

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT**

**June 12, 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
P. Stepanovsky

L. Frank
D. Pierce, Atty
A. Planer, alt
T. Ciacciarelli
C. McBride
C. McGroarty, PP

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:

D. Hewitt made a motion to approve the May 8, 2013 minutes, seconded by J. Laudenbach. On roll call to vote.

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

Abstain: P. Stepanovsky

Absent: None

RESOLUTION:

David Banisch Professional Contract Agreement Resolution was approved with a motion by C. McBride, seconded by D. Hewitt. On roll call to vote.

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

Abstain: None

Absent: None

NEW BUSINESS:

Hearing:

Delaware River Tubing, Inc. BL 50, L 9 – C1, C2 and D1 Variances and Preliminary/Final Site Plan

D. Pierce has reviewed the applicants proof of service and proof of publication and has found them to be appropriate and adequate and the Board may open the hearing. David Pierce then gave a brief rundown on how the hearing will proceed, because we need everybody's co-operation to run it in an orderly fashion. First, the applicant will proceed with his application, he will have witnesses present testimony to the Board. The Board may interrupt the applicants witnesses while they're testifying to ask them questions. After each witness has completed their testimony members of the public will be allowed to ask that witness questions, questions only; that isn't the time for comments or objections to the application. Anyone that is represented by an attorney will have their attorney ask the questions to avoid duplication. We have a court reporter here this evening taking down a transcript of the proceedings, so when you speak you will need to come up and use the microphone and identify yourself for the record. When it's time for the public to provide testimony you will need to come up to be sworn in, identify yourself for the record and speak into the microphone. It's imperative that we have one person speaking at a time. For this application to be granted, the applicant must receive five (5) affirmative votes.

Michael Hoffman, attorney for the applicant, and associate Larry Hardcastle are present this evening. They are here tonight to seek a variance both as to bulk, and as to use. They seek a use variance as to commercial enterprise, a recreational river tubing enterprise located on Block 50, Lot 9 commonly known as 3003 State Highway 29. The representative of the applicant is Greg Crance. In terms of the the bulk variances they are seeking to vary as to minimum lot area, lot depth, minimum side yard, front yard, rear yard and maximum building coverage at 8%. He has various professionals here and if it pleases the chair he would like to swear in Mr. Crance at the front of the testimony in case there is a question that is particular to him that a professional may not be able to answer.

M.L. Haring stated that it's fine.

Michael Hoffman stated that Mr. Hardcastle has provided the **Exhibits** on a thumb drive, as requested, which are marked from A-1 to A-25.

Greg Crance was sworn in.

Theodore Bayer, from Bayer-Risse Engineering, Inc was sworn in.

Michael Hoffman noted that **EXHIBIT A-1 Mailing of Notice.**

Theodore Bayer gave his credentials and was accepted by the Board as an expert witness.

M.L. Haring asked if anyone from the public has any questions as to Mr. Bayers qualifications.

For the record no objections noted.

Theodore Bayer- what the applicant is proposing on the site is to have a staging area where he could have his clients get off buses, pick up a tube and walk in to the Delaware River so that they may tube down the river.

EXHIBIT A-2 - (Sheet 1 of 4) - Proposed Site Plan

Theodore Bayer- Upper Right Hand Corner is the Key Map which identifies the location of the site. (Grey-ed out), in the AR-2 Zone of Kingwood Township, bounded to the east by Route 29, to the west, north and south by lands owned by the DEP, Block 50, Lot 9 is located in the center (shaded). The property is .67 acres in size.

Currently there is a concrete slab, a smaller concrete slab, a little concrete slab (10'x10') and an existing gravel driveway. He understands that the property has been abandoned for many years so it's somewhat overgrown. The property doesn't comply with Minimum Lot Area, Lot Depth, Side Yard, Front Yard, Rear Yard and Maximum Building Coverage (another variance required). The property does comply with the Minimum Lot Frontage and Minimum Lot Width. There is essentially no building envelope because the setbacks overlap and that's the reason why they need relief from the bulk requirements and the reason for the C variance. Total impervious coverage presently is 18,608 sq. ft., over the course of their development they will be removing a significant amount of that impervious coverage so that they will be reducing it to 13,448 sq. ft. This will be detailed more on Sheet 2. However, they are going to cut back the existing large slab and re-shape the driveway so that it's a regular shape and that would result in the reduction of the impervious coverage. This lot would be characterized as odd shaped and peculiar that there's no building envelope reflected on the lot based on the present zoning requirements. They did a wetlands study and there are no wetlands on the actual tract. The wetlands are located on Lot 8 and Lot 7 to the north and west of their property. However, there's a 50' transition area that does extend onto their property (BL 50, L 9). None of the improvements on the site will be in the wetlands transition area.

EXHIBIT A-3 – (Sheet 2 of 4) - Proposed Improvements

They are now proposing a single Phase development.

The proposed improvements will consist of:

1. Improving the ingress and egress from Route 29.
2. Create a circular drive with a compound curve.
3. Proposing a 25' radii coming out of Route 29 with curb and pavement within the right of way.
4. Mulch path for passengers DE-busing.
5. The existing concrete pad will be cut back and removed such that they have provided a 10' setback on the property line to the west and south and a 15' setback on the east.
6. On the east side where they have a 15' setback they have proposed a buffer of shrubs and trees to provide a screen from the residential properties across Route 29.
7. Installation of a chain link fence around the perimeter of the concrete pad for the storage of tubes.
8. They are proposing a fenced in area which will contain trash and recycling containers, actually metal dumpsters.
9. A seasonal canopy will be put up in the summer and taken down at the end of the season.
10. Several portable toilets for patrons only.
11. A 4' high post and rail fence across the front of the property with gates across their access drive (ingress and egress). This will prevent unauthorized people from access off Route 29 and patrons getting off of the buses meandering to Route 29.

He (Mr. Bayer) schematically depicted how a 40' bus would turn as it comes through the property. They can get three (3) buses in there at any one time.

Mr. Hoffman, attorney, stated that they are only going to queue three (3) buses at any given time for their clients and customers. They use hand held radios between this site and what's commonly referred to as the Roller Rink, so they can control the flow of buses and won't have any queuing occurring on Route 29.

Mr. Bayer stated that they have provided a planting schedule for the buffer and they are basically planting 19 white pine trees and 41 viburnums. At full maturity the trees will not extend over the property line. A conservation easement will be developed along the wetlands transition area and concrete monuments denoting same will be located at the intersection with the property line and other key points. The details are on Sheet 3.

Mr. Hoffman stated that the fence is 7' tall-barred and twisted. Mr. Bayer corrected him and stated that it's actually 7'6" tall. Sheet 3 shows more detail.

EXHIBIT A-4 – Sheet 3 of 4 – Details for the various improvements. Mr. Bayer noted that these plans show the Chain Link Fence which will circle the perimeter of the concrete slab, Belgian Block Curbing within the right of way of Route 29 along those proposed radii, the Swing Gate Details along the ingress and egress, and in between on either side is a rail fence, Evergreen and Shrub Planting Detail, the Walkway Detail that will have a railroad tie on the outside with a mulch pad in between on a compacted surface and the Pavement Detail for the pavement within the right of way. Finally, the Conservation Easement Monument which is in accordance with the Kingwood Township Ordinance and will have the shield of Kingwood Township on top of a concrete monument, 4"x4", 6 feet high – 4' above grade -2' below grade.

EXHIBIT A-5 – Sheet 4 of 4 – Soil Erosion and Sediment Control Plan. Mr. Bayer stated that it had been submitted to the HCSCD they have received a letter of conditional certification with regard to final stabilization in concrete slab removal area, dated March 19, 2013.

EXHIBIT A-6 - Letter from the D&R Canal Commission, dated April 8, 2013, which states: "The project is outside of the Commission review zones. No further review is needed by this office."

EXHIBIT A-7 - Letter from the Hunterdon County Planning Board, dated March 22, 2013, which states that the "site plan does not impact nearby County Facilities; therefore, County Planning Board approval is not required."

Mr. Hoffman asked if Mr. Bayer could explain to the Board and to the public why they need the variance for the Maximum Building Coverage.

Charles McBride asked the chair if at this time he would be allowed to ask questions and was told by M.L. Haring that he can ask questions of the planner and may interrupt him.

C. McBride has a couple of questions to ask and maybe it should be addressed to David Pierce, he's not sure. We're doing work here on another piece of property that isn't even part of this, is that a variance also?

D. Pierce, in terms of removal of the slab.

C. McBride-yes.

D. Pierce, that wouldn't be anything within the jurisdiction of this Board, that's an encroachment into the existing D& R State Park and might be a condition of approval they receive for that bid.

Charles McBride would like to go back to **EXHIBIT A-3-Proposed Improvements.** The diagram shows the bus in the middle encroaching on the walkway. How can you justify having a walkway there and a bus there that looks like it's gonna hit the whole thing.

