

**BOARD OF ADJUSTMENT  
OF  
TOWNSHIP OF KINGWOOD**



**JANUARY 14, 2009  
MINUTES**

*Address Reply To:*

*Secretary  
P.O. Box 199  
Baptistown, New Jersey 08803-0199*

**B. Wilson, secretary called the meeting to order at 7:30 p.m.**

**PRESENT:**

**J. Laudenbach  
B. Grossman  
M.L.Haring  
P. Stepanovsky  
B. Wilson, sec**

**ABSENT:**

**G. Karlsrud**

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, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

The 48 hour requirements of the Sunshine Law have been met. Notice of this hearing has been advertised in the Democrat. Copies of this notice were posted in the Kingwood Township Municipal Building and filed with the Municipal Clerk.

**RE-ORGANIZATION:**

**B. Grossman nominated M. L. HARING FOR CHAIRMAN, seconded by D. Hewitt. P. Stepanovsky moved that nominations be closed, seconded by J. Laudenbach. Roll call to vote.**

**AYE: B. Grossman, P. Stepanovsky, D. Hewitt,  
J. Laudenbach, D. Stryker**

**ABSTAIN: M.L. Haring**

**ABSENT: G. Karlsrud**

**J. Laudenbach nominated P. STEPANOVSKY FOR VICE-CHAIRMAN, seconded by D. Hewitt. B. Grossman moved that nominations be closed, seconded by D. Hewitt. Roll call to vote.**

**AYE: B. Grossman, M.L. Haring, D. Hewitt, J. Laudenbach,  
D. Stryker**

**ABSTAIN: P. Stepanovsky**

**ABSENT: G. Karlsrud**

**B. Grossman nominated THOMAS DECKER from the office of Gilmore & Assoc. for the Board of Adjustment ENGINEER, seconded by D. Hewitt. P. Stepanovsky moved that nominations be closed, seconded by J. Laudenbach. Roll call to vote.**

AYE: B. Grossman, M.L. Haring, D. Hewitt, P. Stepanovsky,  
J. Laudenbach, D. Stryker  
ABSTAIN: None  
ABSENT: G. Karlsrud

P. Stepanovsky made a motion that the Kingwood Township Board of Adjustment meetings for 2009 be held on the SECOND WEDNESDAY OF EACH MONTH AT 7:30 P.M., seconded by D. Hewitt. Roll call to vote.

AYE: B. Grossman, M.L. Haring, D. Hewitt, P. Stepanovsky,  
J. Laudenbach, D. Stryker  
ABSTAIN: None  
ABSENT: G. Karlsrud

B. Grossman made a motion that the OFFICIAL NEWSPAPER IS THE DEMOCRAT and the ALTERNATE PAPER THE COURIER NEWS seconded by D. HEWITT. Roll call to vote.

AYE: B. Grossman, M.L. Haring, D. Hewitt, P. Stepanovsky,  
J. Laudenbach, D. Stryker  
ABSTAIN: None  
ABSENT: G. Karlsrud

MINUTES:

D. Stryker noted that her name was omitted from page 2, under NEW BUSINESS-name not showing by On roll call to vote=Aye:

December 10, 2008 minutes was approved, with correction noted above, with a motion by J. Laudenbach, seconded by D. Stryker. On roll call to vote.

AYE: B. Grossman, M.L. Haring J. Laudenbach, D. Hewitt,  
P. Stepanovsky, D. Stryker  
ABSTAIN: None  
ABSENT: G. Karlsrud

RESOLUTIONS:

Route 12 Properties, LLC, Block 12, Lot 16, proposed Lots 16.01 & 16.02- Extension Request.

B. Grossman noted Planning Board should be changed to Board of Adjustment on the first page.

B. Grossman moved to approve with the changes noted, seconded by D. Hewitt. On roll call to vote.

AYE: B. Grossman, J. Laudenbach, D. Hewitt, D. Stryker  
ABSTAIN: P. Stepanovsky, M.L. Haring  
ABSENT: G. Karlsrud

NEW BUSINESS:

Determination of Completeness:

Tony Vacca, subdivision, Block 6. Lot 24, proposed Lot 24.01. The property is located on State Hwy 12, Frenchtown, N.J.

