

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
October 11, 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 Laudenschach – Vice Chairman, David Hewitt, Cynthia Ostergaard, Leslie Bella, David Frank.

ABSENT: John Mathieu, Paymon Jelvani (Alternate #1).

OTHERS: Christopher Sobieski, Esq. (in for M. Flynn), John Hansen, Frank Floyd, Emergency Management Coordinator

NEW AND PENDING BUSINESS:

Determination of Completeness Hearing for:

- **Block 6, Lot 27 – Big Riggs Real Estate, LLC - 1089 Hwy. 12** – Preliminary & Final Site Plan Review.

The Chairman asked if the applicant was present and if his attorney was present. The applicant, Joshua Lynch, was present but said his attorney and engineer were not as they were not aware of tonight's meeting. His attorney told Joshua to attend.

Moving on, the Chairman asked John Hansen if he had any discussion with the applicant's attorney or engineer. J. Hansen said he briefly asked for a little more information. We didn't get a copy of the survey in our packet. There was one other thing that he provided too. He knows the applicant's attorney, so they talked about the application just in the description of it, but that's all.

P. Lubitz said after your discussions, you've sent us a pretty detailed list to comment on the application. Are you comfortable to proceed with the application?

J. Hansen said he was. When he reviews an application for completeness, what he looks for is the scope of the application, then compares that to the waivers that they may be requesting, does it seem reasonable and is there enough information for the board and the board professionals to be able to adequately review it and make a decision on the application. He does feel that from reviewing it, he thinks there's enough information that the board could feel comfortable and deem complete and proceed to a public hearing.

P. Lubitz asked the applicant if he received the Completeness Review letter.

J. Lynch said it may have come across his desk, but he was not sure.

J. Hansen said to the Board the only thing to keep in mind as you deliberate and decide whether to deem complete or not is that even if you do waive something during the completeness process, if during the application you find that there's information you need you can always ask for it. You don't give up that right so keep that in mind and that's important to remember.

J. Hansen continued that they hadn't provided confirmation that the taxes are paid.

J. Lynch said he believes the taxes are paid and they did get a reimbursement on the taxes because they overpaid the taxes. He said they were current on the taxes.

C. Sobieski asked the applicant to provide the board with a copy of some kind of confirmation that the taxes were paid prior to the hearing on the application if it were to happen.

J. Lynch said he would provide the information.

C. Sobieski stated his recommendation to the Board is to deem this application to be complete. Vote on a motion to find the application be complete subject to the recommendation in accordance with the comments in Board engineer Hansen's October 2, 2023 review letter and also with the requirement that the applicant would provide proof of taxes being paid prior to any hearing on the matter.

P. Lubitz said that they would entertain a motion and then have a period of discussion. He then asked for someone to make a motion.

D. Hewitt made the first motion to deem the application complete as our engineer outlined along with a copy of the paid taxes.

The Chairman asked for a second motion.

L. Bella made the second motion.

P. Lubitz asked the Planner, David Banisch if he had any comments or questions about the application.

D. Banisch said he did not have any comments. He reviewed Mr. Hanson's letter and the application materials submitted and it seems appropriate to him to follow the Board attorney's advice in this case and deem the application complete subject to certification of the taxes being paid.

P. Lubitz opened up questions from the Board beginning with D. Frank.

D. Frank said he had reached out to John Hansen, with the question about the waiver on the well. He said he knows the building is being designed but he did not know if there would be any type of fire suppression system. That might want to be looked at with all the sensitivity around wells these days and question it. John sent back a quick summary.

P. Lubitz asked if there were any further questions. None noted so he asked for a roll call vote on the application.

Roll Call Vote:

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|---------------|---------------|---------------|---------------|
| P. Lubitz | Yes | C. Ostergaard | Yes |
| J. Laudenbach | Yes | L. Bella | Yes |
| D. Hewitt | Yes | D. Frank | Yes |
| J. Mathieu | Absent | P. Jelvani | Absent |

P. Lubit said “Yes” have it. So, Josh, I'm anticipating that your engineers are going to speak with John just to make sure that you understand all the conditions that we've just voted for now.

J. Lynch – Yes.

P. Lubitz said your application is conditional, declared complete.

J. Lynch - Alright, thank you. I appreciate it.

J. Hansen asked when the next Board meeting would be. Just to remind everybody we'll need to, they'll have to provide notice of course and then we'll also have to do a technical review of the application, provide another letter in advance of the public hearing.

