

**MINUTES**

**7:30 PM**

**PRESENT:** R. Dodds  
C. Ely  
D. Haywood  
S. McNicol  
L. Riggio  
M. Syrnick  
L. Voronin  
S. Harris, Alt #1  
D. Pierce, Attorney

**ABSENT:** L. Frank  
J. Mathieu  
K. Kocsis, Alt #2

**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**

**Commercial Zoning Districts**

After a discussion, the Board decided that they would address each zone separately. The schedule will be the BP zone in August, VC1 and VC2 zone in September and the HC Commercial District in October.

**Master Plan Element Re-Examinations**

The Board received the following memo from the Environmental Commission (EC):

The Environmental Commission reviewed the June 9th memo from Kingwood Township's planner, David Banisch, Re: Master Plan Review. We are writing to express support for Mr. Banisch's recommendations and to submit additional comments and recommendations regarding the Master Plan.

## 1. Reexamination

The Municipal Land Use Law (MLUL) requires periodic reexamination of the Master Plan, at least every 10 years. In view of the fact that the 2018 reexamination was narrowly focused on meeting COAH requirements, the EC agrees that the reexamination should be completed in 2022.

## 2. Land Use Element Update

Mr. Banisch's memo states that the Land Use Plan Element was updated in 2012, but recommends a review of land use planning policies, goals and objectives, demographics/growth, consistency with State Plan and Flood Hazard Area regulations, and requiring lots to identify a primary and a reserve septic system location. The EC supports these recommendations and submits additional information below to emphasize the importance of proactive municipal planning in these areas.

For the item 6, alternate septic system location, the EC notes that there are a number of factors that limit septic system suitability that are prevalent in Kingwood. Between 56% to 67% of parcels in Kingwood have at least some wetlands or wetland buffers, about 15% are at least partially in a "100 year" flood zone, 7% have at least some bedrock outcrops, and 94% have shallow depth to bedrock on at least a portion of the parcel.<sup>1</sup> Requiring that lots be configured with viable alternate septic locations would give landowners a suitable option in the event that their septic system fails.

Item 7F states, "*A review of population statistics, housing characteristics and trends could be conducted by the Planning Board and considered in the context of zoning adjustments that may be indicated to address housing needs by an aging population. For example, consider amendments to EGVC zoning to accommodate age-targeted housing.*" The EC highly recommends that the PB implement this recommendation. The EC notes that the Geospatial Research Lab of Rowan University developed a tool, called the [municipal buildout modeler](#), that estimates the number of new housing units that can be built based on existing land use regulations and the nitrate dilution model (see Table 1). The population of Kingwood is estimated to increase to 9,494 from 3,845 (2010 population).<sup>2</sup> Considering the limited groundwater resources in Kingwood and Kingwood residents are currently withdrawing more groundwater than is being replenished through recharge<sup>3</sup> (DEP NJ Water Supply Master Plan); can this projected increase in population be supported?

**Table 1. Estimate of new housing units based on existing land use regulations and the nitrate dilution model, Geospatial Research Lab of Rowan University, 2021.<sup>2</sup>**

Population 2010	3,845
Existing Commercial (ft <sup>2</sup> )	6,455,043
Existing Residential Units	1,312
New Units Zoning Buildout Sewered Areas	7
New Units Zoning Buildout Non-Sewered Areas	1,887
Nitrate Maximum New Units Non-Sewered Areas	2,565
C/I sq.ft. Equivalent of Nitrate Maximum	1,130,000
Total Units Zoning Buildout	1,894
Est. Population	9,494
Total Units Nitrate Buildout	2,572
Est. Population	11,517

## 3. Climate Vulnerability Assessment, a new requirement

The EC also recommends inclusion of a climate vulnerability assessment. Governor Murphy signed [Senate Bill No. 2607](#) on February 4, 2021, which requires the integration of climate vulnerability assessments into any land use plan adopted or updated after that date. Plans should "analyze current and future threats associated with

climate change related natural hazards, including increased temperatures, drought, flooding, hurricanes, and sea-level rise. This assessment also must include a build-out analysis of all future development in the municipality, as well as any threats and vulnerabilities associated with this development, and strategies to reduce the risks of climate change-related natural hazards.” (NJDEP, 2021)

