

**MINUTES**

**7:30 PM**

**PRESENT:** R. Dodds  
C. Ely  
S. McNicol  
L. Riggio  
M. Syrnick  
L. Voronin  
W. Ingram, Engineer  
D. Pierce, Attorney

**ABSENT:** L. Frank  
D. Haywood  
J. Mathieu  
S. Harris, Alt #1  
K. Kocsis, Alt #2

**CALL TO ORDER**

The meeting was called to order at 7:32 PM by L. Riggio.

**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. Your cooperation is appreciated. Due to continuing COVID19 precautions, the Planning Board meeting is a virtual meetings held online. The meeting is 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 January 21, 2021, and has been posted in the Kingwood Township Municipal Building on January 21, 2021 and has been filed with the Municipal Clerk.

**NEW AND PENDING MATTERS**

**Workman Associates – Block 6, Lot 20 – 1131 State Highway 12 – Preliminary and Final Site Plan – Determination of Completeness**

W. Ingram provided the following Completeness Review to the Board on the above matter:

**Completeness Review:**

We have reviewed the submitted documents for completeness. Those items which we consider incomplete are noted below with comments provided. All other items shall be considered complete.

**Preliminary & Final Site Plan Checklist**

**Administrative**

**#4 Electronic Format Submission-** No CAD files have been submitted in accordance with Section 132-116.

W. Ingram stated he would support a waiver for this item for completeness purposes. The drawings would be required as part of any approval and would be more appropriate after the application has been finalized.

**#5 Hydrogeological Report and Pump Testing-** No information on existing or proposed water demand is provided and it cannot be determined if this item is applicable or necessary. Calculations should be provided documenting these demands. A waiver may be appropriate depending on the information provided.

W. Ingram stated the project generates very low water and wastewater flow, approximately 225 gpd. It can be reviewed, if necessary, after testimony is presented at the hearing.

**#6 Stormwater Management Plan-** No stormwater maintenance plan has been submitted. We would support a waiver request for this item noting that a plan will be required upon acceptance of the stormwater design.

W. Ingram stated the plan has been provided but no maintenance plan was provided. It is appropriate to grant a waiver for completeness. It will be a condition of approval.

**#7 Well testing-** No information on existing or proposed water demands is provided and it cannot be determined if this item is applicable or necessary. Calculations should be provided documenting these demands. A waiver may be appropriate depending on the information provided.

W. Ingram stated it ties back to #5 about well testing. A calculation of their flows indicates they are below the requirements of testing.

**#13 Submission of Wetlands LOI Application to the NJDEP-** The item was marked as provided however no application was included in the submission. A letter from a wetlands professional was provided which indicated no wetlands or transition areas. The Board could waive this item for completeness and decide during the hearing if the verification from NJDEP is warranted.

W. Ingram stated from their wetland's expert that there are no wetlands or transition areas on the property. The DEP map also does not show any either. If testimony is provided and more information is requested, it can be required later.

**#19 Statement of Environmental Impact and Assessment-** A waiver has been requested for the item. The applicant notes that no threatened or endangered species are present on the lot. The Board has the ability to grant a waiver for this item. We note that no wetlands, floodplains, steep slopes, or other obvious environmental concerns are shown to be present on the lot.

W. Ingram stated they have noted in their submission that there are no threatened or endangered species.

#### **Plan Requirements** (Applicant's responses italicized)

**#13 Existing and Proposed Setbacks-** The site plan does not depict existing setbacks of the garage structure. We would support a completeness waiver for this item however the setbacks will be required to accurately evaluate any relief required for the project.

***#13 - The plan has been revised to depict the setback for the existing garage. The zoning chart has been updated to reflect the existing non-conforming front setback.***

**#17- Existing and Proposed Drainage Facilities within 200’-** Features within approximately 30’ of the property are shown on the plans. We would support a waiver requested from extending this information to the full 200’ based on the extent of the application.

*#17 - A waiver is hereby requested from this item.*

**#18 Easements, Right-of-ways and utilities within 200’ of the site-** Features within approximately 30’ of the property are shown on the plans. We would support a waiver requested from extending this information to the full 200’ based on the extent of the application.

*#18 - A waiver is hereby requested from this item.*

**#20 Documentation of feasibility of adequate sewage disposal and reserve site-** No information on the existing septic is provided for the site. The proposed building is shown to connect to a new septic system however no design information including sizing is provided.

*#20 - The proposed septic system has been approved by the Hunterdon County Health Dept.*

**#25 Distance from property line to the nearest intersection-** No intersection tie is provided. We would support a waiver for this item given its distance to any nearby intersections.

