

## MINUTES

7:30 PM

**PRESENT:** R. Dodds (7:37 PM)  
C. Ely  
D. Haywood  
J. Mathieu  
S. McNicol  
L. Riggio  
M. Syrnick  
L. Voronin  
S. Harris, Alt #1  
K. Kocsis, Alt #2  
D. Pierce, Attorney

**ABSENT:** L. Frank

## 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. 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

K. Kocsis recused herself from her position on the Board for the following matter.

### **Banisch & Associates – Block 6, Lot 20 - Workman Associates – Review Letter**

D. Pierce stated he provided a memo to the Board regarding the review letter. He stated the Board would have the ability to open the hearing if there was some mistake or misrepresentation. Reviewing the testimony and exhibits presented to the Board there wasn't any mistake or misrepresentation. The applicant was not aware of the issue until they received D. Banisch's review letter.

L. Riggio opened up the discussion to the Board members.

After a brief discussion, there was no opposition from the Board members to adopting the following resolution approving the application.

**Resolution No. 2021-03 - Workman Associates – Block 6, Lot 20 – 1131 State Highway 12 – Preliminary and Final Site Plan**

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

**MEMORIALIZING RESOLUTION  
FOR  
KINGWOOD TOWNSHIP PLANNING BOARD  
WORKMAN ASSOCIATES, LLC  
PRELIMINARY AND FINAL SITE PLAN APPROVAL  
BLOCK 6, LOT 20**

**WHEREAS**, Workman Associates, LLC (the “Applicant”), owner of Block 6, Lot 20 in Kingwood Township (the “Property”) filed an application for preliminary and final site plan approval for the Property; 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 Application, dated January 22, 2021, with Schedule A;
2. Site Plan Checklist, dated January 22, 2021;
3. Ownership Disclosure, undated;
4. Certificate of Ownership, dated January 22, 2021;
5. Letter from John Tully, of Land Solutions Engineering LLC to Hunterdon County Planning Board, dated January 20, 2021 with attached Development Review Application;
6. Boundary and Topographic Survey, prepared by Antoine Hajjar, P.E., N.J.P.L.S., of Land Solutions Engineering LLC, dated July 11, 2020;
7. Stormwater Management Summary, prepared by Antoine Hajjar, P.E., of Land Solutions Engineering LLC, dated January, 2021;
8. Certified List of Property Owners within 200 feet, dated October 24, 2020;
9. Letter from John Tully, of Land Solutions Engineering LLC to Hunterdon County Soil Conservation District, dated January 20, 2021;
10. Threatened and Endangered Species Review;
11. Constrained Area Calculation Form;
12. Letter from John Tully, of Land Solutions Engineering LLC to Diane Laudenbach, dated March 9, 2021;
13. Plans entitled “Preliminary Drawing For Owner’s Approval”, consisting of two sheets prepared by Morton Building, Inc., dated September 29, 2020;
14. Plans entitled “Preliminary & Final Site Plan For Workman Associates, L.L.C.”, prepared by Antoine Hajjar, P.E., of Land Solutions Engineering, consisting of nine sheets as follows:

- |              |   |
|--------------|---|
| Sheet 1 of 9 | Cover Sheet, dated 1/15/21;                           |
| Sheet 2 of 9 | Existing Conditions & Demolition Plan, dated 1/15/21; |
| Sheet 3 of 9 | Site Plan, dated 1/15/21;                             |
| Sheet 4 of 9 | Grading, Drainage & Utility Plan, dated 1/15/21;      |
| Sheet 5 of 9 | Landscaping Plan, dated 1/15/21;                      |
| Sheet 6 of 9 | Lighting Plan, dated 1/15/21;                         |
| Sheet 7 of 9 | Soil Erosion & Sediment Control Plan, dated 1/15/21;  |
| Sheet 8 of 9 | Construction Details, dated 1/15/21;                  |
| Sheet 9 of 9 | Truck Turning Movement, dated 1/15/21;                |
- (collectively referred to as the “Plat”);
15. Letter from Wayne Ingram, P.E. of Engineering & Land Planning to Diane Laudenbach, dated February 18, 2021;
  16. Email from Chief, Kingwood Township Volunteer Fire Company to Diane Laudenbach, dated April 5, 2021; and
  17. Letter from Wayne Ingram, P.E. of Engineering & Land Planning to Diane Laudenbach, dated April 5, 2021; and