The law also requires the NJDEP to provide technical assistance when requested by a Planning Board, to help a municipality prepare a climate change-related hazard vulnerability assessment required by the law. Recommended starting points for the Climate Vulnerability Assessment are the County’s [Hazard Mitigation Plan](#) (2021)<sup>4</sup> and the [Resilient NJ: Local Planning for Climate Change Toolkit](#).<sup>5</sup>

#### 4. Groundwater

Groundwater is not mentioned in the memo. However, the 2011 Periodic Reexamination Report of the Master Plan and Development Regulations for Kingwood Township, Hunterdon County, New Jersey, states:

“There is a continuing concern regarding the groundwater yield of new wells and the potential effect a new well may have on neighboring wells serving existing residences in certain portions of the Township. Individual well groundwater yield data recently gathered suggests that certain areas of Township may have severely limited capacity for groundwater yield and may not be able to support development at currently permitted densities. The Planning Board should conduct investigations into this situation, including the collection of data to determine whether certain areas of the Township should be designated “Critical Groundwater Resource Areas”,

The EC recommends that the PB commissions a study of the groundwater resources of Kingwood that utilizes information the aquifer test and 3 part pump test reports that are required by the Kingwood well ordinance. In addition, the study should evaluate the feasibility of an alternate public water supply, if groundwater becomes depleted or contaminated on a neighborhood, township or watershed scale.

Obtaining a surface water supply would entail building a pumping station, a water treatment plant, purchasing the land for the station and plant and installing miles of delivery pipes. An EC member checked into the costs of building such a system 20 years ago and the estimate was cost-prohibitive. This information would be essential for evaluating the costs and benefits of municipal groundwater protection goals, policies, and ordinances.

#### 5. Environmental Resource Inventory (ERI) Update

Mr. Banisch did not mention the ERI. While not required by the MLUL, Sustainable Jersey awards points only for ERIs less than 10 years old. Because Kingwood’s ERI was last updated in 2009, the EC is currently updating the ERI element of the Master Plan at no cost to the township. As you may remember, Kingwood’s first ERI was funded in 2004 through a grant from the Lower Delaware National Wild and Scenic River Municipal Incentive Grant and the 2009 update was provided free as the township’s matching funds for an ANJEC grant which funded the 2008 Conservation Plan Element. Our goal is to submit the updated ERI in the fall for PB review and adoption as part of the Master Plan. Updating the Conservation Plan Element should be considered after that.

The EC submits these comments for the Township Committee’s and Planning Board’s consideration in prioritizing Master Plan updates and to include in the municipal budget. We look forward to assisting and reviewing upcoming Master Plan reexamination and updates.

---

<sup>1</sup> Estimated using ArGIS. The wetland buffer widths vary and can only be determined on an individual basis by NJDEP.

<sup>2</sup> Municipal Buildout Modeler: <https://www.njmap2.com/buildout/>

<sup>3</sup> NJDEP Water Supply Plan (2017): <https://www.state.nj.us/dep/watersupply/wsp.html>

<sup>4</sup> Hunterdon County Mitigation Strategy: <https://www.co.hunterdon.nj.us/911/oem/mitigation/2021/Draft/Section%206%20-%20Mitigation%20Strategy.pdf>

<sup>5</sup> Climate Change Toolkit: <http://resilient.nj.gov/guidance>

L. Riggio stated the review of the Master Plan has not been budgeted for in 2021.

M. Syrnick stated the 2021 budget for the Planning Board was \$30,000 and approximately \$25,000 has been reserved for the TDR program.

