

**BOARD OF ADJUSTMENT
OF
TOWNSHIP OF KINGWOOD**



Address Reply To:

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

**March 9, 2011
MINUTES**

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

PRESENT:

D. Hewitt
M. L. Haring
P. Stepanovsky
B. Wilson, sec.
T. Decker, Engineer
C. Newcomb, Planner

ABSENT

T. Ciacciarelli
D. Pierce, attorney
J. Laudenschach
L. Frank
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 King wood Township Municipal Building and filed with the Municipal Clerk. The Board of Adjustment proceedings close at 10:30 pm.

RESOLUTIONS:

The Board of Adjustment "Annual Variance Report & Resolution" was approved with a motion by P. Stepanovsky, seconded by D. Hewitt. On roll call to vote.

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

Absent: None

Abstain: None

MINUTES;

Charles McBride noted that at last months meeting we had a guest in the audience, that wasn't recognized, and has asked that the following be read into the minutes:

“ 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.”

P. Stepanovsky moved that the February 9, 2011 minutes be approved with the addition, 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

NEW BUSINESS:

Determination of Completeness:

Christopher Wildgen/Chris' Citgo- Block 9, Lot 2.01-Interpretation and C (1) Non-Use Variance

Michael DeSapio, from the DeSapio Law Offices is present this evening on behalf of the applicant Christopher Wildgen and has requested an extension of the Determination of Completeness hearing until next month.

J. Laudenbach moved to accept the request, seconded by T. Ciacciarelli. 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

Garden Solar, LLC – Clean Generation Solar Energy Farm-V4-069-Block 12, Lots 16 & 16.01 – Plan modifications to acknowledge that conditions have been met.

M.L. Haring turned the meeting over to David Hewitt.

M.L. Haring and P. Stepanovsky both recused themselves .

Walter Wilson, attorney, is present on behalf of the applicant Garden Solar, LLC. He is before the Board this evening for confirmation on two (2) issues. He has received the letter from Mr. Decker dated March 1, 2011. He noted that on page 2- Items # 1, 2, and 4 are listed as outstanding and they will be addressing those. Item # 10- they are engaged in discussions with the Fire Dept and Rescue Squad. The issues they are here to discuss and have a final design for are with respect to the racking system, which is different from the original submitted preliminary site plan. They have finalized the details which has been designed by the installer and remain in the original footprint. Item # 18, page 4, they have no problem with. Under comments, page 4, Item # 4, they now show three (3) equipment shelters over the inverters-the original showed a weather proof cover.

T. Decker stated that just for some background, what Garden Solar contacted him about is that they have preliminary approval and provided they comply with all the conditions, they can actually construct under the preliminary approval with all the proper bonds posted etc. The actual layout that they received for review, shown on the preliminary plans, would be different then what they actually are going to build. The layout is

still within the same parameters, just reconfigured. The racking system has changed. The three (3) shelters are something the Board should see, 14' x 28' x 12' high. T. Decker noted that by ordinance they are actually classified as buildings.

D. Pierce noted that the question for the Board to determine is that whether there is a substantial enough of a change to require the applicant to come back for a hearing or an amendment to the plan. Both Tom and David talked and Tom suggested that it might be better for the applicant to put their final plan together, since they are very close to that, and noticing for Final Site Plan approval, that way it would be all rolled into one.

D. Pierce read from the "Use Variance and Preliminary Site Plan Approval Resolution"- Condition #24, Page 21, which reads as follows:

" The Kingwood Township Board of Adjustment reserves the right to revoke and withdraw any approval hereby granted in the event that there is any deviation from or alterations of the plan hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Board of Adjustment. Minor deviations and field changes may be authorized in writing by the Township Engineer."

D. Hewitt asked if it will re-direct water and was told by Tom Decker not necessarily, they're still fitting on the same concrete pad.

James J. Chmielak, project engineer, informed the Board that the shelters will have a gable style roof, will comply with setbacks and will be located in the central portion of the property.

J. Laudenschick asked if the equipment inside it changed and was told no. (it's just covered)

D. Hewitt stated that he doesn't know how the Board feels since we're dealing with a permanent structure.

T. Ciacciarelli asked if they have a sketch to show the Board of what they would actually look like and was told that they actually have photos to pass around that were taken in the factory. The shelters are pre-fab. The photos are not exactly like what the shelters will look like but are close. The shed would most likely have a egress light.

