

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
April 12, 2023
7:00 PM**

CALL TO ORDER

A regular meeting of the Kingwood Township Board of Adjustment (BOA) was called to order at 7:00 pm by the Chairman, Phil Lubitz.

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. 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 Laudenbach – Vice Chairman, David Hewitt, John Mathieu, Cynthia Ostergaard, Leslie Bella, David Frank, Paymon Jelvani (Alternate #1).

ABSENT: None

OTHERS: Matthew Flynn, Attorney, John Hansen, Engineer

NEW AND PENDING BUSINESS:

The Chairman changed the order of the Agenda. He began with the Resolution Hearing.

Resolution Hearing for:

- **Block 22, Lot 16.10 – Anthony Giuliani – 14 Pemberton Road.**

The Chairman asked for a motion on the Resolution. The motion was made by J. Laudenbach to approve the Resolution. It was seconded by J. Mathieu. All members present voted **AYE** in a roll call vote. The Alternate # 1, P. Jelvani did not vote as there was a full quorum of regular Board members.

Next was the Determination of Completeness Hearing for the following:

- **Block 8, Lot 19 – James Sherron – Metal Masters – 1 Lower Oak Grove Road** - Use Variance – Expansion of Metal Fabrication Shop.

The Chairman asked the applicant if he received the Completeness Letter from the Township Engineer. Mr. Sherron said he did not know and to ask his attorney. Mr. Richard Tice, Attorney for Mr. Sherron, said he did not receive the letter.

The Chairman asked the Township Engineer, John Hansen, to go over the letter. For the record, he introduced himself as engineer for the Board. He began by stating they did a Completeness Review dated March 24th and identified eight items that were either incomplete or required more information on them. (See the Completeness Review Letter at the end of the Meeting Minutes).

Mr. Hansen went over the incomplete items.

Starting at the bottom of the letter, **Item #27** – Indicate provisions for refuse and garbage disposal. That was not addressed on the documents and therefore is incomplete. Show that there is dumpster outside, where the solid waste is to be stored or inside the structure.

Item #28 – Show provisions for screening storage of equipment - That was not addressed on the documents although the checklist stated it was provided and therefore is incomplete.

Item #29 – Indicate all existing and proposed exterior lighting – Additional information is to be provided. This item needs to be addressed by the applicant. All existing lighting should be identified and if no additional lighting is to be provided, add a note to the drawings as such.

Item #30 – Show all existing and proposed signage and sizes – The existing sign is indicated on the drawings, but the size was omitted. The size should be provided as well as a photograph of the sign should be submitted.

Item #32 – Show proposed screening, green areas, landscaping and fencing – This information has not been provided. If no landscaping is to be provided, the applicant should ask for a waiver for this item.

Item #34 – Copies of any existing or proposed covenants and deed restrictions – This has not been addressed. The applicant may ask for a waiver for this item for completeness only, but a copy of the property deed should be provided as a condition of any approval.

Item #35 – Submit elevations, sketches, renderings or pictures of any new buildings or structures – This information was not provided. If the metal shop is being expanded, then drawings of this expansion need to be submitted. Include this with the application documents.

Item #42 – Certification from the tax collector that all taxes and assessments are paid to date – A current tax collector certification was not included in the information submitted. From what he has seen lately, the Tax Collector does not provide a formal letter, but it is taken off the web.

So those are the items and unless the Board feels otherwise, he would deem the application incomplete.

P. Lubitz said he understands that the Tax Collector does provide a formal letter. He asked the Board Secretary to confirm that. The Board Secretary said that there is no formal letter, but the applicant goes to the Township website and under Real Estate Lookup, click on the tab, put in the block and lot number and information about the property tax will come up. It will show whether or not the taxes have been paid or are still open. Mr. Sherron was delinquent in taxes but an email from Mr. Sherron said he paid the delinquency. It was only \$59 in interest that was due, and it has been paid.

