

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
March 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, David Hewitt, , Leslie Bella (Alternate #1)

ABSENT: Andrew Russano, John Mathieu, Cynthia Ostergaard, Chris Kascik

OTHER: David Pierce, Attorney, Wayne Ingram, Engineer

NEW AND PENDING BUSINESS:

1. **Public Hearing** for **Block 17, Lot 14.02 – Jileya Cudjoe – 463 Barbertown-Pt. Breeze Rd. –** Expansion of Non-Conforming Use.
2. **Determination of Completeness** for **Block 51, Lot 4 – Phillip & Marian Griffiths – 67 River Road –** Non-Use Variance (hardship).

Block 17, Lot 14.02 - Cudjoe

The Chairman asked for a motion to open the Public Hearing. The motion was made by Mary Lou Haring and seconded by David Hewitt to open the Public Hearing. All Board Members in favor voted AYE to open the Public Hearing.

David Pierce noted the “Proof of Publication” and “Proof of Service” satisfy the notice requirements and the Board may exercise jurisdiction and open the Public Hearing.

D. Pierce stated that since Ms. Cudjoe’s application is for an expansion of a two-family house which is a non-conforming use, it needs a D2 variance as well as a C variance. A D2 variance requires the affirmative votes of five Board members who are present tonight. He said Ms. Cudjoe could open the hearing now and continue it next month, in the event that there may

not be five affirmative votes tonight. P. Lubitz suggested the Board do a straw vote to poll the vote. Ms. Cudjoe went ahead with the Public Hearing tonight. D. Pierce swore in Ms. Cudjoe.

Ms. Cudjoe stated her name and residence address (28295 Roosevelt Ave., Newark, NJ 07107).

P. Lubitz said there was a letter to the DEP in reference to wetlands. Ms. Cudjoe said she put in an application to the NJDEP to get a letter of interpretation. The NJDEP said it would take about 3 months. They gave her GIS Mapping, and it does look good but couldn't give anything in writing until the letter was done. She will send over the copies of the mapping.

P. Lubitz said that would be a condition for approval. D. Pierce concurred.

D. Pierce said that they need to develop some record so Ms. Cudjoe should describe what she is applying for.

Ms. Cudjoe stated she is proposing to get a non-conforming use variance to expand the living space in her two-family home that she purchased in July 2020. It is located on 463 Point Breeze Road in Flemington, Block 17, Lot 14.02. It sits on about 2 acres. The building itself is a full gut, it needs a new roof and total renovation. The proposal is a new roof and new interior, and the variance would be for the expansion of expanding the living space and adding a bathroom on each floor. It would conform to the setbacks in the ordinance.

W. Ingram gave further detail. Currently it is an L-shaped house, and they are filling in the L behind the home to square it off. The current home sits 35.2 feet from the sideline and is not quite square to the property line. Typically, in this zone, this use which is not permitted, the standard setback is 40 feet for a side yard. It would be appropriate to include a side yard variance. The addition itself is in violation of the setback requirement.

He continued that there is a septic system in the rear yard which they provided plans for which indicated there were wetlands in that area. He is OK with the outside agency to approve that. His primary concern was that the BOA voted on something that the DEP may change and then the BOA would have to go through the approval process twice. There is no other re-grading of the property, maintain the existing well, no additional bedrooms. There are aesthetic improvements that will take place on the property.

P. Lubitz asked Ms. Cudjoe if she had any questions or comments for Mr. Ingram. She said no but would like to add that she had her septic engineer do a soil erosion plan and that was sent over as well.

P. Lubitz asked the Board if there were any questions.

D. Hewitt asked if there were going to be increasing the number of bathrooms from 2 to 4? One new one upstairs and one downstairs? Ms. Cudjoe said that was correct.

P. Lubitz verified that the new septic is based on the number of bedrooms and not the number of bathrooms.

J. Laudenbach asked what was the square footage of the addition? What did it increase by?

Ms. Cudjoe said it was 815 s.f.

P. Lubitz asked for comments/questions from the public. None noted. He then asked for a straw poll to see if anyone would oppose the approval and move forward with this project. Anyone have concerns that we should put off this vote?

J. Laudenbach said he would not oppose it.

P. Lubitz asked for a motion to close the Public Hearing.

D. Hewitt made the first motion, it was seconded by J. Laudenbach to close the Public Hearing. All members present voted **AYE** to close the Public Hearing.

