

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT**

**September 11, 2013
MINUTES
7:30 PM**

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

PRESENT:

L.. Frank	B. Wilson, Sec
C. McBride	D. Pierce, Atty
J. Laudенbach	A. Planer, Alt
D. Hewitt	M. L. Haring
P. Stepanovsky	T. Decker, Eng
T. Ciacciarelli	C. McGroarty, PP

ABSENT:

None

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 August 14, 2013 minutes, seconded by J. Laudенbach. On roll call to vote.

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

Abstain: None

Absent: None

RESOLUTION:

None

NEW BUSINESS:

**Hearing: Continuation from the August 14, 2013 meeting.
Delaware River Tubing, Inc. BL 50, L 9**

Mr. Hoffman, attorney for the applicant, noted that Mr. Troutman, traffic engineer, is present this evening to answer questions from the professionals, Board members and the public.

1

D. Pierce, Board attorney, reminded Mr. Troutman that he was previously sworn and remains under oath.

M.L. Haring- are there any questions from the professionals, Board.

P. Stepanovsky - most were answered.

A. Planer- he don't know if it's appropriate for this individual but he has a question about foot traffic on the towpath – has that been studied at all? We heard, from the applicant, that there's a good 250 yard walk from the drop off point to the entry point in the river, he imagines there are going to be people with tubes on the path. Can that be addressed right now?

Mr. Hoffman – Mr. Troutman speaks solely for vehicular, so he has his planner, Mr. Bolan who will be coming up next, so that may be more appropriate for him as well as the applicant to address.

M. L. Haring – are there any property owners within 200 ft that have questions?

Mike Pisauero, attorney representing Diana Evans who lives across the street from this project.

Mike Pisauero – prior to this project have you worked on similar projects?

Mr. Troutman – this is a very unique project.

Mike Pisauero – did you review any literature in preparing your report?

Mr. Troutman – yes.

Mike Pisauero – anything specific that would apply to this type of activity?

Mr. Troutman – very carefully studied this specific operation.

Mike Pisauero – OK - can you tell us what you looked at?

Mr. Troutman – a lot of back and forth discussion with the applicant and studying of the area.

Mike Pisauero - is there any professional literature out there that would help guide you in forming your opinion?

Mr. Troutman – there's really nothing out there that would guide him with this specific operation.

Mike Pisauero – were you provided by the applicant any data that would guide you as to how many vehicles would be parking at the roller skating rink.

Mr. Troutman - there were discussions, yes.

Mike Pisauero - how many vehicles?

Mike Pisauero - re-phrased his question. This applicant is going to use the roller skating rink for parking and their customers are going to be driving to the roller skating rink and parking there- is that accurate?

Mr. Troutman – the roller rink is already used for parking today and it's not the property that he studied.

Mike Pisauero - so you did not get data from the applicant showing you got 50 cars a day, 100 cars a day, 200 cars a day.

Mr. Troutman – I don't know where those numbers come from but he needed to know what this property that we're discussing tonight was going to generate.

Mr. Hoffman – when you say data- that could be orally or written data.

Mike Pisauero – correct.

Mike Pisauero – during a weekday how many cars does the applicant generate- how many customers in vehicles?

Mr. Troutman - don't know.

Mike Pisauero – when you did a traffic count in April, is that correct April 2013?

Mr. Troutman – yes.

Mike Pisauero - that was when the applicant wasn't operating.

Mr. Troutman – correct.

Mike Pisauero – and then you adjusted those numbers for summer activity

Mr. Troutman - correct.

Mike Pisauero – and you adjusted those numbers based on a standard DOT formula.

Mr. Troutman – correct.

Mike Pisauero – and that is a formula used for all roads within the state.

Mr. Troutman - these are formulas used for recreational roads like Route 29 that have their busiest months in July and August.

Mike Pisauero – when you say recreational you're not referring to this type of activity-the tubing, you're talking about roads people generally travel on during the summer.

Mr. Troutman - he's talking about roads that have recreational activity in July and August including tubing.

Mike Pisauero – so that would be hiking, biking, fishing. Correct?

Mr. Troutman – that would be areas where people would be attracted to recreational activities such as the Delaware River.

Mike Pisauero – but you did not do any specific studies to see during the operations of the Delaware River Tubing how many actual additional cars were on this road because of his activities.

Mr. Troutman – correct.

Mike Pisauero – and with your summer adjustments did that include the number of people Mr. Crance serviced in 2012?

Mr. Hoffman – you mean the road data?

Mike Pisauro – correct.

Mike Pisauro – you did not specifically add in or adjust the number of customers that Mr. Crance serviced during 2012.

Mr. Troutman – he believes that would be in there in the mix.

Mike Pisauro – that's a general mix. Correct?

Mr. Troutman – yes.

Mike Pisauro – that's not this applications actual numbers.

Mr. Troutman - the DOT would take numbers on Hwy 29 and some on Route 12.

Mike Pisauro – do you know where they took the numbers from on Route 29?

Mr. Troutman – somewhere from their permanent count stations.

Mike Pisauro – so it may or may not have included Mr. Crances customers.

Mike Pisauro – you don't know where that counter station is.

Mr. Troutman – I don't know.

Mike Pisauro – so it may have been farther south or further north on 29.

Mr. Troutman – in either direction there are customers.

Mike Pisauro - if he understands correctly the DOT adjustments come out to 390 travelers per month

Mr. Troutman – no.