P. Lubitz said what will prevent the application from moving on is particularly the elevations and sketches of the building that is to be built. Without those it would be difficult to move on. He then asked Mr. Sherron's attorney, Mr. Richard Tice, if had any comments.

Mr. Tice said he believes he has the drawings. He is taking over for his partner, Mr. Watts, who is ill and has been out of the office for 3 months. We can submit those. Has the Engineer prepared a letter that was sent to somebody?

The Board Secretary stated that the letter was sent to Mr. Sherron via email only and Mr. Watts, email only and Land Solutions Engineering email only. The Board Secretary will send the letter to Mr. Tice.

J. Hansen said that one other thing he should look at is whether it is a D1 or D2 variance. He said it was checked as a D1 variance. J. Hansen said he wasn't sure if it was a D1 or a D2 because if you are just expanding the use that was existing non-conforming that would be a D2. If you can resolve that before your Public Hearing and testifying to the type of variance.

The Chairman said if he could submit the documents and information as quickly as possible, we will try to have him on by the next meeting for the Completeness Hearing. He then asked Mr. Sherron if he had any questions or comments.

Mr. Sherron said he had no questions. He said that it all has been covered and once Mr. Tice prepares everything he should be fine.

The Chairman asked M. Flynn if they now vote to deem the application incomplete. M. Flynn said yes a motion to deem the application incomplete is needed.

A motion was made by L. Bella, seconded by D. Frank. Any comments on the motion?

J. Mathieu asked if they could deem it conditionally complete. He said the items are relatively minor and could be corrected before the next meeting so it would be complete before the Public Hearing. Is that possible?

M. Flynn said the way they do it is that he confers with the engineer well ahead of the meeting and if they think they can do the Completeness and Public Hearing on the same night, then we advise the applicant that they can notice for their Public Hearing on the same night at their own risk of being deemed complete before their Public Hearing.

J. Mathieu said he wanted to throw that out there since the items are relatively minor but important, he would feel more comfortable giving the applicant that option.

M. Flynn said they could have the opportunity to do their Public Hearing next month provided that the information is given in advance. He could meet with the engineer but provided the applicant responds appropriately, we could list them for the Public Hearing on the same night.

P. Lubitz asked for any other comments. None noted. There is a motion on the floor to deem the application incomplete. It is incomplete not conditionally complete. The Chair asked for a Roll-Call Vote.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Yes
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate #1 does not vote due to a full quorum

P. Lubitz said to Mr. Tice and Mr. Sherron that they hope to have them on for next month's meeting.

The Chairman said the next item is a Completeness Review for:

- **Block 28, Lot 24 - Shana Taylor – 2756 Daniel Bray Highway** – C1 Non-Use Variance, Setbacks

He welcomed Shana Taylor to Kingwood Township. He then asked J. Hansen to go over his Completeness & Technical Review Letter. (See the Completeness Review Letter at the end of the Meeting Minutes).

J. Hansen said they put together a letter for Completeness and Technical Review. First are the Completeness items. There are 11 items they identified, and we could lump all these together. It is a straightforward application for a 600 s.f. addition to her residence and prepared by the homeowner. We tend to have some waivers and look at them to see if there is enough information to grant the waivers and hear the application to make a decision on it. The eleven items could be waived unless the Board wants to go through the items. The Board could hear the application, and with Ms. Taylor's testimony, there is enough information for the Board to make an informed decision.

P. Lubitz asked Ms. Taylor if she had any comments on the Engineer's Review. She said no but she appreciated that she got the letter in a timely manner. She sent a response email to provide additional information that the engineer requested.

J. Hansen said he thinks that they have everything they need and he feels comfortable to deem the application complete.

P. Lubitz asked if there was enough information on the engineer's report to make a motion to deem the application complete with the appropriate waivers. That question is for M. Flynn.

M. Flynn said that is the Board's discretion but as J. Hansen said it is not uncommon for a residential application that a number of the items are burdensome to the applicant to include. Of the 11 items we received, 2 additional were provided. We did receive Item 12 which was the Names and Owners of all properties within 200' and she also noticed for the 200' list which is needed for her Public Hearing. In addition, we have the Tax information. If you go down the Completeness list, the items would be burdensome to the applicant so they could be waived.

