

MINUTES

7:30 PM

PRESENT: D. Haywood
J. Mathieu
S. McNicol
A. Russano
M. Syrnick
G. Vitale
L. Voronin
F. Murray, Alt #1
A. Fisher, Attorney
J. Hansen, Engineer

ABSENT: S. Harris

CALL TO ORDER

The meeting was called to order by D. Haywood at 7:31 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. The Board meeting is a virtual meeting held online. The meeting is hosted on Zoom with the link posted on the Township website.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat and Courier News on January 20, 2023, and has been posted in the Kingwood Township Municipal Building on January 20, 2023 and has been filed with the Municipal Clerk.

NEW AND PENDING MATTERS

Engineering and Land Planning – J. Hansen

A. Russano introduced Planning Board engineer, J. Hansen, Vice President of Engineering and Land Planning (ELP).

J. Hansen stated he has been an engineer for 30 years. He started in 1993 and he has worked for two firms for most of his time as an engineer. The first firm was Ferraro Engineering which is located in Chester. The firm did a lot of municipal work. In the middle of his time with that firm he represented about three or four towns. At the peak of his career with Ferraro Engineering he represented ten or eleven boards. He was out about 140 nights a year. During his time there he created a vast network of people both on the private and municipal side. In 2018 he left that firm and came to ELP as the vice president in a leadership position. When he joined ELP he was leading the private work at the firm. When W. Ingram left it was natural that he took over his work due to the fact that he had all that municipal experience. He has been working with Kingwood since March of this

year and getting up to speed with all the projects. For the Board he tries to take the technical terms and boil them down so the members can understand them and he gives the Board the tools they need to be informed. He has had a lot of success with that approach. He stated he is looking forward to meeting the Board in person and thanked them for their time this evening.

Special Occasions Events on Preserved Farmland

S. McNicol stated she asked for the matter to be tabled from last month. She has reviewed the minutes from the Open Space/Ag (O/S&A) committee meeting and she did not see anything that was of importance. The committee just discussed it. She stated once an ordinance is drafted, they can proceed with a discussion. At this point it is up in the air.

M. Syrnick inquired if the committee felt that some regulation is positive or should there be no regulations.

S. McNicol stated the thought was that there should be some regulations but there were some who felt they should not be as severe as all the requirements in the Alexandria ordinance. There should definitely be some regulations that would offer some protection to the residents who live in an area where these events may take place.

D. Haywood inquired if the O/S&A committee took a look at the Alexandria Township ordinance.

S. McNicol stated they did but it was just sort of a discussion of the pros and cons. Nothing was really set. ~~A group~~ The O/S & A committee members (corrected at the 8/10/2023 meeting) did respond that they were concerned and had some issues with what went on near their homes and that they would like to see some regulation. The Committee talked about fireworks going off late at night after some event near their home. People are concerned about traffic and how this kind of activity will affect them. They discussed the Beneduce property has events on Friday, Saturday, and Sunday so if you live in the development right next door to them you are experiencing activities at your home if you are outside. Her suggestion would be to work up some kind of ordinance and then review the draft to see if there are any other additional comments.

A. Russano stated that S. McNicol hit it perfectly. He stated the concern is that everyone believes that there should be something in place moving forward but not as detailed as the Alexandria ordinance. Some are saying, and zoning has chimed in as well, that there are some communities that require a minor site plan to advise the local municipality of the multiple events. This is a concern for many and people definitely want to make sure that it helps those in the farming community but also looks out for the residents.

D. Haywood inquired if anyone on the Board have specific items which should be included or excluded.

S. McNicol stated it has not been discussed to that detail. There is a concern that the farmers who are purchasing land are not from the community and the businesses that could be brought up on those properties are not necessarily helping a farm that is struggling to make ends meet. The Township does not have too many struggling farmers. There were concerns that there are interests coming in that are not community minded. There was nothing nailed down as far as any reason to what should be done. She stated they need to have an outline. She stated there was some discussion that the County would be preparing regulations.

A. Russano stated that the County did prepare and move forward about a month ago designing a tentative type of guideline but it has not yet been completely hashed out. There was also some discussion about bringing in the planner to offer some guidance on what is happening in other communities other than Alexandria to try and get a more open approach as opposed to just Kingwood coming in making a decision or suggestion.