Mike Pisauro – no?

Mr. Troutman – remembers the #390 and that would be the peak hours of traffic on Route 29.

Mike Pisauro – on page 3 of your report the total “Adjust to Peak Month”- so that's a total of 390.

Mr. Troutman – northbound and southbound.

Mike Pisauro – and I think you indicated in your report that there are 6 buses, each bus could hold 60 people and that would be 360 people at a ideal situation, 360 people an hour coming to Mr. Crances facility and being bused to this Lot 9.

Mr. Troutman - That would be the absolute perfect for peak hours and Mr. Crance would wish he had that this month based on what he's heard this summer.

Mike Pisauro – this is probably one of those unusual summers.

Mike Pisauro – do you know how many people per car came to this facility?

Mr. Troutman – no.

Mr. Hoffman – by facility you mean roller rink?

Mike Pisauero – roller rink.

C. McBride – Mr. Pierce-Madam Chair - may I ask a question?

M.L. Haring – yes, Charles.

C. McBride – we seem to be directing a lot of questions to the roller rink and the going in and out of there – that's not the parcel that we're talking about a variance for -correct?

Mr. Hoffman – I agree.

Mike Pisauero – if I may- your ordinances require the applicant to have on site parking. Obviously that could not happen on this lot, it's dependent on off site parking so it's their contention that the traffic to and from the roller rink, especially in a use variance is directly relevant to this.

C. McBride - Mr. Pierce is this considered questioning or testimony.

D. Pierce – he's putting forth a statement of proper position or argument, it's not testimony. The record has been adequately established as to what Mr. Troutman has examined and what he's testified to and I agree there's no need for any more questioning regarding what he did with respect to the traffic, that's clear and correct and you keep repeating things.

Mike Pisauero – he thinks he's done with that area anyway. Thank you.

Mike Pisauero – under NJDOT Regulations will they allow two (2) driveways in and out of your facility-the Lot 9. Did you look at that?

Mr. Troutman – he can't speak for the DOT but any action this Board were to take would be subject to the applicant procuring an access permit. In his opinion he feels they would approve the design proposed.

Mike Pisauero – does DOT have any regulations about the distance apart that the two (2) driveways have to be?

Mr. Troutman – they may have something in their access code - he would have to look at that.

Mike Pisauero – I think you indicated - ***"The site plan has been reviewed to confirm that the proposed design can accommodate bus turning movements. The proposed driveway will require an access permit from NJDOT. This will be a minor access permit based on the fact that the property will generate less than 500 vehicle trips per day." (McDonough & Rea Associates, Inc.-Report dated April 23, 2013, page 4, DRIVEWAY ACCESS AND ON – SITE CIRCULATION)***

Mike Pisauero – he was under the understanding that under the regulation DOT requires only one (1) driveway for a minor access so he wants to get your confirmation or not.

Mr. Troutman – this is considered one (1) driveway – a one (1) way in and a one (1) way out.

Mike Pisauero – no other questions- Thank You.

M.L. Haring – are there any questions from property owners within 200 ft?

M.L. Haring – are there any questions from the audience?

Randy Lerch – 2994 Daniel Bray Hwy informed the Board that brought with him a power point presentation that he would like to use to assist him in his presentation this evening.

David Pierce – Mr. Lerch at this point in the proceeding we are taking questions for Mr. Troutman regarding his testimony.

Randy Lerch – yes, that's correct.

David Pierce – we're not taking testimony at this point.

Randy Lerch – his presentation is directed directly to Mr. Troutman.

Randy Lerch – as you can see I've directed my presentation strictly towards traffic.

M.L. Haring – but will you have questions?

Randy Lerch – yes, I do.

Randy Lerch – just for a point of reference, an overview of the area-identified the roller rink, parking area (currently used).

David Pierce – sorry to interrupt, but could you go back to the title page - **DRT Traffic Assessment View** from Randy Lerch marked **EXHIBIT 0-3**

Mr. Hoffman – would like to have the Adobe Acrobat copy and PDT copy as well so that he could keep it in line.

Randy Lerch – this is just an overview of this area that we're talking about in this hearing-Identified again the Route 29 South, Route 29-Frenchtown North, Roller Rink, Kingwood Access (currently used by DRT to drop off the tubers from the roller rink) and Block 50, Lot 9 (that we're referring to this evening), red line is the driveway from the roller rink down the residential properties to Route 29 and identified the location of his property.

Mr. Hoffman – Mr. Pierce, if we're going to digress to testimony just for formality sake we should have the person sworn.

Randy Lerch sworn in by David Pierce .

Randy Lerch – and again the last time that Mr. Troutman testified was three (3) months ago. He had some points that he would like to show and these came directly from the minutes for 6/12/2013, page 27, under paragraph starting with Jay Troutman -his understanding ...lines 4 to 9. ***“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 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.”*** These are his words that he testified.

Randy Lerch – Mr. Troutman, will there be any reduction in bus traffic from the roller rink down to the

design plan parking area that you know of. Mr. Crance (DRT) uses the parking area approximately a mile north on Route 29 to park vehicles and he runs buses from the rink down the driveway up 29 to that parking lot. Will the granting of this variance in any way reduce the reduction of use of those buses.

Mr. Hoffman – you're talking about 2 parcels that are not the parcel that the variance is being sought for.

Randy Lerch – his statement was that there would be a 50% reduction of traffic on the highway, so that's my question does that include this traffic from DRT?