**WHEREAS**, the Applicant presented proofs that the notice requirements of the Municipal Land Use Law and the Kingwood Township Ordinance have been satisfied; and

**WHEREAS**, a public hearing on the application was held on April 8, 2021; and

**WHEREAS**, Board member Kimberly Kocsis recused herself and stepped down from the Board for this hearing because she is a property owner within 200 feet of the Property; and

**WHEREAS**, the Applicant was represented at the public hearing by Anthony Koester, Esq.; and

**WHEREAS**, the following individuals appeared and presented testimony:

Jeremy Archiopoli;  
Antoine E. Hajjar, P.E. (Applicant’s engineer); and  
Frank Floyd; and

**WHEREAS**, the following exhibits were entered into evidence during the public hearing:

Exhibit A-1 Colorized rendering of the Site Plan, dated April 14, 2021; and

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

1. The Property fronts on State Highway Route 12 and is situated in the Highway Commercial (HC) zoning district.
2. The Property consists of 5.31 acres of land with 328 feet of frontage on the public road.
3. The Property is currently improved with a two-story, approximately 1,600 square foot, frame office building, a two-story, approximately 2,350 square foot, detached frame garage and roofed

- area extending from a metal building, and two metal shipping containers containing approximately 2,600 square feet.
4. The frame office building is a dwelling that was previously converted to office use.
  5. The Applicant proposes to remove the metal building, the roof over the metal building and the two shipping containers and replace them with a 7,200 square foot warehouse and office building with 5,880 square feet of warehouse space and 1,320 square feet of office space.
  6. Additional improvements proposed for the Property include asphalt pavement to align two existing driveways and for a new parking area with 19 parking spaces.
  7. The warehouse will have three west facing loading bays, there will be no loading docks and there will be no trailer storage or parking on the Property.
  8. The proposed warehouse will be styled architecturally to resemble a barn with vertical siding, a 4' in 12' sloped gable end roof and two cupolas with weather vanes on the roof.
  9. A new septic system will be installed, and the design has been approved by the Hunterdon County Health Department.
  10. The Applicant will utilize the existing potable well and no increase in water demand is expected.
  11. Impervious coverage will increase from 8.7% to 17.3% but will comply with the bulk requirements of the HC zone where 45% impervious coverage is permitted.
  12. The existing garage will be used for storage and to house maintenance equipment.
  13. The Applicant's business is the storage, sale and distribution of personal protective equipment. No hazardous substances will be involved in site operations.
  14. The Applicant's normal business hours are 8 AM to 5 PM Monday through Friday.
  15. There are no retail sales to the public and no intention to open the facility for on-site sales.
  16. The Applicant has five employees, one for the warehouse and four in the office.
  17. Other than employee traffic, traffic associated with the use will consist primarily of scheduled UPS deliveries and pick-up, twice a day, and two to three deliveries each week using vehicles no larger than WB trucks.
  18. The Applicant proposes to relocate the existing sign, but use the same sign.
  19. The Applicant intends to use both office spaces in the operation of the business.
  20. The Fire Company raised a concern regarding access to the north and east side of the proposed warehouse. It was determined that if the Applicant revised the site plan to eliminate curbing on the access road on the northern side of the proposed warehouse fire-fighting equipment would then be able to access the northern and eastern sides of the proposed warehouse.
  21. It was suggested that proposed viburnum plantings be replaced with Inkberry Holly, American Holly and viburnum Black Haw and that proposed hemlock plantings be replaced with American Holly.
  22. The Applicant proposes to install an emergency generator on the east side of the new warehouse.

**WHEREAS**, the Board voted, after due deliberation, on a motion properly made and seconded to approve the application for preliminary and final site plan approval, subject to the conditions set forth herein, by a vote of 9 to 0; it is.

