

MINUTES

7:30 PM

PRESENT: R. Dodds
C. Ely
D. Haywood
J. Mathieu
S. McNicol
M. Syrnick
L. Voronin
D. Banisch, Planner
D. Pierce, Attorney
K. O'Such, Engineer

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

CALL TO ORDER

The meeting was called to order by C. Ely 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 meeting held online. The meeting is hosted on Zoom at the following URL address: <https://us06web.zoom.us/j/83434082739?pwd=NHhERWo1UnlEaXJzWHMxRIJsRzNLZz09>.

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 – Hearing

J. Mathieu recused himself from the following matter as he is an adjoining property owner.

C. Ely stated from the engineer's memo it seems as if the applicant is requesting numerous waivers because the application is for a boundary line adjustment.

D. Pierce stated the application is for a boundary line adjustment and many of the items for which waivers are being requested aren't applicable. He suggested the Board entertain a motion to grant the waivers and a determination of completeness.

It was moved by S. McNicol, seconded by R. Dodds and carried to grant the requested waivers and determine the application complete. All members present voted **AYE** on **ROLL CALL VOTE**.

R. Dodds inquired if the Board was granting a waiver for #4 - Electronic Format Submission.

K. O'Such responded that he was filling in for W. Ingram this evening and based on their review of the application and the minor lot line adjustment, he is in favor of granting the completeness waivers for all of the items listed for completeness purposes. The requirement of the CAD drawing should be a condition of approval.

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

D. Pierce stated the Board can proceed to the hearing on the application since no public notice is required. The Board can consider the application the same night as it is deemed complete.

It was moved by R. Dodds, seconded by S. McNicol and carried to open the hearing on Block 38, Lots 31 and 32 Boundary Line Adjustment. All members present voted **AYE**.

D. Pierce swore in M. Ziegler.

M. Ziegler testified that three acres from Lot 32 will become part of Lot 31. It is a straight line from an existing marker to a new marker. There are no plans for development or movement of soil. It is to create a larger front yard buffer. It is his intention to keep it as open space. It is really a simple thing with a lot of documentation. The lots currently contain existing structures.

D. Pierce stated there are items noted in the engineer's report indicating that the applicant had to submit a revised plat with the setbacks indicated on it.

K. O'Such stated the applicant has satisfied that comment. He stated he has reviewed the revised plat and technical comments, 1, 2, 3 & 4 are included on the revised plat. He has not issued a memo to that fact. The applicant has satisfied the technical comments in the letter. He stated in reviewing the actual plat, they are not signed or sealed by a professional. It should be required if the application is approved. He stated Mr. Ombalski's signature is in the block on the bottom but he needs to sign and seal the actual plans.

M. Ziegler indicated that the revised plans had a signature and seal.

D. Pierce stated the secretary can check the plat.

D. Laudenbach responded that S. Ombalski has signed and sealed the original but the applicant has not signed the setting corner waiver.

C. Ely asked if there was any more discussion on the subject.

R. Dodds inquired if there was any intention of developing Lot 31.

M. Ziegler stated he has been there for thirty years and doesn't have any plans to develop the property.

C. Ely inquired if there were any questions or comments from the public. No response was heard.

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

It was moved by D. Haywood, seconded by S. McNicol and carried to approve the application with the conditions. All members present voted **AYE** on **ROLL CALL VOTE**.

J. Mathieu resumed his position on the Board at this time.

Cost Estimate – D. Banisch – Review of Commercial Zones

D. Banisch provided the following memo to the Board:

The purpose of this memorandum is to provide the Planning Board with a cost estimate for our review of permitted uses in the Township's commercial and business zoning districts, including the following Zones:

VC-1	Village Commercial
VC-2	Village Commercial
BP	Business Park
HC	Highway Commercial
PO/R	Professional Office/Residential
EGVCO	Eastern Gateway Village Center Overlay
SCO	Scenic Corridor Overlay
	Mixed-Use Core AH Overlay
	Commercial and Artisan AH Overlay

Our review will include identification of the various nonresidential permitted uses in each of the Zones for the Board to consider the possible addition or removal of permitted uses for consistency with the Planning Board's objectives for recommendations to the governing body.