Mr. Hoffman – you're talking about from the roller rink to another location other than the parcel that he's seeking the variance..

Randy Lerch – I'm talking about whatever he is talking about here - along the highway.

Mr. Troutman – that was referring to the transaction whereby the applicant delivers his customers to the river, so what he is saying is right now he can only get 30 people to the river and under the proposed each bus could now get 60 people to the river.

Randy Lerch – so basically the simple answer is no, it doesn't address the bus traffic other than from the rink down to the drop off point. That statement doesn't not apply to any other bus traffic currently being utilized on the highway.

Mr. Troutman - he thinks he was clear of what the statement was to his answer.

Mr. Hoffman – from the roller rink to the parcel.

Randy Lerch – nothing else. It doesn't include any reduction of any other bus traffic, including to there or down to the pick up point or down to the Fairview drop off as well.

Randy Lerch – at the Fairview drop off, where are the tubes gonna be picked up and dropped off for the people that are dropped off at the Fairview point, a spot where the tubers are dropped off who want to take a shorter trip for the day?

Mr. Hoffman – it's beyond the scope of his testimony.

Randy Lerch – Thank You, that's fine.

Randy Lerch – what he would like to address then - you said that between the roller rink and the drop off point you'll be able to increase from 30 people per bus to 60 – is that correct?

Mr. Troutman – yes.

Randy Lerch – and that's based on the current use of 30 people per bus?

Mr. Troutman – that's based on right now when the customers have to bring the tubes on the bus with them – you can only get 30 customers on a bus. Once the applicant moves all the tubes down to the riverfront then you can get 60 people on the bus.

Randy Lerch – so that's a maximum that can be carried on a bus at the current time, that's what those numbers are based on.

Mr. Troutman – this is based on a maximum loading situation.

Randy Lerch – so when you get 60 people on a bus-any idea how long that would take up there for processing purposes. When they get processed up at the roller rink they have to park, come to the stand and read and fill out his waiver, pay, board their bus. How long do you think that process takes? How long will it take to fill that bus with 60 people?

Mr. Hoffman – it's beyond the scope of what he testified-he's simply saying that the bus can now hold 60 people because they no longer have to accommodate tubes.

Mr. Hoffman – your question might be better posed to Mr. Crance at some point in time.

Randy Lerch – he will not waste the Boards time or yours at this point with that.

Randy Lerch – another statement coming from your testimony from three (3) months ago was that you analyzed *the turning movements in and out of the property and was found that there's more than adequate road capacity on Route 29 to process the turning movements.* (June 12, 2013 minutes, page 28, lines 8-9) **EXHIBIT A-8 – Roadway Capacity Analysis Printout – Titled Two Way Stop Control Summary** - this came out of the Highway Capacity Manual which you referred to as the traffic engineers bible. Based on that grading system where they grade from **A** as good, and **F** as very bad, it's graded as a **Grade A** for into the site and a **Grade B**. Did that grading come from you, your personal grade or is that based on some sort of tables coming out of the Capacity Manual based on usage of the highway and traffic and your survey that you did in May of the number of vehicles.

Mr. Troutman – it's a calculation of the HCM that was attached to his report and displayed as an **EXHIBIT** at the last meeting and discussed in detail.

Randy Lerch – but the grading itself, the Grade A and B, was that your grade or strictly based on calculations?

Mr. Troutman – it's directly out of the HCM.

Randy Lerch – so it was given a Grade A and a Grade B based on what it says in the HCM.

Mr. Hoffman – DOT.

Mr. Troutman – it's not the DOT - it's the Federal Highway Administration

Randy Lerch – so those are based from the numbers from the survey taken in May?

Mr. Troutman – it's based on a July estimate.

Randy Lerch – I would like to show the Board what it really looks like, based on his testimony, on a Saturday in July. His numbers give this - a Grade A and Grade B, this is peak period on a Saturday. This is the exit from the roller rink and on to the exit to the current drop off point. This is what the book is rated as a Grade A and this is current.

Mr. Hoffman – Madam Chair where moving away from the questioning of his expert. He don't mind mixing the two (2) together just as long as he has the opportunity to respond.

M.L. Haring – they are both being mixed together and Randy you need to direct questions.

Mr. Lerch – when is the proper time to present this? He didn't think it would be an issue at this point.

Mr. Hoffman – the book doesn't say it's a Grade A.

Mr. Troutman - what's being displayed is a photograph of the roller rink driveway intersecting 29 and the analysis that they presented does not grade that as an A. It does not grade that intersection at all. It grades two (2) things, it grades six (6) buses an hour turning left into the subject property, which is not in this picture, and it grades six (6) buses turning right out of the subject property, which is not in that picture.

Mr. Lerch – the subject property is in this picture and the traffic it's showing as well where the buses not only exit the property but where they enter the drop off point, at present.

M.L. Haring – but that's not where talking about here. This is a variance to move that up above where there isn't a drop off point presently, that's why we're here.

Randy Lerch – understand, I'm just saying – that's what the drop off point is going to look like whether it's 30 ft down the road, 300 ft down the road. What is gonna change if it's moved 300 yards down the road.

M.L. Haring – not necessarily because you have too many ins and outs all conglomerated in the same place.

D. Pierce - we're getting to far in the field.

Randy Lerch – what is the best time?

M.L. Haring – after the professionals have testified and we've directed questions to them, then it'll be time for testimony from the audience, property owners within 200 ft. and at that point you can have your testimony. That's when this would be appropriate. Questions regarding traffic you can ask now.