**THEREFORE, RESOLVED** on this 8<sup>th</sup> day of April, 2021, that the application of Workman Associates, LLC for preliminary and final site plan approval for Block 6, Lot 20 be, and the same hereby is, granted, subject to the following conditions:

1. The Applicant shall submit, for review and approval by the Board engineer, revised plans showing:

- a. The replacement of viburnum with Inkberry Holly, American Holly and viburnum Black Haw
  - b. The replacement of hemlock with American Holly;
  - c. The removal of curbing along the north side of the proposed warehouse and installation of a depressed area along the traveled way to permit emergency vehicle access to the north and east sides of the proposed warehouse;
  - d. A note indicating that if natural gas supply is obtained then no propane tank will be installed;
  - e. A listing of all outside agency approvals sought on the Cover Sheet;
  - f. A revised sheet index;
  - g. Identifying trees to remain and a detail showing tree protection fencing to be used during construction;
  - h. The proposed new location of the existing sign;
  - i. The placement of a knox box at the front of the proposed warehouse for fire company access; and
  - j. Revisions satisfactory to the Board engineer addressing the comments contained in his review letter of April 5, 2021.
2. Prior to obtaining a Certificate of Occupancy, submission to the Board and Fire Company of a detailed plan of the fire alarm system showing the location of every detector and its coding on the alarm panel.
3. Labeling of all fire detectors to correspond to the alarm panel designation.
4. Submission to the Board and Fire Company, prior to obtaining a Certificate of Occupancy, of a detailed plan showing the layout of the interior of the proposed warehouse.
5. Removal of the metal shipping containers within thirty (30) days after receipt of a Certificate of Occupancy for the proposed warehouse.
6. There shall be no retail sales made at the Property.
7. Receipt and submission of approvals from the County Planning Board.
8. Receipt and submission of approvals from the Hunterdon County Soil Conservation District.
9. Receipt and submission of road opening permits or a letter of no interest from the New Jersey Department of Transportation.
10. The normal hours of operations shall be from 8 AM to 5 PM Monday through Friday.
11. As-built plans shall be submitted to the Board upon completion of the construction and issuance of the Certificate of Occupancy.
12. The Township Engineer shall verify the installation of soil erosion and sediment control measures downgrade of the proposed limits of disturbance prior to the commencement of any construction activities.
13. The submission of a cost estimate for all site improvements, including landscaping.
14. The posting of an inspection escrow in the amount determined by the Township Engineer.
15. The posting of a maintenance guarantee for the landscaping.
16. The Township of Kingwood is dedicated to providing affordable housing and has established an affordable housing program with supporting land use ordinances and a housing trust fund based on the Fair Housing Act of 1998. If the applicant is required to pay a development fee to the Kingwood Township Affordable Housing Trust Fund, the applicant shall pay fifty percent (50%) of the estimated developer's fee to the Kingwood Township prior to the issuance of building permits based on the Tax Assessor's estimated assessed value and his determination of the appropriate developer's fee. Building plans and as-built building plans for each development subject to payment of the developer's fee must be provided to the Tax Assessor and the

remaining portion of the developer's fee shall be paid at the time of issuance of a Certificate of Occupancy for the new development. This paragraph does not constitute any determination by the Board as to whether the applicant is required to pay a developer's fee.

17. 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.
18. Approval of this application by the Planning Board 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.
19. 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.
20. The Kingwood Township Planning Board 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 Planning Board. Minor deviations and field changes may be authorized in writing by the Township Engineer.
21. 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.
22. 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.

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

K. Kocsis resumed her seat on the board at this time.

### **Approval of Minutes**

It was moved by J. Mathieu, seconded by R. Dodds and carried to approve the minutes of April 8, 2021 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

## **PRIVILEGE OF THE FLOOR**

### **Master Plan Re-Examination**

There was a brief discussion on the Master Plan and the required Re-Examination Reports of the Elements. The Board requested the secretary to contact the Planner to review the Master Plan and individual elements to see which ones needed to be updated or amended.

### **Farmer's Market**

R. Kocsis inquired what would be required to start holding a farmer's market on his property on Route 12. The property is zoned Highway Commercial. He would like to start in June and it would be held every Saturday from 9-1 from May to September or October.

D. Pierce stated the place to start would be with the Zoning Officer as he is charged with interpreting the zoning ordinance. The use would require a site plan before the Board since they would be inviting the public and creating some traffic.

K. Kocsis stated they would be selling local items. They have already been in contact with the CADB and the farmer's market would be located on the severable exception of the property.

### **Planner**

R. Dodds will be reaching out to D. Banisch in regard to the timing of his review letter on the Workman Associates matter and other items.

## **ADJOURNMENT**

It was moved by S. McNicol, seconded by J. Mathieu and carried to adjourn the meeting at 8:01 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudенbach, Secretary**