R. Dodds stated some of the ground work can be done this year with the Board determining how they are going to have it accomplished in 2022. He stated the memo from D. Banisch indicates the steps that need to be addressed. Part of the re-examination report will include the changes for the TDR program and any other changes that the Board would like to incorporate. The Board should decide what they have to get done and what they would like to get done. The memo spells out what has and hasn't been addressed.

M. Syrnick stated we just adopted a re-examination review 10 years ago. Before the one in 2012 it had been a significant time since a previous one had been done. It would make sense to tackle one element at a time unless something urgent comes up.

D. Pierce stated if the Land Use Element of the Master Plan is not re-examined every ten years, the presumption of validity of the zoning ordinance no longer applies. The Land Use Element is the genesis of most of the Township's zoning ordinances.

The Board decided they will address the Land Use Element first.

D. Pierce stated it is not the Planning Board that implements the recommendations. The Planning Board adopts the Master Plan and Re-Examination Report but it is up to the Township Committee to adopt the recommendations. Some of the recommendations may not be done in the next ten years. It is a recommendation and a goal. If the Township Committee does not make an effort to address any of the recommendations, it may be an issue but there is no requirement that the Township implement all the recommendations immediately.

The Board decided to reach out to D. Banisch and ask him what the sunset date is on each of the elements and for clarification on #4 of 6 of his memo.

D. Pierce stated, typically, D. Banisch will review the Land Use Element and draft a section of the Re-Examination Report. He will come up with a set of draft recommendations and the Board can come up with their own recommendations. A starting point would be for D. Banisch to review the Land Use Element and make draft recommendations for the Board to review. Once the discussion on the recommendations is finalized, the Board will hold a public hearing on the Re-Examination report and then adopt it.

R. Dodds stated in the past it has been done in a reactionary mode. It is not a one meeting discussion but will probably take several meetings. The more decisions that can be made in advance will make D. Banisch's work easier.

M. Syrnick stated it took the Township several years to complete all the different elements of the Master Plan when they were updated the last time. Looking at the commercial districts and land use plan is a good starting point without spending any money with D. Banisch at this time. The funding will have to be addressed and budgeted accordingly for 2022.

L. Riggio stated the next step is for it to be listed on the August agenda and be prepared to review it at the meeting.

### **Minute Excerpts**

L. Voronin stated the November 8<sup>th</sup> meeting minutes indicated that the Board voted on P. Althoff to study water availability in the Township. She is requesting a copy of the report.

The secretary was requested to reach out to both D. Banisch and P. Althoff to see if they have a copy of the report.

### **Approval of Minutes**

It was moved by R. Dodds, seconded by S. McNicol and carried to approve the minutes of June 10, 2021. All members present voted **AYE** on **ROLL CALL VOTE**, except C. Ely, L. Riggio and M. Syrnick, who **ABSTAINED**.

### **CORRESPONDENCE**

### **PRIVILEGE OF THE FLOOR**

L. Riggio stated so far this year all of the meetings have been virtual. Are the members willing to come back to the building to have in-person meetings?

After some discussion, the Board will be investigating the ability to have a hybrid meeting, where the option of in-person and virtual is available to the members.

S. McNicol stated the EC has addressed the recent amendment to the well ordinance. The EC has requested it be listed on the July 21<sup>st</sup> agenda of the Board of Health. The memo should be sent to the Board of Health by the middle of next week. She requested that if any of the members of the Planning Board would like to attend the meeting on the 21<sup>st</sup> they should as it would alleviate the Planning Board hashing over it at their next meeting.

D. Pierce stated as long as the members of the Planning Board attend the Board of Health meeting as members of the public, there wouldn't be any issues with a quorum or the need to advertise as a meeting. The technical potential violation of the Open Public Meetings Act is the prohibition on conducting any business and the requirements of notification. The Board members if they make any comments have to make it clear they are speaking as a member of the public.

### **ADJOURNMENT**

It was moved by C. Ely, seconded by S. McNicol and carried adjourn the meeting at 8:51 pm. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschach, Secretary**