Randy Lerch – OK-that's fine.

Randy Lerch – was there any accident studies done with this or is this only traffic.

Mr. Troutman – no accident studies.

Randy Lerch – OK and I didn't really mean to waste your time, that's really my misunderstanding.

D. Pierce – not a waste.

D. Pierce - Mr. Lerch we'll need to keep that (flash drive) because we need to make a copy.

Randy Lerch - I have a copy of it, so if you want to keep that for tonight that's fine – just hang on to it.

Randy Lerch – I have another presentation on there as well.

M.L. Haring – are there any other questions.

C. McBride – the question is, if this is testimony I want to ask questions of you as well.

Michelle Bernhard – resident of Kingwood Township, stated that she has to apologize because she wasn't at the last meeting that you (Mr. Trout man) gave testimony, so her questions are based on what she heard tonight. Basically from what you said so far it sounds like you've gotten your information from studying similar recreational roads in terms of the report that you've made based on the amount of traffic has been from studying similar recreational roads, is that correct?

Mr. Trout man – he studied Route 29 as well.

Michelle Bernard - and the roads that you got the numbers for, do they have businesses on them similar to the business that Mr. Crane has.

Mr. Trout man – he did an actual count on Route 29

Michelle Bernard – and when was this count?

Mr. Trout man- slightly below average month April 2013.

Michelle Bernard – OK- and that's not when his business is running.

Mr. Trout man – yes, it's acknowledged in his report which had to be submitted in the spring.

Michelle Bernard – I take it that data is based from looking at other similar recreational roads. You take numbers from other roads that are recreational, is that correct?

Mr. Trout man – DOT collects data throughout the state on all their recreational roads so they can tell you from that data what the spike is in July and how they adjust average and below average data.

Michelle Bernard - and do you know how many of these so called recreational roads contain businesses on them similar to Mr. Cancers.

Mr. Trout man – they all contain recreational traffic.

Michelle Bernard – but I'm talking about an actual commercial business.

Mr. Trout man – Yes.

Michelle Bernard – do you know how many roads actually contain actual commercial businesses that those numbers come from.

Mr. Trout man – they contain recreational traffic that's all I can tell you.

Michelle Bernard – so you don't know how many of those roads contain actual commercial businesses.

Mr. Trout man – it's not part of the data.

Michelle Bernard – you went on to say you couldn't find any research of similar businesses to study, is that correct earlier today.

Mr. Troutman – it's not relevant to his study.

Michelle Bernhard – but you said not 15 minutes ago that this was a unique situation and there was no other research he could find, so my question is what is it that makes this business unique.

Mr. Hoffman – let me clarify the testimony so we're clear-it's unique as to a tubing enterprise and not unique as a commercial enterprise.

Michelle Bernhard – OK – but there are other tubing businesses that could have been studied. We have Jim Thorpe right across the river in Pa. You didn't take information from Jim Thorpe to find out how that business effects traffic in the area.

Mr. Troutman – his task is to study the impact that this application will have on traffic and it's very clear what that impact is, it's a reduction in buses from the roller rink to the river, it's to bring more people to buses, it's a very simple analysis and it doesn't have to do with Jim Thorpe and it's not going to help him to know what Jim Thorpe does. He simply needs to model what's going to take place on this property with 6 buses an hour, at max, be dropped customers off to pick up tubes. It's not anymore complicated than that.

Michelle Bernhard – so your testimony had nothing to do with the amount of car traffic that's coming in that maybe increased because maybe he can run his business better; seeing he has a headquarters set up on the property that he buys and owns rather than paying rent or whatever he pays to Frenchtown Roller Rink.

Mr. Hoffman – not sure he understands the question.

Michelle Bernhard – for example-he saying he's simply looking at the bus traffic and the difference in the bus traffic based on Mr. Crance having his property right on the river- looking at bus traffic, she's saying that if Mr. Crance has his set up on the river, he has his property which becomes zoned commercial and he can have his headquarters on the river and run things more efficiently. She's suggesting that his business could increase based on that. Therefore, it would be an increase in the number of cars coming up and down Route 12.

Mr. Hoffman – we're going to stage from this parcel but otherwise the operation is not changing. All that's changing is taking the tubes, the kayaks, what have you, instead of bringing them down in buses to launch people into the Delaware they'll be situated on this parcel so more people can come in buses reducing the bus traffic. No offices will be maintained on this parcel.

Michelle Bernhard – so your testimony only has to do with the bus traffic, it has nothing to do with car traffic.

Mr. Troutman – it has to do with the traffic with this piece of land, location of this piece of land and it actually creates a reduction in bus traffic – it cannot be more efficient than 6 buses an hour.

Michelle Bernhard – but if you have 6 buses an hour he can take more people than he's presently taking.

Mr. Troutman – it's the same amount of people with half as many buses.

Michelle Bernhard – OK-Thank You.

M.L. Haring – are there any other questions.

Gary Search – lives across from the parcel. You're saying buses are going to be less, but it's gonna be on the road 4 x longer because when they come down the roller rink now it's right across the road into the drop off. Now he has to get on the road and go all the way up to his place, a thousand maybe fifteen hundred feet from the other roadway, so the buses are going to be on the road 4 x longer-did you take that into effect?

Mr. Troutman – he did, yes and that's part of the calculation.

Gary Search – OK-Thank You.