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

J. Mathieu commented that for this review the applicant has gone so far above submitting numerous documents. He has never seen an applicant send so much stuff through the Board Secretary and stuff he has never thought about. It intrigued him so much that he had to go out to see the property.

C. Ostergaard asked if a Deed for the property was submitted. The Board secretary said yes and held it up on Zoom for the Board members to see. C. Ostergaard asked if there are any restrictions in the deed.

Ms. Taylor said there is an easement across the neighbors' property in order to access her property. Her property is landlocked. She does not have any frontage on Rt. 29. It is an access easement, a driveway easement.

C. Ostergaard asked if this was shown on the site plan. J. Hansen wanted to share the screen to show this site plan. The Chairman suggested we share the screen during the Public Hearing.

P. Lubitz said a motion was in order to deem the application complete with waivers for Items 2, 5, 6, 16, 23, 29, 38 & 45 excluding the Name of the Owners within 200' the Deed and the Tax Certificate because we have them. May we have a motion to that effect.

J. Mathieu made the first motion, seconded by C. Ostergaard to deem the application complete with the waivers.

A Roll Call vote was asked for by the Chairman.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Yes
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate #1 does not vote due to a full quorum

Next on the Agenda is the Public Hearing for:

- **Block 28, Lot 24 - Shana Taylor – 2756 Daniel Bray Highway** – C1 Non-Use Variance, Setbacks

The Chairman asked for a motion to open the Public Hearing. The motion was made by D. Hewitt and seconded by L. Bella to open the Public Hearing. All Board Members in favor voted **AYE** in a Roll-Call Vote to open the Public Hearing.

M. Flynn swore in Ms. Taylor. He said he reviewed her Notice and Affidavit of Service and found it to be in order, so the Board does have jurisdiction to open the Public Hearing and make a decision.

P. Lubitz asked Ms. Taylor to tell the Board about her project.

Ms. Taylor began by saying she purchased her home in 2012. In 2013-2014 she constructed patios on the North and West sides of her home. She had obtained building permits for those patios and building permit for footings for a freestanding pavilion. Her house is built on a steep hillside. The grade behind her house is 25% grade and resulted in the existing patios having water infiltration and the patios are starting to fail and collapse. She had reviewed this with several contractors, and it was decided to put in covered decks on the front and Northern and Western sides in the area where there are existing patios.

During the process of getting permits, she found the decks were encroaching on the setbacks, so she needed a variance.

There are a few items that are unique about the property. The lot is an irregular shaped property. The entire house is within the entire 75' setback. Her site plan shows the setback lines, the existing patios and proposed covered deck and hardscape. Because of the steep hill the only place to build the decks is where the existing patios are. There is no other option to build the covered decks. Her house is not visible from Rt. 29 when the trees are in bloom. She doesn't feel that it will not further encroach on the setbacks. On the Northern side it will impact even less. She would put a small round on-grade paver patio below the new pavilion for a small firepit.

The Chairman asked the Township Engineer to share the screen to show the site plan. J. Hansen pulled up the site plan on the screen.

Ms. Taylor explained the site plan showing the existing and proposed construction and setbacks. It is difficult to get an exact measurement in the front due to the irregular diagonal property line, but it would be a 48.6 ft. encroachment.

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

J. Mathieu said it looked to him like an even swap. She is deleting some stuff, the patio with the circle in it and exchanging it for the new plan plus the seven feet toward the front. Is that correct?

S. Taylor said yes and the seven feet in the front is existing, and she planned to leave it in place. It is better than a swap except it does impact the setback. As far as impervious, yes.

J. Mathieu asked if we are making a non-conforming situation less or non. It looks like a wash to him. It is not more non-conforming or less non-conforming.

