

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT**

**May 8, 2013
MINUTES
7:30 PM**

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

PRESENT:

D. Hewitt
M.L.Haring
J. Laudenbach
B. Wilson, sec
T. Decker, eng

L. Frank
D. Pierce, atty
A. Planer, alt
T. Ciacciarelli
C. McBride

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 Democrat. 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:

M.L. Haring noted that on page 3, paragraph 9 - the word “is” needs to be inserted after the word everything.

D. Hewitt made a motion to approve the April 10, 2013 minutes with the above noted correction, seconded by J. Laudenbach. On roll call to vote.

**Aye: L. Frank, C. McBride, J. Laudenbach, D. Hewitt,
T. Ciacciarelli, M.L. Haring**

Abstain: None

Absent: P. Stepanovsky

RESOLUTION:

None

NEW BUSINESS:

Hearing:

Delaware River Tubing, Inc. BL 50, L 9 – Use Variance, Preliminary/Final Site Plan

Michael Hoffman, attorney for the applicant, is requesting an adjournment so that they can address the issues noted in the review letters from Tom Decker, Engineer and David Banisch, Planner; and to also amend some of their drawings. They will do that with re-noticing.

L. Frank was wondering about the Fire Co. and Rescue Squad and if there is any way that the Board can get their input and advice.

D. Pierce, board attorney, believes the ordinance requires a copy of the application be forwarded to them.

M.L. Haring noted that the hearing will be postponed to June 12, 2013 and they (the applicant) will need to re-publish and re-notify property owners within 200 ft.

OPEN TO PUBLIC:

Kathy Kolvitis, Kingwood Township, asked if she could make comments and/or ask questions regarding the Delaware River Tubing and

M.L. Haring informed her that she would have to wait until next month.

Kathy Kolvitis asked how do they find out what the plan is.

M.L. Haring informed her that there is a packet at the municipal building that she could view.

M.L. Haring explained the procedure for asking questions and giving testimony.

Michael Hoffman, applicants attorney, stated that if anyone wants a copy of the application all they would need to do is contact their office; and they can provide it electronically or paper form as opposed to making an OPRAH request.

D. Pierce noted that the application makes a reference to a Schedule A but there is no Schedule A attached.

C. McBride asked Mr. Pierce the status of Affordable Housing measures that Kingwood Township has taken and why was we pressed to pass the variances and we haven't seen as much as a bulldozer or lawn mower out there to do some work on the property.

David Pierce stated that he's not involved in the township aspect of that. The only thing he's heard in discussion with some of the township officials is that Habitat for Humanity has been unable to qualify any people and Habitat for Humanity does not start construction until they have someone in place.

C. McBride addressed M.L.Haring, chairperson, stating that he would like to make a motion that someone from the Town Council give us a briefing on the current state of the Affordable Housing issues.

Tom Decker, engineer, gave a quick update on the towns perspective and putting it altogether. What Dave said is correct that Habitat was unable to get qualified candidates for the buildings and they don't start without having someone to put the sweat equity in. He believes the push for the approval was because of a contract between the Township and Habitat that went to a certain date and they needed to apply and get approval. Tom Decker believes that Habitat has requested, back in November, a 6 month extension on their contract which takes them to June. He has heard that in the past couple of weeks that they may have some candidates lined up

M.L. Haring what the time frame was for that.

D. Pierce stated that there is usually a provision in the Resolution that they would have two (2) years to obtain a building permit but he doesn't recall that being in the Resolution because it was for the Township and COAH.

M.L. Haring asked David to look into that.

C. McBride, addressing D. Pierce, stated that the Board also put some conditions in that variance that are no longer feasible. Can we re-visit that or is that impossible to do? For example; we allowed them to leave the barn on the property for storage and right now the barn has been destroyed by Hurricane Sandy and is a danger to the community and to anybody on there. Can we request that that be taken down immediately?

D. Pierce replied stating that we cannot do that-the application has been granted and conditions imposed. That is an existing condition that should be reported to the Zoning Officer and the appropriate enforcement taken. The township owns the property and if it's a hazard then the township should take care of it.

D. Pierce stated that this Board doesn't have that authority and the only way the Board could re-open that application, change the conditions is if there was some fabrication or incorrect information that was relied upon by the Board when they considered and granted that application.

A. Planer asked if the township owns the property.

L. Frank stated that they will always own the property.

D. Pierce stated no.

D. Pierce explained that once the houses are built they will be transferred to the participants in the program. Davids understanding is that once the township completes the site improvements the property will be transferred to habitat.

COMMUNICATIONS/REPORTS:

M.L.Haring-next item on the agenda is a letter from James Watson that reads as follows:

“You may recall that on Nov.14 2012 the board granted me a variance to operate a cabinet shop at 12 Lower Oak Grove Road. My business had been ordered to cease production after a complaint was lodged by Mr. Bill King who resides at 11 Lower Oak Grove Road. In my need to return to work I reluctantly agreed to restrictions on the ability to open my shop doors. These restrictions where at the request of Mr. King who knowingly perjured himself when he testified before the board of night time work. It is common knowledge in the neighborhood the Mr. King works neither day or night. Just a cursory examination of his recent employment record will show this to be true.

After the township received the complaint the zoning officer, myself and two witness's did a through sound test of all of my machines with the doors both open and closed. In the report the officer stated it was not mandatory for my doors to be closed.

I am fully prepared to follow the township noise restrictions but being that the restrictions on my doors was the result of False testimony by Mr. King I request an additional review by the board.

If Mr. King can produce any proof of employment I will abide by his demands. “

Thank You

M.L. Haring stated that she has been informed by the Board secretary that the Watson escrow account has been closed and that the Board would need more escrow to get attorney help.

After discussion it was agreed by the Board that James Watson would need to do the following:

1. Request his hearing be re-opened to review the condition regarding his shop doors being closed.
2. Escrow replenishment.
3. Notice of hearing be published in the newspaper. (Democrat)
4. Property owners within 200 ft notified.
5. Applicant must be represented by legal counsel.

L. Frank made a motion to direct the Boards' secretary to send a letter to James Watson informing him of the procedure he will need to follow to re-open his hearing, seconded by D. Hewitt. On roll call to vote.

Aye: L. Frank, J. Laudenschach, D. Hewitt, T. Ciacciarelli, A. Planer.

M.L. Haring

Abstain: C. McBride

Absent: P. Stepanovsky

ADJOURNMENT:

J. Laudenschach moved to adjourn, seconded by D. Hewitt. All in favor. Meeting adjourned at 8:05 PM.

**Barbara Wilson
Secretary
Board of Adjustment
Kingwood Township**

