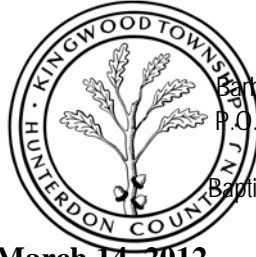


TOWNSHIP OF KINGWOOD



Available to meet by
Appointment
Corner of Rt. 519 & Oak Grove Rd.

Fax: (908) 996-7753

Board of Adjustment
Barbara Wilson, Secretary
P.O. Box 199
Baptistown, NJ 08803
Phone: (908) 996-4825

March 14, 2012 MINUTES

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

PRESENT:

L. Frank
M.L.Haring
L. Frank
C. McBride
J. Laudenschach

P. Stepanovsky
D. Pierce, atty
B. Wilson, sec
T. Ciacciarelli
A. Planer, alt

ABSENT:

D. Hewitt

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 December 14, 2011 minutes was approved with a a motion by C. McBride, seconded by T. Ciacciarelli. On roll call to vote.

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

Absent: D. Hewitt

Abstain: A. Planer

The January 11, 2012 minutes was approved with a motion by J. Laudenschach, seconded by P. Stepanovsky. On roll call to vote.

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

Absent: D. Hewitt

Abstain: A. Planer

RESOLUTIONS:

Kingwood Township Board of Adjustment-Report on Variance Applications-2011

C. McBride made a motion to approve, seconded by T. Ciacciarelli. On roll call to vote.

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

Absent: D. Hewitt

Abstain: A. Planer

NEW BUSINESS:

Determination of Completeness:

Kingwood Township - BL 19, L 5 – use variance and subdivision so as to permit a six (6) lot residential subdivision, minimum lot area of one (1) acre containing one (1) residential unit of a duplex. The Raritan Valley Habitat for Humanity will take ownership of the lots as low income housing. The proposed units to be credited toward the Township's affordable housing obligation. The property is located on 254 Union Road, Frenchtown, N.J., in the AR-2 Zone.

Judy Kopen, attorney for the applicant, stated that she's in receipt of the review letter from the Boards attorney, dated March 2, 2012, which addresses completeness items, and at this time she would like to turn it over to Tom Decker, Township Engineer, to address the items.

Tom Decker informed the Board the township has made application for a residential subdivision on property referred to as the Ukarish tract, on Union Road, across the street from the driveway for the DPW. He went on to say that for the past four (4) there has been discussions with Habitat for Humanity to create residential lots on a seven and a half (7 ½) acre portion of the property that was previously Farmland Preserved, so the entire property around it has been preserved and they have 7 ½ acres to construct these homes on. They are before the Board because they are proposing more dense development than the Township Ordinance permits, hence the need for a use variance and a preliminary and final major subdivision approval. They submitted the plans and received the review letter form David Pierce, dated 3/2/2012, and he (Tom Decker) will go through the letter item by item.

Subdivision Checklist:

Administrative Requirements

Item #5- Waiver

Item #10- Waiver

Item #11- Waiver

Item #12- Waiver (for completeness purposes only)

Item #14- Submitted to Barbara and David (the 2007 LOI is still valid)

Item #15- Submitted to Barbara and David

Item #16- Submitted to Barbara and David

Item #17- Waiver (for completeness purposes only)

Plan Requirements

Item #28- Waiver (for completeness purposes only)

Item #35- Waiver

Item #22- Waiver (for completeness purposes only-will be added to the plans)

Item #23- Waiver-will be added to the plans (for completeness purposes only)

Item #29- Waiver-calculation provided on plans

Variance Checklist:

#1 - Waiver-Proposed duplexes are 30'x50'-each unit 25x30 - two (2) story. Has architectural plans for public hearing. (completeness purposes only)

#2 - Waiver - will be added to the plan. (1, 560' to County Road 519) (completeness purposes only)

#3 – Waiver -Has reduced copies this evening (completeness purposes only)

M.L. Haring asked if the 7 ½ acres was in the Farmland Preservation Program and was told by Tom Decker, **no-not preserved**, just the farmland around it.

M.L. Haring stated then the **Ag Development Board** has no need to get involved in this. Response from Tom Decker and David Pierce was **no** they do not.

Tom Decker stated that if you wanted to look at this it's like a cluster subdivision in reverse.

David Banisch, Township Planner, will provide testimony, at the hearing, on the use variance and they will do a presentation on the lots themselves.

M.L. Haring stated that presently Kingwood Township is the owner/applicant and Tom Decker explained that once this application is approved Kingwood's responsibility is to improve the proposed road and any drainage associated with that and when the plan is filed Habitat for Humanity will take ownership of the individual lots and they will work with their clients as far as placement within the homes.