Bob Mauer-165 Byram Lane. Mr. Troutman it's been a couple of months but wasn't the overall strategy here to have the tubes so the people are packed with buses, but there's also on high capacity days buses coming back with just tube deliveries.

Mr. Troutman – are you referring to the exit of the patrons from the river.

Bob Mauer – he seems to recall from the May or June meeting that they'll be 3 buses being in the turn-

around thing and some of the time at high capacity times, we're gonna have to bring buses into that turnaround and unload the tubes that are ending up on the other end of the take out.

Mr. Troutman – so you're referring to the exit- how do we get the equipment back from the exit to the stage.

Bob Mauer – so that's true?

Mr. Troutman – yes, that was included.

Bob Mauer – so there's gonna be no backup or shoulder use on Route 29 because of this new strategy.

Mr. Troutman – correct.

Bob Mauer - so it isn't just about the traffic between the roller rink and this site but it's also the buses from the take out area..

Mr. Troutman – he added the equipment buses in the analysis.

Bob Mauer - so that previous testimony was wrong.

Mr. Troutman – it's in the report.

Bob Mauer – it's just not the roller rink to the site but it's also the buses to and from the take out point.

Mr. Hoffman – if you could let Mr. Troutman finish.

Mr. Troutman – that's in the analysis.

Bob Mauer – and how many tubes on the bus did we calculate from the June hearing?

Mr. Troutman – he believes 60 tubes although he would think you probably can get more. Right now you're getting 30 tubes and 30 people on a bus. Now 30 people are gone from the bus so you can get at least 30 more tubes on the bus.

Bob Mauer – it was 100 that was stated on the record, and rafts and kayaks.

Mr. Troutman – that's what he said, it's probably more.

Bob Mauer – so is it 60 or 100?

Mr. Troutman – he said it's more than 60.

Bob Mauer – on the July meeting which you didn't testify, he (Bob Mauer) stopped at the drop off point talked to bus driver #9. The driver of bus #9, asked his opinion of the capacity of the bus, he had just taken 8 tubes upriver which took up a third of the bus. He thought he could stack it closer together and get 10, so Bob Mauer asked him - does that mean that 30 tubes are the capacity of that bus, and he said, that's about it.

David Pierce – there will be a time when you can present testimony.

Bob Mauer – so my question is – Mr. Crance, do you not know your business? Or like the tubing in the middle you're just giving us a fictitious number that your traffic engineers use 100 tubes when anybody realizing the size of the tube and how to make it fit on a bus-you're not fitting 100 tubes on a bus, kayaks, rafts.

David Pierce – Mr. Mauer this is getting argumentative, you will have an opportunity to present your position after the applicant has concluded their testimony.

Bob Mauer – Mr. Troutman, if you got 100 tubes on the bus what does that do to your study? - if you only got 30.

Bob Mauer – we're talking about the reduction from 10 to 12 to 6 buses, nothing that's gonna be on the shoulder of 29, based on a 100 tubes per bus load coming back . What happens to your study if it's really 30?

Mr. Troutman – he assumes one equipment bus comes to the site in an hour with the tubes, it doesn't change anything.

Bob Mauer – and we were talking 2 buses in that circle and he thinks the unloading time of a couple of minutes is also in question.

Mr. Hoffman – is that a question?

Bob Mauer – got it out there.

M.L. Haring – is there anyone else in the audience that has any questions.

Norman Torkelson stated he's with the Stockton Planning Board and is an avid bicyclist. He cycles between Stockton and Frenchtown frequently, sometimes two and three times on the weekend. His question is with the change in venue will you still require police to manage the traffic congestion at that site?

Mr. Hoffman – beyond what Mr. Troutman testified.

Norman Torkelson – well, I think he was maintaining that based on the capacity of the road that there's no problem and I'm telling you that there are police that are brought out frequently to manage the problems there. Do you anticipate those same kind of problems at the new site?

Mr. Troutman – there's no police traffic control required for this site.

Norman Torkelson – Thank You.

M.L. Haring – are there any other questions.

C. McBride – Mr. Troutman, the calculations that you made to expand the traffic from the April below average number to the average number were dictated by a set of formulas from an outside government calculation, correct?

Mr. Torkelson – it's based on travel patterns along recreational routes in New Jersey from NJDOT.

C. McBride – but it's a formula, it's not subject to your discretion.

Mr. Torkelson – correct.

C. McBride – and subsequently the expansion out to the peak month was the same way. I believe you testified that Route 29 does has a collection point for traffic data that's maintained either by the state or the federal government.

Mr. Troutman – it's by the state, yes.

C. McBride – would it be logical to assume that Route 29 might possibly be part of the formula for calculating what a recreational road would be along with other roads like possibly Route 35 down the shore or 50 down in South Jersey.

Mr. Troutman – Route 72, yes.

C. McBride - are the characteristics of Route 29 with the the commercial enterprises that are on there now, typical of a normal recreational road.

Mr. Troutman – yes.

C. McBride – Thank You.

M.L. Haring – we'll take a 5 minute recess - a short 5 minute recess.

Mr. Hoffman – his expert looked up the answer to the question of where the counter stations would be for 29. If it pleases the Board and if he can bring Mr. Troutman back real quick and have him testify to where that counter is.

M.L. Haring – OK.

Mr. Troutman – DOT has a permanent count station somewhere on 29 and it happens to be right by Copper Creek.

Mr. Hoffman – marked this document **EA-26** and provide it to Mr. Pierce.