D. Pierce informed the Board that they need to discuss and decide if a public hearing is necessary for the changes.

D. Hewitt asked if the Fire Dept has seen the photos and was told by Walter Wilson that they haven't seen them. D. Hewitt noted that prior to this the Fire Dept would have open access and with a structure there, it might limit their activity.

Walter Wilson informed the Board that they haven't completed discussions with them. (FD)

C. McBride asked the following question: Based on the original decision for this variance it was because of use regulations, if this was to go on an approved lot for a solar farm and wasn't a variance issued it would be a permit issue. D. Pierce stated it would be a site plan issue. Charles asked if this has been approved as part of the site plan or does this have to go now before the Board for another site plan approval. D. Pierce stated that the Board granted preliminary site plan approval.

C. McBride-so other than for the fact that there was a variance required for the use of the property and set back over the two (2) lots we wouldn't be talking about this at all. D. Pierce - Correct, not this Board.

L. Frank stated that he is concerned that they can begin construction even though they haven't come to terms

with the Fire Dept.

W. Wilson, attorney, stated that they would have to satisfy all those conditions.

T. Decker, engineer, informed the Board that approval by the Fire Dept. is a condition of the approval and they would have to satisfy all the conditions of the preliminary site plan approval before they can start construction.

T. Decker noted that the Final Site Plan is not much more than approved site plan documents.

C. McBride stated that he sees no significant changes and would recommend that they continue as is with the modification. T. Ciacciarelli, L. Frank, D. Hewitt and J. Laudenschick all agreed.

C. McBride made a motion that the Board has determined that the proposed shelters do not constitute a material change to the site plan, seconded by J. Laudenschick. On roll call to vote.

Aye: L. Frank, C. McBride, J. Laudenschick, D. Hewitt, T. Ciacciarelli

Abstain: M.L. Haring, P. Stepanovsky

Absent: None

Alethea Cleantech, LLC, Block 21, Lot 1- a Use Variance-Preliminary/Final Site Plan so as to permit a proposed solar farm on property owned by Leonard Keller, 550 Barbertown-Point Breeze Road. The property is located in the BP-Zone.

Mark Peck is the attorney present on behalf of the applicant Alethea Cleantech, LLC. The property is under 46 acres. The property is located on the southwesterly side intersection of Route 12 and Point Breeze Road. The existing use is currently an agricultural farm with structures which are proposed to remain with the solar panels going around that. They have submitted all plans to the Board. They have advertised in the Hunterdon County Democrat (2/24/11) (Affidavit of Proof of Publication submitted) and Notices were sent to adjoining property via certified mail (receipts submitted). They are looking to put a 7.7 mega watt solar energy farm on the Keller Farm. Proposed, other than the rows of solar panels, are 5 inverter pads, 8' high chain link fence, buffer and landscaping around the perimeter and the farmhouse and farm structures will remain.

D. Pierce, attorney, noted that the Notice published and the Notice served have satisfied the notice requirements and the Board may proceed and open the hearing.

George Kotzias, sworn in, informed the Board that he is the founder of Alethea, it's his 3rd year in operation and he has over 15 years of history of working in energy. They have been involved with this project for over a year now and have been working with Mr. Keller and are looking forward to working with him over the next 25 years.

L. Frank asked George Kotzias if this is his first solar farm and was told no, his first one is beginning construction in one month in Burlington County, East Hampton Township.

Evan Hill, engineer, was sworn in and informed the Board that he works for Innovative Engineering, Inc. and has been a licensed professional engineer in the State of New Jersey since 2001. After Mr. Hill gave his credentials the Board accepted him as an expert.

Evan Hill informed the Board that they are here for preliminary/final site plan approval. The property is located south of Route 12 and Point Breeze Rd.. The property is in the BP District, and currently is actively farmed, consists of 45.9 acres of which 35 acres are being proposed to disturb. Immediately to the North of the property is Route 12 and Point Breeze Road, South is the Wickecheoke Creek, West is an industrial use and to the East agricultural fields.

Evan Hill is referencing **Drawing E-1-Sheet #2 of 17-Overall Existing Conditions Plan-Dated 12/13/1010-Revised 2/21/2011**. This plan depicts the sites current existing conditions. There was a full boundary and topographic survey performed on the property within the last 12 months. This plan indicates to the North is State Highway Route 12 and Point Breeze Road. The topography from the site slopes from the roadways south into the woods and the wetlands is located to the rear of the property. They have performed a field delineation of wetlands and have submitted an LOI application to the DEP, in January, and the letter of interpretation is pending with the DEP. They have also performed a habitat assessment to determine whether suitable habitat exists on this property and the results were that it does not, but is located further into the wetlands, by the creek, which is 400' from the southerly property line. The creek is a C1 waterway which requires a 300' riparian buffer. They are 100' beyond that Category 1 riparian buffer.