Mr. Bayer- that is the maximum size bus, 40 foot long

Charles McBride- so that bus just knocked down 20 people as it went around that curve because it's in the walkway.

Mr. Bayer- there's a little bit of overhang beyond the rear axles but the tracking of the wheels will stay within the driveway.

C. McBride-that's perfectly fine but the rear-end just hit the people on the walkway. You show it right on your diagram.

Mr. Bayer-in his mind the bus isn't going to be traveling very fast.

C. McBride-you're showing it in the walkway.

Mr. Bayer- yes, it shows it.

C. McBride asked where is the Belgian curbs gonna be?

Mr. Bayer-down there.

C. McBride- not on the inside?

C. McBride- so the transition from the driveway on the inside, inside the fence to the walkway is going to be what.

Mr. Bayer-the pavement will stop and it'll be soil to the edge of it with the exception of where the walkway is.

C. McBride-so that means your going to be having, you have buses here that are traveling - what about waste removal. How is that gonna get in there?

Mr. Bayer- waste removal, the dumpsters will roll out.

C. McBride- so there's dumpsters-how are they gonna get in and out? How are you gonna have access to the portable toilets?

Mr. Bayer- the portable toilets, the pumper will drag his hoses across to the portable toilets and pump them out.

C. McBride-and when they come and pick them up at the end of the season?

Mr. Bayer-they drive right across there. The portable toilets will be empty and not very heavy and they will be able to drive their trucks right across that.

C. McBride-right by the portable toilets there's a loop there, is that an elevation loop?

Mr. Bayer-yes.

C. McBride- is that a net positive or a net negative altitude.

C. McBride-so, it's a low spot.

Mr. Bayer- yes.

C. McBride- so you're going to have trucks access that through the low spot in the whole lot.

Mr. Bayer- correct.

C. McBride- I'm done, thank you.

Mr. Bayer explained why they need a variance relative to the maximum building coverage. The minimum lot area of 7 acres represents three hundred four thousand square feet and 8% of that, if they had a 7 acre lot, would give them 2,923 square feet. The building coverage is created by the concrete slab, the 2 slabs and the 2 foundations and the existing little slab.

A. Planer- when you pointed to the toilets you said several and on the map it shows two (2).

Mr. Risse- it's two (2).

A. Planer- how big is the final slab and how did we come to those dimensions and how big is that.

Mr. Bayer- the large concrete slab is currently is 12, 729 square feet and after they cut it back, to provide the property line setbacks, it will be 9, 514 square feet.

A. Planer-why that size?

Mr. Bayer- they wanted to provide a 10 foot property line setback along the west and the south and 15 feet along the front and still provide Mr. Crance with sufficient area to store his tubes.

A. Planer- that's a big area, that's a lot of tubes.

A. Planer- at any point will we see samples of the fence.

Mr. Risse- no samples – it's detailed on **Sheet 3**.

Tom Decker-with regards to the fence you were explaining a fence that had a “V” along the top of it to limit access from going over the fence. Is that what's shown on the detail? The detail shows a typical 8' chain link fence and does not show any type of topping on the fence at all prohibiting access.

Mr. Bayer-picking up at the top narrative of the Chain Link Fence Detail it says galvanized chain link fence 2” mesh coated in black vinyl, top selvage barbed & twisted, bottom selvage knuckled.

Tom Decker so we're looking at an 8' high fence and we're not talking about barbed wire topping to the fence.

Mr. Bayer- no, not at all.

Tom Decker – we talked about a wetlands delineation, has an LOI been applied for or presence absence determination?

Mr. Bayer-not yet.

Tom Decker-so the 50' buffer is not something that DEP has determined.

Mr. Bayer-no.

Tom Decker-so it could be as much as a 150' buffer associated with that. Why would you believe that you would only qualify as the 50.

Mr. Bayer-our wetlands expert felt that it would be considered by DEP to go wetlands of ordinary resource value and there would be a 50' buffer associated with that.

Tom Decker-with regards to the screening, how tall will the plants be at the time of planting?

Mr. Bayer-6' for the white pine with wooden supports half way up and he doesn't know how tall the viburnums will be.

Tom Decker-so at the time of planting the white pine will be 6' and we have an 8' fence.

Tom Decker- the storage within the fence of the tubes etc. will that be to up the top of the 8' high fence or below.

Mr. Bayer-in other words when you place the tubes on to the concrete slab will they be above the fence line.

Tom Decker-correct.

Mr. Crance-they should be approximately 6' and that's why he wanted the fence a little bit higher.

Tom Decker-at maturity the white pine will grow to?

Mr. Bayer-10' to 12'.

Tom Decker-so that screening is from Route 29, the properties on the other side of Route 29 are they at a higher elevation, the houses?

Mr. Bayer-in general, yes.

Tom Decker- will the plantings proposed screen the view from those homes looking down the hill into the property from the tubes?

Mr. Bayer-can't say with certainty whether it would screen it completely.

Tom Decker-the mulch walkway, it looks like the mulch clips a corner of the property line as well. **(EXHIBIT 3-SHEET 2)** Where fairly tight at the northwest corner, is there an opportunity to bring that in so that it's on the applicants property.

Mr. Bayer-yes.

Tom Decker-with regards to the mulch, do you feel that's a durable enough surface for the number of patrons that are anticipated in the season?

Mr. Bayer-yes.

Tom Decker-the pathway in the park-what is that constructed of?

Mr. Bayer-that's a cinder path.

Tom Decker-would it be the intent that each season the wood chips would be replenished and dressed up.

Mr. Bayer-that's his understanding, yes.

Tom Decker-with regards to the dumpster it was indicated that it will roll out, is there any impervious surface or hard surface for the dumpsters to roll out from the fenced in area?

Mr. Bayer-yes, the dumpsters are on the existing pad and the chain link fence would be behind them with another security fence around the dumpsters. The dumpsters will be rolled out to the driveway for pick-up.

Mr. Bayer-that was his intent, yes.

Tom Decker-would they be able to roll across the wood chip path.

Mr. Bayer-it may or may not. They can extend that wood chip out to them.

Tom Decker-there are several items in his letter that deal with operations and traffic and there may be some questions that will come up that may have to come back to Mr. Bayer.

Tom Decker-thinks we have to hear more testimony before we get into those.

Mr. Hoffman asked for a second to consult with his engineer.

Mr. Hoffman-based on the questioning from the Boards professional, if it pleases the Board they will swap out the use of mulch and use cinder and the same would apply if the cinder deteriorates it will be replaced. With regard to the turning issue for the turning radius, it's only the front bus (**EXHIBIT A-3-SHEET**) marked **"Typical"** that's going to unload at any given point of time and move out and it's not anticipated that you would have pedestrian traffic finding its way over towards the bus that does, as the one Board member pointed out, crossover the cinder pathway there.

M.L. Haring-then why would you need the walkway over there.

Mr. Hoffman-it may have been more for aesthetic. If it's a concern, as far as safety, they could look at a plan and they can move the half moon and expand it larger to accommodate the bus or shorten up the inner side.

M.L. Haring-enlarging it would encroach into the next property line.

Mr. Hoffman-right, and the other trade off you get with increasing the size of the driveway is you have greater impervious surface area as well.

Mr. Bayer-he could reduce the radii, it's a compound curve on the inside and the outside also. This way the bus could make the turn without extending over any walking area.

M.L. Haring-or if you eliminate the walkway in it's entirety and just put the Belgian Block curbing continue it into where the walkway goes down to the river-then it would be a no walking area and there would be no hazard to any pedestrians because there wouldn't be a place for them to be.

Mr. Bayer-that's something they could do also.

M.L. Haring-and this is a guarantee that there's only one bus unloading at a time.

Mr. Hoffman-we have a thumbs up from Mr. Crance. They will revise the plans accordingly to reflect the cinder for the walkway, eliminate the half moon aspect of the pathway that's depicted in **EXHIBIT A-3-Sheet 2**, to terminate at the pathway that leads to the state land.

M.L. Haring-does the Board agree to that.

C. McBride-no.

C. McBride- you say you're only going to have one bus loading or unloading, so if bus "Typical" is loading passengers and the bus in the middle is bringing new passengers in are you just going to have it sitting idle there as passengers are getting on the first bus and not moving around. You can't have it both ways here.

Mr. Hoffman-three come in and three unload, bus one unloads, bus "Typical" pulls out.

C. McBride-so the first bus of the day 3 buses come in they unload, that's fine, you get to noon-1 o'clock/ 2 o'clock people are now coming in and people will be coming out.

Mr. Hoffman-that's not the way the operation runs we only drop off at this point.