Mr. Troutman – it's from the NJDOT- Straight Line Diagram Book and it depicts a section of Route 29 where the subject property is located and shows the counter area ID # location. Passed around to the Board.

Mike Pisauro – Mr. Troutman, do you know when Mr. Crance started his operations cause that traffic data is from 2009, correct?

Mr. Troutman – he wasn't siting the number on the diagram- he was siting the fact that there's a permanent station that collects data all the time.

Mike Pisauro – OK.- from that station can you determine where the ultimate end point for the travelers that pass through the Copper Creek location is? Where are they going? Can you determine that from that station data?

Mr. Troutman – it's everybody who passes mile post 33.

Mike Pisauro - and the recreational road data that you did look at, do you know what the date of that data was, 2009, 2010?

Mr. Troutman – response inaudible.

Mike Pisauro – is it your experience that every station doesn't provide data every year.

Mr. Troutman - possibly..

Mike Pisauro – and the recreational road data that's a aggregate, an average of all the recreational roads in the state.

Mr. Troutman – response inaudible.

Mike Pisauo – Thank You.

Michael Bolan, Planner, was sworn in, gave his credentials and was accepted by the Board as an expert.

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

For the record no objections noted.

Michael Bolan - this is a (D1) variance, met with the client and professionals, reviewed the zoning requirements and Master Plan. He took photos of the site and did a field investigation. This application is about a .67 acre property located on the west side of Route 29, in the AR-2 zoning district which is a residential zoning district that permits as principle uses single family dwellings, farms and agriculture, golf courses and an assortment of public uses including playgrounds, parks, churches and cemeteries. It's currently the former site of a non residential use – HIG that was destroyed by fire in 1996 and is currently/formerly used as a skate park. It's surrounded by public lands on the west, south and north and on the east side are residential uses also non-conforming uses as to the lot area for the AR-2 district. A non-residential use Dish Catering is located 1 lot north of this property. This application is a simple straight forward (D1) use variance for a commercial use in an area that's zoned residential. As you know you have the power to grant those variances and in particular cases and for special reasons those should be positive criteria for (D1) use variances for special reasons. The courts have held that the promotion of the general welfare is the zoning purpose that most clearly articulate or amplifies the meaning of the special reasons and the benefit to the general welfare from a typical commercial use. Why it's not the use itself but the development of the site that is particularly suited for the very enterprise that's proposed. This site is particularly suited because of the proximity to the river for a use that's obviously river dependent. The Board must also find as you know that the negative criteria are satisfied. The negative criteria states that you cannot grant a variance without it showing that it can be granted without substantial detriment to the public good and without substantial impairment of the zoning plan and zoning ordinance. First, he would like to go through the special reasons these are derived from the purposes of the MLUL, which is the enabling legislation for all planning and zoning in New Jersey. He has four (4) purposes that he would like to discuss from the MLUL. Each one of which can constitute a special reason for the justifiable grant of the variance. **The first and most important is the general welfare provision and that states - (1) “That the purpose of planning and zoning is to encourage municipal action to guide the appropriate use or development of all lands in this state, in a manner which will promote the public health, safety, morals and general welfare. (40:55D-2 (a)).** “ He believes this proposed use supports this general welfare provision. It provides a unique recreational opportunity for the well being of the states residents allowing the people to enjoy the resources statewide importance which is not easily assessable. It allows a successful business to operate more efficiently and that also promotes the general welfare given the states current economic conditions in it's effort to promote economic development. The proposed use also provides employment opportunities for high school and college age young adults which are difficult to come by. Safety is also improved by the virtue and downfalls of the general welfare provision. Safety is also improved by the virtue of reduced number of bus trips, the boat ramp by the use of this lot as a staging area and it eliminates the unloading of the passengers at the boat ramp which can further promote the general welfare. The second purpose he wants to speak about is purpose (g) of the MLUL and that purpose states– **(2) “To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. (40:55D-2 (g)).”** This site is situated adjacent to the river in an area with direct recreational access to the river. The Lower Delaware Management Plan as prepared by the National Parks Service in 1997 and updated in 2008 identifies as **GOAL 4 - Implementation Strategies**, their recreational goal: **“State, county, municipal, and private entities should provide additional access sites to the river, particularly low-impact recreational activities that are environmentally suited to protecting the river habitats.”**