S. McNicol stated she is not sure what the next step would be but the Board could ask the planner to see if he could come up with a draft ordinance.

M. Syrnick stated the planner provided the Alexandria ordinance. The Board has had the Alexandria ordinance for about three or four meetings. It does make sense to have him pare it down for Kingwood but the Board should provide him with some suggestions. She knows that the subject of parking was brought up with it not destroying farmland. It makes sense to have D. Banisch pare it down and make it more Kingwood. Any suggestions the Board members have should be provided to him.

D. Haywood stated she knows that D. Banisch was going to work with A. Fisher in drafting the ordinance. The Board members should provide to D. Banisch any input within the next two weeks. Hopefully the professionals could put together a template before the next meeting.

M. Syrnick and A. Russano agreed with D. Haywood's suggestion.

EV Charging Stations on Existing Commercial Sites located on Route 12

D. Haywood stated she had a little technical difficulty in joining last month's meeting during the discussion. She stated there was quite a bit of discussion at the meeting. One thing she is concerned about is for the Township to adopt an ordinance to make sure it is protecting itself rather than relying on the State's ordinance. Fines were also discussed. She would not want to see a fine of \$2,000.00. She was thinking about \$50.00 for a first offense and \$100.00 for a second and \$1,000.00 for any offense after the second one. There was also discussion about if the Township should be involved in the installation of a charging station. There was some discussion about obtaining a grant for the installation of a charging station. There was also discussion on whether or not the Township would want to have that responsibility. She is not sure how that would work. Her own personal feeling is that she would not want the Township getting into the business of having EV charging stations. She would personally feel more comfortable with the Township working with businesses and letting them take the onus on by following the ordinance that the Township adopted. The businesses should take the responsibility for it.

M. Syrnick stated the Township has no intent of putting in any charging stations or charging anything or getting into that business. She thought one of the other committees, maybe the Environmental Commission (EC), might apply for a grant for the installation of an EV charging station at the park. As far as the Township Committee, they have no intention of putting in charging stations. The ordinance is taking the State ordinance with input into the Kingwood code. She stated where she works there are a couple of charging stations and the owners of the buildings want to change the stations to ones where the people have to pay to charge their vehicles. The owners do not want to continue paying for them to charge their vehicles. She stated sometime in the future if a different Township Committee ever decided to install a station, the ordinance can be amended. She wants to make sure that the Board is clear that she is not promoting EV charging stations. No one knows what will happen in the future. The ordinance would just be taking the State's ordinance and incorporating it into the Kingwood code with a couple of the paragraphs mentioned in D. Banisch's memo.

A. Russano stated it was brought to the Planning Board's attention that the EC was thinking about the possibility of a grant. It was brought forward for anyone to discuss openly. It is pretty expensive and there is some litigation currently. He stated Wawa has some safety concerns. If any of the businesses wish to install one, the ordinance will ascertain that they meet the mandates in regard to parking spaces and the type of equipment being installed.

M. Syrnick stated the installation of the equipment would have to go through the building code regardless of a new business on Route 12 or an existing one. They will not have to come to the Planning Board for site plan approval. It may be beneficial to some of the existing businesses or beneficial to any new business.

D. Haywood stated she agrees with the comments but firmly believes that the Township should not get into the EV business. She inquired if the EC is applying for a grant how does it affect the Township.

M. Syrnick stated she has not heard anything further about it from the EC.

L. Voronin stated her recollection is that there was a grant available and the EC discussed applying for it. She said it was not discussed further.

M. Syrnick stated L. Voronin's response answers the question. She stated there is no Township sponsored EV station being installed.

S. McNicol stated she thinks it was mentioned at the EC that the Planning Board discussed it and there is an ordinance being drafted. She asked if the Township Committee should inform the EC that the Township is not really interested in installing an EV charging station.

M. Syrnick stated she does not think it has any input into this ordinance. The ordinance can be amended in the future. She does not want to personally discourage the EC from applying for anything they think is beneficial to the Township but S. McNicol is more qualified than she is.