The site plan they have developed accommodates the worst case buffer scenario that the DEP can impose on them to the wetlands. They currently have incorporated a 150' wetlands buffer to the wetlands located within the SE corner of the property. Also, due to a small isolated pocket of wetlands to the west of the residential structure they have assigned a 50' buffer. These buffers are assumed based on their knowledge of the site. The DEP will verify what the buffers and wetlands lines are.

Evan Hill is referencing **Drawing S-2-Sheet #6 of 17- Overall Site Plan Layout- Dated 13/13/2010-Revised 2/21/2011**. This plan depicts the proposed site improvements. Route 12 and Point Breeze Road are on the top of the page or to the North and the bottom of the page is the wetlands. The existing residential dwelling and buildings will remain and will be separated from the use by a black vinyl coated 8' chain link fence. The existing driveway will be used to access the site and they are not proposing any improvements to that. They feel the existing driveway is the ideal location for safety. If they moved it east or west it would be closer to two (2) intersections. From the property line and roadway they are proposing a 100' - 8' high chain link fence and between that a landscape buffer of two (2) rows of 8' high evergreens, and in addition to that they are proposing deciduous trees, some grasses and wildflowers. The species they are proposing are attractive and low maintenance. Entering into the driveway 130' into the property off the driveway will be two (2) access roads, they currently exist, that will provide access to each side of the array. Inside the array they are proposing solar panels mounted on a fixed tilt mounting system, no moving components. The arrays will be pointed in a southerly direction at a 26 degree angle, will be located 2' off the ground in the front and 9.5' in the rear. They are providing ample access-17.5 feet around the perimeter, between the rows-14.2 feet (horizontally on page), additional access will be 18-20 feet (vertically on page) for maintenance and emergency vehicles. The improvements inside the fence consist of inverter pads all self contained in a containerized shelter most adequate for safety reasons. There will be 5 inverter pad locations, the concrete pads will be 16' x 45', the equipment itself is 3 feet smaller, the shelter is 11' x 30' with a height of 12.5 ft. above grade.

They have performed a pyrotechnical investigation on the property for foundation design purposes. The ordinance does not promote or allow the use of concrete foundations. The only concrete they are proposing are for the inverter pads themselves.

Throughout the rest of the array or disturbed areas they are proposing wildflower or meadow grass. The seed mixture they plan to use is OVM (Orchard Vineyard Mix). They will only need to cut the grass one (1) to two (2) times a year. They are perennial seed mixes.

T. Ciacciarelli asked what the shelter looks like and was told a decorative metal panel exterior with a slight pitch roof. (they had no picture)

P. Stepanovsky asked about the gas line located on Route 12 and was told that they are not proposing to impact that. P. Stepanovsky asked about the gas line to the residence and was told that it would be relocated outside of the array. (Shown on Sheet S-2)

J. Laudenbach asked about the gas line on Point Breeze Road and was told that there well beyond that. They exceed the set backs for this zone.

D. Hewitt asked if they are using concrete for the fencing and was told yes that it's standard for fencing although some contractors do driven posts.

J. Laudenbach noted that there's no mention of the gas line in the drawings.

They met with the Fire Dept and Rescue Squad on 2/18/2011 for 3 hrs. to review their memo and went over the site plan and discussed their concerns and agreed to do an Emergency Management Plan- make sure the site is identified, each array will be labeled (such as (A-1, A-2 etc). That info will be on the site as well as copies for the officials, they do not propose stabilized gravel driveways, propose to continue discussions on how they can help for site access such as donating a vehicle for the sole purpose to be used on the site. They will continue to work with them.

They are proposing to install five (5) more interior gates for access only-they will be labeled accordingly. Knox boxes will be installed, keyed alike system to enter and exit. At the front entrance they are proposing a solar activated motion light (LED) 20' high. Detail shown on page **CD-1-#16 of 17-Total Construction Detail**

Adequate signage will be installed for emergency purpose only and will state the facility address, owner/operator and emergency contact information for each.

They added a note to the plan as a condition to certificate of occupancy or completion following construction they will have an adequate Emergency Plan in place.

