

MINUTES

7:30 PM

PRESENT: R. Dodds
C. Ely
D. Haywood
J. Mathieu
S. McNicol
L. Riggio
M. Syrnick
L. Voronin
W. Ingram, Engineer

ABSENT: L. Frank
S. Harris, Alt #1
K. Kocsis, Alt #2

CALL TO ORDER

The meeting was called to order at 7:31 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 meeting held online. The meeting is hosted on Zoom at the following URL address:
<https://dvrhs.zoom.us/j/95595913204?pwd=UzB6WEVBRzFFtZBZeHJ6U1MxTFF5Zz09>

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

Block 38, Lots 31 & 32 – Federal Twist Road – Boundary Line Adjustment – Determination of Completeness

No one for the application was present this evening.

W. Ingram stated his review letter dated November 5, 2021 indicated the applicant is seeking a variety of checklist waivers. The application is for a lot line adjustment with no new lots being created. The two parcels are conforming and requiring no variances. He stated the waiver requests are reasonable. There is no new construction proposed with the lot line adjustment. The Board can deem the application complete.

Engineering and Land Planning, W. Ingram's memo:

The application submitted is for a lot line adjustment to take land from Lot 32 and transfer it to Lot 31. No variances are requested with the application and no construction is proposed for the land. The checklist for

a Minor Subdivision application has been submitted for the project and our office has reviewed the application for completeness. This review provides comment on those items we feel are incomplete at this time. The applicant should formally request waivers from any items they deem necessary or submit the information as requested. Documentation in support of the application consists of the following:

1. Minor Subdivision Application dated October 20, 2021;
2. Lot Line Adjustment plan prepared by Stephen Ombalski, PLS dated 10/9/21
3. Certified Property Owners Lists for Lot 31 and 32;
4. Hunterdon County Planning Board Application;
5. Delaware Raritan Canal Commission Application;
6. Escrow Agreement;
7. Township of Kingwood Checklist for Minor Subdivision dated October 20, 2021.

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.

Minor Subdivision Checklist

Administrative

#4 Electronic Format Submission- No CAD files have been submitted in accordance with Section 132-116. We would support a waiver request for this item for completeness purposes, noting that this would be required as part of any approvals granted for the application.

#8 Stormwater Management Plan- A waiver has been requested and we support the request since no improvements are proposed.

#9 Affordable Housing Plan- A waiver has been requested and we support the request since no improvements are proposed.

#12 Block and Lot Numbers- A waiver has been requested. We would support the waiver for completeness purposes however the applicant will be required to confirm the lot numbers prior to final approval.

#13 Proof of Payment of Taxes-Proof of Payment has not been provided. Proof shall be submitted as a condition of any action taken.

#14 Submission of Wetlands LOI Application to the NJDEP- A waiver is requested and we support the request since no improvements are proposed.

#20 Threatened/Endangered Species Survey Data Sheet- A waiver is required and we support the request since no improvements are proposed.

#21 Statement of Environmental Impact and Assessment- A waiver is required and we support the request since no improvements are proposed.

#22 Statement of Environmental Impact and Assessment- A waiver is required and we support the request since no improvements are proposed.

Plan Requirements

#7 Proposed Deeds to Lots and Lands Remaining- A waiver is required and we support the request for completeness noting these must be provided as a condition of any approval.

#17 Existing and Proposed Setbacks- The setbacks are provided in a chart but not depicted on the plan.

There may be zoning deficiencies to existing structures. While the subdivision does not appear to create any variances, a revised plan must be submitted as a condition of any approval to graphically depict the setbacks. We would support a waiver request for completeness.

#22 Required Deed Statement- No deeds have been provided and therefore the statement is not confirmed. We would support a waiver request and require that the deeds contain this statement prior to final approval.

#23 Required Plat Statement- No soil testing was performed since this is a lot line adjustment and this item is not applicable.