S. McNicol stated she hates to see people spinning their wheels applying for something that the Township does not have an interest in even if there is a grant. She has experience where she has done things and it goes nowhere. She would be willing to report to the EC that the Township is not interested at this time.

D. Haywood stated that the Township is not interested in getting into the EV business. If the EC is interested in continuing with the grant, they should approach the Township Committee and get concurrence before proceeding.

D. Haywood commented as far as the ordinance is concerned is there anything besides the fines that need to be discussed so that the Board's feedback can be given to the planner.

M. Syrnick stated D. Banisch provided a memo to the Board. He outlined three places where the State's ordinance can be changed for the Township:

Zoning Officer review and approval of the application;
Electrical SubCode inspection;

Fines - \$50.00/\$100.00.

D. Haywood inquired what amount do the Board members feel is an appropriate fine. Last month's minutes stated the Board discussed \$50.00 or \$100.00.

After some discussion the Board decided that \$50.00 would be for a first offense, \$100.00 for a second and \$250.00 for the maximum. It would be at the judge's discretion to impose the maximum.

S. McNicol inquired if charging stations can be installed indoors. She stated the car dealer across from Sunset Markets has an EV charging station indoors. He had been selling Teslas for a while.

M. Syrnick stated it was a valid point about being installed indoors. She stated the ordinance does not cover the installation of a charging station being installed indoors. The indoor installation of charging stations would be covered under the DCA electrical code.

D. Haywood stated she agrees that it would not be part of this ordinance but is a good concern. The indoor installation is something the business would have to consider and be aware of these problems with fires.

S. McNicol stated the batteries are starting to cause a lot of issues with fires. She was not sure if this was the place to make the recommendation. She stated there are a number of garages that do auto repairs and have people living upstairs. It is something to seriously consider. She does not want to see people injured. The property is a used car business and did not have to come before the Board of any approval. The proper installation is up to the electrician who installed the device. She stated there is no guidance at this time. She inquired if the code official is aware of the installation of the device.

G. Vitale inquired if S. McNicol is sure that it is a charging station and not just the use of an extension cord. He stated there is a charging unit that can be installed which taps into your regular voltage. There is also a high speed charging station that requires higher voltage and is usually not running off of 110 or 220. They run off of higher voltages. He was thinking about putting one in his rental but he would have to run 220 wiring. The charging device plugs into a regular outlet. He would have to get approval to have a 220-line run to where the parking is located.

S. McNicol inquired if G. Vitale spoke with an electrician and inquired about what was necessary.

G. Vitale responded he read up on it. He stated some devices are hardwired and some of them could be plugged into a regular outlet. It all depends on what that particular charging device requires. But in most places, it is really just tapping into your existing wiring. Most people have to install wiring because they do not have a plug where they would need to charge their car. Most people also do not have 220 wiring.

D. Haywood stated it seems to be an issue but she does not know how serious of an issue it is. She requested the secretary contact D. Banisch to proceed with drafting the ordinance with the suggestions from the Board.

Standards for Conditions of Approval

D. Laudenbach stated D. Banisch at a prior meeting requested the Board consider implementing standard conditions of approval of applications.

Farmland Preservation Plan

M. Syrnick stated the last update was that it is still with the State.

Minutes

It was moved by S. McNicol, seconded by M. Syrnick, and carried to approve the minutes of May 11, 2023 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except D. Haywood and A. Russano, who **ABSTAINED**.

Agenda Items

D. Laudenbach inquired which items should be carried to future agendas:

Special Occasions Events on Preserved Farmland;
EV Charging Stations;
Farmland Preservation Plan;

CORRESPONDENCE

D. Haywood reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

S. McNicol stated D. Banisch suggested that letters be written to the target farms on the Township's list that had resolutions adopted for potential preservation. L. Schmid spoke with J. Middleton of the Hunterdon Land Trust and R. Hornby of the County Farm Preservation Group and they discouraged the Township from moving forward on writing the letters. She stated the State had sent out 11,000 postcards to potential farms that could possibly be preserved and they received only 8 responses. Delaware Township also did something similar and did not receive any responses. Also, another issue is that the Township has put farms on the target farm list and have not talked to the owners about it. If the Township needs a farm, they look at potential properties and quickly add them to the list and submit the resolution to cover themselves. If you contacted these people, they would not know what you are talking about. It works better for L. Schmid to continue the Township's method of contacting people directly and discussing preservation.