T. Ciacciarelli asked if there is any way when the Fire Dept comes in that there's an indicator panel and he was told that the systems are remotely monitored so if there's a short or it goes down a tech will be notified and within a 24 hr. period they will be on site. There is no notification that tells the Fire Dept that there's a fire in a particular sector. They have agreed to label each row making it easily identifiable. All the materials they use are non combustible. They use galvanized steel posts, low reflective glass solid crystal panels on the front, insulated wiring is fastened to the array, all the wiring is combined in a combiner box and all the wiring exiting is in underground conduit that goes to the inverter pads.

T. Ciacciarelli stated that the only thing combustible would be the grass underneath.

L. Frank stated that he went on line and couldn't find the panel and what told that it's produced in China.

L. Frank asked whats in the panel and was told silicon wafers-on top are low reflective glass with an aluminum channel frame.

Next Evan Hill went through the letter from the Boards' Engineer dated 3/4/2011.

Page 3- Item #1-Can relocate to comply.

Item #2,3,4 – Agree with.

Item #5 – Lease from the Kellers, 25 yr. Owner wishes to remain on property. Variance is needed for cargo containers.

Page 4- Item #1 – Agree to put on plans.

Item #2 – Brought Photo Simulations and marked as follows:

Exhibit A-1A-Existing Conditions

A-1B-Improvements

A-1C-BPB Rd & Old Route 12.

A-1D-BPB Rd & Rt 12 (eastern)

A-1E-BPB Rd & Rt 12 (western)
A-1F- Proposed Improvements
A-1G-Landscape/Improvements (eastern side)
A-1H- Western side Frontage

- Item #3-Feels it's adequately screened.
- Item #4-Will replace per ordinance requirement.(no white pine)
- Item #5-No adjacent residential uses.
- Item #6-Agree.
- Item #7-Discussed earlier.
- Item #8-Waiver.
- Item #9-Agree.
- Item #10-Agree.
- Item #11-FAA has jurisdiction.
- Item #12- Note will be on plan to indicate that will be re-vegetated.
- Item #13-Variance required.
- Item #14-Agree.
- Item #15-Will comply.
- Item #16-Not proposing any.
- Item #17-Will submit copy to engineer & planner.
- Item #18-Will not interfere.
- Item #19-Touched on.
- Item #20-Reviewed with safety officials.
- Item #21-Prefer not to.
- Item #22-Typo mistake
- Item #23-Will be corrected.
- Item #24-If moved to east or west will be encroaching on intersection.
- Item #25-Agree.
- Item #26-Provided testimony.
- Item #27-Testimony given
- Item #28,29,30,31- Agree.
- Item #32-Compact equipment being used.
- Item #33-On S-2 (32,690 panels)
- Item #34-Agree
- Item #35-Will agree.
- Item #36-Met with them.
- Item #37-Statement of fact.

M.L. Haring asked if there is any property owners within 200' that have any questions.

M.L. Haring asked if there is any one from the audience that has any questions.

Debra Kratzer, 19 Hill Rd., is a representative for the Environmental Commission. She noted that the applicant mentioned that a suitability test was done and she would like to know if she could have a copy of that. Ed Hill noted that that's no problem.

D. Kratzer also noted that NJDEP has designated that part of that is in the endangered wood turtle habitat.

D. Kratzer asked if the fence touches the ground and was told by Ed Hill that it's 1.5" off the ground allowing turtles, squirrels, rabbits, etc to go under it.

D. Kratzer spoke with someone from the Fish and Wildlife who suggested that the fence be 4" off of the ground so the wood turtles can use the site.

D. Kratzer noted that the NJDEP needs to assess whether any wetlands exist on neighboring properties. Ed Hill noted that they are waiting for the LOI from them.

Frank Floyd, Kingwood Township Volunteer Fire Dept Chief, stated they they had a very nice meeting and that they had very knowledgeable people present. Mr. Floyd noted that they had agreed to a Knox box at each location but that the drawings do not depict that. Ed Hill noted that the plans will be revised. Frank Floyd also asked if he could be given the specs on the enclosures and Ed Hill noted that he will comply, and provide it to the Fire Dept.