#24 Required Deed Statement Regarding Farming- No deeds have been provided and therefore the statement is not confirmed. We would support a waiver request and require that the deeds contain this statement prior to final approval.

#26 Locations of Soil Logs and Permeability Tests- Both lots are existing and the resultant lots are still conforming in nature. No testing has been performed. We would support the waiver request since there are no new lots being created and ample space exists to test for any future septic systems.

#29 Constrained Area Maximum Yield Calculations- No new lots are created and therefore we support a waiver request.

#32 Location of Freshwater Wetlands- Wetlands are shown on NJDEP mapping as being present on Lot 31, however no disturbance or new construction is proposed and therefore we support a waiver request.

#34 Septics and Wells within 100'- No septic or well information is provided for off-site properties. We would support a waiver request since no new wells or septs are proposed.

#35 Topography within 200'- No new lots or disturbance are proposed and therefore we support a waiver request.

#36 Drainage Facilities on tract and within 200'- No features will be affected and therefore we support a waiver request.

While many completeness waivers are requested, since this application is for a lot line adjustment not creating new lots or disturbance, it is our opinion that the waiver requests are reasonable in nature and would support the application being deemed complete.

Technical Comments

1. The plat shall be revised to reflect the required wording in checklist item #23 and deeds shall be prepared and submitted for review which contain the required language in items #22 and #24.
2. The plat should be revised to include all site features including the driveway on lot 32. All structures on the plan should be labeled and dimensioned to the property lines, as appropriate.
3. The plat shall be revised to show required building setbacks and the zoning chart shall indicate the individual compliance of all zoning requirements on each lot.
4. The road name and right-of-way are not indicated on the plan. A roadway dedication is proposed for each lot but no metes and bounds are provided for the dedications. The plan should dimension these features and provide all information necessary to calculate the closure of these dedications as well as for the newly proposed lots.
5. Monumentation along the property frontage and all corners required under the Title Recordation Act shall be provided and shown on the plan and in the prepared deed descriptions.

6. Owner certifications shall be provided for both properties and not just Lot 32.
7. The owners list provided on the plan shall also include the required utilities.
8. All final lot lines for both Lots 31 and 32 shall be shown with the same line weights so they can be clearly distinguished from the lines being altered.
9. Deed descriptions shall be submitted for review for both the right-of-way dedications as well as for the two new lots.
10. Copies of approvals or exemptions from outside agencies, including Hunterdon County and DRCC shall be provided prior to final sign-off.

It was moved by S. McNicol, seconded by R. Dodds and carried to grant the requested waivers and deem the application conditionally complete. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who **ABSTAINED**.

Cost Estimate – D. Banisch – Review of Commercial Zones

Matter was tabled to the December meeting.

Permitted/Prohibited Uses in Commercial Zones

Matter was tabled to the December meeting.

S. McNicol – Stream Corridor Ordinances (ANJEC)

S. McNicol stated she had missed a couple of meetings. She thinks she put this on the agenda and could not locate the document that she had provided and with the set up with the emails, she could not locate it in her emails. She may have misplaced it. She is requesting it be tabled to next month. She requested the secretary send out the document to all of the members again. She requested the Board read it and see if they would like to address it. There are a lot of C-1 streams in Kingwood and she thought it would be a good thing to review at the Planning Board. The secretary responded that S. McNicol had never provided the document but she would check her emails. S. McNicol stated she thought she left it in the little black box outside the building back in August. S. McNicol stated she is not sure about it. S. McNicol stated ANJEC makes suggestions in their publications and sometimes it is not a bad idea to review at the Planning Board. If S. McNicol doesn't have it for the meeting in December then she will in the new year.

V. Uhl Memo – Well Ordinance (L. Voronin);

L. Voronin stated she thought that anyone interested in the matter should read another person's opinion on the well ordinance. The Township has had V. Uhl as their hydrogeologist since 2007. He has reviewed all of the well tests. He indicates in his memo the importance of doing the well test. The well test provides information on the well. He indicated in his report that there were some wells that marginally passed the well test. It is pretty important to bring to everyone's attention. It should be of interest to the Planning Board members.