Under **Goal 5 – Economic Development- “Implemental Strategies, Tourism -”** **“Opportunities should be identified for appropriate privately-owned recreational tourism sites.”** The next purpose he would like to speak about is purpose (h) of the MLUL and that purpose states – **(3) ”To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight. (40:55D-2 (h).”** Regardless of where you have the concession and the parking area may be located, the utilization of this site with the staging of passengers reducing the flow of traffic by providing a storage area for equipment. It's ideally situated to reduce the impacts caused by the transport of passengers. There won't be any transaction of business at the site because they are not providing on site parking. The **(4th)** purpose of the MLUL that he would like to site is the Planning & Zoning - **“To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land. (40:55D-2(m)”** This proposed development involves extensive procedural coordination on private and various public entities in order to promote and maintain an efficient business operation. The federal, state, regional and local entities are involved in the ultimate disposition of this property and its efficiently cost effective use. The concession agreement made it permanding for this development for two (2) reasons-coordination and coming before this Board. In his opinion these four (4) purposes that he cited provide the special reasons for the Board to grant the use variance, any one of these purposes provides the sufficient rationale for granting the requested use variance. The use is particularly suited because of the lots location adjacent to the river and the lot size does not allow for a building envelope and no building is proposed. This site really can only can be used for some outdoor purpose such as farming or recreation. The negative criteria which they also have to address - relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. He believes in granting this variance it's not inconsistent with the intent and purpose of the zoning plan and zoning ordinance The zone plan which is the Master Plan is not limited to these types proposed in the zoning district, so there's no inconsistency with that. The Zoning Ordinance anticipates such non-residential uses in the residential zone as: public playgrounds, parks, public purpose uses and golf courses.. He also wants to make reference to the 2012 Land Use Plan in how it relates to this particular lot being placed in the AR-2 District and the Land Use Plan for the AR-2 District says: The district encompasses all environmental characteristics to the township in varying degrees as noted in the Environmental Impact Assessment and in testimony this property does not have any of the identified environmental characteristics including no forest or grass on critical habitat, no forest in wetlands or typical habitat, no shallow bedrock, no seasonal high water table, no prime agricultural soils, no forested areas, no hydric soils in the steep slopes, so it's very different than the typical characteristics within lots in the AR-2 District. The Boards Planner in his report, dated May 6, 2013, has also identified a number of goals and objectives from the Land Use Plan adopted in 2012 and also from the Conservation Plan Element adopted in 2008 that he (Michael Bolan) thinks support the grant of this variance. Under **“Community Design” - “To provide for a proactive approach to physical design and community planning so that adjacent land uses function compatibly and harmoniously in terms of scale and location.”** The proposed use is adjacent to the Kingwood Boat Ramp right next to this proposed lot and to the river and is surrounded by public lands. The location is particularly suited for the proposed use. The proposed use is seasonal in nature and limited in their weekly operation. This on site operation is compatible in scale to this small lot. Under **“Circulation” - “ To recognize that roadways are public lands that deserve aesthetic design consideration as well as efficient movement of vehicles, and to carefully plan the gateway entrances to the Township because they represent a visitor's first impression of the Township.”** The proposed use he believes addresses that particular objective. The use is recreational and fits into the prevailing public recreational use between Route 29 and the Delaware River. The proposed development is designed to relieve the eyesore that currently exists and without compromising the efficient movement of vehicles. Under **“Recreation and Open Space” - “To promote the provision of appropriate and balanced public open space and recreational facilities through public action and the development review process.”** He believes the proposed use supports that and provides the recreational opportunity to thousands of people per year who may not otherwise have the opportunity to experience the recreational benefits of the river. This proposal is particularly outstanding because it involves public action from the federal, state, regional and local levels. Under **“Scenic Views and Vistas” - “GOAL: Identify and protect undisturbed hillside, ridgeline,**

and steep slope views and vistas, particularly the Delaware River Corridor, open fields, forests, and historic landscapes, for the scenic enjoyment of all NJ citizens and to maintain the rural quality of the Township.” The proposed use provides an opportunity to all NJ residents to experience the scenic beauty of the Delaware River and Kingwood. For all these reasons it's his opinion that the proposed development satisfies the negative and positive criteria for the grant of the use variance. They also have bulk variance issues that he would like to address because the lot is 0.67 acres, in a 7 acre zone, a bulk variance is required for lot area, lot depth, rear yard, side yard and impervious coverage. The positive criteria for the bulk variance for this particular application he believes fits into the C1 Category- **MLUL(40:55D-70 (c) “Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;).** He thinks the fact that this lot is less than 10% of the minimum lot area required in the AR-2, the lot is less than 100' in depth where 300' is required, the combination of the yard requirements in the district result in the lack of a building envelope, given the sub standards of lot conditions the proposed use with no building proposed, a lot that is appropriate, proposing a use that only operates for a portion of the calendar year, proposing a use confined to daylight hours of operation, a use that's largely concentrated on weekends. All of the lots in the immediate area are sub-standard relative to the lot area requirements for the AR-2 District. He thinks that addresses the positive criteria for the bulk variance. The negative criteria for a bulk variance is the same as the negative criteria for a use variance – **that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. MLUL (40:55D-70(d).** In his opinion there is no substantial detriment to the public good because the effect of this proposal should reduce the impact in the area by reducing the number of bus trips. There's no substantial impairment to the zone plan and zoning ordinance because the site included a non residential use in the past. The Master Plan does not anticipate this small lot, this small previously developed lot addition in the AR-2 District and further, on the west side of Route 29 there are no residential uses. The site does not include any of the environmental characteristics that are identified for the AR-2 District and the proposed use is consistent with the community design, circulation, recreation, open space objectives in the Land Use Plan and is consistent with the scenic views and vistas objectives of the Townships Conservation Plan. In his summary the proposed use already exists in the area, recreation is one of the primary active uses for the river corridor. The property in question historically was a commercial use - given that all the government has some environmental impact. Since no building is proposed there is no increased hazards resulting from a building being constructed and occupied. The operation of the proposed will be and include a redevelopment of the site and reduce an eyesore. Mr. Crance is trying to provide a recreational opportunity deeply suited to the area and has produced benefits to the area by reducing the automobile parking along Route 29 and it can only produce additional benefits by less bus traffic on Route 29 by moving the staging operation to the proposed site.

Charles McGroarty, Board Planner, - as he understands the proposal and read the ordinance, this also would require a variance for - to not provide off street parking on site and is required under Section 132-53 (E).