D. Pierce said now a motion to approve the variance. P. Lubitz asked for a motion to approve the variance.

M. Haring made the first motion, it was seconded by D. Hewitt to approve the variance subject to the following conditions:

- Subject to receipt and submission of the DEP wetland permits for the construction or proof of exemption from requirement for permits;
- Subject to receipt and submission of approval of the soil erosion plan.

P. Lubitz asked for a Roll-Call Vote:

P. Lubitz: **Yes**
J. Laudenbach: **Yes**
D. Hewitt: **Yes**
M. Haring: **Yes**
L. Bella: **Yes**

Block 51, Lot 4 - Griffiths

P. Lubitz said next on the agenda was a Determination of Completeness hearing. We have Mr. Burns representing the Griffiths. Mr. Burns said he is the architect for the Griffiths. The Chairman asked Wayne Ingram to go over the items in his completeness letter.

W. Ingram said some of the items have been satisfied. He requested a copy of the land survey, but he didn't know if that was submitted in the packet. Mr. Burns said it has not. His clients live in Miami part of the year and do not have access to their files. They are trying to get a copy of that but do not have it yet. W. Ingram said it would be a condition of approval, but he doesn't have a problem waiving that since they are not doing any groundwork so they would rely on the dimensions provided for the variance as long as they don't change.

Item 13 – The setbacks have been revised and addressed. This item has been corrected.

Item 16 – His brief concern is that there is no land disturbance taking place but to the issues of waiving this pertaining to topography. There are ordinances on the books about flood plain management and with the DEP. Variances and permits are based on the cost of the improvement and must not be over 50% of the improvement. If Mr. Burns could provide a document of the costs which could solve the problem and possibly waive this item. Mr. Burns said he would provide the cost information of the proposed renovation vs. the value of the house before the Public Hearing. He also has applied to the DEP but has not heard back from them yet.

Item 17 – Drainage facilities within 200 feet – waived.

Item 18 – Easements and rights-of-way within 200 feet – waived.

Item 21 - Location of existing and proposed structures with grade elevations – waived.

Item 22 – Distance from property line to nearest intersection – waived.

Item 23 – Identify means of vehicular ingress and egress to and from the street – waived.

Item 36 – Lot Grading Plans – waived.

Item 42 – D&R Certification has been submitted – waived.

Item 45 – Delineation of Floodplain zone – FEMA map was provided but not how it relates to the lot and its features but subsequently the flood certificate was provided. – waived.

Mr. Ingram said they could waive all the items with the stipulation that the information of costing be provided, and the cost of the improvement is not over 50%, The cost of the improvement is what dictates the level of the project and determines the relief.

The Chairman asked the Board if they had any questions. None noted. P. Lubitz asked if any large equipment would be brought in, would any trees have to be removed or trimmed for the equipment be brought in? A crane?

Mr. Burns said no excavation involved so no large equipment will be brought in. Most of the renovations will be interior work. They are raising the roof and lumber will have to be brought in. No crane.

The Chairman asked for a motion. J. Laudenbach made the first motion, seconded by M. Haring to deem the application complete pending the receipt of the cost data.

P. Lubitz asked for a Roll-Call Vote:

P. Lubitz: **Yes**
J. Laudenbach: **Yes**
D. Hewitt: **Yes**
M. Haring: **Yes**
L. Bella: **Yes**

APPROVAL OF MINUTES:

P. Lubitz asked if there were any additions or corrections to the February 10, 2021 Meeting Minutes. None noted. It was moved by J. Laudenbach, seconded by D. Hewitt to approve the Meeting Minutes of January 13, 2021.

P. Lubitz asked for a Roll-Call Vote:

P. Lubitz: **Yes**
J. Laudenbach: **Yes**
D. Hewitt: **Yes**
M. Haring: **Abstained**
L. Bella: **Yes**

CORRESPONDENCE

There were no comments or questions about the January and February 2021 Zoning Reports.

The Chairman asked if there was any discussion or comments for the Planning Board items.
None noted.

PRIVILEGE OF THE FLOOR:

No public present so no comments from the public.

ADJOURNMENT:

P. Lubitz asked for a motion to adjourn. It was moved by M. Haring, seconded by D. Hewitt to adjourn the meeting at 8:00pm. All members present voted **AYE**.

Respectfully submitted,

Karen Radcliffe
BOA Secretary