

**BOARD OF ADJUSTMENT  
OF  
TOWNSHIP OF KINGWOOD**



*Address Reply To:*

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

**September 8, 2010  
MINUTES**

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

**PRESENT:**

D. Hewitt	D. Stryker (7:45)
M.L.Haring	D. Pierce, atty
P. Stepanovsky	J. Laudenbach
C. McBride (8:00)	B. Wilson, sec
T. Decker, eng	M. Przystup (7:45)

**ABSENT:**

B. Grossman

**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:**

The August 11, 2010 minutes were approved with a motion by D. Hewitt, seconded by J. Laudenbach. On roll call to vote.

**Aye: J. Laudenbach, D. Hewitt, P. Stepanovsky, M.L. Haring  
Absent: B. Grossman, C. McBride, M. Przystup  
Abstain: None**

**RESOLUTIONS:**

**Ralph Celebre, Bl 33, Lot 23. D. Hewitt moved to approve with revisions, seconded by P. Stepanovsky. On roll call to vote.**

**Aye: J. Laudenbach, D. Hewitt, P. Stepanovsky, M.L. Haring  
Absent: B. Grossman, C. McBride, D.Stryker, M. Przystup  
Abstain: None**

**NEW BUSINESS:**

**Determination of Completeness:**

**William & Barbara Pauch, BL 29, Lot 22** -- a variance so as to permit the addition of 1600 sq. ft. to an existing structure (60.1' x 80.2') a non conforming accessory structure. The applicant is requesting a waiver for the accessory set back of 30' to 20.8', a waiver from the maximum 2% total coverage of accessory structures on a lot, current 3.5%. The addition would bring the total lot coverage to 3.9%.

Mr. Pauch informed the Board that after the addition to the existing building the dimensions would be 80' x 80'.

M.L. Haring noted that on the plat it shows the 60' x 60' highlighted (proposed addition) and asked if that is the existing building. M.L. Haring also questioned the pictures that show an 8 bay garage which Mr. Pauch stated is the same building that he proposes to add with the same as on the other side. M.L. Haring thought that the plat read 60' x 60' but it actually is 80' x 80' (numbers hard to read).

D. Pierce noted that it would be germane to the Boards review of the application, it appears that the addition/structure is angled towards the property line and the proposed addition would be closer to the property line than the existing building. We need to know what that distance will be with the finished addition. The applicant can have their surveyor send a letter to the Board indicating what the distance is.

No questions from the Board.

D. Hewitt made a motion to approve with the condition that the Board receives a letter noting the distance from the NW corner of the new addition to the property line, seconded by J. Laudenbach. On roll call to vote.

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

**Route 12 Properties, LLC (owner) BL 16, Lot 4.03, Garden Solar, LLC (applicant)**, a variance from the Terms of Articles & Sections 132-35 BP Business Park District (B) of the Zoning Ordinance of Kingwood Township so as to permit the principal use for a solar energy farm.

Board members M.L. Haring and P. Stepanovsky recused themselves from both applications. D. Hewitt will be acting chairman.

Walter N. Wilson, Esq, is the attorney representing the applicant. Jim Chmielak, project engineer and Tim Ferguson, one of the principles, one of the members of Garden Solar LLC is with him this evening for the Determination of Completeness. Mr. Wilson noted that he received a copy of Mr. Deckers letter, dated September 7, 2010 regarding completeness. They do have an addendum which outlines the financial interest, additional copies with original signatures with land use authorization and consent of appointment of himself as limited POA on behalf of Route 12 Properties, the owner of the property for signing documents, copy of letter to HCPB dated 8/ 18/10 as well as the application, certified list of property owners, signed escrow agreement, the original surveys, boundary surveys for Mr. Decker for his review.

Tom Decker noted, for the Board information, the items identified in his letter are primarily administrative items.

Mr. Wilson noted that he also has a copy of the Soil Conservation District application as well as the DEP application which was received in July along with the conservation easement related to the property. They have completed new applications. He believes all the administrative items have been addressed. They' re requesting a waiver from showing steep slopes and will supply the storm water management calculations and comments in

regards to provisions for refuse and garbage disposal have not been provided, testimony will be given, they don't propose any, only lighting on site is controlled by a switch...no night lighting is proposed. They reviewed the map for the D&R canal and this parcel is not in the review area...it was noted that certification is still required from them.

Mr. Wilson noted that he can submit a copy of everything noted.

No questions from the Board.

Tom Decker, engineer, reminded the applicant that for Lot 4.03 when they are doing their notice they should include a variance for setback.

D. Pierce reminded the Board that they need to determine if they want to grant a waiver from steep slope.

J. Laudenbach made a motion to grant the waiver from steep slope and determine this application complete, conditioned upon the submission of the documents mentioned in Tom Deckers letter dated September 7, 2010, seconded by D. Stryker. On roll call to vote.

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

**The next meeting date will be October 13<sup>th</sup>, 2010.**

**Route 12 Properties, LLC( owner) BL12, Lots 16 & 16.01, Garden Solar,LLC (applicant), a variance from the Terms of Articles & Sections – VC-2 Zone District of the Zoning Ordinance of Kingwood Township so as to permit the principal use for a solar energy farm.**

Mr. Wilson, attorney for the applicant, will as in the prior application provide all the documentation as noted in Mr. Deckers letter dated September 7, 2010.

Tom Decker noted that this property was subject of a minor subdivision and lot line adjustment with the church, so right now we're looking at the main Lot 16 and subdivided Lot 16.01, currently the plan shows the solar arrays going across the property line between Lot 16.01 and Lot 16. He ( Tom Decker) believes those 2 lots have been recorded. If the 2 Lots have been filed we will have to take a look at set backs etc. that cross over the property line.

D. Pierce noted the only issue is an outstanding escrow balance by the owner of the property. Mr. Wilson noted that the money can be taken from the Garden Solar escrow account.

J. Laudenbach questioned the 2 lots and was told by Tom Decker that if the other Lot 16.01 has not been perfected, then it would need to come off the plan.

J. Laudenbach made a motion to grant the waiver from showing steep slope and conditionally approve the application upon submission of items noted in Mr. Deckers letter dated September 7, 2010 and outstanding escrow fees, seconded by D. Stryker.

On roll call to vote.

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

**The meeting date will be October 13<sup>th</sup>, 2010.**

P. Stepanovsky suggested having 2 meetings but the applicant prefers trying to do both in one night. David Pierce noted that Peters suggestion is well intentioned but the applicant has the right to ask for both hearings to be scheduled the same night and if they're not able to get to the second one or complete the second one it can be postponed to the next month.

**COMMUNICATIONS/REPORTS:**

Kingwood Township minutes for July 6, 2010

Elaine Nieman informed the Board that the Township Committee did introduce the Ordinance for the Solar and Photovoltaic energy facilities and systems and the Planning Board will be looking at it next Tuesday.

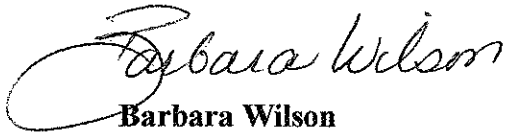
Elaine Nieman also noted that she will try to find someone to fill the vacant alternate seat.

M.L. Haring noted that it's very important that everyone attend next month.

**OPEN TO PUBLIC:**

**ADJOURNMENT:**

D. Hewitt moved to adjourn, seconded by J. Laudenschach. The meeting adjourned at 8:15 pm. All in favor.



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