

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
January 11, 2023
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 Board Secretary, Karen Radcliffe.

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 and Courier News on December 22, 2022. Copies of the notice were also posted in the Kingwood Township Municipal Building on December 22, 2022. The Board of Adjustment proceedings close at 10:30 pm.

ROLL CALL:

PRESENT: Phil Lubitz – Chairman, James Laudenschach – Vice Chairman, John Mathieu, Cynthia Ostergaard, Leslie Bella, David Frank, Paymon Jelvani (Alternate #1).

ABSENT: David Hewitt

OTHER: Matthew Flynn, Attorney

NEW AND PENDING BUSINESS:

Swearing In of Re-Appointed and New Members
Nomination of Chairperson
Nomination of Vice Chairperson
Appointment of BOA Attorney
Appointment of Engineer
Appointment of Planner
Designation of Newspapers (Hunterdon County Democrat & Courier News)
Annual Report of Variance Applications
Approval of 2023 BOA Budget

The Board Secretary took the Roll Call of Board Members. Then she asked for nominations for the BOA Chairman for this new year, 2023. P. Lubitz was nominated by John Mathieu, seconded by Leslie Bella. A Roll Call Vote was taken.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenschach	Yes
D. Hewitt	Absent
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate does not vote due to a full quorum.

At this point in the meeting, the Board Secretary turned over the meeting to the Chairman, Phil Lubitz.

P. Lubitz asked for nominations for Vice -Chairman. J. Mathieu nominated James Laudenbach to continue as Vice-Chair. It was seconded by Leslie Bella.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Absent
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate does not vote due to a full quorum.

M. Flynn asked was there anyone who needed to be sworn in or did the governing body take care of that? P. Lubitz said there were no new members. The Board Secretary said anyone whose term expired was just re-appointed. M. Flynn said that an Oath of Office would need to be signed by anyone who was reappointed. The Board Secretary asked if she could sign the Oath. M. Flynn said no unless I was a notary. Only a notary or an attorney could sign the Oath of Office, but the Board Secretary could not unless she was a notary.

P. Lubitz said the Board Secretary would check on who was reappointed and needs to sign the Oath.

P. Lubitz said we have three professionals that need to be nominated. Can we do them as a group or individually? M. Flynn said to do them individually. The Board can do them as a All in Favor Vote or a Roll Call Vote and then vote on the Resolutions he has prepared memorializing the nominations.

P. Lubitz asked for nominations for **BOA Attorney**. J. Laudebach made the nomination for Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher as BOA attorney firm and Matthew Flynn as the primary attorney. It was seconded by C. Ostergaard. No additional nominations noted. P. Lubitz asked for an all-in favor vote. All members present voted **AYE**.

P. Lubitz asked for nominations for **Engineer**. J. Mathieu made the nomination for Engineering & Land Planning Associates as BOA engineering firm and Wayne Ingram as the primary engineer. It was seconded by D. Frank. No additional nominations noted. P. Lubitz asked for an all-in favor vote. All members present voted **AYE**.

P. Lubitz asked for nominations for **Planner**. L. Bella made the nomination for David Banisch Associates as BOA planner firm and David Banish as the primary planner. It was seconded by C. Ostergaard. No additional nominations noted. P. Lubitz asked for an all-in favor vote. All members present voted **AYE**.

There is a **Resolution to Memorialize the appointment of the professionals**. P. Lubitz asked for a motion to memorialize (adopt) the resolution. The first motion was made by J. Mathieu and seconded by C. Ostergaard to **approve the resolution for the appointment of the professionals**. The Chairman asked for a Roll-Call vote.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Absent
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate does not vote due to a full quorum.

P. Lubitz said we **designate newspaper** as the official newspapers for our announcements. Will someone nominate the Hunterdon County Democrat and the Courier News as the official newspapers? A nomination was made by J. Laudenbach, seconded by J. Mathieu. P. Lubitz asked for an all-in favor vote. All members present voted **AYE**.

P. Lubitz said we have a Memorializing Resolution for the Designation of the Official Newspapers. D. Frank made a motion to **approve (adopt) the resolution**, seconded by L. Bella to **designate the Hunterdon County Democrat and Courier News as the official newspapers**. The Chairman asked for a Roll-Call Vote.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Absent
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate does not vote due to a full quorum.

M. Flynn said **the Schedule of the BOA Meeting Dates** has already been vote on and posted in the paper, so the only thing now is to vote on the memorializing resolution for the schedule.

P. Lubitz asked for motion to memorialize the resolution on the BOA Meeting Dates. J. Mathieu made the first motion, seconded by J. Laudenbach to memorialize the **resolution for the BOA 2023 Meeting Dates**. P. Lubitz asked for a Roll-Call Vote.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Absent
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate does not vote due to a full quorum.

