

**BOARD OF ADJUSTMENT
OF
TOWNSHIP OF KINGWOOD**



**February 9, 2011
MINUTES**

Address Reply To:

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

M.L. Haring, chairwoman, called the meeting to order at 7:35 pm.

PRESENT:

J. Laudenbach	C. McBride
T. Ciacciarelli	D. Hewitt
M. L.Haring	D. Pierce, atty
P. Stepanovsky	B. Wilson, sec.
L. Frank	T. Decker, eng.

ABSENT:

None

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.

RESOLUTIONS:

None

MINUTES:

D. Hewitt noted a typo on page 3, paragraph 3. D. Hewitt moved to approve, seconded by C. McBride. On roll call to vote.

**AYE: L. Frank, J. Laudenbach, D. Hewitt, C. McBride,
P. Stepanovsky, M.L. Haring, T. Ciacciarelli**

ABSTAIN: None

ABSENT: None

NEW BUSINESS:

Determination of Completeness:

Alethea Cleantech LLC., BL 21, L 1- a Use Variance-Preliminary/Final Site Plan so as to permit a proposed solar farm on property owned by Leonard Keller, 550 Barbartown-Point Breeze Rd. located in the BP-Zone.

Mark Peck, attorney for the applicant and Evan Hill, project engineer were present and ready to go over the completeness items.

Tom Decker, Board engineer, reviewed items noted in his letter dated 2/7/2011 as follows:

Checklist for Variance Applications:

- #12-Received should be added to the plan
- #17 & 18 – asking for a partial waiver
- #19- will be depicted on plan
- #21- will provide
- #25- waiver
- #26- waiver
- #27-will show note that the remaining residence has a private hauler
- #30- will provide
- #41- in Boards' file
- #42- in Boards' file
- #43- in Boards' file

Site Plan Checklist:

- #5- waiver
- #9,10,11,12,13,14,15-in Boards' file

Plan Requirements:

- #6- has been submitted
- #12 – will add to plan
- #17 & #18- asking partial waiver
- #22- will provide
- #28- waiver
- #29- waiver
- #30- will provide
- #33- will add to plan

M. L. Haring asked if the Board members had any questions.

Lee Frank asked if it's a rental and was told that it's a lease agreement between Alethea Cleantech and Mr. Keller.

Lee Frank asked if they were leasing the entire property including the home and was told that they are leasing the property around the home and that the owner is to remain there.

M.L. Haring asked if the panels will encompass the entire property and was told no, not the entire property, since there are areas that are environmentally sensitive and they are abiding with the setback requirements.

M.L. Haring asked the Boards' attorney, David Pierce, if he had anything to add as far as completeness. D. Pierce noted that he didn't have anything to add as far as the completeness review.

Lee Frank asked if they have seen the report from the Fire Dept and the Rescue Squad and was told that they received a copy and that would be addressed at the hearing.

Charles McBride asked if there was anything outstanding that they would need a waiver for and was told by Tom Decker that everything identified in his letter was addressed.

D. Pierce suggested that the Board should first consider the waiver requests and once the Board determines that, they can determine if the application is complete or incomplete.

Charles McBride asked if the Board should group the waivers or decide on them individually. D. Pierce informed him that it was up to the Board.

Charles McBride noted he would accept the waivers with the exception of the 200 ft, which would be addressed separately.

The waivers are as follows:

Variance Checklist: #25, #26

Site Plan Checklist: #5

Plan Requirements: #28, #29

C. McBride made a motion to accept the waivers noted above, seconded by D. Hewitt. On roll call to vote.

**AYE: L. Frank, C. McBride, J. Laudenbach, D. Hewitt, P. Stepanovsky,
T. Ciacciarelli, M.L. Haring**

ABSTAIN: None

ABSTAIN: None

Tom Decker noted that the main items are #17 & #18 on the Variance Checklist and the Plan Requirements. Those deal with existing features within 200 feet of the property and the applicant has submitted within 50 feet of the property.

Within 200 feet of the property they have identified all the regulated wetlands that fall under the DEP and they have submitted a LOI application with their requirements to conform. Regarding the remainder items there are none-no culverts, ditches or flood plains within 200 feet.

C McBride states that if they don't submit it how would we know that. It was stated that they could indicate a note on the plan, other than the wetlands that has been submitted to the DEP..

J. Laudenbach asked about the gas line and was told that there is a private gas line that is depicted on the plan that services the house.

J. Laudenbach believes there is a main that runs along Route 12. Their plan depicts the existing improvements across Barbertown Point-Breeze Road up to Route 12. They have no frontage on Route 12.

They don't believe that they submitted a copy of the wetlands location plan but they can provide a copy.

M.L. Haring noted that normally all utilities are listed on the plan. It was noted that all utilities are shown on the plan and the septic will be shown.

P. Stepanovsky asked Tom Decker, engineer, if the 50 feet is appropriate or do they need the 200 feet.

Tom Decker explained that the 200 feet includes drainage features and the checklist doesn't require topography- can't show something that you can't locate but they can provide a note on the plan.

C. McBride noted that based on that, he moved to accept the waiver from the 200 foot requirement with the caveat notation that none of the features -culverts or drainage exist beyond the 50 feet; applicant is to provide a wetlands location plan and an Exhibit (at the time of the public hearing) that shows an aerial photo with the project super imposed, seconded by P. Stepanovsky. On roll call to vote.

**AYE: L. Frank, C. McBride, J. Laudenbach, D. Hewitt, P. Stepanovsky
T. Ciacciarelli, M.L. Haring**

ABSTAIN: None

ABSENT: None

C. McBride moved that this application be deemed conditionally complete subject to the submission of a revised plan depicting items #12,19,21,27 & 30 on the variance checklist and items# 12,22,30 & 33 on the plan requirements, seconded by J. Laudenbach. On roll call to vote.

**AYE: L. Frank, C. McBride, J. Laudenbach, D. Hewitt, P. Stepanovsky,
T. Ciacciarelli, M.L. Haring**

ABSTAIN: None

ABSENT: None

OPEN TO THE PUBLIC:

P. Stepanovsky moved that we appoint Tom Decker from the engineering firm of Van Cleef Engineering Associates, for the BOA engineer for the year 2011, seconded by D. Hewitt. On roll call to vote.

**AYE: L. Frank, C. McBride, J.Laudenbach, D. Hewitt, P. Stepanovsky,
T. Ciacciarelli, M.L. Haring**

ABSTAIN: None

ABSENT: None

The Kingwood Township Board of Adjustment wishes to acknowledge the presence of Mr. Shawn Trimmer from Boy Scout Troop 521 at the 9 February 2011 meeting. The committee welcomes the presence of the citizens of Kingwood, especially the young adults of the community, at our proceedings. We hope that observing our activities encourages a spirit of citizenship.

COMMUNICATIONS/REPORTS:

2011 NJPO Winter-Spring Agenda for PB & ZBOA – Mandatory Training Programs

(Lee Frank has been scheduled for March 5th at Voorhees High School.)

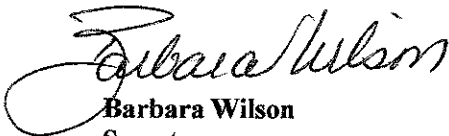
NJPO-Achievement in Planning Awards-2011 Nominations

Franklin Township-Adoption of Ordinance 2010-12

Franklin Township-Ordinance 2011-01 (Draft)

ADJOURNMENT:

J. Laudenbach moved to adjourn, seconded by P. Stepanovsky. The meeting adjourned at 8:05 pm. All in favor.



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