Greg Crance- appreciate the concern. The buses would only be unloading at one time. A bus would pull in and unload. He typically don't see 3 buses in that spot, it just has the space for it. Nobody will be loading on to a bus, they will be getting off and once a bus unloads another bus will pull up and unload. The half moon shape that goes around, there should be nobody walking there, they can eliminate that. There will be no-one getting on buses they will be strictly getting off and it will be one bus at a time. Nobody will be walking past that trail going back they can even put up a small picket fence or whatever the Board may want. The customers will load up down river once they get off the river, this is strictly an unloading location. The customers will get off and take the trail towards the back of the property, they won't walk past there, they will be kept there to get their tube and move on. If there's any staging of people there's a lot of room for people to hang out, they won't be permitted to go over to the other section. That concern shouldn't be an issue at all. People seem to want to get their tube and get on the river right away and don't really like to hang out. The sooner they get there the happier they are.

L. Frank-how do the tubes get back to the site?

Greg Crance-the tubes will come back in a bus by itself. They will be unloaded off the back end of the bus by staff and at the end of the day will be handed back and re-stacked in the concrete pad. The tubes are kept there overnight. At the end of the season the tubes are deflated and stored in the buses.

L. Frank-so the bus picks the people up at the end of the day, with their tubes.

Greg Crance- no, the tubes will be put on to a separate bus.

L. Frank- ok.

Greg Crance- the customer rides with out any equipment.

L. Frank- so no tubes come back until business is finished for that day-is that what you're saying?

Greg Crance-throughout - later in the afternoon as tubes stack up and fill up a bus, the bus will come up with tubes and unload. There would be no people on it.

T. Ciacciarelli- how many buses are operating during a typical day?

Greg Crance- 3 or 4 buses on a weekday. On a weekend, as of now, it's about 8 or 9. By doing it this way their goal is to cut that number almost in half – 2 to 3 weekdays and 5 or 6 on weekends.

T. Ciacciarelli-with the way the diagram is you can't fit 3 buses in- I assume that we all come to that conclusion or no?

Mr. Hoffman- we're gonna reduce the radii of the half moon to accommodate the turn of the buses, but 3 buses in length can fit in.

T. Ciacciarelli – ok, otherwise we'd have 2 buses and the third one would be parked on the side waiting to get in, you don't foresee that happening.

Mr. Hoffman- as depicted here we can accommodate 3 buses.

T. Ciacciarelli – his concern is that there's not going to be buses lined up on the road.

Mr. Hoffman- absolutely not.

Greg Crance- every bus is equipped with a radio and the staff has hand held radios. There will be no more than 3 buses coming to this site at any given time and no buses waiting on the side of the road or in the road (Route 29).

M.L. Haring – you were just saying about typically during the week and weekend, I'm not familiar with your operation, do you have certain intervals that the buses leave from the parking area or is it when you get 60 people on a bus you're gonna go.

Greg Crance – there's no set times and the buses typically take about 10 or 15 minute intervals that they'll leave with only 30 passengers and they're hoping to spread that so it's even less because holding more passengers.

M.L. Haring – her question is if a couple of busloads from the city came and you were able to load up 3 buses at the same time are they all gonna roll at the same time.

Greg Crance – the buses wouldn't all roll at once, they would spread them out so that no more than 3 would be in there at any given time but he would only be running 2 in the morning, that's when there groups come.

M.L. Haring- how many buses do you have?

Greg Crance- right now we have 10 total but would like to reduce that to 8.

Mr. Hoffman- the ability for the applicant to use this site as a drop off point will reduce the number of buses on the roadways then that what presently occurs.

M.L. Haring- members of the public you will have the opportunity to ask questions when Mr. Bayer is done.

Charles McGroarty, PP – the front area, Sheet 2, dated May 20, 2013, the area in front where the circular walkway is and will be removed is vegetated at this time, correct?

Mr. Bayer- yes, scrub and brush.

Charles McGroarty, PP- that will all be cleared so what's the surface treatment gonna be?

Mr. Bayer- cinder path.

Charles McGroarty, PP- cinder path but he's talking about the area within the circular drive.

Mr. Bayer- it's gonna be a DGA surface. (Dense Grated Aggregate-not paved)

Charles McGroarty.PP – is there a reason that you're not putting any plantings in there, something softer than aggregate.

Mr. Bayer- you mean in the internal area here?

Charles McGroarty, PP- yes. The plans don't indicate what's going to occur there.

Mr. Bayer- that's right-they don't indicate. It will be cleared and he was assuming some kind of lawn.

Charles McGroarty, PP – thinks it's appropriate to specify on the plans and likewise he would say in the back and anywhere that you're going to be doing clearing; and where there's no impervious coverage you need some treatment there in the areas, at least, that you'll be disturbing.

Mr. Bayer- they will plant that with grass, lawn-seed mix.

Mr. Hoffman- if the Board has a preference other than grass they would certainly listen to that.

Charles McGroarty, PP- the concrete foundation in the front- within the circular area, is there a reason why you're leaving that?

Mr. Bayer- no specific reason.

Charles McGroarty, PP- would it be acceptable to remove it, subject to the Boards consideration on this.

Mr. Hoffman- it's gone.

Charles McGroarty,PP – the concrete slab off to the north close to the wetlands but apparently not in the buffer area at this time.

Mr. Bayer- there was no consideration to remove that at this point.

Charles McGroarty,PP- what is that because it indicates a lid.

Mr. Bayer- it's unclear. He's heard that it may be a well but he has no knowledge as to what's underneath that.

Charles McGroarty,PP- the reason he asked is safety, if there's a lid it might be able to be removed. Although it's fenced it's something you might want to look at.

Mr. Bayer-I take it that it's one of those lids where you would need a crowbar to pull it off and that's not something that he would be able to do.

Charles McGroarty, PP- just a clarification on the setbacks, you indicated as you cut back you will have a 10' setback to the south and west but am I reading the plans correctly it shows 9.9 not 10 to the south.

Mr. Bayer- that's the existing setback-the slab right now is 9.4' off that southern property line.

Charles McGroarty, PP- so on the proposed improvements that will be 10'.

Mr. Bayer- that's correct.

Charles McGroarty, PP- the 12" caliper tree in that front area, will that remain or is that slated to be removed.

Mr. Bayer- it will be removed.

Charles McGroarty, PP- it probably would be appropriate to mark on the plans which trees will be removed and which will stay.

Mr. Bayer- he can mark them on the plans.

L. Frank- he's looking at the walking path and it's like a path to nowhere.

Mr. Bayer- they had originally extended it across the property line and at the direction of Mr. Decker they moved it back to the property line. There is a dirt path that goes down to the cinders right now he believes.

L. Frank- do you have permission? Whose property is that, that's the DEP's property?

Mr. Bayer- the D&R Canal State Park.

Mr. Hoffman- to be clear they have a concession agreement with the DEP, the State of New Jersey and they'll speak to them and if part of that concession agreement, when they work through the details, certainly if they'd like them to they certainly will extend the cinder down to the path on the state property. His associate (Mr. Hardcastle) has indicated that it has already come up. They're authorized to use that pathway through the concession agreement and they'll suggest to the state, based on the Board's concerns, that we extend the cinder from their property to the cinder walkway on the state property and if they say yes, they will certainly do it.

Tom Decker-his comment with regards to the path wasn't to cut it back to the property line, it was a question as to whether you had permission to construct the path as previously proposed within state property. The result was the plans being revised to cut it back. He does agree with Mr. Frank that there should be a connection between the two otherwise it's gonna be an eroded pathway.

Tom Decker- the other question he has since we've been talking about pick up of tubes is where will people be getting life jackets, here or.

Mr. Bayer- up at the roller rink.

Tom Decker- so there won't be time spent for sizing of life jackets and so forth.

Mr. Bayer-correct.

Tom Decker- is there any reason not to take the canopy and move it towards the rear so that there's more queuing along the cinder path as you get off the bus rather than get off the bus and that's when you get your tube to allow people to get off the bus, get in line along the cinders, pick up their tube and then go down the trail.

Mr. Bayer- there's no reason they can't move it back.

Tom Decker- with regards to the ground cover – he agrees with Mr. McGroarty that it should be vegetated at least one in the area where the people may be standing or overflow to the rear of the property. With regards to the inside of the driveway maybe some additional landscaping might be in order around the inside to buffer the vehicles a little bit more. He'll leave that to the Board.

Mr. Hoffman- I'll ask the Board since we're on it-we're gonna remove that concrete foundation inside the oval, should they extend the landscaping that's depicted on the frontage across that half moon as well, other than sight angle issues.

Mr. Bayer- where they're proposing the gates across the driveway is significantly set back from the highway so the site distance should not be a problem.

Mr. Hoffman- so that I'm clear with the Board, do you want us to create the cinder footprint that I suggested up here or do you want to vegetate that instead. They'll leave the pathway, move the tent, the people will line up and won't be enticed to come into here and vegetate all this.

D. Hewitt- I'm sorry, where would the tent be going?

Mr. Bayer- they will move the tent to the west.