The Chairman said he has a conflict on the meeting date in February and he asked the Vice-Chair, Jim Laudenbach, to step in to run the February meeting.

Next is the **BOA Annual Report** on the year's variances. There were two variances about private roads – one on Byram Lane and one on Gombosi Lane. The Chairman asked to make a motion to approve **the resolution for the annual report**. C. Otergaard made the first motion, seconded by J. Mathieu to approve the memorializing resolution for the annual report. P. Lubitz asked for a Roll-Call Vote;

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Absent
J. Mathieu	Yes
C. Otergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate does not vote due to a full quorum.

P. Lubitz said we have a **Budget Request** of \$4,000 for the new year. Do we have any suggestions for the budget? J. Mathieu suggest we keep it the same as last year as is the preferred practice. J. Mathieu made the first motion, seconded by D. Frank to **keep the dollar amount of the budget the same at \$4,000**. Any discussion on that. None noted so the Chairman asked for a Roll-Call Vote.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Absent
J. Mathieu	Yes
C. Otergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate does not vote due to a full quorum.

CORRESPONDENCE/REPORTS:

P. Lubitz had a request from David Hewitt to **change the time of the BOA meeting to 7:00pm**. Most of the other governing bodies have changed the time of the meetings to 7:00pm. Should we do the same? We should discuss that. C. Otergaard said she is fine with 7:00pm. J. Mathieu also is fine with 7pm. He likes 7:30pm but if we move to 7pm he is fine with that and if 7pm works better for the board. He would do 7:00pm. He is not trying to convince anyone to change to 7:30pm. L. Bella said it has to do with people who are working or farmers who need later hours. She can go either way to 7:00pm or 7:30pm. C. Otergaard asked why he suggested to move the time? P. Lubitz said that David Hewitt is retired, and he thought it would be in line with the other 7:00pm meeting. P. Lubitz asked P. Jelvani if 7pm worked for him because he knows Paymon has a tight schedule. P. Jelvani said 7pm works OK with him. In fact, they changed the time of the BOE meeting to 7pm so 7:00 pm is fine for him. P. Lubitz asked D. Frank if he was OK with 7pm. D. Frank said he is retired so 7:00pm is OK for him but J. Mathieu is a long time Board member and if it is more convenient for him to leave it at 7:30pm w should leave it at 7:30pm. J. Mathieu said he has no problem with 7pm and if the Board wants to move the meeting to 7pm then he has no problem with that. It is OK because Phil moves the meetings through. P. Lubitz asked J. Laudenbach and he said he is OK with the change if time. P. Lubitz asked M. Flynn the attorney if he has any problems with moving the meeting time to 7pm since he has a longer time to travel to

the meeting. M. Flynn is fine with either time. P. Lubitz said he was thinking of what L. Bella said about future Board members and if the time is OK with them. The general consensus seems to be to change the time from 7:30pm to 7:00pm. We will keep the meeting ending date at 10:30pm. Since this is a formal change then we must make a notice on our website. He asked for a motion to change the meeting time to 7:00pm. A motion was made by J. Mathieu, seconded by C. Ostergaard. All members present voted **AYE**. The time change will start in February 2023.

The Chairman asked for the Zoning Report, but we did not get the report this month. P. Lubitz said he understands that the Zoning Officer, Greg Bonin, may be taking a new position in another municipality and Kingwood will be seeking a new Zoning Officer. He also would like the new Zoning Officer to come to our Board meeting to explain why he turned down an application. The Chair said he saw a Planning Board Agenda with a lot of activity in December with changes to Rt. 12 zoning. There was a discussion about a couple of subdivisions on Rt. 12 and Rt. 519.

M. Flynn commented that it was correct that there was an application pending since 2016 for an estate and one on Rt. 12 and a concept review for Dunkin' Donuts on Rt. 12.

APPROVAL OF MINUTES:

P. Lubitz asked if there were any additions or corrections to the December 14, 2022 BOA Meeting Minutes. None noted.

It was moved by D. Frank seconded by J. Laudenbach to approve the Meeting Minutes of December 14, 2022.

P. Lubitz asked for a Roll-Call Vote:

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Absent
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate does not vote due to a full quorum.

PRIVILEGE OF THE FLOOR:

P. Lubitz said this is where we have Privilege of the Floor or any additional comments from the Board. None noted.

ADJOURNMENT

The Chairman asked for a motion to adjourn.

J. Mathieu made the first motion and seconded by C. Ostergaard to adjourn the meeting. All members present voted **AYE**. The meeting ended at 8:00pm .

All meeting votes were unanimous with a vote of 6:0 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
BOA Secretary