C. McBride, so in the end are these lots going to be continued to be owned or are they to be sold as Affordable Housing?

Tom Decker responded that they will be sold as Affordable Housing and that someone from Habitat for Humanity will be present to provide testimony at the hearing.

L. Frank questioned Item #22 and Item #23 and Tom Decker explained that Item #22 - that the granting of the subdivision doesn't guarantee the approval of the septic and Item #23 is a Certification that he supervised the testing of the septic and everything is in accordance with code.

T. Ciacciarelli asked what the proposed density is and was informed by Tom Decker that it's six (6) units on 7 ½ acres-minimum lot size is one (1) acre.

M.L. Haring said it's actually three (3) and Tom Decker stated that it's three (3) buildings - six (6) units but it will appear as if they are on two (2) acre lots.

P. Stepanovsky asked - there be two (2) septic for each one. Tom Decker stated that each unit will be served by it's own septic and well. (six (6) septic and six (6) wells)

A. Planer had a question about the buildings shown on the plans-some will be removed and some are not?

Tom Decker stated that currently all the buildings will be removed.

Tom Decker also explained that they need a variance for the side yard setbacks. The nature of a duplex is that it has a zero lot line and the other setbacks will be in compliance once the buildings are removed.

A. Planer asked who will farm the farmland and was told Bill Pandy currently does. Tom Decker explained the farmland will remain Township ownership farmed and preserved.

P. Stepanovsky asked David Pierce about the waiving of the application and escrow fees and who pays the professionals.

Phil Lubitz explained that it would come out of the Affordable Housing Trust Fund.

D. Pierce explained that the application fee would not go against the Boards budget and that the Board can grant a waiver from the escrow. David explained that what he and the engineer would do is submit separate bills to be charged to the Affordable Housing Trust Fund.

J. Laudenschlager moved to deem this application complete with the following,seconded by C. McBride.

**Subdivision Checklist-Administrative Requirements
Waivers from Items # 5,10,11,35 and Item #29**

**Waivers for Completeness Purposes only for:
Items # 12, 17, 28, 22 and 23
Variance Checklist - # 1, 2 and 3**

On roll call to vote.

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

Hearing will be on April 11, 2012

Nextel of New York and JCP&L- BL 26, L 24 has requested that there hearing be carried over to the May 2012 meeting. P. Stepanovsky made a motion to grant the request, seconded by T. Ciacciarelli. On roll call to vote.

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

C. McBride had a question pertaining to the Nextel application being carried over and David Pierce explained that the Kingwood application would have priority because it's in progress.

D. Pierce mentioned that because Tom Decker is representing the Townships application the Board will need to appoint a substitute engineer. David has contacted a Stephen Risse who has submitted a proposal to serve as a conflict engineer in an "as needed" basis:for the year 2012 with an hourly rate of \$130.00. If the Board knows of someone else that they can recommend they need to do so because that person will need to review plans.

C. McBride made a motion to appoint Stephen Risse as substitute engineer, seconded by T. Ciacciarelli. On roll call to vote.

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

COMMUNICATIONS/REPORTS:

Delaware Township- Notice of Adoption of Comprehensive Farmland Preservation Plan Element of Delaware Township Master Plan, 1994 Revision.

Delaware Township- Ordinance Supplementing and Amending The Land Use Ordinance of the Township of Delaware by Permitting Small Wind Energy Systems. #2012-02LU.

Borough of Frenchtown- Ordinance #707- An Ordinance to Amend Ordinance #678 Amending Chapter 23 of the Frenchtown Code Entitled "Flood Damage Prevention".

Alexandria Township- Ordinance #2 Flood Damage Prevention.

Kingwood Township Minutes for: 02/14/2002, 12/01/2011, 12/29/2011, 1/5/2012(Re-Org) and 1/5/2012.**

RUTGERS-Planning and Zoning Administration Program**
RUTGERS- Land Use for Board Members**

Is Land Use Costing You Your Health? - Dates: 4/21/2012, 4/28/2012 and 5/19/2012 (check flyer for locations)

OPEN TO PUBLIC:

Elaine Niemann recognized Barbara Wilson for 40 years of service with the Kingwood Board of Adjustment.

Chas McBride from Troop 519 is here working on his **Citizenship, in the community, Merit Badge.**

ADJOURNMENT:

L. Frank moved to adjourn, seconded by J. Laudenbach. All in favor. The meeting adjourned at 8:00 pm.

Barbara Wilson
Secretary
Board of Adjustment
Kingwood Township