David Hewitt- again keeping in mind this is the lowest point.

Mr. Bayer- it's not a standing pool there, water does drain off.

L. Frank has a question for David Pierce. With this being for so many people type of business is there any kind of safety thing they have to do like have first aid there, do they have to have lifeguards there?

David Pierce- the concession agreement they have with the DEP requires they have certain safety trained staff on site. He also believes they have to have 3 certified life guards and also first aid trained personnel as well.

L. Frank- did you run these plans by our First Aid and Fire Dept.?

Mr. Hoffman - correct.

L. Frank – and there good with it.

Mr. Hoffman- haven't received any comment.

Mr. Hoffman- the state is going to have them meet certain requirements in terms of safety and the conduct of what they're doing on state property.

Charles McBride- you've now proposed putting lawn down there and you get the lawn going and it's now the middle of August, it's 100 degrees and the lawn is starting to turn brown, where's the water? I don't see a well. Is there an old septic system on this property? They had a well for the existing business.

Mr. Bayer- there's no well proposed.

Mr.Hoffman- if they wanted to avoid grass they could certainly choose low scrub.

C. McBride- either way some time you're going to have trucks with water to do the initial plantings to water them and probably have to water them for several weeks after they're planted, especially on the front line of the property in order for them to survive. There's no water on this property, no well, no electricity. That's traffic that's not been accounted for. While you're not proposing a well it would be nice to know where it is and where the septic system for the old business was or was it hooked into the Frenchtown sewer.

Mr. Hoffman- in terms of the customer service, they're going to have a landscaping service come in and take care of the frontage there in terms of the cover they're putting down. They certainly don't want to see all their plants and scrubs die.

C. McBride- where are they going to park.

Mr. Hoffman- at times of service they will use the driveway.

C. McBride- there's no parking and if you're taking a lawn service they'll be there for hours, not minutes. There's no parking on this and you can't park on the road-there's no parking.

Mr. Hoffman-they can certainly park in the driveway and they'll have to accommodate them with their bus traffic accordingly.

L. Frank- David Pierce, it's legal that they're parking at the roller rink. Is the town ok with that?

David Pierce- as far as he's aware the town has taken no action with respect to that operation. He's not aware of any complaints or action taken by the township and he believes it's been in existence for a number of years.

L. Frank- so that's an I don't know answer I guess.

M.L. Haring-I think we can address that a little later.

A. Planer- it's more of a request or suggestion-the 7 ' chain link fence. Is there an alternate material that you could propose?

Mr. Hoffman- do we want shorter or taller?

A. Planer- he's not so concerned with the height, it's the design. It's really not in keeping with the aesthetic of the community.

Mr. Bayer- what they propose is the black vinyl strips. Once the trees and shrubs grow in, the fence will be more for security purposes than screening purposes because they have the landscape screen in front.

T. Ciacciarelli- I don't know if you're that familiar with this area but the wind picks up a bit and those vinyl slats would probably end up in his yard.

Mr. Bayer- we'll offer up an alternative here- a solid wooden fence with vertical wooden slats.

Mr. Hoffman- they'll amend the plans and drawings to reflect that type of fence.

Charles McGroarty, PP- any thought to instead of a fence, putting up some kind of a structure, something like a boat house that would be more in keeping with the ambiance of the riverfront as opposed to an outdoor storage and you have a concrete slab ready to use for that.

Mr. Hoffman- a rather expensive proposition as opposed to just simply the fence

Mr. Bayer- we are within the 500 year flood area and putting up a structure may impact our flood hazard area compliance. Right now they are of the opinion that they will be getting a flood hazard area permit by rule for this work. He believes his environmental consultant can speak more. He doesn't know if they put up a structure if they would disqualify themselves from the flood hazard area permit by rule and they need an individual permit.

Charles McGroarty, PP- still possible.

Mr. Bayer- it's possible.

Mr. Hoffman-the structure would give you a top to the parcel and if the concern is sight from the other properties on Route 29 they can raise the height of the fence and go higher than 8 feet.

Charles McGroarty, PP- thinks it's more than just screening from view which is certainly important to the residents across the road as they look down, here's a question of what kind of structure, if this were approved, structure or enclosure looks appropriate along the road there at the river. He's not trying to intensify the sight but a boat house sensibly designed has a nautical characteristic. This is a storage yard with a fence and he don't think the plantings will be as effective, certainly not in the interim period in the first couple of years, so I think it's something for consideration, again you're hear for a use variance and he thinks these aesthetic questions are valid for the Board to consider.

Mr. Bayer-there is no building envelope on the property, so putting in a structure they wouldn't comply with any of the setbacks. This is an existing structure which they are improving, and as far as the aesthetics go they are cleaning up the site significantly from it's existing overgrown sprout. Right now there are skate ramps and graffiti and everything and the applicant is proposing a significant improvement to the aesthetics under this proposal.

Charles McGroarty- you're putting up a structure so you will still need the variances, whether it's a structure or fence.

A. Planer- to just touch on the vegetation for a minute, to his knowledge white pine top out a 50' or more, you might want to consider an alternate planting also.

Mr. Bayer- they could do that.

Mr. Hoffman- I'm sorry did you say the white pines top out at 50'?

A. Planer- I think they have a mature height of 40' to 50' or more.

Mr. Hoffman- if you tell us the height, we'll find the planting consistent with that height that's native to the area.

Tom Decker- since we're talking about landscaping and plantings-to the south of the fenced in area, what is the current condition there. Should the buffering be extended around the south, what's the view in that area.

Mr. Bayer- he believes it's wooded. Right now between the southern edge of the slab and the property line, it's just the overgrowth and they're proposing to remove 6/10ths of a foot in that area and they' re not proposing anything specific-he assumes that would be lawn and wouldn't have a problem extending the proposed planting buffer along the south. However, he had proposed a planting buffer to screen from the residential zone across the street, to the south is the DEP access land.

Tom Decker- with regards to the storage- we've been talking about the tubes. He understands that there are also rafts and kayaks-would they also be stored in this location?

Mr. Bayer- yes.

Tom Decker- so patrons would be coming down and get their kayaks, paddles and rafts here. Are the kayaks and rafts also brought back on the buses?

Mr. Bayer-yes.

Mr. Hoffman- I'll have Mr. Crance testify to the condition of Lot 10 to the south.

Mr. Crance- Lot 10 is a heavily wooded area with large mature trees.

Tom Decker- are you aware of where that access drive is, is that right up against the old foundation or is that.

Greg Crance- it's set back, he's not sure of the footage and it seems the ruts that you see seem to be used by the DEP for access to the trail and they occasionally see DEP vehicles, it's partially on their land and partially on this lot.

Tom Decker- do you have any intention of using that access at all?

Greg Crance- no intentions of using it at all.

P. Stepanovsky- approximately how many tubes, kayaks, canoes and rubber rafts when you first started out in this business?

Greg Crance- approximately 1800 tubes, 50 kayaks, 50 rafts and 20 canoes.

M.L. Haring-are there any property owners within 200' that have any questions of Mr. Bayer. Property owners only within 200' first, then we'll have the rest of the residents and people in the audience.

Mike Pisauro, attorney in Pennington, NJ, represents Diana Evans who lives across the street. He has a few questions of Mr. Bayer and Mr. Crance, if that's permissible. With the LOI-he saw that the Environmental Commission indicated that there were endangered species in the vicinity of this property, has the environmental expert taken a look at that and determining what the LOI should be and I think you said it wasn't submitted to the DEP yet.

Mr. Bayer- that's correct. However, I'm not the environmental expert.

Mike Pisauro – if the wetlands buffer or transition area is not 50' that driveway shown on A-3 could be impacted. Is that correct?

Mr. Bayer- that's correct.

Mike Pisauro- he thought at one point there was an agreement to remove the concrete foundation.

Mr. Bayer- this one right here.

Mike Pisauro- is there anything because the AR-2 Zone has a minimum impervious cover limit. This property currently exceeds it, is there anything that's preventing the removal of the larger concrete foundation in order to make the impervious cover limits.

Mr. Bayer – currently the impervious coverage is 18,600sq. ft., they are removing 5,200sq.ft and 230 sq.ft so they are reducing the overall impervious coverage and coming closer to compliance.

Mike Pisauro – even with the proposal and the additional removals it still would exceed the impervious coverage requirements, correct?

Mr. Bayer – yes.

Mike Pisauro- is there any reason why the concrete foundation cannot be removed so that the impervious coverage limits could be met.

Mr. Bayer- are you referring to the maximum building coverage or the maximum impervious coverage.

Mike Pisauro- impervious-there is no building left anymore, correct.

Mr. Bayer- he's not aware that there's a maximum impervious coverage in the ordinance.

Mr. Hoffman- if we take the concrete away because we're going to be storing wet items there, we couldn't have a natural grass or anything like that because it would turn to mud we would be trading the concrete for another impervious substance like the cinder, if that's defined as impervious. Something has to be there so we're using the existing concrete at the moment.

