

**BOARD OF ADJUSTMENT
OF
TOWNSHIP OF KINGWOOD**



Address Reply To:

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

**September 14, 2011
MINUTES**

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

PRESENT:

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

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. The Board of Adjustment proceedings close at 10:30 pm.

RESOLUTIONS:

None

MINUTES:

August 10, 2011 minutes are not available

NEW BUSINESS:

Hearing:

Christopher Wildgen/Chris' Citgo – BL 9, L 2.01 - continuation to next month-October 12, 2011 without further notice.

Nextel of New York, Inc. & JCP&L Co., - BL 26, L 24 – continuation to next month-October 12, 2011 without further notice.

C. McBride asked what the policy is because he went to extraordinary measures to attend the meeting tonight. David Pierce, attorney, informed Charles McBride that he had received a call today regarding the request for a continuation. David Pierce explained that it's the applicants prerogative to request adjournment and the attorney could have appeared this evening and made the request in person. There is no basis for the Board to force them to proceed, other than if they are at the 120 day mark - to deny the application.

Determination of Completeness:

Mark Blecher, BL 12, L 24 - a variance so as to permit the conversion of an existing barn into a workshop/garage on the first floor and an office on the second floor. There is no expansion of the building footprint or the height. The applicant is seeking a (C1) Non Use Variance (hardship) and a (D3) Variance – deviation from a specification or standard pursuant to Section 54 P.L 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use; and a bulk variance since the accessory structure lies within the front yard setback. The property is located on 71 Horseshoe Bend Road, in the AR-2 Zone.

Ralph Finelli, architect, explained that it's a pre-existing barn , they would like to improve it to habitable standards on the second floor, improve the lower workshop area. The property consists of a number of outbuildings and is very well maintained. The bulk variance they can't do anything about because the building is there. They will be residing and re-roofing it in kind, replacing old windows with new windows, new doors, concrete floors on the first floor, insulation, heating and air conditioning. They are not changing the appearance. The use variance, after discussing this with John Barczyk, is really a result of the home office or conversion of a home office use which is limited to a use in the principal structure, and this is a detached structure, so they felt it would be safer applying for a use variance. Non residential use in an accessory structure would not fall into the home occupation use.

M.L. Haring stated that it's going to be used as an office.

M.L. Haring asked why do they need a use variance for a garage and workshop-it's a barn right now.

D. Pierce noted that this does raise a question since there is another conditional use for a barn conversion that would allow them to convert to an office use.

Ralph Finelli stated that it would seem like that and after discussing this with John Barczyk a number of times they decided to ask for a use variance and if it's the determination by the Board that it's not, that's fine.

D. Pierce asked what type of office and was told that they are commodity traders.

Ralph Finelli informed that they have a dwelling in the city and this is long weekends/summers/vacations/ every weekend- sometimes six months at a time and sometimes six days at a time. When they're here the house isn't really big so when they're entertaining it's a good idea to keep the office space detached from the dwelling. It's also for privacy, security and being able to have a business conversation away from the rest of the family. They don't see any clients, manufacture anything or sell anything, it's a professional office.

David Pierce informed the Board that they could amend their application to also ask for an interpretation and the Board could determine whether this falls within what's permitted under the barn conversion conditional use variance.

M.L.Haring this is a private office with no employees.

David Pierce stated that either way it sounds like they would need a use variance.

D. Hewitt asked if the barn now has a bathroom and was told by Ralph Finelli just a cold water hose bib.

Ralph Finelli stated that there's a shower and bath on the second floor.

M.L. Haring noted that on the second floor there's a little indent like a closet and was told that it's a mechanical space.

L. Frank said that he thinks what he is saying is that that's where the furnace and hot water heater will be located - a utility space.

M.L. Haring noted that it should be shown on the plan as the utility room.

C. McBride asked if this is clearly a use variance and not an interpretation and was told yes by David Pierce.

M.L. Haring asked the location of the well and was told in the front of the house.

P. Stepanovsky asked if the bathroom in the office will be tied in with the house septic and was told that it was.

P. Stepanovsky noted that they will need the distances between the well and house, septic and house and buildings and distance between the buildings.

M.L. Haring noted that the Board will need a list of the property owners within 200 feet.

Tom Decker noted that they also will need the location of the septic field shown on the plan.

Tom Decker also wanted to make sure and asked that if the first floor is attached to the occupational use and was told that it was not.

Tom Decker also informed Ralph Finelli of a correction on the notice placed in the newspaper which should be (132-30(F) and not (132-20(F).

This application will be placed on the agenda for the October 12, 2011 meeting.

C. McBride made a motion to deem this application conditional complete subject to the submission of the following: Delineation of the septic field, distances between the well and house, septic and house, house and buildings, distance between buildings, closet noted as a utility closet on plan and list of property owners within 200 feet, seconded by P. Stepanovsky. 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

COMMUNICATIONS/REPORTS:

Borough of Frenchtown – Ordinance #701

Kingwood Township Ordinance No. 16-20-2011

Rutgers Fall 2011 Schedule

OPEN TO PUBLIC:

Elaine Nieman, Deputy Mayor, had a question regarding the 120 day limitation regarding the Citgo and Nextel applications..

C. McBride had a question regarding the townships wind ordinance.

Tom Ciacciarelli asked if the Board has received any reports from the Zoning Officer and was informed by the secretary that she hasn't seen any. Elaine Nieman said she would check with John Barczyk.

ADJOURNMENT:

D. Hewitt moved to adjourn, seconded by J. Laudenschick. All in favor. The meeting adjourned at 8:05pm.

The Board rescinded the adjournment and re-opened the meeting for the following:

P. Stepanovsky moved to grant a continuation to **Nextel of New York, Inc. & JCP&L Co., - BL 26, L 24**, without further notice, for the October 12, 2011 meeting, seconded by J. Laudenschick. On roll call to vote.

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

Absent: None

Abstain: None

P. Stepanovsky moved to grant a continuation to **Christopher Wildgen/Chris' Citgo – BL 9, L 2.01**, without further notice, for the October 12, 2011 meeting, seconded by D. Hewitt. On roll call to vote.

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

Absent: None

Abstain: None

Lee Frank moved to adjourn, seconded by D. Hewitt. All in favor. Meeting adjourned at 8:10 PM.



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