
The garage is currently being used for storage as well has having cars parked in it.
There would be a cost to remove it.
His father had applied and was granted the necessary construction permits for the 2 car garage.
The permit is page 3 of Exhibit A-4.
The construction was inspected by the Township officials.
There were no objections from the Township officials on the location of the garage in the front yard of Lot 33 when they applied for the permit.
The house on Lot 33 is approximately 600' off of County Road 519.
The only structures that lie between the house on Lot 33 and the road is his house on Lot 33.02 and the garage.
The second shed is used for the storage of tractors and implements.
The second shed was part of the giant barn that had fallen down.
Besides the shed all that remains of the giant barn is the stone and rubble foundation.
When his father bought the property there were about 18 buildings that dated from the 1800's. All are gone now.
It would be a hardship to remove the shed as well as a cost would be involved.
The shed existed at the time of the lot line adjustment.

G. DeSapio stated the third variance has to do with the flag stem. The subdivision proposes access to Lot 33 and the lot identified as 33.03 through a common driveway. The map shows that Lot 33.03 has frontage on Route 519 of 249'.

S. Delia testified in response to G. DeSapio's questions to the third variance being requested:

The lands remaining would contain approximately 39-40 acres.
The area shown for the flag stem is an existing driveway.
The driveway serves the Estate's house.

There are physical constraints that make it impossible to make a separate driveway for Lot 33.03.

There are wetlands located in the area.

There are physical, topographical and environmental conditions that would not allow the construction of a separate driveway in the area of the 249' of frontage.

He was advised by the surveyor to come up with a variety of designs where the driveway could be located and they have settled on utilizing the current driveway.

It will be a joint driveway that serves both properties.

There is no negative impact for having the joint driveway.

The sharing of the driveway for the initial distance of 600' is the only practical way to continue down to get access to Lot 33.03.

L. Riggio opened up the hearing for questions from the Board and their professionals.

In response to questions from the Board members, S. Delia, Jr., testified:

There are no plans right now for the development of Lot 33.03.

He was not familiar with a Class II subdivision.

G. DeSapio stated, for variance purposes, the ordinance implies that the joint use of the driveway can only be used for 50'. When he reads the ordinance, he does not see a limitation but if there is a limitation, given the constraints, he is requesting a bulk variance for the joint use for the entire flag stem. There is no way to divert off due to the environmental constraints.

D. Pierce inquired if the applicant was only addressing the variances this evening and what was his intention for the subdivision.

G. DeSapio responded they are only addressing the variances this evening. They have been advised by their surveyor that the applicant should engage an engineer who would be in a better position to address some of the technical issues. The applicant has had some difficulty in engaging an engineer over the holidays. They will appear before the Board as soon as possible. The applicant wanted to get the variances out of the way and resolved.

S. McNicol inquire if there is sufficient distance between the front of the house and the driveway. D. Pierce responded there are no requirements in the zoning ordinance relating to that distance. The closest requirement is that the front yard setback be 75'.

C. Ely stated it is his understanding that there are 5 family members inheriting the property. Will they come back later and need to make 5 separate lots? S. Delia responded only one family member wants the property. The other members do not. He stated only two members of the family will own lots.

G. DeSapio stated there would be a driveway agreement defining who is responsible for what and insuring common access under certain terms.

D. Pierce stated the ordinance provides for shared driveways and requires a use and maintenance agreement recorded with the deed. There will be no question as to the rights and responsibilities. The agreement can state that it is limited to ingress and egress and that they are not able to park on it or put gates across it.

J. Mathieu inquired if it becomes a Class II subdivision. D. Pierce responded it does.

R. Dodds inquired if there are permits that are required for the 150' stream buffer. G. DeSapio stated that is what the engineer is evaluating and will determine if there is any need to amend anything or obtain any permits. The engineer will provide testimony. Right now they are hoping that there is no undue expense for the estate to do much permitting.

D. Piece stated the application is somewhat unusual by dealing with the variances before the subdivision but unless you do the subdivision, the variances are not worth anything themselves. The Board should condition the granting of the variances on the receipt of the approval of the subdivision. He suggested 8 months. During the subdivision approval process, any approval of the subdivision would be conditioned upon receipt of all necessary approvals and permits. The Board could decide that it would want an actual LOI.

G. DeSapio stated it the applicant's position that the accessory buildings were erected in good faith regardless if the Township issued the permits accurately or inaccurately. The construction of those accessory buildings is going on 20 years and the house is located 600' from the road. They don't negatively impact on the Board and street scape. In fact there is a big building on the adjoining property as well as a house. There is adequate reason to grant the variances.

G. DeSapio asked if the Board grants a time frame for the subdivision that they also grant a comparable extension of the variances.

D. Pierce stated the Board would not want to have the variances sitting out there potentially for years. G. DeSapio stated he would not want that either.

D. Pierce stated the approval will be conditioned upon the receipt of subdivision approval. It is appropriate if the subdivision is extended by the Board then the variance approval would also be extended concurrently.

It was moved by C. Ely, seconded by J. Mathieu and carried to approve the variances:

- for the two car garage with car port;
- for the shed used to house farm equipment;
- for a shared driveway of approximately 600' in length;

subject to the receipt of subdivision approval within 8 months. If the Board postpones or adjourns the subdivision process the variances will be extended for that process. The applicant will be required to obtain all the necessary permits and approvals for the uses.

State of NJ – SADC – Block 26, Lot 21 & Block 25, Lot 10 – 115 Kingwood Locktown Road

D. Pierce stated this is just notification to the Board that this property has been proposed for the SADC program. It is informational.

R. Dodds stated he requested it be sent to the Planning Board. Typically with the farmland preservation program, if the Township is going to ask for any road easement, it must be done prior to the purchase of the property. The engineer will be reviewing to see if any additional road easement is required.

2021 Budget Request

After a brief discussion, the Board decided to list the matter on the February agenda. They have requested the Planner provide an estimate for the preparation of a review of the Conservation Element and the Farmland Preservation Element.

Approval of Minutes

It was moved by S. McNicol, seconded by C. Ely and carried to approve the minutes of November 12, 2020 and place on file with the following corrections: *The date in the header should reflect November 12, 2020 rather than October 8, 2020.* All members present voted **AYE** on **ROLL CALL VOTE**, except R. Dodds, S. McNicol and S. Harris, who **ABSTAINED**.

CORRESPONDENCE

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by C. Ely seconded by R. Dodds and carried to adjourn the meeting at 8:50 pm. All members present voted **AYE**.

Respectfully submitted,

Diane Laudенbach, Secretary