Mike Pisauro- if you wouldn't mind going down to the buses. You indicated that at any one time 3 buses could be in this driveway area, is that correct.

Mr. Bayer- that's correct.

Mike Pisauro- the first bus would be unloading while the second and third bus would be queuing and waiting.

Mr. Bayer- that's correct.

Mike Pisauro- if he's looking at this correctly the first bus would be unloading basically at the fence level, so you really can't have 3 buses there because you're going to be bringing the people there from basically street level back up through the dumpsters. Your creating an area where

Mr. Bayer- Route 29 is down here, the edge of the right of way, our property line, is up there. Route 29 is 25' or more in front of the bus.

Mike Pisauro- but my point is you're bringing the people all the way to the edge of the property to unload.

Mr. Bayer- yes.

Mike Pisauro- they're going to have to walk all the way back up

Mr. Bayer- about 50'.

Mike Pisauro- how long is a typical bus unloading process.

Greg Crance- typically it takes 5 minutes with the tubes, without the tubes 3 minutes. The tubes slows them down a little bit. He wants to address, he just has the buses in the diagram spread out. They can have the second bus waiting further back and the first bus can unload closer to the trail, they don't have to unload right by the properties edge.

Mike Pisauro- there's not that much room and that second bus is going to be impacting onto the property line almost. His point is you're going to have 3 buses there, it's gonna take several minutes to unload and the people will have to be walking up.

Mr. Hoffman- we've agreed to reduce the inner circle so that they're away from that property line.

Mike Pisauro- from an engineering perspective I believe you said you hadn't indicated what the view was going to be like from the neighbors, how they were gonna see this. There's 1800 tubes, 50 rafts, 50 kayaks and 20 canoes that they're going to be looking at. Unless you build a really high fence they're gonna see part of this whether it's deeper in or closer to the street. He didn't see any plans that would show what the screening would look like from the property owners.

Mr. Bayer- we have no detail of what it that would look like from across the street

Mike Pisauro- is this facility going to be able to hold the 1800 tubes, 50 rafts, 50 kayaks and 20 canoes. What is that going to look like for the property owners, for the people coming in.

Mr. Bayer- there is sufficient area to store that number of tubes, rafts, kayaks.

Mr. Hoffman- when we revise our plans we'll show to scale the positioning and placement of tubes, kayaks rafts and canoes.

Mike Pisauro- and it would be helpful to see what it will look like from the neighbors because this is a rural residential area on a scenic highway. My client has a view of a wooded area and the Delaware River which is now going to be impacted.

Mr. Hoffman- it's quite expensive to get the topography on the other side of Route 29 to give that elevation but I think what will be helpful is when we show the kayaks, tubes and canoes positioned on the concrete and we'll know the size of the fence and the trees.

Mike Pisauro- has there been any examination of what the noise impacts are going to be from this operation. You're gonna have buses coming in and out, truck company dealing with the dumpsters, company to deal with the porta potty and you're going to have up to 70,000 people coming to this facility during the summer. How's the noise going to impact the surrounding area.

Mr. Bayer- he has not studied the noise levels.

Mike Pisauro- I don't know if you would know or Mr. Crance could tell us how much does a kayak, tube, raft and canoe weigh.

Greg Crance- he can get the exact amounts, but he would assume that a tube weighs about – 4 to 5 lbs, raft - 25 lbs., the canoe and kayak close to the same maybe a canoe a little bit more but he don't know exactly but he can find out.

Mark Pisauro- if he understands the plan they're going to be picked up at the foundation, go down this cinder path to what he calls the towpath-cinderpath, then they're gonna walk 500 ft to the boat launch all carrying 50-60lb kayak, rafts and tube. Is there going to be employees assisting on this process?

Mr. Hoffman- he's not sure about the 60lbs, but the tubes sounds like they could be carried by someone like himself. The canoes are populated by more than one person and the kayaks are single or double so he imagines that person will have help. They certainly wouldn't set themselves up of not accomplishing the task of their patrons not being able to get to the boat ramp.

Mike Pisauro- you're making people walk a very significant distance.

Mr. Hoffman- all those issues will be discussed to satisfy the concession agreement.

Mike Pisauro- how many employees at this parcel and the roller rink.

Mr. Bayer- not that the off site is relevant.

Mr. Hoffman- Mr. Crance indicated 4 at this site and approximately 20 at the roller rink.

Mike Pisauro- he understands that 3 of those had to be certified. Are they going to be walking with the customers down to the boat launch.

Mr. Hoffman- those individuals will be where they're required to be to meet the concession agreement.

Mike Pisauro- are there going to be facilities, other than the porta potty's for the employees, for drinking, shade – obviously there's the tent but for drinking.

Mr. Hoffman- the employees would have bottled water and refreshment as need be during the course of the day.

Mike Pisauro – he has several questions for Mr. Crance regarding the roller skating rink.

M.L. Haring- Mr. Pierce should this be the time at this point or should we leave it solely for the engineer.

M.L. Haring- at this time we'll stay with questions for the engineer. You will get your opportunity.

Mr. Hoffman- give him a buzz if you have any questions.

C. McBride- in the diagram here we see you have an opening for the dumpsters- where's the opening to get in and get these kayaks, canoes and everything in and out of there. I don't see any breaks in that fence.

Mr. Bayer- the break is going to be right in this area, right here.

C. McBride- could you please show that on the revised diagram, please. He would guess that would be a heavily trafficked area so I would guess you're not going to have grass growing there it would become a mud hole there.

Mr. Bayer- we can extend the cinders in that area.

Gary Search- lives right across from the old gas plant that used to be, when it used to be commercial before it blew up and we had all the problems, it went back to residential. On your driveway what's the difference between that concrete slab and your driveway. Are you going to be filling that in or gonna leave a 4 or 5 foot difference there?

Mr. Bayer- elevation wise.

Gary Search- that concrete slab where you're gonna put the bus, there's a difference there.

Mr. Bayer- what they are doing is that they are sloping from Route 29 back towards the crown of the driveway in the back. They graded that into a uniform grade.

Gary Search- so what's the difference between the concrete to your grade.

Mr. Bayer- right now the elevation 98 passes into the concrete foundation and out and they are not going to change that.

Gary Search- not that one, not the one you're taking out. The one you're cutting down you're going to be putting all your stuff on. Where you're saying you're putting the dumpsters and you're going to be loading the stuff off.

Mr. Bayer- again elevation is 98 out front, 97, 95.

Gary Search- what's the elevation of that slab?

Mr. Bayer- the concrete slab is somewhat higher than the surrounding area but he doesn't have an elevation specified on that. He does know from being out there that the slab is about 2 or 3 feet off of the ground surface behind it, maybe more maybe 4 feet.

Gary Search- you were also asked about that concrete piece by the flood plain- it's part of the old septic. Do you know where the well is over there? Are you gonna just leave the well or are you going to close that?

Mr. Bayer- they have submitted plans to the Kingwood Township Board of Health and whatever they direct us

to do they will do.

Mr. Bayer- there are no records at the HCHD.

Gary search- I've lived there all my life so if you'd like to stop over I'm pretty sure I can point them out to you to where they are. It would save a lot of things later on.

Gary Search was sworn in.

L. Frank- how long have you owned your house there?

Gary Search- I was born in that house.

L. Frank- was the gas plant there.

Gary Search- yes it was and it blew up in 96.

L. Frank- so there was a commercial thing there your entire life.

Gary Search- up to 96, yes. It was very busy-the trucks, cars and everything else. I was glad when it went back to residential and I'm hoping the Board keeps it that way.

M.L. Haring- any other residences within 200 feet that have any questions of Mr. Bayer?

M.L. Haring- anyone else from the audience that have any questions for Mr. Bayer?

Karen Knuckles- lives at 2752 Daniel Bray, the question I have regarding the buses you said there would be no pick-up of people there? In the past you've dropped people off at Fairview Road if that practice is still going to occur-how are they going to get their tubes.

Greg Crance- any drop off at Fairview Road would be addressed with the concession agreement.

Karen Knuckles- no, it affects whether people are getting off their tubes and getting on buses or getting off to get a tube and back on the bus to go down to Fairview Road.

Greg Crance- no.

M.L. Haring- are you going to continue to drop people off at Fairview Road?

Greg Crance- it would be addressed with the concession agreement and if they do they would supply them their equipment up top.

5 minute recess- resume at 9:25 promptly

M.L. Haring- would like to bring the Board meeting back to order please.

M.L. Haring- is there anything else for the engineer.