Tiffany Cuviallo, planner, was sworn in and stated that she is a licensed planner in the State of NJ. After she gave her credentials the Board accepted her as an expert witness. M.L. Haring asked her how many solar application she has done and was told 3 or 4. She is here this evening not about the solar facility but about the existing farmhouse which is not a permitted in the BP Zone. The applicant needs a variance to continue to reside in the farmhouse on the property which his parents owned since 1914. Mr. Keller would like to continue to reside and live on the site with the solar facility. The BP Zone does not allow residences so therefore they are applying for a D1-use variance. She will need to demonstrate to the Board that there are special reasons associated with the granting of this variance.. She feels this is not intensifying the use of the property in terms of non conforming use but they are intensifying the use by putting in a permitted solar facility on the property. They are not adding any additional residential and not changing how the residential currently operates today. They're just carving out an area and surrounding it with a solar facility. The change is to allow for the permitted use consistent with the zoning to exist on the parcel. They meet all of the other requirements for the BP Zone with the exception of the Emergency Management sign and will need a variance for that. The property presently has four (4) storage containers and by June one (1) will be removed leaving three (3) remaining. The storage containers are located behind the existing sheds and currently are not visible from the roadways. They are used for storage of maintenance equipment for the farm and home. Tiffany believes that the two (2) uses can co-exist and by doing that will promote the purpose of the zoning. The property is particularly suited to the dual use and continuation of the farmhouse promoting the general welfare. They propose to add a use which doesn't interfere with the existing established farmhouse. The property offers sufficient space for a variety of uses. This property is not the only residential use in the BP Zone. The development furthers the ordinance goals of the BP District. This application promotes the utilization of renewable energy resources-part of the MLUL and is considered an inherently beneficial use. The lease is for 25 years.

Tiffany Cuviallo next needs to demonstrate the negative criteria. There is no substantial impairment of the Zoning Ordinance and Master Plan. In our ordinance the solar facility is a permitted use by the MLUL & amendments to the MLUL-2010. The farmhouse is an existing use and can remain there without the solar to be there. The solar reduces the non conformity of the property. The farmhouse will be buffered from the street and will not be as visible as it is today with the solar facility on the property. Our ordinance does allow one or more principal uses in the BP Zone-the farmhouse is not a permitted principal use but is a pre-existing non-conforming use. These two (2) uses can co-exist without impacting one another. They are not increasing the population and the traffic is not going to change. It will not change the character of the district. They believe that they meet the special purposes and feels there is no detriment to the ordinance, Master Plan or public good.

P. Stepanovsky stated that everyone talks about the farmhouse but no one has testified as to what his (Mr. Kellers) business is, how big the property is gonna be that he's leaving for himself, what he's gonna be doing now and if Mr. Keller farms all of the land around that.

George Kotzias stated that the area proposed is little short of 3 acres, he is not currently farming and he has a business that doesn't exist on the property and the property is only for his residence.

P. Stepanovsky asked what is he using all the sheds for and was told it is used for household and garden equipment.

Leonard Keller, sworn in, informed the Board that the farm has been in existence since 1780-his parents had been there since 1914. It had been an active farm up until 20 yrs. ago and after that a farmer continued to farm it. Even after there was a litigation and the property was split 45 acres and 45 acres (his 45 acres was farmed). He is now of retirement age and the opportunity has come for the township and the people in the township to have a solar array that has no impact on the Kingwood Township roads, state highway roads, commercial and residential property or even the animals. The property is not in compliance for him and this will not be done until the solar arrays are started to be assembled and in place that he would like to retire from the automotive business, clean up the property and spend the rest of his life on these three (3) acres, in so many words he will be using it as his retirement home.

P. Stepanovsky asked if he intends to have any animals and was told by Mr. Keller that he can't say that he won't have any chickens or maybe sheep on it.

Charles Newcomb, Township Planner, noted that he disagrees with Tiffany CuvIELLO statement pertaining to the concentration of population-the township does not desire to have that and the Zoning Ordinance clearly states that no residential uses are permitted in the BP Zone. He feels to try to advance that purpose is stretching it.

D. Pierce asked Tiffany CuvIELLO if it's fair to say the property could be developed for a solar facility without a residence there and Tiffany replied that it could be.

D. Pierce noted that she mentioned as a benefit potential of non conformity-it's only 25 years wouldn't that be a temporary benefit? Tiffany stated that it would be re-evaluated in 25 years.

Charles Newcomb, planner, noted the reason for a decommissioning plan it that the township has three (3) facilities proposed.

D. Pierce noted that Zoning Ordinance Section 132-10 allows dual uses provided that all other requirements of this chapter have been met for such structure as though it were on an individual lot. The applicant is seeking variances and some conditions that would apply to this dual use and should be providing screening for the residence. Tammy stated that they didn't feel it was necessary.

