

BOARD OF ADJUSTMENT
OF
TOWNSHIP OF KINGWOOD



Address Reply To:

Secretary
P.O. Box 199
Baptistown, New Jersey 08803-0199

April 14, 2010
MINUTES

M.L. Haring, chairwoman, called the meeting to order, at 7:30 pm.

PRESENT:

B. Grossman
M.L. Haring
M. Przystup
D. Stryker
C. McBride

B. Wilson, sec
D. Pierce, atty
T. Decker, eng
J. Laudenschach
D. Hewitt

ABSENT:

P. Stepanovsky

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.

The 48 hour requirements of the Sunshine Law have been met. Notice of this hearing has been advertised in the Courier News. Copies of this notice were posted in the Kingwood Township Municipal Building and filed with the Municipal Clerk. The Board of Adjustment proceedings close at 10:30 pm.

MINUTES:

The March 10, 2010 minutes was approved with a motion by D. Hewitt, seconded by J. Laudenschach. On roll call to vote.

Aye: B. Grossman, M.L. Haring, D. Hewitt, J. Laudenschach

Absent: P. Stepanovsky

Abstain: M. Przystup, C. McBride, D. Stryker

RESOLUTIONS:

Kingwood BOA-Report on Variance Applications for 2009 was approved with a motion by D. Hewitt, seconded by B. Grossman. On roll call to vote.

Aye: B. Grossman, C. McBride, J. Laudenschach, D. Hewitt, M.L. Haring,
D. Stryker

Absent: P. Stepanovsky

Abstain: M. Przystup

Paul & Stephanie Smith-B37, L9. It was noted that on page 9-McBride and Przystup were both absent. B. Grossman made a motion to approve with correction, seconded by D. Hewitt. On roll call to vote.

Aye: B. Grossman, J. Laudenbach, D. Hewitt, M.L. Haring

Absent: P. Stepanovsky

Abstain: C. McBride, D. Styker, M. Przystup

NEW BUSINESS:

Determination of Completeness:

RYMS LLC-B50, L9- Lessee: Delaware River Tubing Inc. Rt 29 Frenchtown, N.J. 08825-use variance. The applicant is asking permission (seasonally), the storage of canoes, kayaks and rafts on this property and to allow customers of the Delaware River Tubing access to the Delaware River. Greg Crance informed the Board that he has been running this business for the past 7 years from the Roller Rink and gaining entry to the river from the boat ramp, it's getting congested there and difficult to move the kayaks and canoes down the hill. This property used to be where HIG operated it's business before it was burned out (gas explosion). This property is just north of the boat ramp and on the other side is a business called DishCatering. What they are looking to do is make it like a park- they want to right now, because of limited funds, just come in and not touch it whatsoever-no changes to the existing property and are essentially looking to just stack canoes, kayaks and rafts, not on a platform or structure, just stacked up on themselves. They have been dropping people off at this property, through the years and you can see the trail. Where the trail is there are some homes across the street, so they thought it would be better to stack on the north end of the property, by the towpath and out of sight from the road. The bus can turn in, let the people out and leave. They plan on using this drop off from the middle of June to the middle of September. They are looking to put up an approved sign, outhouse and in the corner a 10' x 20' tent for shelter, in case of inclement weather, and that would be for July and August. The rest of the property will look as it is now. They are not looking to change anything on the property right now. They just want to make sure that the zoning is proper, so that down the road they don't have a problem.

M.L. Haring noted that on their map the Board needs more details, such as the location of a tent, port a john, stacking of the canoes, kayaks and rafts.

T. Decker, engineer, understands that they won't be doing any improvements but because they are operating a business through the property, this is why questions come up as to where things will be stored, outhouse, the tent. The Board will have an idea of exactly what he's intending to do so they can act on it and should this move forward and get approvals there will be documentation as to what they have been approved for. He should also be prepared to talk about as to how the bus turns around , where's it going up, how does it coming back down, how's the traffic flow and delineate how the people are getting down to the water. Mr. Crance noted that he has permission from the state to cross the property and will provide that documentation.

Mr. Crance noted that at 1 or 2 in the afternoon they stop putting people in, so that by 2 in the afternoon the activity will be over. He will note the hours of operation and dates so there is a record for the Board. Ten (10) months of the year it will be doing what it's doing now-vacant.

Mr. Crance stated that the people will get off the bus and carry the tubes right with them.

M.L.Haring informed Mr. Crance that the Board will need a location map, which shows where this property is in conjunction with all the other properties. (The tax assessor may be able to help with this!!)

D. Hewitt noted that it would be a good idea to show how the portable toilets are being delivered and serviced -how they are turning around, as well as the buses.

Mr. Crance noted that he will give the Board an idea as to how long it will take to load and unload the bus. The buses aren't going to be camped out there.

M.L.Haring asked in connection to the Frenchtown Roller Rink is there a written agreement? Mr. Crance noted that they have a long term lease with them and are looking to extend it.

D. Pierce noted that they may want to consider bringing in a professional planner to testify that their asking for a use variance, there are very specific standards of proof that they need to satisfy in order for the Board to grant that relief. They are proposing a sign-need a sign detail, certification from the D&R Canal Commission, show structures within 200 ft of the property, across the street as well.

T. Decker mentioned that the proofs that he needs to present are lengthy and precise so it's better if he has someone help him.

D. Pierce noted that he also needs to provide, it's not on the application, the zoning district classification. (AR-2 Zone)

M.L. Haring asked if the Board should deem this conditionally complete or incomplete. Both Tom Decker, engineer, and David Pierce, attorney, felt it should be deemed incomplete since there is some work that needs to be done.

C. McBride asked how it changed from residential to commercial and D. Pierce stated that he believes that at one point the zoning was changed from commercial to residential. Existing commercial could continue.

D. Hewitt questioned the well and septic system that was or is on the property.

J. Laudenschlager stated that the well is still there but it's capped.

B. Grossman made a motion to deem this application incomplete, seconded by J. Laudenschlager. On roll call to vote.

**Aye: B. Grossman, C. McBride, J. Laudenschlager, D. Hewitt, D. Stryker,
M.L. Haring, M. Prystup**
Absent: P. Stepanovsky
Abstain: None

M.L. Haring asked when he would need to submit everything and was told by April 19th to make the May meeting.

C. McBride questioned the time frame.

C. McBride stated that if he knew that ,he wouldn't have voted the way he did.

C. McBride stated that he would like to change his vote to **NO** and that he would have liked it to be conditionally complete.

Mr. Crance appreciates what the Board is doing but he doesn't care if it gets approved for this season – he's in no rush. It would be nice if he could make the June meeting.

COMMUNICATIONS/REPORTS:

2010 NJPO Conference & Awards Banquet
2010 Planning & Design Awards Nominations

OPEN TO PUBLIC:

Diana Evans had some comments about the RYMS LLC application and was informed by the Boards attorney, David Pierce that it's not appropriate at this time to express concerns.

ADJOURNMENT:

J. Laudenbach moved to adjourn, seconded by D. Hewitt.. The meeting adjourned at 8:15 pm. All in favor.

Barbara Wilson
Secretary
Board of Adjustment
Kingwood Township