

**BOARD OF ADJUSTMENT  
OF  
TOWNSHIP OF KINGWOOD**



Address Reply To:

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

**May 12, 2010  
MINUTES**

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

**PRESENT:**

|                |                 |
|----------------|-----------------|
| B. Wilson ,sec | P. Stepanovsky  |
| M.L.Haring     | D. Pierce, atty |
| T. Decker, eng | D. Hewitt       |
| D. Stryker     | J. Laudенbach   |
| C. McBride     |                 |

**ABSENT:**

W. Grossman  
M. Przystup

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 pm.

**MINUTES:**

The April 14, 2010 minutes was approved with a a motion by D. Hewitt, seconded by J. Laudенbach. On roll call to vote.

**Aye: C. McBride, M.L. Haring, D. Hewitt, J. Laudенbach, D. Stryker  
Absent: W. Grossman, M. Przystup  
Abstain: P. Stepanovsky**

**RESOLUTIONS:**

None

**NEW BUSINESS:**

**Tony Vacca, Block 6, Lots 24 and 24.01-** Request for a 6 month extension. P. Stepanovsky moved to grant the 6 month extension, seconded by C. McBride. On roll call to vote.

**Aye: C. McBride, J. Laudенbach, D. Hewitt, P. Stepanovsky, D.Stryker,  
M.L. Haring**

**Abstain: None**

**Absent: W. Grossman, M. Przystup**

**Determination of Completeness:**

**Gail Ashley and Jeremy S. Delaney, Block 36, Lot 12** -- a variance from the terms of Articles and Sections 132-30F (1) of the Zoning Ordinance of Kingwood Township so as to permit the renovations of the kitchen at the rear of the dwelling. The existing dwelling does not meet the minimum front yard setback of 75' for a detached single family dwelling in the AR-2 Zone.

Gail Ashley informed the Board that they would like to renovate the kitchen by adding on to it (expanding it) on the back to the west away from the road.

M.L. Haring noted that additional information will be needed in order to deem the application complete.

J. Laudenbach asked if they were ripping anything down or is it a total new addition and was told by Gail Ashley that they were replacing an old kitchen that started off as a porch and will be larger than the old footprint.

The following are items noted that the Board will need:

1. Distances from the rear of the building where it will, extended to the outbuildings.
2. Distances from the home to the well.
3. Distances from the home to the septic.
4. Distances to the outbuildings on the property.
5. Need to show the location of the well and septic system and distances to the new addition
6. Dimensions of the new addition. (can write in the dimensions by hand)
7. What it looks like now and what it will look like afterward s.
8. Key map (can be obtained from the tax collector)
9. All items need to be submitted to the secretary by 5/17/2010.
10. If Board deems this application conditionally complete a notice will need to be submitted to the property owners within 200 feet, by certified mail, that are noted on the list provided by the tax assessor. Publish in Democrat 10 days before hearing - weekly paper.

D. Hewitt moved that this application be deemed conditional complete, seconded by J. Laudenbach. On roll call to vote.

**Aye: C. McBride, J. Laudenbach, D. Hewitt, P. Stepanovsky, D. Stryker,  
M.L. Haring**

**Abstain: None**

**Absent: W. Grossman, M. Przystup**

P. Stepanovsky suggested that they bring some pictures of the property. (existing house etc.)

**Cellco Partnership d/b/a Verizon Wireless, Block 37, Lot 4** -- a variance from the terms of Articles and Sections 132-49 6 (2)R of the Zoning Ordinance of Kingwood Township so as to permit the collocation of a wireless telecommunications facility consisting of (9) panel antennae mounted to an existing guyed lattice tower together with ancillary equipment to be placed within an already existing equipment compound located in the AR-2 Zone. The property is located on 172 Byram Kingwood Road, Stockton, N.J. 08559.

Kevin Jones, from the law offices of Alan Zublatt, is the attorney representing the above applicant informed the Board that they are proposing to collocate on an existing tower to follow the spirit of the wireless ordinance of Kingwood Township that encourages the utilization of existing towers. The existing tower is 144 feet tall and the applicants antennae will be installed at a height of 139 feet. The radio equipment will be placed inside the existing shelter which is 11 x 18. The existing generator, at the site, will be removed and replaced with a hydrogen fuel cell which uses water vs diesel and is much quieter and only comes into play when there is power failure and back

up is needed. The access is the existing roadway which they will utilize. It's an unmanned facility and would be visited once every 4 to 6 weeks by a technician for routine repairs and maintenance. (remotely monitored) They meet every condition of this variance except for the one (1) condition that requires a certain separation distance between a tower and a property that contains a residence or residence on an existing property. They are not exasperating the height or the footprint of the equipment in the compound and are using what is already there. The only relief that they are seeking from this Board is a D-3 conditional use variance based on the non compliance of the one condition.

T. Decker, engineer, went through the checklist and there are a number of waivers being requested and given the nature of what's proposed- they're collocating and whatever ground improvements are being proposed are within the confines of the existing compound and within the same footprint. The items they requested waivers for have to deal with contours, topography, drainage and location of physical features within a certain distance, things that have no bearing on the Boards review of this application for a collocation so he would recommend granting the waivers based on the nature of the application.

D. Pierce feels that granting the waivers would be appropriate.

D. Hewitt asked about the elimination of the diesel generator and replacing it with the hydrogen fuel cell because his concern is if it's protected since it's in the center of an hunting area. The engineer explained that what they are proposing is more like a battery car with the same concept as the green car and it's going to be the cylinder for the gas and the equipment which is a catalyst which will convert the electro chemical conversion and will be enclosed in a ballistic proof container, size is about 36 x 36 and 5 ft high, four (4) put together and will sit on an existing concrete pad.

No questions from P. Stepanovsky, D. Stryker or J. Laudenbach. C. McBride asked if a diagram or sketch could be submitted of the equipment.

D. Pierce noted that he wouldn't make that a condition of completeness since it's not required on the checklist.

C. McBride also asked about the noise level, as to whether it would be higher or lower and was informed by the applicants engineer that it would be lower.

C. McBride made a motion to grant the waivers requested and the application be deemed complete, seconded by P. Stepanovsky. On roll call t vote.

**Aye: C. McBride, J. Laudenbach, D. Hewitt, P. Stepanovsky,  
D. Stryker, M.L. Haring.**

**Abstain: None**

**Absent: W. Grossman, M. Przystup**

#### **COMMUNICATIONS/REPORTS:**

Rutgers Continuing Studies  
Professional Planning Service Contract (Banisch Assoc.)  
Franklin Township Ordinance 2010-03

#### **OPEN TO PUBLIC:**

T. Decker mentioned that we have had several variance applications pertaining to bulk variances because they violate the front yard setback. He feels that these don't need his input and as a cost savings to the applicant he will not do a technical review unless requested by the Board. He is asking how the Board feels about this and if they feel or want him to stay involved in those type of applications.

D. Pierce noted that if the Board is inclined they could adopt a policy.

T. Decker noted that what he can do is when Barbara sends him the application he can let her know whether a technical review is necessary and/or if it's a pretty straight forward application.

After discussion there was a unanimous consensus by the Board to adopt the above mentioned policy.

C. McBride asked about the newspaper notification and that we used the Courier News instead of the Democrat. Barbara explained that the reason was that she didn't meet the deadline for the Democrat so she had to advertise in the alternate newspaper which is the Courier News.

Discussion on revising the BOA instruction and application information followed. It was agreed by all to have D. Pierce draw something up.

**ADJOURNMENT:**

D. Hewitt moved to adjourn, seconded by D. Stryker.. The meeting adjourned at 8:10 pm. All in favor.

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