B. Grossman recused himself.

Shana Taylor from the law office of Gaetano DeSapio is here tonight representing the applicant Tony Vacca. They received site plan approval several years ago and they came before the Board in September 2007 and their application was deemed incomplete for the reasons set forth in a letter from Tom Decker, engineer, dated September 11, 2007. After a few months they were able to obtain almost all of the necessary information; submitted it to the Board and received a response letter from Tom Decker, on the 13<sup>th</sup>, which Shana will address tonight as far as the outstanding matters, and waivers they have requested.

Item#1-The Board secretary did receive the electronic copy of the plan.

#39-Elevations of any new buildings-the applicant is requesting a waiver because he is putting up a building that is basically pre-constructed and the company with not release the actual details, as far as the architectural details

ees, until he purchases the building. He can get basic drawings, of the typical building, if that would satisfy the ards' requirement.

**Item#43- Location of natural Features and conservation easements- requesting a waiver-most likely in a month or so they could get the Board a drawing of the easement.**

**Item#52 & 55-requesting a waiver-has well testing data and has provided it to the Board.**

**D. Pierce noted that for Item#39- the applicant can provide the Board with typical construction details of the type of building he's proposing to place on the property, based on what he's received from the building company as to what it will be, consist of and look like. This can be a condition of any approval, that he submit plans that conforms to the representation.**

**T. Decker noted that the ordinance checklist does not require the applicant give full set of architectural plans signed and sealed by an architect-really it's the footprint and elevations of the building that are required.**

**J. Laudenbach asked if it will be the 50 x 100 and Mr. Vacca stated that, that would be the maximum. 4 garage doors-inside 20' to peak in height.**

**D. Pierce noted that for Item#43 it is appropriate to depict on the plans the easement area, can be conditioned on submitting revised plans.**

**D. Pierce noted item#52 & 55 both are appropriate for a waiver.**

**T. Decker mentioned that the subdivision was approved before he came on Board and he understands that the condition of the subdivision was to complete a site plan. Is the Board looking for additional information on the existing parcel, as far as parking, striping etc.**

**D.Pierce noted that the question then becomes is, - Does the Board want to see that on the plans so that it can make a determination as to how that compares to the requirements of the ordinance...**

**Tony Vacca stated that the existing will not change.**

**P. Stepanovsky noted except the nice building that wasn't there before. Tony Vacca stated that the building will be moved if the Board desires.**

**J. Laudenbach noticed that the septic system design-tanks are in a different location.**

**D. Pierce noted that in the Resolution the subdivision was conditioned upon site plan approval for that lot- not sure that the Board ever contemplated a full site plan review for the existing business.**

**M. L. Haring noted that the Board was just looking for the site plan for the new lot which is what the Board has before them. There's really no change proposed to the parking area of the existing.**

**D. Pierce noted that reference to site plan approval for the existing lot may have been inserted because of joint access.**

**P. Stepanovsky stated that as he recalls the Board wanted site plan to see that it conforms to the ordinance because there's a parts store there and also a garage.**

**D. Pierce noted that's certainly something that the Board can ask the applicant to show on the plan.**

M.L.Haring questioned the lighting noted on page 3 of the plat and was told it would be a shoe box that shines downward and will go off in the evening.

D. Pierce looked at his notes from the subdivision and there was discussion about the parking for the existing business and apartment.

P. Stepanovsky noted that there was no formal site plan submitted on the existing property or the subdivision.

D. Pierce noted final subdivision plans wouldn't show the parking.

P. Stepanovsky feels that what was submitted tonight would be complete with the conditional approvals.

What they are looking for this evening are waivers from Item #'s 39,43,52,55 and the submission of basic dimensional elevations and also pictures by the manufacturer, (footprint and height)

D. Pierce suggested that they provide testimony at the hearing, with regards to the parking, and the condition would be the submission of plans showing the parking that conforms to what was testified.