*#25 - A waiver is hereby requested from this item.*

**#28 Vehicular ingress and egress showing the size and location of driveways, curb cuts, curbing, sight lines, and radii-** Dimension of curb cuts shall be provided as well as sight lines. The lot fronts on a NJ State Highway and will require a NJDOT permit or exemption based upon the work proposed. What appears to be a shared driveway exists to enter the site. The existing driveway, proposed to be maintained, is across the frontage of an adjacent lot. It should be determined if easements exist for this access. An increase in intensity on the existing driveway may alter any existing rights which may exist over the driveway today.

*#28 - Dimensions for the existing driveways has been added. In addition, the applicant is proposing a Driveway Easement for the ingress drive. NJDOT sight distances have been added to the plan.*

**#33 Existing and proposed signs and their sizes-** An existing sign shown to be located within the NJDOT right-of-way is shown to be refaced. The dimensions of the sign and dimensional ties to its location are not provided. Permits for the placement of the sign shall be provided or documentation on its creation provided. In the absence of proper documentation, it may be required to relocate the sign on the property. Its location may also interfere with sight distance once such information is provided.

*#33 - The existing sign will be relocated to ensure that it is not within the NJDOT sight distance. The size will not be altered.*

**#38 Fire Service Lines, hydrants, fire zones, etc.-** A fire pond is noted to be used to provide a water source for fighting fires at the property. The fire marshal shall be consulted regarding the adequacy of this proposal

and the need for any additional fire zones or protective measures. We would support a waiver of this item for completeness purposes however recommend feedback be obtained prior to a public hearing.

***#38 - A temporary waiver for completeness is requested for this item.***

**#48 Depiction of septic systems and wells within 100' of the property-** The on-site septic systems should be located on a plan as well as any immediately adjacent wells and septic systems. If none exist within 100', a note shall be provided.

***#48 - A note has been added to the plan indicating that there are no septic disposal systems or wells within 100' of the property.***

In summary, our office recommends waivers be granted for items 4, 6, and 13 of the administrative items and items 13, 17, 18, 25, and 38 of the plan requirements. The board should also decide if an environmental impact assessment is required for the site based on the information provided. The requested information as outlined in this letter should be provided for the remaining items.

A. Koester, attorney for the applicant, stated they concur with W. Ingram's comments. It appears that W. Ingram is in support of all the waivers. He would also appreciate the Board's support.

T. Hajjar, engineer for the applicant, stated the existing well be utilized for the existing office and warehouse. The existing septic system will be utilized for the house and a new system will be designed for the warehouse. They have received approval from the Hunterdon County Health Department for the new system. They have received the front page of the application stamped "approved" but are awaiting final approval.

L. Voronin inquired about how many people will be employed at the site, A. Koester responded he does not have the number in front of him at this time. W. Ingram stated the application provides that the warehouse portion would have six employees. There is no calculation for the office use.

L. Voronin stated she had a concern about waiving the aquifer test. There will be water used for the employees' washing of hands, using the restrooms and making lunch.

T. Hajjar stated it is his understanding from the owner that they will have three people in the office and 1-2 people in the warehouse. Based on Board of Health Ordinance No. 2021-01, memorialized on February 17<sup>th</sup>, the aquifer test and three part pump test is not applicable any more.

W. Ingram stated the changes in the ordinance related to the points that the testing is required. Low volume use is intended on this site and under the threshold of the testing and also because the well was existing. The overall demand is 255 gallons which is half of a three bedroom home.

L. Voronin hasn't seen the new ordinance and wasn't aware that it was updated. She will discuss the amended ordinance at the next Environmental Commission meeting.

W. Ingram stated the waiver is for completeness. If through testimony there is a need for additional testing, the Township can still request the testing.

S. McNicol stated the application is being reviewed by the Environmental Commission. She would like to have an idea of what activities are going to be in the warehouse and water use.

T. Hajjar stated the warehouse portion will be utilized for storage only.

J. Archipoli, manager of Workman Associates, LLC, stated there will be a maximum of five employees. They distribute and sell PPE. The building will be used for storage and small package delivery. There will be no retail sales.

A. Koester requested a date for the hearing. It will be scheduled for April 8, 2021 at 7:30 PM.

It was moved by R. Dodds, seconded by C. Ely and carried to determine the application complete with the waivers for completeness purposes only for Administrative Item Nos. 4, 6 and 13 and Plan Requirement Item Nos. 13, 17, 18, 25 and 38. All members present voted **AYE** on **ROLL CALL VOTE**.