The Board Secretary answered it is November 8th. Every second Wednesday of the month. She reminded Josh's attorney today when she said they did not know about it. It's posted on the website. So, The BOA Secretary will remind them next month.

P. Lubitz said to Joshua to encourage your professionals to get everything that needs to be in well in advance of the meeting date, so our professionals have a chance to review it. Again, it would be a shame if they only had a brief time to do it and that ended up holding up your approval an additional month, but it could hold up the approval. if it isn't in a timely enough fashion for our professionals to do with their review. We'll see you soon then.

J. Lynch said thank you so much. I appreciate you guys and have a wonderful night.

APPROVAL OF MINUTES:

P. Lubitz said next is approval of the September Meeting Minutes, but he did not see them today. He believes he reviewed them when the BOA Secretary sent them out. He asked if everyone else got the minutes. Everyone said yes.

C. Ostergaard said her minutes seemed to be missing a page. Was it more than 2 pages? It says one of 3.

The BOA Secretary said yes. David Frank had that same problem. She didn't know why. It was one of 3 and then it was followed with one of 12 with the resolution directly behind it and it was all scanned together as one document, so she did not know what happened. Maybe something happened in the scanning.

C. Ostergaard said it seems like there is a page missing because where the third page picks up, it's in the middle of a conversation. L. Bella said she had the same thing in her minutes.

P. Lubit asked if there are any, besides the page number, are there any additions or corrections?

L. Bella said it's not the numbering, Phil. It's that there's a section missing.

The BOA Secretary asked should we hold off until next month to review it and try to redo them again? The Chairman agreed.

CORRESPONDENCE/REPORTS:

P. Lubitz said next we have correspondence reports. We don't have a zoning report, do we? The Board secretary replied no, we did not get any and she did ask the zoning officer to supply it and put the description on it and the denials that the Chairman had asked for. She has not heard anything from the zoning officer.

P. Lubitz said thank you for following through with that and then went on to the planning board agenda for September. He continued there's nothing really outstanding that caught my mind. He knows they are still working on that event ordinance. He is not sure that's really going to go anywhere. There were some questions about that that arose in the AG Committee report. There was a recommendation that the whole ordinance gets tabled for the time being.

Next on his list was the storm water MS 4 compliance from tier B to Tier A, the training we were all supposed to take. He saw a number of you did take that but said he encourages anyone who hasn't taken that if they would complete it as soon as possible so we have everyone on the board qualified.

J. Hansen said he appreciates that and to just send an email to Karen saying you have completed it and he will just put that in the file so if we get audited we have it.

PRIVILEGE OF THE FLOOR

P. Lubitz stated we're at that part with privilege of the floor. Would anyone like to make a comment? But you know what, let me since we have public here, Frank, I see Frank Floyd is on the call and muted. If Frank wanted to unmute himself and say anything.

F. Floyd said he did not have anything in particular; we're obviously interested in the applicants that are going before the board and we're reviewing the documents. Thank you to the board secretary for sending that. The content will be reviewed ahead of time and we're also working with the township Fire Marshal's office. So, they're reviewing the plans as well and providing the appropriate feedback. So, we'll be ready.

P. Lubitz said any comments from members of the board?

C. Ostergaard asked if the scenic corridor overlay link is no longer available on our website?

P. Lubitz said the Township ordinances are still on the website. The ordinances have a search box, and you could type in overlay in the search box, and it should bring up the pertinent ordinances. David Banisch, correct me if I am wrong.

D. Banisch said yes, he was just in that ordinance today and it just so happens that it is online and it's available through the e-code 3, 60 link. You will find it there, Cynthia.

C. Sobieski said, Miss Ostergaard if you want an easy way to find it, this is what I do. Just type in Kingwood Township E-code on Google and it should be the first to pop up.

C. Ostergaard said okay, thank you. C. Sobieski said Yes, ma'am. No worries.

P. Lubitz asked if there were any other comments or questions.

C. Sobieski said it was nice meeting everyone and you seem like a really good group and hopefully he'll be back at some point.

P. Lubitz said good to meet you too Chris.

ADJOURNMENT

P. Lubitz asked for a motion to adjourn. J. Laudenbach made a motion, seconded by D. Frank to adjourn the meeting. All members present voted **AYE**. The meeting ended at 7:21pm.

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