M. Flynn stated the only difference between the above grade deck vs. the patio. If she came in with the original patio she would not have needed a variance but with the deck over top of the patio the deck would have to conform to the setback but the patio would not.

P. Lubitz said what he is hearing the applicant testify that some of the environmental concerns, the water runoff makes the patio impractical.

Ms. Taylor said that the patio is collapsing, and her dogs sit in the area of the patio where it is collapsing. She is afraid that it will collapse under their weight.

P. Lubitz asked if there is more water coming down than previously – more of a waterflow since you moved into the house?

She noticed that there is more water when it storms, not necessarily more storms but more severe storms. She can see the one patio lift when it is raining.

C. Ostergaard had a question concerning water runoff. Does this have to be addressed? Is it runoff from the slope or seeping up from the bottom?

S. Taylor said it is seeping through the hill and the ground. She thinks it is gravity and it is pushing the ground against the patio walls from the freeze/thaw cycle.

C. Ostergaard asked if she was removing the one patio and asked about the circle area on the plan.

S. Taylor said yes she is removing the raised patio and the circle area would be built from recycled pavers to create a small area for a fire pit.

P. Lubitz asked if there were any calculations for the increase for impervious?

J. Hansen said the impervious is the same or decreased. Ms. Taylor said it is a decrease in impervious. J. Hansen said then it would mean less runoff.

P. Lubitz asked what is the pleasure of the Board?

J. Mathieu would make a motion to approve it. He said he drove up the drive to take a look at the property (he did not get out of his car) and he did see the deterioration of the patios. He would support a motion of approval.

J. Mathieu made the first motion, seconded by L. Bella to approve the variance.

J. Hansen said that to assist in the vote, the applicant requested to supply an as-built survey. The site plan was not prepared by an Engineer so he suggested that the dimensions be rounded down so that if it is built and it is 2 inches over, then she would not have to come back for another variance. For the patio make it 26' rather than 26'-6", and the 32'-3" as 32'. Add this to the motion.

P. Lubitz asked if this was agreeable to J. Mathieu and L. Bella. J. Mathieu said it would be in the applicant's best interest to add this to the motion.

The motion will be stated as follows:

The motion will be approved with the condition that the Engineer has suggested to change the boundaries as he has suggested.

A Roll Call vote was asked for by the Chairman.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Yes
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate #1 does not vote due to a full quorum

Ms. Taylor thanked the Board and the Chairman said he looked forward to seeing her next month for the Resolution.

Next on the Agenda a Determination for Completeness for:

- **Block 6, Lot 41 – Andrew Bartels – 1127 Rt. 519** – Bulk Variance for Rear Yard Setback & Relief from Ordinance 99-4 Riparian Zone.

Mr. John Gallina, attorney for the applicant, stated for the record to correct the spelling of Andrew Bartels last name from Bartles to Bartels.

J. Hansen took the lead in explaining the application. He said on March 23, 2023, he sent a letter of Completeness and Technical Review to the applicant. (See the Completeness Review Letter at the end of the Meeting Minutes). The application is another residential application with some constraints on the property. There is a stream on the property. Fairly straightforward application. They did a very detailed application, and it is very well presented and complete. Two items in the letter – **Item # 6** – Plan Based on a Current Survey and **Item 34** – Copies of Deed Restrictions which has already been supplied. Even if they did not submit that, there is sufficient information supplied and we can hear the application and put those items in as a condition of approval. He has no problem to deem the application complete.

J. Gallina said they did submit a survey on March 24th which was dated 2006 and submitted a copy of the Deed this morning. That is the only comment they have now. They also supplied the Tax information from the Tax Lookup on the website.

The Chairman asked if there were any comments from the Board. None noted so he asked for a motion to deem the application complete.

J. Laudenbach made the first motion, seconded by D. Hewitt to deem the application complete.

A Roll Call vote was asked for by the Chairman.

