

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
November 10, 2021
7:30 PM**

CALL TO ORDER

A regular meeting of the Kingwood Township Board of Adjustment (BOA) was called to order at 7:30 pm by Phillip Lubitz, Chairman.

NOTIFICATION

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.

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon County Democrat on January 21, 2021, and Courier News on January 21, 2021. Copies of the notice were also posted in the Kingwood Township Municipal Building on January 21, 2021. The Board of Adjustment proceedings close at 10:30 pm.

ROLL CALL:

PRESENT: Phillip Lubitz – Chairman, James Laudenbach – Vice Chairman, Mary Lou Haring, Andrew Russano, John Mathieu, Cynthia Ostergaard, Leslie Bella (Alternate #1), David Frank (Alternate #2).

ABSENT: David Hewitt

OTHER: David Pierce, Attorney

NEW AND PENDING BUSINESS:

No new business this month.

P. Lubitz took a moment to congratulate Andrew Russano on winning the election for Township Committee which caused him to resign from the Board of Adjustment. It was a pleasure working with him.

Andrew Russano thanked the Chairman and appreciated the congratulations. He said that in the past year the mentoring from every board member he has learned, watched and listened and he is taking away something from each board member. It has meant a lot to him. He hopes he fill the shoes moving forward and he has a lot to learn but he is not afraid to learn. If anyone has any questions, don't hesitate to ask him.

APPROVAL OF MINUTES:

Next on the Agenda is the Approval of the BOA Meeting Minutes. P. Lubitz asked if there were any additions or corrections to the October 13, 2021, BOA Meeting Minutes.

C. Ostegaard said the date of today's meeting is incorrect. P. Lubitz said that it would be corrected. He asked for a motion. It was moved by M. Haring seconded by A. Russano to approve the Meeting Minutes of October 13, 2021.

P. Lubitz asked for a Roll-Call Vote:

P. Lubitz:	Yes
J. Laudenbach:	Yes
M. Haring:	Yes
A. Russano:	Yes
J. Mathieu:	Yes
C. Ostergaard:	Yes
L. Bella:	Yes
D. Frank:	Yes

CORRESPONDENCE & REPORTS:

Next is the Amendment of the Ordinance for the new BOA Fees of Bulk. Any comments?
None noted.

The Zoning Report – The Chairman said as a result of Hurricane Ida, a lot of people applied for generator permits.

The Chairman said that the August Planning Board Meeting Minutes were informative and instructive about the adoption of the Master Plan and the requirements about renewing the Master Plan and would suggest that everyone read them. The September Planning Board Minutes reflect what was happening at the meeting and not necessarily to correct anything that was said at the meeting.

P. Lubitz continued that a committee is being put together that will include Planning Board members, a member of the Environmental Commission and the Board of Health to go over changes to the well ordinances in the February 2021 meeting. The BOH has started the process of reverting back to the well ordinance that existed prior to February 2021 as a baseline to begin discussion on the well ordinance. David, please correct me if I am wrong about that.

D. Pierce said that it was correct. P. Lubitz asked if there were any comments about that.

M. Haring asked if these were in the Planning Board Minutes? She said she did not receive a copy of the Planning Board Minutes so she asked for a brief rundown of the changes.

P. Lubitz said the biggest change in the well ordinances would be what properties would come under this new ordinance, what properties require testing. The ordinance adopted in February rescinded the requirement for individual properties or subdivisions to have well testing and change the distance for testing on adjoining properties.

D. Pierce said that the major change was the elimination of the requirement for an aquaphor test for subdivisions of less than 5 lots. The prior ordinance had required an aquaphor test if more than 2 new lots were being created. That came to the Environmental Commission's attention, and they were talking to the Planning Board which led to a meeting in September of the Board of Health and the Planning Board. At the October Planning Board meeting a designation of a Planning Board member to serve on that committee among the three boards.

M. Haring asked is this to make it more difficult for someone to build a new home? D. Pierce said the change in February made it easier to build a new home on less than 5 lots. The

Environmental Commission's concern is that it did not adequately protect the ground water supply and the potential adverse effect on existing wells from such development. M. Haring said so it protects the aquaphor. Yes, said D. Pierce. P. Lubitz said it will also protect the zoning as well. The need for larger lots in Kingwood depends on the fragility of the aquaphor. If we change the interpretation of the aquaphor then we would lose the necessity for larger lots. There was disagreement between our engineer and geologist about the nature of the aquaphor in the township. There will be further research on the aquaphor and recharge.

PRIVILEGE OF THE FLOOR:

We do have the public with us today. Resident Paymon Jelvani joined the meeting to listen in. He was interested in the Board and was talking to Andrew Russano and understanding the scope of the Board. M. Haring asked maybe perhaps to fill a vacancy on the Board? P. Jelvani said you never know. He currently serves on a board in Kingwood Township and his term is up in December. He has a passion for Kingwood Township, so you never know.

Any additional comments? J. Mathieu being technically illiterate said he tried to join the meeting earlier but couldn't get on.

P. Lubitz wished everyone a Happy Thanksgiving and said the next meeting is December 8, 2021.

ADJOURNMENT:

P. Lubitz asked for a motion to adjourn. It was moved by M. Haring, seconded by A. Russano to adjourn the meeting at 7:46 pm. All members present voted **AYE**. Happy Thanksgiving.

All meeting votes were unanimous with a vote of 5:0 with a sustained quorum. There were no controverted issues and there was no conflict of interest for any of the Board members in attendance.

Respectfully submitted,

Karen Radcliffe

Karen Radcliffe
BOA Secretary