R. Dodds stated he thinks it is important to look at in planning the carrying capacity in the Township. In some parts of the Township, wells are easy. It will provide a good handle on the potential for development and how it impacts development.

J. Mathieu commented that the Board has appointed L. Voronin to the committee that is going to look at the changes that were made and put it back to where it was originally. L. Voronin responded yes the Board voted on her appointment to the Well Ordinance subcommittee.

J. Mathieu inquired if the Environmental Commission (EC) appointed D. Kratzer to go back to the Board of Health (BOH) and talk about it.

L. Voronin stated she missed the last EC meeting.

S. McNicol stated the EC didn't decide it at that time.

J. Mathieu stated it would be his preference, on a personal observation, that this Board should be closely informed without going through every nook and cranny. He stated L. Voronin is the Board's representative to the BOH and he concurs with what the EC wants to do.

S. McNicol stated she just wanted to bring to the discussion about the concern raised previously about the cost of the 3-part pump test, which V. Uhl addressed at the last BOH meeting. He gave a nice presentation that night. She stated the cost of the 3-part pump test at this time is about \$1,200 and costs another \$1,500 or so for the hydrogeologist to review the documents from the testing and write his report. It was a concern commented on at the Planning Board. She stated V. Uhl strongly recommended that the Township leave the 3-part pump test as it was in the old ordinance and he suggested that it offers an economic advantage to the homeowner as a selling point that there is enough water for the household, which is one additional important point that the Board should be aware of from the Township's hydrogeologist. His memo is an important document to read.

L. Riggio had previously commented about the cost so that the Board could hear the entire conversation and have a balanced view.

L. Voronin stated the EC has formed a well ordinance subcommittee. She stated only three people can participate. The members are S. McNicol, D. Kratzer, G. Ashley and M. Tippet. She is not sure if all of those people are planning to attend all of the BOH meetings or be on the subcommittee.

M. Syrnick inquired if there is a multi-board subcommittee for the review of the well ordinance and does the EC have another subcommittee to review it.

L. Voronin stated the BOH had not formed a subcommittee.

S. McNicol stated she attended the October meeting of the BOH and what came of that meeting was to have the well ordinance introduced at the next meeting in November and then the final introduction, as it was prior to January 2021, finalized in December. She stated that was the plan. She stated they then decided, because of V. Uhl's recommendation that the 3-part pump test is important and should not be deleted for the smaller lots and to have the subcommittee review the minor changes in the well ordinance. The subcommittee would review the minor changes after the well ordinance was placed back in its original form.

J. Mathieu stated he thinks the public is well aware that S. McNicol and the EC are a competent team to go over and represent the matter to the BOH. He is 100% behind this group to save the ordinance.

S. McNicol stated the picture of where it is going is that a subcommittee will be formed and discussed outside of this Board. The subcommittee will let the Board see the final ordinance. Subcommittee meetings have not been established but will after the well ordinance was back in place.

M. Syrnick inquired if the goal was to revert the well ordinance back to the original and the BOH is agreeing why are there so many subcommittees looking at the matter.

S. McNicol stated V. Uhl had made a couple of suggestions in his memo, primarily little things in the table, that will be discussed by the subcommittees.

Approval of Minutes

It was moved by J. Mathieu, seconded by R. Dodds and carried to approve the minutes of October 14, 2021 and place on file. All members present voted **AYE**, except R. Dodds, S. McNicol, who **ABSTAINED**.

CORRESPONDENCE

Franklin Township Land Use Board – Public Hearing;

PRIVILEGE OF THE FLOOR

R. Dodds congratulated A. Russano on his winning the election.

A. Russano thanked the Board members for volunteering and stated that he looks forward to working with them closely in the future.

ADJOURNMENT

It was moved by R. Dodds, seconded by C. Ely and carried to adjourn the meeting at 7:57 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudенbach, Secretary