Charles Newcomb stated that isn't the residential use in terms of general welfare only to the general welfare of the Kellers? Tiffany stated that the site and use are particularly suited to one another and has the ability to co-exist.

D. Pierce doesn't agree and is concerned regarding appropriate access if the Kellers will put animals in there, it would certainly interfere with the Fire Companies ability to get access.

Ed Hill explained that access to the Kellers is from the existing driveway. The Fire Dept and Rescue Squad wanted to see additional means for access between the solar farm and the Kellers portion of the property so they agreed to not construct any improvements. Putting any additional screening would impede the safety for Fire Dept access.

L. Frank asked how much % wise of the 3 acres is occupied bulk wise and was told by Ed Hill .4 acres.

C. McBride stated that he's looking at the ordinance that was passed on 12/7 and published on the 16th and he's not seeing major solar as a permitted use in the BP Zone. He was told that it's Section 132-35 (b)- 9.

No one from the audience asked questions or gave testimony..

Mark Peck, attorney, asked the Board that they grant what they seek with the variance relief that they seek. They have presented the appropriate proofs and feel that they do conform with the ordinance.

The hearing is closed.

P. Stepanovsky asked what variances are they granting and was told by David Pierce that they first need to make the determination as to whether to grant the use variance to permit the residential house to remain and reduce the area of land, if the Board denies the use variance then there is no point in discussing the site plan.

D. Pierce noted that he would like to add that there's been a lot of discussion about the benefits of the solar facility-no variance is necessary to construct a solar facility on that property, so David doesn't believe that's not an appropriate benefit to consider when deciding on this variance application. What the Board should consider is what is the benefit provided by allowing that non conforming residence to remain on this property when developed for conforming industrial use.

Charles Newcomb agrees and feels it was a hard decision the township made of not permitting residential uses in the BP Zone.

M.L. Haring stated that she felt the presentation was quite thorough.

Ed Hill stated what is the alternative to knock down a residence that's been in existence for years.

David Pierce stated that the hearing is closed.

M.L. Haring stated that the farmhouse is a pre-existing non conforming use inherently beneficial to the property owner as opposed to the public.

P. Stepanovsky stated that it's a tough decision to make-he would have liked to hear more about the farmhouse instead of the solar. The problem is the owner has owned the property for all those years and would be nice to stay and keep it in the family. In 25 years might go away.

L. Frank asked if you could go from commercial to farm use and was told by D. Pierce that agriculture is a permitted use in that zone.

J. Laudenschick is in favor of granting the variance-the family has a long history and he would like to see it stay.

D. Hewitt asked if it could be granted with stipulation and D. Pierce stated no.

C.McBride stated that the solar farm and small variances isn't a factor-if a residential area would we give a variance. It troubles him if this is the way it's gonna be-not convinced that it is.

T. Ciacciarelli what is the benefit to the township-don't see it as a benefit to the township.

L. Frank and D. Hewitt both agree with T. Ciacciarelli.

J. Laudenbach made a motion to approve, seconded by C. McBride. On roll call to vote.

Aye: J. Laudenbach
Absent: None
Abstain: None
Nay: L. Frank, C. McBride, D. Hewitt, P. Stepanovsky,
T. Ciacciarelli, M.L. Haring

COMMUNICATIONS/REPORTS:

2011 New Jersey Conservation Rally
HCPB-2010 Planning & Design Awards Finalists-3/30/2011
HCPB-2010 Planning & Design Awards Dinner Invitation
Franklin Township – **Ordinance # 2011-03**
Kingwood Township Minutes for: **12/20/10, 12/21/2010, 12/30/10, 1/4/11, 1/6/11**
BOA – Revised Members List

D. Pierce noted that there is new legislation altering the Time for Decision. After discussion it was decided to add a policy statement to the application form. P. Stepanovsky moved to approve, seconded by T. Ciacciarelli. 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 Board directed D. Pierce to draft a letter to Greg Crance (Ryms LLC) giving him 30 days or they will dismiss his application w/o prejudice. Motion by D. Hewitt, 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
Absent: None
Abstain: None

C. McBride asked if D. Pierce could give him copies of cases or let him know if there is a website that he could look them up. D. Pierce said he will check into it for him.

OPEN TO PUBLIC:

None

ADJOURNMENT:

T. Ciacciarelli moved to adjourn, seconded by D. Hewitt. The meeting adjourned at 10:09 pm. All in favor.



Barbara Wilson
Secretary
Board of Adjustment
King wood Township