Proposed Scope of Work

Our anticipated scope of work for this review, based on the Board's confirmation of same, is as follows:

1. Analysis – Review and analyze permitted nonresidential uses in each of the Township's non-residential and mixed-use zoning districts and assess the relative consistency of each of the permitted uses with the planning objectives for each nonresidential zoning district.
2. Interim Report – Prepare an interim report to the Board based on the analysis described above for the Board to review and consider the various permitted uses in each of nonresidential zoning district and for the Board to determine whether and the degree to which (1) zoning district planning objectives should be amended or revised and (2) permitted uses should be amended to better reflect the Board's updated planning objectives for each of nonresidential zoning district; and (3) whether the existing nonresidential zoning districts should remain or be reclassified.

3. Goals and Objectives – Based on direction provided by the Board, we will prepare amended goals and objectives for the Master Plan (Land Use Plan Element).
4. Final report – We will prepare a final report identifying (1) updated Master Plan Goals and Objectives for the Township’s nonresidential zoning districts (2) a purpose statement for each zoning district corresponding to updated planning objectives identified by the Planning Board for each, and (3) recommended Master Plan and zoning ordinance amendments consistent with updated Goals and Objectives and the Purpose Statement for each nonresidential zoning district.

We estimate the scope of services will be provided to the Board at a cost of approximately \$3,500 – \$4,000.

We anticipate that the Board may affirm or modify the proposed scope of work identified above and will adjust our estimate accordingly.

We note that actual Land Use Plan amendments will involve a substantial planning analysis to address requirements of a recent amendment to the Municipal Land Use Law on February 4, 2021 that is found at N.J.S.A. 40:55D-28.b.(2) (h), and applies to any amendment to the Land Use Plan.

That amendment requires that “... , (h) for any land use plan element adopted after the effective date of P.L.2021, c.6, ***a climate change-related hazard vulnerability assessment*** which shall (i) analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise; (ii) include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified in subparagraph (i) of this subparagraph related to that development; (iii) identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state; (iv) analyze the potential impact of natural hazards on relevant components and elements of the master plan; (v) provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards; (vi) include a specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and (vii) rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection;”.

We trust that the Board will find this information useful in its consideration of this matter at this time.

D. Banisch stated if the Board chose to update the Land Use Plan that cost has not been included in his price estimate. The Board can recommend changes to the Township Committee without an amendment to the Land Use Plan but it shouldn’t.

D. Haywood stated D. Banisch’s suggestion of incorporating Goals and Objectives and a Purpose Statement is an excellent point. The Board of Adjustment needs to take a look at the Goals and Objectives and Purpose Statement before they make any determinations.

L. Voronin stated the Board needs to have a really good purpose and justification for what they are doing.

J. Mathieu inquired if there is a Purpose Statement in any form in the current zoning districts

D. Banisch responded that he didn't confirm if there is one for each of the zoning districts.

C. Ely stated he is in favor of looking further into the climate change-related hazard vulnerability assessment. He grew up in Hunterdon County and never saw flooding that was seen with Hurricane Ida in October.

D. Banisch stated he will have to put a number on that as it is a fairly involved analysis that the Board will have to undertake but it is now required by law.

C. Ely inquired how the rest of the Board feels regarding the climate change-related hazard vulnerability assessment.

D. Haywood and L. Voronin responded the Board should do the assessment.

R. Dodds suggested the Board do it in the steps indicated in D. Banisch's memo.

D. Banisch stated he should provide a preliminary report for the Board to review. He stated he had provided to the Board earlier this year a cost estimate for the updating of the entire Land Use Plan and what a substantial update would look like. He is not sure where the Board stands. For budgeting purposes should the focus be on the commercial zones.

R. Dodds stated it could be done as part of the Land Use Plan or Re-Examination report. The Board may want to deal with the non-residential zones and then the entire Land Use Plan.

D. Banisch stated the Board should do the Land Use Plan because there is a very strong planning basis that unpins the Township's zoning right now. He doesn't know what the Board's sentiments are in respect to the whole Land Use Plan. The Board should not touch the Eastern Gateway Village Overlay Zone as it deals with affordable housing. The review of the permitted commercial uses in the zone would be acceptable. He is referring to the zones listed in his memo. There are certain key zoning districts that may have heightened interest. The question for a cost estimate came out of nowhere. His memo is his best shot at basically what he thought the Board would want to do.

M. Syrnick stated the Board was looking at some business, such as a micro-brewery, earlier this year. The Planning Board reviewed the permitted uses in the Highway Commercial zone. In some zones you could have a store and in other ones you couldn't. There were uses that were duplicated in the Business Park and Highway Commercial zones. It made sense for the Board to visit the zones and see what they wanted to do in both of those zones. She inquired if it makes sense in the Business Park, Highway Commercial and Village Commercial to allow the permitted uses in the ordinance.