Randy Lerch- lives across from the boat ramp. There was two items brought up this evening, the first pertaining to the parking of the buses- you mentioned that there will be no buses parking on Route 29 and the communications will be such that his people up at the rink and down here to keep those maximum 3 buses down there so nobody parks, what about the co-ordination of the buses returning with tubes. I live on 29

and buses already do stop right in front of his property waiting to make the turn, etc. I'm just curious that communications

Mr. Hoffman- I'll make this representation and again it's not for the engineer. Their traffic person is going to testify but the bottom line is if they're granted the variances the amount of bus traffic that's going to occur from this enterprise goes down, moreover based on the concession agreement the amount of buses finding themselves on Route 29 in the shoulder, that's no longer going to occur. So between the concession agreement and use variance of this parcel the traffic pattern from Route 29 is going to be significantly changed for the better in terms of intensity.

Randy Lerch- he guesses his question was will there be communications with the buses returning with the tubes.

Mr. Hoffman- yes, there is.

Randy Lerch- he doesn't want to see buses parked right in front of his driveway.

Mr. Hoffman- their traffic professional can testify to that.

Randy Lerch- it was also brought up about the egress from tubers, kayakers, canoers and such, he didn't realize that they will be walking down the towpath, down to the boat ramp from the property is that how they're going to access the river?

Mr. Hoffman-yes, from this parcel to the boat ramp and they have other things brewing all of which is going to be co-ordinated with the State of New Jersey.

Randy Lerch- right now the tubers, kayakers and canoers will be - you say that's 300 feet from the path down to the- approximately how many feet is that from your path down.

Mr. Hoffman- believe the testimony is about 500.

Randy Lerch – was it taken into consideration that there are numerous bikers and dog walkers on that path etc.that will be now conflicting with people carrying canoes, kayaks and tubes.

Mr. Hoffman- that's why they're working with the concesssion agreement to make sure that the states happy.

Randy Lerch – is there anything that can be shared now about other options besides walking down 500 feet.

Mr. Hoffman- they were just awarded the concession agreement and had a meeting the other day at site and can say that the state shares the concern of the traffic on the towpath. They'll definitely have that on their minds with the State of New Jersey.

Fred Stine- with the Delaware River Keeper Network, it's an environmental advocacy organization. With the explosion of the gas facility that was here has DEP issued a no further action letter saying that it was cleaned up to the criteria for a commercial operation, if not, what's the process your going to go through?

Mr. Hoffman- our next professional that we're going to put forth is our traffic engineer and thereafter we're going to put our environmental expert on. He don't know if they are going to reach the environmental tonight but he can certainly talk to him at the end of the meeting. It's two people beyond this.

Fred Stine- he also had concern about customers carrying canoes and kids pushing tubes down the trail but I hear you have another something else brewing that you might have access closer to where your trail comes

off of the site.

Fred Stine- have you, I'm familiar that the Hunterdon County Land Trust has been doing some restoration and conservation work in this general area on some of the streams that come down to the river. Have you reached out to the HLT to get their blessing on this plan as to how it may or may not impact on some of their work.

Mr. Hoffman- from an engineering perspective, no, but they can certainly address that with their environmentalist.

Fred Stine- his question was with the environmental assessment and why the geographic assessment was only limited to this specific site and not the wider geographic range that includes a wild and scenic section of the river. Don't know if you can answer that now.

Mr. Hoffman- prefer to defer it to the environmental

Fred Stine- the other question was, since it is so close to a wild and scenic river have you or the applicant reached out to the National Park Service seeking their input on this plan.

Mr. Hoffman- yes.

Fred Stine- and you'll share that?

Fred Stine- I know you talked about reducing the radii and this question is to the Board. Are there requirements for the emergency response vehicles and fire trucks that may need to get into this site, if there's a fire or if somebody gets hit by a bike rider on the cinder path. What happens if an EMT guy needs to get into that to get to somebody whose down queuing waiting to get on the trail, an old guy like himself that has a heart attack or something like that. Is there other requirements that they have to adhere to.

Mr. Hoffman- they did show their plans to the police and fire.

Fred Stine – but you said they didn't respond to that and no response is not feedback.

Mr. Hoffman – he'll leave it to Mr. Pierce to speak for the municipality. If they don't hear back from fire and police then it's not an issue.

Fred Stine- he would urge the Board to get something from them and not just assume it's a not issue based on their non response. They may not have any response but it would be good for the record to hear something from them.

Fred Stine- you also brought up that the DEP is requiring as part of your agreement you need 3 lifeguards and CPR. Will those trained staff be on this site or will they be also bus drivers or down on the island or will they be dispersed

Mr. Hoffman- they will position those individuals as the state tells them to per the concession agreement.

Fred Stine- in his understanding of a variance there has to be a benefit to the community. What benefit is this bringing to Kingwood Township.

David Pierce- right now you need to limit your questions to the engineer.

Mr. Hoffman- if anyone would like to see the revised drawings before the meeting, please contact them and they would be glad to share them with you by way of email. (PDF)

Fred Stine – but they'll be part of and brought back and presented to the Board and the public.

Mr. Hoffman- correct and if you want to see them ahead of time give us your email address and they can be sent to you.

Norman Torkelson- he's with the Stockton Planning Board and a member of the Lower Delaware Wild and Scenic Management Committee. Stockton Planning Board has an official statement that he understands will be read at a different time in the proceedings. He does have a question for the engineer and in looking at their maps he doesn't notice any certification of Flood Plain Elevation as related to the 100 ' flood plain and which zone it is, in the firm maps, maybe I missed that.

Mr. Bayer- this line here, two short dashes and a long dash is an approximation of where the 100 yr Flood Plain is.

Norman Torkelson- and what's that elevation?

Mr. Bayer- it's from the Firm Map. The Firm Map was submitted with their original submission to Tom Decker.

Norman Torkelson- so I would expect it on the revised drawings you should be able to place the elevation on that for everyone to relate to the other elevations on the plan..

Mr. Bayer- I believe I can do that, yes.

Mr. Hoffman- it borders the property.

Norman Torkelson- am I reading that right it looks like 99.73 would be the 100 yr Flood Plain.

Mr. Bayer- no, 99.73 is the length of this property line.

Norman Torkelson- because we heard earlier that there's an area where there's a negative elevation and that should be reflected on the Firm Map whether it's Zone A or Zone B of the 100 yr. Flood Plain

Mr. Bayer- it's not a negative elevation, this contour here is elevation 95, this contour here is elevation 96, this contour here is elevation 94, so drainage is in the direction he's moving the mouse now, this is not a low point where water accumulates, it's a flat area from here to here and it's out of the 100 yr floodway.

Mr. Hoffman- where not changing the grade here necessarily, it's pre-existing, it is what it is now and will stay the same.

Norman Torkelson- the NJDOT has specific regulations for radii required for school size buses to swing a turn, are you familiar with those?

Mr. Bayer- I don't have those in my immediate head.

Norman Torkelson- maybe the next time we can talk about that too and it would eliminate the end of the bus swinging out over a walkway.

Bob Maurer- resident of Kingwood. Is this property key to operating, haven't heard what the function of the property is.

Mr. Hoffman- we are at what's commonly called the roller rink and by variance here in terms of commercial

use they are going to depart from this spot as opposed to at the boat ramp so between the concession agreement with the state for other points along the line of Route 29 and this parcel where going to reduce the number of buses that will flow on Route 29 and take them out of the shoulders, etc. of Route 29. That's the end goal here is to have a place from which to launch more readily for their customers.

Bob Maurer- so you do or do not need this property to operate?

Mr. Hoffman- we do not need this property to operate but we would like to make legitimate use of it based on a variance.

Bob Maurer- he heard concession agreement, Raritan Delaware Canal, the highway department, so exactly what entity is the concession agreement with?

Mr. Hoffman- the DEP.

Bob Maurer- does that control the park?

Mr. Hoffman- correct.

Bob Maurer- and the highway?

Mr. Hoffman- no. We can certainly provide you with a copy of the submission as well. They were just awarded that and they're still working out the details.

Bob Maurer- just trying to understand who controls what.

Bob Maurer- so is there public hearings on

Mr. Hoffman- the concession was awarded through public bid.

Bob Maurer- so there's no public hearing?

Mr. Hoffman- not for the award for the bid.

Bob Maurer- the intent is for no buses to queue on Route 29?

Mr. Hoffman- correct.

Bob Maurer- have there been buses queuing on Route 29 in previous years?

Mr. Hoffman- in terms of queue.

Bob Maurer- parking on the side of Route 29.

Mr. Hoffman- it's not relevant to this parcel and not relevant to this variance.

Bob Maurer- it's part of the whole process, so I'm interested in the whole process. Have any buses queued on Route 29 in the past?

Mr. Hoffman- Mr. Pierce- I certainly can address it through the traffic expert.

David Pierce- that would be the appropriate way to do that.

Bob Maurer- his point would be that this is just one part of the process, what's the intent of the pick up point.

Mr. Hoffman- that's all dictated by the concession agreement.

Bob Maurer- the highway is part of that concession agreement so you're talking about the park there. His understanding is that the buses double park on Route 29 for pick up.