**Resolution No. 2021-02 – Del Valley Feed and Farm Supply, LLC, – Block 9, Lot 24 – 889 State Highway 12 – Site Plan Exemption**

**MEMORIALIZING RESOLUTION  
FOR  
KINGWOOD TOWNSHIP PLANNING BOARD  
DEL VALLEY FEED AND FARM SUPPLY, LLC  
SITE PLAN EXEMPTION  
BLOCK 9, LOT 24**

**WHEREAS**, Del Valley Feed and Farm Supply, LLC (the “Applicant”), with the permission of Kingwood Home Improvement, LLC, the owner of Block 9, Lot 24 in Kingwood Township (the “Property”) filed an application for exemption from the requirement to obtain site plan approval for a change in tenant; and

**WHEREAS**, the application was declared to be complete; and

**WHEREAS**, the following documents were submitted with regard to the application, are on file with the board, and are part of the record in this matter:

1. Site Plan Exemption application, dated December 21, 2020;
2. Document titled “Application Requirements Kingwood Home Improvement LLC, Site Plan Exemption”, dated January, 2021 with attachments:
  - a. Proof of payment of real estate taxes;
  - b. Certification of no proposed improvements;
  - c. Description of proposed operations;
  - d. Zoning permit;
3. Escrow Agreement;
4. Letter from Gaetano DeSapio, Esq. to Diane Laudenbach, dated January 21, 2020; and
5. Site Plan prepared by Stanley Michael Norkevich, N.J.P.L.S., dated April 24, 1986; and

**WHEREAS**, a public hearing on the application was held on February 11, 2021; and

**WHEREAS**, the Applicant was represented at the public hearing by Gaetano M. DeSapio, Esq.; and

**WHEREAS**, from the testimony and proofs presented, the Board makes the following findings of fact:

1. Site plan approval was obtained for the Property in 1986.
2. There have been no unapproved deviations from the site plan approved in 1986, in fact, the Owner has made noticeable efforts to cleanup and improve the Property.
3. There are no proposed additions the existing buildings on the Property and no anticipated or proposed changes to the buildings or the Property except for possible interior renovations.
4. There is no anticipated increase in water consumption or the generation of sanitary waste.
5. The proposed use does not result in any increase in required off street parking or any increase in off street loading requirements.
6. All real estate taxes for the Property have been paid.
7. The proposed use is a permitted use if it satisfies the conditions for conditional retail operations in the Business Park zoning district.
8. Alternatively, if the Owner obtains a determination that retail use at the Property was an existing use at the time of rezoning of the Property from Highway Commercial to Business Park, then the retail use would be permitted to continue as a pre-existing, non-conforming use.

**WHEREAS**, the Board voted, after due deliberation, on a motion properly made and seconded to approve the application for site plan exemption, subject to the conditions set forth herein, by a vote of 7 to 0 with one abstention; it is.

**THEREFORE, RESOLVED** on this 11<sup>th</sup> day of February, 2021, that the application of Del Valley Feed and Farm Supply LLC for site plan exemption be, and the same hereby is, granted, subject to the following conditions:

1. That the Applicant obtain a zoning permit based upon either the existence of retail use as a pre-existing non-conforming use or the approval of a conditional use application by this Board.

It was moved by L. Voronin, seconded by R. Dodds and carried to adopt **Resolution No. 2021-02 – Del Valley Feed and Farm Supply, LLC, – Block 9, Lot 24 – 889 State Highway 12 – Site Plan Exemption**. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **NJ Planner – Discussion on Senate Bill No. 21 – Cannabis Regulation**

S. McNicol if there is any interest in discussing the issues in Senate Bill No. 21. The article in the NJ Planner provided a good synopsis of what is being proposed.

R. Dodds stated the Township had a number of individuals come in seeking Township Committee approvals for these types of activities. The Committee gives the same support to everyone. For the grow operations, Kingwood supports agriculture. Retail operations have to meet all the zoning requirements. The Township Committee has not discussed adopting any changes to their current ordinances.

The Board members had a brief discussion on the matter.

**Required submission copies – Site Plan Checklist, Site Plan Exemption Checklist, Subdivision Checklist, Conditional Use and Graphics Permit**

A poll of the Board members reflected that the paper copies should be reduced due to the ability to transmit the drawings electronically.

It was moved by C. Ely, seconded by S. McNicol and carried to request the Township Committee to amend the above checklists to reduce the number of copies to 7. All members present voted **AYE** on **ROLL CALL VOTE**.

**APPROVAL OF MINUTES**

It was moved by L. Voronin, seconded by C. Ely and carried to approve the minutes of February 11, 2021 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

**PRIVILEGE OF THE FLOOR**

Based on the discussion on the application this evening, S. McNicol stated the Environmental Commission will be reviewing the recently amended Board of Health Ordinance, 20-01-2021.

After a brief discussion, the Planning Board would like to request the Board of Health to provide a courtesy copy of any proposed changes to the board.

**ADJOURNMENT**

It was moved by R. Dodds, seconded by C. Ely and carried to adjourn the meeting at 8:29 PM. All members present voted **AYE**.

**Respectfully submitted,**

Diane Laudenbach, Secretary