

**BOARD OF ADJUSTMENT
OF
TOWNSHIP OF KINGWOOD**



Address Reply To:

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

**November 11, 2009
MINUTES**

M.L. Haring, chairwoman, called the meeting to order, at 7:30 pm.

PRESENT:

B. Grossman
M.L. Haring
P. Stepanovsky
M. Przystup
D. Stryker

B. Wilson, sec
D. Pierce, atty
J. Laudenbach
D. Hewitt

ABSENT:

C. McBride

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. The Board of Adjustment proceedings close at 10:30 p.m.

MINUTES:

It was noted that there is a typo on page #2 (erase the "t"). D. Hewitt made a motion to approve, seconded by B. Grossman. On roll call to vote.

Aye: B. Grossman, M.L. Haring, D. Hewitt, J. Laudenbach, P. Stepanovsky

Absent: C. McBride

Abstain: D. Stryker, M. Przystup

RESOLUTIONS:

Carriage House Kennels, LLC-Block 25, Lot 1.01 – not available.

NEW BUSINESS:

Determination of Completeness

Paul Smith, Block 37, Lot (s) 9 & 9.01-a variance so as to permit the construction of an addition to a single family dwelling. The existing dwelling lies within the front yard setback (for a detached single family dwelling in the AR-2 Zone). The property is located on 223 Federal Twist Rd., Stockton, N.J. 08559.

Due to a conflict, David Pierce has recused himself and Mary Mott will be the attorney representing the Board on the application for the above

Eric B. Rupnarain, PE, from Goldenbaum Bail Associates, Inc. is present to answer any questions that the Board may have.

E. Rupnarain informed the Board that the dwelling dates back to the 1850's and presently is not adequate to meet Mr. Smith's needs. Mr. Smith would like to construct an addition 2x the existing dwelling, but in order to do that he needs a variance from the front yard setback. The dwelling presently has three (3) bedrooms (railroad) and with the addition they are proposing four (4) bedrooms.

Eric Rupnarain reviewed the letter from Tom Decker, Board engineer, dated November 5, 2009 which noted items on page #2 as follows:

#18- Waiver requested.

#20- Showing on Key Map.

#21- Need the distance between buildings and house to well.

#34- Has will provide to the Board

#42- Certification that taxes and assessments are paid to date.

#44- Have submitted.

B. Grossman moved to deem this application conditionally complete, seconded by J. Laudenbach. On roll call to vote.

**Aye: B. Grossman, M.L. Haring, J. Laudenbach, D. Hewitt, P. Stepanovsky,
D. Stryker**

Absent: C. McBride

Abstain: M. Przystup

The December meeting is scheduled for December 9th, 2009

Hearings:

Robert S. Maurer, Block 51, Lot 45 - a variance from the Terms of Articles & Sections 132-50 (f) of the Zoning Ordinance of Kingwood Township so as to permit the installation of a 45' steel monopole supporting a wind generator. The property is located on 165 Byram Lane, Stockton, N.J. 08559, in the AR-2 Zone.

The affidavit of notice and notice served are adequate and satisfies the notice requirements. The Board may open the hearing.

Robert Maurer was sworn in by the Boards attorney David Pierce.

Letter from Tom Decker, Board engineer, dated September 8, 2009, page 1 & 2, under technical review was discussed as follows:

1. Some info was provided, foundation plan for the proposed monopole behind the existing retaining wall. The monopole is in the flood plain. The engineer is looking for more site specific information.
2. Need confirmation.
3. Additional information needed. Mr. Maurer stated that there are no overhead utilities.
4. Need data for the area.
5. This can be submitted with the soil survey.

6. Will demonstrate compliance. Mr. Maurer noted the noise would be between 40-60 decibels.
7. Discussed

D. Pierce explained to the applicant that the completion is based on the checklist.

Mr. Maurer couldn't say whether the retaining wall (railroad ties) is fill or original soil but he did say that it survived three (3) floods. He went on to say that Section 132-50 (E) of the Kingwood Zoning Ordinance it states that what he's proposing is a permitted use. Section 132-50 (F) states that "an accessory building may be erected in side and rear yard areas only at no less distance from the front lot line than the principal structure" The applicant proposes to place a wind tower in the front yard at a lesser distance to the front lot line (The Delaware River) than his existing dwelling (Principal Structure).