Mr. Hoffman- it's all resolved for the concession agreement.

Bob Maurer- so are those buses allowed to double park on Route 29, it's all part of Kingwood Township.

Mr. Hoffman- at this point in time this will not be occurring with the concession agreement.

Bob Maurer- is there a similar facility on the pick up point?

Mr. Hoffman- as part of the concession agreement they will use state property to pick up their patrons, state park.

Bob Maurer- where?

Mr. Hoffman-our traffic expert can talk about that. Mr. Hardcastle can answer that.

Mr. Hardcastle- he's been dealing with the DEP on this matter, the egress point, the Byram parking area, will be used as allowed by the DEP who owns the parcel and it's their intent to fully comply with all of the requirements placed on them by the DEP by virtue of the concession.

Bob Maurer- this year I noticed no parking signs all through there, so if there not gonna park on that parcel and not on the curb, how's that gonna work?

Mr. Hoffman- again, we're working through all that with the concession agreement.

Bob Maurer- where there's no public hearing on?

Mr. Hardcastle- they have been granted use of the facilities consistent with the concession agreement.

Bob Maurer- from 10 buses to?

Mr. Hoffman- the professional has the numbers.

Bob Maurer- don't think you're going down to 5, 10, 2?

Mr. Hoffman- madam chair, I could pull up my notes but I don't want to testify and his traffic professional traffic expert is up next to testify.

M.L. Haring- then we're going to deal with that with the traffic expert.

Mr. Hoffman- absolutely.

M. L. Haring- right now it's engineering questions.

M.L. Haring- informed Mr. Maurer that we should wait for the traffic expert, ok?

Bob Maurer- very good.

Sandra McNichol- lives in Kingwood Township. She would like a little bit of clarity on the concession agreement. I know the gentleman asked about that, so there will be absolutely no public comment whatsoever on what you work out for the concession agreement.

Mr. Hoffman- it was an open process.

Sandra McNichol- I understand that the award of the concession agreement was an open process but now the portion of working out the details of the concession agreement is going to be between you and the DEP.

Mr. Hoffman- you can call them and speak to them and ask of them questions as well.

Sandra McNichol- will there be representatives from our community on to participate in working out since our community will be effected severely by the activities, will there be representatives from our community sitting on working out at the concession agreement meetings.

Mr. Hoffman- he would certainly encourage you to call the DEP with any questions you have.

Sandra McNichol- who would you be addressing there?

Mr. Hoffman- he can give you a name of an individual as a point of contact, again he doesn't want to give all of Larry's cards away. Take Larry's card and you can cut to the chase of who you need to speak to.

Val Sigstedt, lives down in Point Pleasant. He has several concerns if there not appropriate at this time please let him know.

David Pierce- at this time we're only taking questions for the engineer. There will be an opportunity for you at a subsequent hearing because clearly we're not going to finish tonight. When you have objections or concerns and want to provide testimony you will be given an opportunity to do that right now I would ask that you limit your remarks to questions for the engineer.

Val Sigstedt- it will all come down to engineering. One of the things that water does is it separates itself by current and is roughly in the center and determines where the state line is between New Jersey and Pennsylvania beyond the Delaware, it's a ditch that the main water runs in and to an engineer that presents a real problem because everything that happens on one side of that ditch stays there so you have 1500 new people on the Delaware River doing what people do in the water and wonder if that doesn't have special meaning to the engineers that deal with the water supply that goes into the Delaware Raritan or diversion, it just seems a reasonable thing to worry about- the next town down has a right to worry about what happens to its river but it's easy to say the water goes in there and mixes all up but it really doesn't. He lives in Point Pleasant and he can see the river, he sees it all the time, you have a concentration going on. His question is has that been addressed.

Mr. Hoffman- their engineer is not speaking to anything directly into the river but the number of people they're placing into the Delaware as a tubing recreation is not going to increase because of the variance they're asking for here tonight. Whether they can use this parcel or not they are still going to be introducing the same number of people as tubing recreationalists into the Delaware.

Val Sigstedt- he was on the team that helped to write the management plan and it was about three and a half years and they covered an awful lot of stuff and one of the things that came up was whether or not the very attractiveness of the Delaware River could bring more echo tourists than the river can bear, are there records showing cooperation with studies showing standards for sustainable tourism here.

Mr. Hoffman- their use of the Delaware is going to be constricted because of the concession agreement.

M.L.Haring- are there any more questions from the public, if not, we'll conclude with questions of Mr. Bayer.

Mr. Hoffman- he's going to bring his professionals each night so for the members of the public that may want to re-visit anything and they'll have the revised plans to Board asap.

Jay Troutman was sworn in, gave his qualifications as a traffic engineer professional.

M.L. Haring-stated that Mr. Troutman is accepted by the Board as an expert witness.

M.L. Haring asked if anyone from the public has any questions as to Mr. Troutmans qualifications.

For the record no objections noted.

Jay Troutman- his understanding of the operation is that it operates from the Frenchtown Roller Rink where customers come, park their vehicles, pay for the tubing and under existing conditions are bussed down to the Kingwood Park Boat Launch. The buses contain half full with equipment and half full with customers so under existing conditions you would have bus loads with about 30 customers per bus. The proposal before the Board tonight will trigger major efficiency in terms of traffic movements along the highway by allowing the equipment to be stored where the customers are putting into the river which will increase the capacity of the buses by a 100%. So where now you can get only 30 people from the Roller Rink per bus, this proposal will allow you to get 60 people, from the Roller Rink per bus, a 100% increase and efficiency a 50% cutting the bus traffic in half basically on the highway. In order to investigate the traffic impact of this proposal which again is a reduction in bus traffic in a more efficient operation. They did do an inventory of existing traffic and roadway conditions in the area noting that Route 29 is a minor arterial state highway, north- south with a single travel lane in each direction and a posted speed limit of 50 miles per hour near this property. They conducted surveys of existing traffic on Route 29 for purposes of doing a roadway capacity analysis. The peak time they focused on would be the weekend when the applicants business is operating at maximum capacity, so they took traffic data on a Saturday at the time they received the assignment. They actually collected the data in April 2013- given the fact that it was April they needed to make some adjustments to that data obviously, in reviewing factors published by the State of New Jersey with respect to traffic patterns on recreational roadways like Route 29 they find April is a below average month so they first expanded the data so to reflect an average month and then they took a look at what the pattern was for July which was one of the highest months and found again a further expansion was needed to bring and model a peak month. They first brought the data to an average month and then they brought it up again by a factor of about 33% to bring it to July. All of the existing data they collected is detailed in his report and also the way they increase the data is shown as well. Under existing conditions in April, you have 271 vehicles in both directions along 29, during peak hour on Saturday, for an average month that would come up to be about 300, so it's slightly below average in April and for a peak month that would come up to be 400, so they have a peak hour flow on Route 29 of about 400 vehicles in both directions for a peak month. They then reviewed the anticipated activity from this application turning in and out of this lot, at max they would expect about 6 buses an hour coming into this property. That would give the applicant the theoretical ability to process 360 patrons in an hour. I'm sure he would love it if that would happen every hour but it doesn't and it certainly exceeds his understanding of what he does most hours of his operation. From a traffic impact standpoint the first thing to note from this business is that it's a seasonal business. From the months from November to March the traffic impact is zero- there's no traffic impacting the area. On the fringe months of his season very little impact, mostly some weekend impact in May and in the fall. Your looking at really a 2 month season where talking about when these peak numbers could possibly occur and within that season your looking at 2 weekend days, he focused on a Saturday out of those two months. So even in the fall if that would occur you'd be looking at maybe basically one bus into this property to every 10 minutes to process 6 buses an hour. He was looking at that diagram that shows you can fit 3 buses, they do have a design that can absorb buses more than actually their going to generate which is

good for safety reasons but the reality is you only need to ever have one bus to sitting on this property to process the customers that will be coming at the absolute maximum time, just do the math with the headways, 60 customers come every 10 minutes, you just processed 360 customers and you have 10 minute headways between buses where it only takes less than 5 minutes, maybe 3 minutes, to unload a bus. So, the intersection of events that would ever generate more than one bus on the property to him is unlikely given those straight headways and clearly on a weekday and during non peak season it would be even less. Non the less they assume those 6 buses during a peak hour turning in and out. They also assume that equipment bus would show up during that hour, making a 7th bus. They analyzed those turning movements in and out and found that there's more than adequate roadway capacity on Route 29 to process those turning movements, their being processed right now with twice as many buses, and again with the reduced bus impact clearly there's enough capacity to make a left turn into the property with the design, as submitted, and then make a right turn back out to return to the roller rink. This design will be subject to review by the NJDOT and they will need to obtain a permit to construct the driveways as proposed. Based on the traffic impact it would be classified as a minor permit. They would obtain that permit subject to any action this Board would take. This proposal from a traffic standpoint is a net positive, it will provide an improvement to the area by reducing the amount of buses that turn in and out of the roller rink and eliminating buses turning in and out of the Kingwood Park Boat Launch and moving those buses on to a separate property in a lower number.