S. McNicol stated the Open Space Recreation Plan Element (OSRP) was adopted in 2012. She does not know if it was approved. She inquired if the Township has to do a full update or can a re-examination report be done. D. Banisch should be asked which would be appropriate. She would like a response from D. Banisch for the next Open Space meeting at the beginning of July.

M. Syrnick stated the last time she was involved there was discussion of grant money that was given to us and one of the requirements was to do an update to the OSRP.

S. McNicol stated there are a number of things that the Township is supposed to address for Green Acres. It is somewhat urgent for the Township in case an open space property comes along.

L. Voronin stated the Planning Board attorney was to find out if the County Ag Board can override Kingwood's zoning regarding containers on a property.

A. Fisher stated they did review it but first off it needs to be determined what the rest of the five containers are being used for on the property. It is something for the Township attorney to write a letter to the County Ag Board and the property owner.

L. Voronin stated the attorney was supposed to check to find out if the County can override the Township's zoning regulations in regard to the number of containers on the farm.

D. Haywood stated it is her understanding of the issue that the Township has an ordinance in place and someone went to the County and they gave permission to have six containers. She stated the question was does the County have the authority to override the Township's ordinance. She inquired if the Township can have an answer at the next meeting.

L. Voronin stated the property has more than six containers on it.

J. Mathieu inquired who was supposed to have been involved in overriding the Township's ordinance.

L. Voronin stated it was the County Ag Board.

S. McNicol stated there is a letter in the file indicating that the owner went to the County Ag Board requesting permission to have trailers on the property to store hay. The County Ag Board granted approval for six containers. The number of containers continue to grow.

M. Syrnick stated it is not just one property that has an issue. She has heard other people say that they have to follow the County's and not Kingwood's rules. It would be good to know from a legal point of view if the County can override the Township's ordinances.

G. Vitale inquired if Right to Farm Act (RFTA) allows exceptions.

J. Mathieu responded that the RFTA provides protection from a person who is farming and the neighbor that moved in yesterday and does not like the odor from the steers. The new neighbor does not have the ability to complain.

G. Vitale stated the RFTA covers more than nuisance laws. He inquired if the owner can have as many trailers as they want. The County allowed up to six containers but under whose authority. If the resident is claiming under the RTFA, he does not think the Township has the authority and it is under the County Ag Board.

J. Mathieu stated going back about 20-30 years the Township had an Agricultural Advisory Board that tackled that issue because farmers utilized the containers to put in feed to protect it from rodents. The ordinance delineated how many and who could have them. He stated the RTFA does not have anything to do with trailers on the property.

M. Syrnick stated the question is can the County Ag Board override the Township's ordinance on certain issues when it comes to farms.

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D. Haywood stated the Planning Board attorney will write them a letter. She stated the second question is who is responsible for enforcing the trailer limit.

J. Mathieu responded it is the Zoning officer.

L. Voronin stated it seems to her that the Planning Board attorney should write a letter to the County Ag Board requesting the law they have on their books where it can tell the farmer that it can have six trailers. It has to be written somewhere. She requested the Board be provided with the regulation that permits the County Ag Board to override the Township's zoning regulations. It should be put on them to provide the documentation.

D. Haywood stated hopefully the Board will get an answer by the July meeting and then it can be discussed further if there are still some open issues.

L. Voronin stated she thought the substitute for the Planning Board attorney who was in attendance last month was supposed to follow up after the meeting.

D. Haywood stated it will happen this month.

S. McNicol stated it has been four months with no action.

It was moved by L. Voronin, seconded by S. McNicol to request the Planning Board attorney to contact the County Ag Board and find out what their authority is to override the Township's ordinance, to cite the regulation permitting the overriding of the Township ordinances, their enforcement actions for violators and how many containers the County Ag Board allows. All members present voted **AYE** on **ROLL CALL VOTE**, except G. Vitale who **ABSTAINED**.

ADJOURNMENT

It was moved by S. McNicol, seconded by L. Voronin, and carried to adjourn the meeting at 8:39 PM.

Respectfully submitted,

Diane Laudенbach, Secretary