Roll Call Vote:

P. Lubitz	Yes
J. Laudенbach	Yes
D. Hewitt	Yes
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate #1 does not vote due to a full quorum

Next on the Agenda is the Public Hearing for:

- **Block 6, Lot 41 – Andrew Bartels – 1127 Rt. 519** – Bulk Variance for Rear Yard Setback & Relief from Ordinance 99-4 Riparian Zone.

The Chairman asked for a motion to open the Public Hearing. The motion was made by J. Mathieu and seconded by L. Bella to open the Public Hearing. All Board Members in favor voted **AYE** in a Roll-Call Vote to open the Public Hearing.

M. Flynn swore in Andrew Bartels. He said he reviewed his Notice and Affidavit of Service and found it to be sufficient in content, so the Board does have jurisdiction to act.

John Gallina (JG), attorney for the applicant began to discuss the project. It is a property in Kingwood Township on Rt. 519. It is an existing undersized lot in an AR-2 zone which is a 7-acre minimum zone. This property is 2.922 acres. We were previously before the Board in 2016 when he put an addition on the house which was approved. I will ask Mr. Bartels to describe the layout of the property and location of the proposed garage.

Andrew Bartels (AB) stated he purchased the property in 2006 to put an addition on. It is 2.92 acres down the road from the municipal building, it is a steep slope that goes over the creek and meanders up where the driveway is. He got married last year with 2 kids and was looking for more space. He was looking at a small, detached garage to be constructed on the property. The first floor would be for cars, storage of snow blowers, tools. The second floor would be for storage with a stairwell at the back and side of the garage. He is going to run electric only for lights and garage door.

JG asked were the garage plans from a company called Sheds Unlimited?

AB replied yes from the Amish country.

JG asked if a copy of the plans were submitted to the Board. AB said yes.

JG asked about the style of the garage.

AB said it is a Dutch style. 16' x 24' and the color is to be determined. 24' height at the ridge line.

JG said they were there for 2 setback variances. The required rear yard setback is 30 feet in this zone and the proposed rear yard setback is 20.9 feet. Can you explain why the garage is located in this position?

AB said currently when you get to the top of the driveway, there is a maple tree in the way of cars and delivery vehicles to turn around. The proposed location will allow vehicles to come in and out.

JG asked about the property to the south, Lot 39 is there any structure that is near to where the garage is to be?

AB said no it is far away.

JG is there a residential structure on Lot 39 within your view.

AB yes, it is now but when there is foliage it is not in view.

JG said that was all the questions he had for Mr. Bartels.

P. Lubitz asked if there were any environmental constraints.

J. Gallina said yes there is a Riparian Zone so they applied for a variance for that pursuant to Ordinance 99-4 which would require a variance providing that there is no detriment to public health or hardship to the owner. They did apply for the variance previously since the property is in the Riparian Zone and there is a stream that runs across the property.

P. Lubitz asked is there no portion of the property that is not in the Riparian Zone?

J. Gallina said the entire property is in the Riparian Zone so it is a necessary variance.

P. Lubitz asked if you needed anything from DEP when you did your addition.

J. Gallina asked the applicant's Engineer, Mr. Holzman, to answer that.

M. Flynn first swore in the Engineer, Rudolph Holzman, since he was providing comments.

R. Holzman said at the time any applicable permits that were required were obtained. Currently it is permit by rule so there is no paperwork.

J. Gallina asked R. Holzman to give his expertise about his credentials.

R. Holzman said he is a licensed professional engineer in New Jersey with 20 years' experience in site plans and subdivisions. He has a Bachelor of Science in Civil Engineering from Virginia Tech. His license is in good standing with the state.

J. Gallina asked the Board if he was acceptable to provide testimony.

P. Lubitz said he was acceptable. He then asked the Board if they had any questions. None noted.

P. Lubitz asked if the property was below the roadway. Mr. Holzman said it slopes up above the road.

L. Bella asked how the garage would give them more space. Mr. Bartels said all the boxes and toys from when they moved in will be put into the structure. L. Bella asked if the second floor will not include any living space. No absolutely not said Mr. Bartels.