Mr. Maurer disagrees with the Board and feels he shouldn't have to appear.

D. Pierce noted that although the applicant disputes the definition noted in Section 132-50 (F) it clearly states energy -generating equipment is permitted in Section 132-50 (D) but it must meet the setback requirements.

Tom Decker, engineer, read under Definitions-ACCESSORY BUILDING, STRUCTURE OR USE- "A building, structure or use on the same lot with and of a nature incidental and subordinate to the principal building, structure or use."

J. Laudenbach asked the weight of the pole. (900 lbs)

M.L.Haring asked what the diameter is at the base.

M. Przystup asked the depth of the footer for the new pole to the existing wall.

Mr. Maurer stated that it's close to four (4) feet to the bottom of the monopole foundation and the distance between the existing and new is four (4) feet (there's a 6" drop for every foot you come over).

P. Stepanovsky asked Tom Decker about the retaining wall and was told that there's a staircase on one side and on the other side it's like a ramp (natural slope). It's six (6) feet back from the wall.

The footing is 7' 9" and is two (2) feet from the wall.

P. Stepanovsky asked why he's locating it in the front when he could locate it elsewhere and not have to come before the Board.

Mr. Maurer stated the wind field is better and also because of the huge trees on the property.

P. Stepanovsky stated that he has studied and has made his own observations.

Mr. Maurer stated he is an engineer and is intrigued.

P. Stepanovsky asked about **EXHIBIT A-1 - Photo of large trees rear of property.**

P. Stepanovsky asked if it came down would it go down on the neighbors property?

P. Stepanovsky asked how quiet it is and was told the noise is between 40-65 decibels.

Tom Decker asked the reason for putting it in the center and was told because of the trees.

J. Laudenbach asked if the footer is below the frost line.

B. Grossman asked how much voltage it generates and was told 120 volts.

M.L. Haring asked about the safety and was told that it's no different than generators that are out there and he would have to go by the specs from JCP&L.

B. Grossman asked the direction it's facing and was told the southwest.

M.L. Haring asked if the speed is steady or variable and was told it would need to reach 25 to 30 for peak to produce electricity.

D. Stryker asked if he could disengage it.

Mr. Maurer stated that it's rated to withstand winds 140 miles per hour.

P. Stepanovsky asked Tom Decker if he did the testing of the soil whose responsible-the building inspector.

Still need approval from the D & R Canal.

No more questions from the Board.

M.L. Haring stated that the Board received a letter, from a property owner, requesting the Board table making any final determination until the next meeting.

D. Pierce noted that this is an appropriate request and it would be the Boards discretion.

B. Grossman moved to table this until the December meeting, seconded by D. Stryker. On roll call to vote.

Aye: B. Grossman, M.L. Haring, J. Laudenbach, D. Stryker,

P. Stepanovsky

Abstain: D. Hewitt, M. Przystup

Absent: C. McBride

The Board informed Mr. Maurer that he will be the first on the agenda and he will not have to notice again.

COMMUNICATIONS/REPORTS:

Kingwood Township minutes for 9/1/2009

New Jersey Planning Officials-Training Programs.

Franklin Township Ordinance 2009-06A

Delaware Township-Revision to the Delaware Township Master Plan

D & R - Re: Maurer-Wind Generator/Steel Monopole

The New Jersey Planner-September/October 2009

Discussion on the 2010 Budget- After discussion it was decided to ask for \$7,000. J. Laudenbach made a motion to approve, seconded by D. Stryker. On roll call to vote.

Aye: B. Grossman, M.L. Haring, J. Laudenbach, D. Hewitt, P. Stepanovsky,

D. Stryker, M. Przystup

Absent: C. McBride

Abstain: None

Discussion on "Instructions and Variance Application BOA"

Reformat of the subdivision/site plan checklist

OPEN TO PUBLIC:

Discussion on changes to the existing instructions and variance application. This will be carried over to next month.

ADJOURNMENT:

D. Hewitt moved to adjourn, seconded by B. Grossman.. The meeting adjourned at 9:30 pm. All in favor.

A handwritten signature in cursive script that reads "Barbara Wilson".

**Barbara Wilson
Secretary
Board of Adjustment
Kingwood Township**