EXHIBIT A-8- Roadway Capacity Analysis Printout-Titled Two Way Stop Control Summary

Jay Troutman- it depicts the buses turning in, all the northbound and southbound traffic on the highway and is based on the requirements of the Highway Capacity Manual and basically what the procedures in that manual do is that they analyze all the conflicting traffic flows and then it estimates what the delay would be to make a turn, so that printout summarizes all the parameters and shows northbound and that the delay for that turn would be 8.9 seconds and based on that delay they assign a grading system. (Grade A good-Grade F-very bad) The northbound into the site is a Grade A, and coming out is Grade B at the highest peak hour. There's a lot of capacity to accommodate this proposal. The Highway Capacity Manual is basically the traffic engineers bible.

Tom Decker- in the report you had testified that you anticipated a reduction of the bus trips because you could put 60 people on the bus opposed to 30 with their tubes leaving the roller rink. Will buses be released from the roller rink with less than 60 people on it? In other words if a bus has 30 people on it and there anxious to get going would that bus then leave while another bus is being filled or would it wait until 60 people got on the bus.

Jay Troutman- during a slow time he would anticipate that you would have less than full buses. That's not the hour he analyzed, he analyzed peak time. During a slow time you wouldn't need to fill the bus.

Tom Decker- so if there were gaps in between arrivals and so forth, you may have a bus with only 30 people going, so Mr. Crance had testified earlier that on a weekday you would have 2 to 3 buses a day and on a weekend maybe 8 to 9 buses. If partial buses are let go, released to go down, with only 30 people on it while there's a break is it conceivable that there would be 6 buses on a weekday because there's been breaks in the schedule.

Jay Troutman- he's not sure he's following the logic.

Tom Decker- in other words say on the weekday or weekend you have breaks where people are arriving, there's gaps and you have a bus of 30 people and it's slow so you let the bus go, but throughout the day you have partial buses going because there's gaps during the course of the day, could you still have more than 2 to 3 buses on the weekday transporting 15-30 people per bus.

Jay Troutman- that would be in a low volume period so you would still need only the 2 to 3 buses. They wouldn't be full because you don't have the demand during those low volume periods.

Tom Decker- ok.

Tom Decker- the number of employees that are staffing that area he believes are 4, parking for those employees-where do they park, how do they get there.

Jay Troutman- they are going to be parked at the main facility-the Frenchtown Roller Rink, brought in and dropped off.

Tom Decker- in your traffic analysis did you include the vehicles, not just the buses that would be leaving the roller rink to go to the site, also the patrons arriving in their individual vehicles to the roller rink. Was that included in the analysis?

Jay Troutman- those are already in the roadway analysis now – no change.

Tom Decker- so that was taken into consideration when you projected from your traffic counts in the off season, you included those numbers in the projection to the operating season

Jay Troutman- yes.

Tom Decker- the equipment the bus is bringing back tubes, kayaks, rafts – do have any idea on how long that's going to take to unload.

Jay Troutman-less than 5 minutes.

Tom Decker- so that should not impede the passenger buses from getting through.

Jay Troutman- correct.

Tom Decker- a question was raised earlier about emergency services access, any thoughts as to emergency access to the site.

Jay Troutman- he believes it's adequate for emergency access as well, based on the design that's provided.

Charles McGroarty- the parking for this facility is now at the roller rink and is not a permanent arrangement, his question is if that changes and the parking is located by necessity somewhere else, does that change the analysis.

Jay Troutman- not necessarily, it would obviously depend on that location.

Jay Troutman did his analysis at peak time, mid day Saturday.

P. Stepanovsky- you say northbound and then you say eastbound.

Jay Troutman- he can explain, if your turning into the property you're pointing north bound because your coming from the roller rink you're going north and you're turning left so you're characterized as a northbound left, so that's the northbound piece. Once you come into the property and look through the U you're now pointing towards the east when you exit the driveway, so directionally in the analysis it's considered an eastbound right turn because you're pointing east and making a right and turning right to go south.

J. Laudnbch- how many pieces of equipment are on the returning bus?

Jay Troutman- he don't know.

Greg Crance- approximately 100 inner tubes

J. Laudenbach- you said there was one returning bus or two to an hour? You have 6 buses leaving (60 people), there's got to be more than one bus an hour.

Greg Crance- probably more than one. He imagines about every 3- 4 busloads of people would be 2 buses depending on the size of the tubes

Mr. Hoffman- how many individuals do you have off loading that equipment.

Greg Crance- you would have 2 off loading and 2 grabbing it from them. It takes roughly 5 to 7 minutes.

P. Stepanovsky- how do you get the kayaks, rafts to fit in the bus.

Greg Crance-typically in the back, their rafts are smaller and the kayaks are narrow they fit in the back door and go to the back of the bus.

P. Stepanovsky- how many do you carry in a bus?

Greg Crance-you'd have tubes in the bus and in the back 5 or 10 pieces of equipment. They have trailers but they tend to use the buses more.

A. Planer- has a question for the traffic engineer. You must in your field work within a margin of error in your calculations and he is curious what the margin of error is.

Jay Troutman- They have actual data because what NJDOT does is they collect continuous data every month of the year and they are able to calculate from that what an average month is and from that base average month they look at each month compared to that, for example April is lower than an average month slightly, so they say if you took your data in April you need to multiply by 1.07 to get it to what our average was for the year for an average month, conversely if you take your data in July you need to multiply it by .75 to get it down to an average month because it's so high. They have a number for every month and that's what he used. There's no clear stated margin of error but it's clear that there's quite a bit of room for error. This is solely based on data provided by the State of New Jersey.

A. Planer- is that generic data throughout the state.

Jay Troutman- it's not generic-it's based on the type of route and road and this is a recreational road.

L. Frank- he has a math question so there's 60 people on a bus, so every other bus is gonna be a returning tube bus, so every 3rd bus is a tube bus.

Jay Troutman- in terms of those headways you don't have to get those tubes back on that same hour because you have 1800 tubes on the site so they can bring those back in other hours.

Mr. Hardcastle-in light of the concession at egress point-the terminal point for the tubing, there is a staging area that's been granted by the DEP so they will have the capacity to select when the buses will return and will be doing that to maximize efficiency.

L. Frank- that's gonna be at the Byram Boat Ramp..

Mr. Hardcastle- correct.

Mr. Hardcastle- excuse me not the boat ramp but the washed out Point Pleasant bridge.

Mr. Hoffman- the concession agreement makes the operation more efficient.

M.L. Haring would like to make a motion to adjourn this meeting due to the hour, David.

David Pierce what he would like to do before we adjourn is to review the revisions to the plans that was discussed, so that we're on the same pagewith the applicant.

M.L. Haring- when would we be getting a copy of the revised plat.

David Pierce- that would be 10 days before the next hearing.

David Pierce- putting the plans aside for a second there's been a lot of talk about the concession agreement and he thinks it would be helpful for the Board to have a copy of the bid documents and the other documents constituting that concession agreement- specifications and things like that.

David Pierce- with respect to the plan revision he has the following:

1. Revise drawings to show the opening in the fence where they dispense the tubes from.
2. Changes to the cinder path location.
3. Re-Show the half moon.
4. Placing of the cinders in the area where there accessing the tubes from the fenced area.
5. Changes to the driveway that have been discussed
6. Designation of the trees to be removed.
7. Desinating the foundation in the center of the driveway to be removed.
8. Provide a detail for the treatment of the grass areas.
9. Well & Septic locations identified.
10. Provide layout depicting storage area placement of equipment.
11. New location of the canopy.
12. Change to fence detail (wood and slats)
13. Show elevation for the 100 yr. Flood Plain Line.
14. Show elevation of concrete floor for the existing concrete slab.

C. McBride made a motion to adjourn this meting , seconded by L. Frank. On roll call to vote.

**Aye: L. Frank, C. McBride, J. Laudenschach, D. Hewitt,
P. Stepanovsky, T. Ciacciarelli, M.L. Haring, A. Planer**

Abstain: None

Absent: None

The next meeting will be held July 10, 2013

David Pierce-if the traffic engineer will not be hear next meeting then we'll have to have a third meeting.

David Pierce- no re-notice is required.

OPEN TO PUBLIC:

COMMUNICATIONS/REPORTS:

C. McBride voiced concern about the documents that we received electronically (flash drive) and that we

need to keep them for evidence somewhere. After discussion it was determined that it should be given to the Board Secretary, Barbara Wilson.

ADJOURNMENT:

D. Hewitt moved to adjourn, seconded by J. Laudenbach. All in favor. Meeting adjourned at 10:35 PM.

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

