

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
September 13, 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 Balla (Alternate #1), David Frank (Alternate #2).

ABSENT: David Hewitt

OTHER: David Pierce, Attorney, Kelly O'Such, Engineer in for Wayne Ingram

NEW AND PENDING BUSINESS:

Public Hearing for the following:

- **Block 35, Lot 6 – Laith Abdulkareem – 343 County Road 519 – Non-Use Variance**

P. Lubitz said the first order of business was the Black Shed. He turned over the meeting to David Pierce.

D. Pierce stated applicant has retained an attorney and the attorney has submitted correspondence to the Board requesting the hearing be adjourned for one month. He feels that it is appropriate as it will give the applicant time to address the issues that were raised in Wayne Ingram's and David Banisch's review and the memo he forwarded to the Board today. It is not being opened to the public so he will have to re-notice the hearing. Based on all the deficiencies the application was not going anywhere tonight.

P. Lubitz asked will this have any bearing on the 120-day timeline for the Board to act and will it extend it for 30 days?

D. Pierce said technically it will not, but we have enough time in the next 30 days to have discussions with their engineer and attorney to figure out where they are going and during that time period, they will supplement their application. We would go through another

completeness process for that. If they don't do that, at the next meeting then he recommends that they rescind the completeness determination and that would stop the 120-day clock.

P. Lubitz said his next question was are we opening the public hearing and closing the public hearing, or does it have any bearing on the completeness of the application?

D. Pierce said no but the Board is not going to even open the Public Hearing tonight.

P. Lubitz asked for motion to grant the applicant a 30-day extension. M. Haring made the first motion, seconded by A. Russano to grant the 30-day extension. Any discussion on the motion? None noted.

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

P. Lubitz said the "ayes" have it.

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 August 11, 2021, BOA Meeting Minutes. None noted. He asked for a motion. It was moved by M. Haring, seconded by J. Laudenbach to approve the Meeting Minutes of August 11, 2021.

P. Lubitz asked for a Roll-Call Vote:

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

CORRESPONDENCE

Planning Board Minutes – The next item was the July Planning Board Meeting Minutes. The Chairman said they were discussing the Master Plan. Any comments? John Mathieu any

comments? J Mathieu said he wasn't there, but he is aware of what they were discussing. They were reviewing it. He said D. Pierce pointed out that there are parts of the plan that must be re-adopted every ten years, or we lose the protection that we have by having a Master Plan.

D. Pierce said that was correct. The Master Plan must be reviewed every ten years and re-adopted (called Re-examination Report). If you do that and anyone who challenges your zoning ordinance its entitled to a presumption of validity. If you have not complied, then you lose the presumption of validity. It does not mean it is invalid, but you lose an advantage.

P. Lubitz asked the Board for any comments or announcements.

C. Ostergaard had a question about the engineer's review letter. On page 5, Item 6 was incomplete.

K. O'Such read the Item 6 and completed the paragraph. What Wayne was trying to say was there was no adverse effect to the adjacent property.

P. Lubitz commented about the Penn East pipeline and that they decided not to seek eminent domain. There was a press announcement in Pennsylvania. Kingwood Township residents have received similar communications. Good news.

C. Ostergaard questioned why Integrity Autobody on Route 12 vacated their building? J. Mathieu said he has information on it. The owner has sold the business to a new operator. He has moved to Tennessee but is keeping his business in Amwell. They do have a buyer for the Rt. 12 building and the new buyer will be doing the same thing – autobody work. The owner of the property has retained ownership of the original shop across from Wawa in Flemington.

PRIVILEGE OF THE FLOOR:

No public present so no comments from the public. Any final comments from the Board? None noted.

ADJOURNMENT:

P. Lubitz asked for a motion to adjourn. It was moved by J. Mathieu, seconded by C. Ostergaard to adjourn the meeting at 7:50 pm. All members present voted **AYE**.

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