D. Banisch stated that a micro-brewery or other uses of that ilk, such as tourism and service-oriented uses, could be encouraged in these certain zones and the activity focused along Route 12. There is some consternation about some of the uses permitted along Route 12 being inconsistent with the Scenic Corridor Overlay objectives.

R. Dodds stated permitted uses such as department stores, bowling alleys, movie theaters, etc., are antiquated uses. All the uses along Route 12 should be reviewed just to see why some zones had different permitted uses. He stated less describing of the types of business and more into the type of look and feel along Route 12 should be reviewed. The Board should discuss what it would like to see along Route 12. The Board should be getting

more prescribed about their descriptions and uses along Route 12. The ordinance is stuck in the 50's or 60's mode of development. The requirements should get further away from industry specific. He stated the Village Commercial zone permits some things and a few feet away that permitted use is not allowed. You could have a bowling alley but not a drone flying facility. The permitted uses should deal less with what is going on and more on how it impacts the Township. He requested D. Banisch provide the Board with an estimate if the Board was going to proceed with the costs indicated in tonight's memo removed from it for the 2022 budget.

D. Banisch stated the he will provide a cost estimate to the Township.

M. Syrnick stated if he could provide a bundle price and the Township will pick and chose the items they would like update. It may be done in 2022 or 2023.

D. Banisch stated he previously provided a cost estimate of a comprehensive Land Use Element which did not include the climate change-related hazard vulnerability assessment. The estimate in the above memo was for the commercial zones but that will be substantial piece of the Land Use Plan. He will return to the Board with better pricing and let them know what their options are and how much it will cost. The Board can go ahead with the commercial analysis and come up with the recommendations. Once there is a public hearing for the Land Use Plan the Board will have to have the climate change-related hazard vulnerability assessment. He doesn't think the Board wants to do the work and put it on the shelf. He will provide the cost estimates for the next meeting.

Permitted/Prohibited Uses in Commercial Zones

C. Ely stated the subject was reviewed in the above discussion.

S. McNicol – Stream Corridor Ordinances (ANJEC);

S. McNicol stated D. Banisch had provided the Board with a memorandum in August which talked about the Land Use Plan and the Board asked for some cost estimates. She isn't sure how it came up in the previous memorandum. D. Banisch spoke about the Master Plan, Land Use Element and then to Stream corridor ordinances. He should include a discussion about the Stream Corridor Ordinance when he references the Land Use Plan. She stated he referenced an ordinance from Far Hills.

D. Banisch stated Far Hills' restrictions are more expansive than DEP's stream corridor restrictions.

S. McNicol stated tonight's discussion about climate change would lead the Board into that ordinance. She stated the Board is finally going to move on that discussion.

M. Syrnick stated the Township already has in place the recommended DEP buffers and inquired what more would the Stream Corridor Ordinance take into account.

D. Banisch stated topography would be taken into consideration and require more extensive buffering. The 300' riparian corridor is basically applied irrespective of topography. The Township has a number of streams that extend through steep slope areas where 300' of either side would not get to the limit adjoining the stream corridor itself. It would protect the steep slopes to where they are no longer considered steep slopes. It may be useful in some parts of the Township.

C. Ely inquired if it would limit inputs into the riparian areas such as fertilizers.

D. Banisch responded it could. The stream corridor would identify a list of inputs such as unwanted fertilizers and potentially some other activities that may be of concern to the Board can be put in the ordinance.

Re-Organization Meeting – January 13, 2022 AT 7:30 PM

Approval of Minutes

It was moved by S. McNicol, seconded by R. Dodds and carried to approve the minutes of November 15, 2021 and place on file. All members voted **AYE** on **ROLL CALL VOTE**.

CORRESPONDENCE

NJ Planner – September/October 2021;

PRIVILEGE OF THE FLOOR

L. Voronin inquired if the Board was losing any members.

R. Dodds responded that after nine years on the Township Committee and six years of the Planning Board he was stepping down and spending some time on other projects. He thanked the members for their volunteer time and support in the last nine years.

J. Mathieu inquired who was his successor. R. Dodds responded the decision will be made by the incoming Township Committee.

R. Dodds was thanked by the Board members for his service to the Township and Board.

ADJOURNMENT

It was move by R. Dodds, seconded by C. Ely and carried to adjourn the meeting at 8:26 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschach, Secretary