Mr. Bartels reiterated that it will be for storage only. The first floor is for vehicles and snowblowers and the second floor for storage only.

C. Ostergaard asked is the electricity going to be overhead or underground.

Mr. Bartels replied that it would be ditch witched from the house underground to the garage.

C. Ostergaard asked what the distance is from the house to the garage.

Mr. Holzmans said it was about 60 feet.

C. Ostergaard asked if they were required to notify JCP&L? Mr. Gallina said they were notified as were all the utilities on the 200' list.

P. Lubitz said because of the environmental restrictions there is no way to build this garage without the relief you are seeking? The answer was yes.

M. Flynn asked about the as-built survey if the Board is making that a condition. Other than that, everything else has been satisfied.

J. Gallina said that as with the prior application, the setback will be no greater than the requested distance in lieu of submitting an as-built survey.

P. Lubitz asked if that was satisfactory to the Board. J. Mathieu asked would that survey be valuable to the applicant in the future if he were to sell the property? He is not asking for the applicant to do that, but would it be of value to him.

J. Gallina said that he could do a survey now if he had a buyer but if the survey is more than 5 years old, they would need a new survey anyway. It would be for reference only. It appears that Mr. Bartels will be there for quite a while since he just got married and is building the garage.

J. Mathieu said he is not saying it has to be done but a survey is a survey, is a survey and the land is not going to change that much. He is not making that a condition for approval. He just wants to make a suggestion that it be done.

Mr. Bartels said valid point and thanked him for the suggestion.

P. Lubitz wanted to clarify the need for a permit from the DEP. If we were to make a motion to approve the application, what would we be looking for from the DEP?

R. Holzman said if the Board approves the plan the applicant is subject to the notes on the plan which calls out DEP Rule 10 which allows for certain amount of disturbance under a quarter of an acre which what they have there. There is no notification required, no paperwork. That is the purpose of Permit by Rule.

P. Lubitz asked about the setbacks. How does the plan categorizes the setbacks for the proposed building?

R. Holzman said the proposed setback is 20.9' where 30' is required. The location of the garage is there for minimal slope & soil disturbance, but mostly to provide access in the driveway, opposed by the tree, and close to the house.

P. Lubitz said it is a need for the setback because of the tree and adequate room for the driveway.

C. Ostergaard said the site plan shows a septic trench but where is the disposal field? Can you locate it?

R. Holzman said there is a tank and a trench, but he is not aware of a septic disposal field.

C. Ostergaard said there is only a tank at the end of the trench? R. Holzman said yes.

Mr. Bartels said they had to work on that for a variance 5 years ago and it goes under the driveway. There is some type of field under the driveway near the top.

J. Hansen said that with an older house it is not uncommon for the disposal field that doesn't meet the current code and as long as they are not adding bedrooms, they don't have to do anything with the septic unless there is a need of repair.

P. Lubitz asked C. Ostergaard if that answered her question, and she said yes. He asked J. Laudenbach for comments, and he said he was OK with it. It is an odd shaped area not flat and doesn't see anywhere else to put it.

P. Lubitz asked D. Frank for comments. D. Frank said it looked like a squeeze job and he didn't see any other buildings and you can't really see it from the road. He wasn't aware of the tree, so it looks like it is positioned in the best place to make it work. He had a question about the septic, and he saw the lines on the driveway, so it was clarified. It is a nice-looking building.

D. Hewitt said he agrees with all the comments that have been made. He had a question about the septic, but it is grandfathered in and since there are not going to be more bedrooms, and they have been living there without problems so far. He had a question about the maple tree. How big and how old is the tree?

Mr. Bartels said it is 30" diameter which is one of the biggest trees on the property and he guesses it is about 30-40 years old.

D. Hewitt said he has some forestry interests and he knows that compaction around the tree can kill the tree. It is good that you are trying to save it.