P. Stepanovsky moved this application is conditionally completeness subject to the submission of the above noted items, seconded by D. Hewitt. On roll call to vote.

AYE: M.L. Haring, J. Laudenschach, D. Hewitt, P. Stepanovsky, D. Stryker

ABSTAIN: B. Grossman

ABSENT: G. Karlrud

Termination of Completeness/Hearing:

Timothy Wintermute, Block 21, Lot 4.01, bulk variance so as to permit the construction of a 180 sq. ft. ADA compliant (barrier free) access ramp attached to an existing, non-conforming single family dwelling. The property is located on 243 Locktown Rd., Flemington and the owners are the Delgado's.

Tim Wintermute informed the Board that the property doesn't meet the 75 ft front yard setback and that Jose Delgado has a medical hardship (both legs amputated) and is restricted to a wheelchair.

P. Stepanovsky moved this application be deemed complete, seconded by B. Grossman. On roll call to vote.

AYE: B. Grossman, M.L. Haring, J. Laudenschach, D. Hewitt,

P. Stepanovsky, D. Stryker

ABSTAIN: None

ABSENT: G. Karlrud

Hearing:

D. Pierce reviewed the notice of publication and found them to satisfy the notice requirements. The Board may open the hearing.

The applicant, Timothy Wintermute was sworn in by D. Pierce, attorney.

T. Wintermute informed the Board that the ramp is proposed for the front of the house, will consist of two (2) turns and will tie into the existing sidewalk which will allow wheelchair access to the driveway.

B. Grossman asked if the oil tank is below grade and was told it is.

P. Stepanovsky asked if there are other exterior door exits and was told that there's one (1) in the rear and two (2) sets of steps coming out the rear of the house. They didn't use them because of the numbers of steps going into the rear of the house.

P. Stepanovsky said that coming in level he enters into the living space in the house and at the end of the ramp there is a concrete sidewalk that goes out to the stone driveway.

T. Wintermute explained that the existing walk extends from the porch that's shown on the rear of the house out to the driveway, so at the end of the ramp they would connect a piece of sidewalk from the ramp to the existing sidewalk.

B. Grossman moved to close the hearing.

The Board members have no problem.

P. Stepanovsky moved to approve, seconded by B. Grossman. On roll call to vote.

AYE: B. Grossman, M.L. Haring, J. Laudenschach, D. Hewitt,  
P. Stepanovsky, D. Stryker

ABSENT: G. Karlsrud

ABSTAIN: None

The Resolution was prepared and approved by the Board -January 14, 2009 with a motion by D. Hewitt, seconded by B. Grossman. On roll call to vote.

AYE: B. Grossman, M.L. Haring, J. Laudenschach, D. Hewitt,  
P. Stepanovsky, D. Stryker

ABSENT: G. Karlsrud

ABSTAIN: None

**COMMUNICATIONS/REPORTS:**

Ordinance No. 15-25-2008-amend the development regulations of the Township of Kingwood, specifically "Chapter "Subdivision of Land" and Chapter 132-Zoning" of the general ordinance of the township.

Ordinance No. 15-26-2008-amend the townships development fee ordinance.

Kingwood Township minutes for 11/3/08.

Borough of Frenchtown-Notice of Public Hearing amending the Borough's Land Use Element of the Master Plan, a new Third Round Housing Element of the Master Plan and a new Third Round Fair Share Plan.

HCSCD- Re: Block 12, Lot 16 & 58- Letters dated 12/3/08 ans 12/09/08.

**OPEN TO PUBLIC:**

None

**ADJOURNMENT:**

D. Hewitt moved to adjourn, seconded by J. Laudenschach. The meeting adjourned at 8:35 pm. All in favor.



Barbara Wilson

Secretary

Board of Adjustment

Kingwood Township