L. Bella said that her questions have been addressed by the other Board members.

C. Ostergaard asked if the garage is on a concrete pad or stone. Mr. Bartels said it is on a concrete pad.

J. Mathieu would suggest what the future could bring about the septic system. The Board is aware of the antiquity of the septic system. It has no legal bearing on what the Board is doing. It is not our problem but he is happy that this has come up so any applicant or potential buyer comes back to Kingwood Township and say why did the Township allow that garage to be built. Other than that, he is fine, and it is on record.

P. Lubitz said he would be more concerned that the tank be maintained and pumped regularly.

J. Gallina said if there is any malfunction the County Health Department would get involved. Any potential buyer would have the septic inspected.

P. Lubitz said all too often when a house is sold in Kingwood it becomes apparent that there has been a failure of the septic system which can lead to 15-20 years of neighbors dealing with a failed septic system. A preventative maintenance program is to make sure the tank is pumped out every 2 years.

P. Lubitz asked for a motion. J. Laudenbach made the first motion, seconded by D. Hewitt to approve the application with the condition that the Engineer has suggested to change the boundaries as he has suggested (i.e. 32'-6" to 32'-0").

A Roll Call vote was asked for by the Chairman.

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Yes
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate #1 does not vote due to a full quorum

P. Lubitz said he looks forward to seeing the applicant next month at the Resolution Meeting.

APPROVAL OF MINUTES:

P. Lubitz asked if there were any questions or comments, additions or corrections to the March 8, 2023 BOA Meeting Minutes. C. Ostergaard noted a typo on page 4, paragraph 6, line 2. It is written “**required I the**” and should read “**required in the.**” The Chairman asked for a motion to approve the Meeting Minutes with the correction. It was moved by D. Frank seconded by D. Hewitt to approve the Meeting Minutes of March 8, 2023 with the correction.

P. Lubitz asked for a Roll-Call Vote:

Roll Call Vote:

P. Lubitz	Yes
J. Laudenbach	Yes
D. Hewitt	Yes
J. Mathieu	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate #1 does not vote due to a full quorum

CORRESPONDENCE/REPORTS:

P. Lubitz announced that we have a new Zoning Officer. He asked the Board Secretary if that was true. She said she did not know but only heard a rumor that we were getting a new Zoning Officer. We will find out if that is correct and pass that around.

He said we have the Planning Board Agenda and Planning Board Minutes. He asked John Mathieu if there were any Planning Board issues we should know about. There were two meetings. J. Mathieu said no we are just moving along but nothing worthy of discussions. M. Flynn said didn’t have anything to add. The only reason they had two meetings is one was a special meeting for the consistency determination of the Rt. 12 corridor ordinance that we discussed with the BOA in a previous meeting and the governing body did adopt it in March.

PRIVILEGE OF THE FLOOR:

P. Lubitz asked for any additional comments from the Public. No Public present. None noted. Any more comments from the Board. Mr. Jelvani any comments? He had no comments.

D. Hewitt commented that no one showed up at the Kingwood Annual Easter Egg Hunt this year. They had dyed 120 dozen eggs. The Easter Bunny did show up on the fire truck but he said he will be looking for a new Easter Bunny because she is moving to Florida. Also, Parks and Rec will have the Tree Give Away at Horseshoe Bend Park. He doesn't know what type of trees they will be giving away or the number of trees so come early.

C. Ostergaard asked who coordinates the egg dying? D. Hewitt said that would be him. He needs an Easter Bunny. C. Ostergaard said she would be interested in the egg dying. D. Hewitt said he will contact Cindy next year for the egg dying. He also stated that in June he will be doing a Fishing Derby.

P. Jelvani said to let him know about the Fishing Derby because he likes fishing especially with the kids and he would like to be part of that.

J. Mathieu wanted to know who was the Easter Bunny that is moving to Florida. D. Hewitt said it was Cindy Niciecki. They sold their farm.

P. Lubitz asked for a motion to adjourn. D. Hewitt made a motion, seconded by D. Frank to adjourn the meeting. All members present voted **AYE**. The meeting ended at 8:29pm.

All meeting votes were unanimous with a vote of 7:0 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