Mr. Bolan – he don't know if there's any calculation in the ordinance where if you don't have a building you are required to have parking.

C. McGroarty – as he reads the ordinance it's a zoning issue not a design issue, as to whether there's any parking required for this site and if there is it's required on site. The fact that there's no parking on site and you made mention of the roller rink – is that where the parking is being accommodated?

Mr. Bolan – yes, at present that's where they park.

C. McGroarty – is that use of that property, in conjunction with the roller rink- does that either have a pre-existing non-conforming use status or has it had a site plan approval?

Mr. Hoffman – the roller rink?

C. McGroarty – correct.

C. McGroarty – not the roller rink but the parking and the shelter which is a part of this operation. The shelter which people go up to and sign in and then they park on the site. His question is the combined elements on the roller rink site that are part of the tube operation, has it been determined that it's a pre-existing non conforming use or has there been site plan approval.

Mr. Bolan – don't know. With pre-existing non-conforming uses it's a very involved determination.

C. McGroarty – his point of those questions would be if it's determined that there's no declaration by this Board that it's a qualified pre-existing non-conforming use or there has been no site plan approval, then my question to you is, would that speak to the issue of particularly suited.

Mr. Bolan – no, that particular function is not what we're speaking about.

C. McGroarty – but if the functionality of the lot that we're speaking about here along the river is dependent on off street parking, and staging, and if that location had not been, then there's some question, is there not, as to whether or not this Board can be assured that the site can function properly because there's been nothing on the record established that off street parking has been permitted elsewhere in the municipality.

Mr. Bolan – it doesn't really matter where that particular function is located – this lot serves as a staging area and would have no parking. We're not proposing any parking and would have no parking. He thinks that's a benefit to have no parking.

C. McGroarty – well, he would just add to the Boards consideration that the site is required to have parking, that is the question and issue that's with the ordinance, but if there is no parking by granting of the use variance for an operation that's contingent on parking being somewhere else in the municipality, where not sure where that would be. The testimony is that it's at the roller rink site now, but if that's not there by virtue of some approval, or authorization then it falls under the question of legitimacy using the site.

Mr. Bolan – they're not proposing any parking.

C. McGroarty – it would seem to him that the logical decision would be this site could function independently.

Mr. Bolan – as a staging area.

C. McGroarty – that's kind of like half the operation, isn't it?

Mr. Bolan – where not proposing on this lot.

C. McGroarty – you are proposing buses on this lot and those buses are transporting people from some other location.

Mr. Bolan – yes.

C. McGroarty – if we don't know where the other location is and it has no authorization or approval that's the key component of this application.

Mr. Hoffman – his only comment to that testimony is that he used the word legitimacy on this parcel as to use. On this parcel they're asking to approve a variance for a use which will be a staging area and that will be accomplished by bringing the buses to this parcel where they're asking for the variance. Where their buses come from and where are people come from to go to, to get to the bus is not relative to this parcel.

D. Pierce – he would like to address that issue as well. Mr. Hoffman and Mr. Bolan you've made your position clear and he (David Pierce) wants to make sure for the record that you're aware that Mr. McGroarty and himself, and he can't speak for Mr. Decker yet because he hasn't provided his opinion. But you're proposing a use that will bring at peak operations 2,000 people to this site a day. He believes that it is clearly an important issue as to how those people are going to get there and where they're going to come from, how their vehicles are going to be parked, it's part of the operation. You are on notice that at least two (2) of the Board professionals believe that's an important issue, and if you elect not to provide any further testimony relating to the need for a parking variance that's your choice. He's doing this because he's aware of courts decisions which require, he thinks their wrong in the context of a use variance, the Board to engage in an interactive process with the applicant advising them of information that the Board believes they need to provide, so he's putting that on the record so it's not an issue should there be an appeal in this case.

Tom Decker – he will concur with both Mr. Pierce and Mr. McGroarty. Just for reference the ordinance regarding parking and loading, it is **Section 132-53E** and it states: **“Location of parking and loading, Required off-street parking and loading spaces shall be located on the same lot or premises as the use served regardless of the number of spaces required by this chapter. No parking of vehicles shall be permitted in fire lanes, streets, driveways, aisles, sidewalks or turning areas.”** He agrees with the parking concerns as outlined by Dave.

D. Pierce – Mr. Bolan you indicated that the proposed use would either reduce or eliminate parking along the side of Route 29. What is that based on?

Mr. Bolan – it's based on the changes in operation.

D. Pierce – and how is that related to the operation at this site.

Mr. Bolan – it's not directly related.

D. Pierce – Thank You.

T. Decker – he does have a question that Mr. Planer had brought up previously and that is pedestrian traffic on the pathway along the river. We've talked about traffic with regards to busing and reducing buses and what the potential is that we can potentially get from 12 buses per peak hour to 6, but we're also talking about bringing 60 people to the site, and 60 people leaving this site walking down the pathway down to the south to the put in point. His question is, is there any detriment to the existing public that uses the pathway from an influx of 60 patrons carrying tubes, kayaks and canoes down the same pathway – what will they experience is there any detriment to them or any impact to them.

Mr. Bolan – the pathway has plenty of capacity.

T. Decker – including the carrying of the canoes and kayaks for 500 feet from where patrons are dropped off walking to the south to the boat launch.

Mr. Bolan – yes.

D. Pierce – Mr. Bolan, have you done any review of the foot traffic on that path?

Mr. Bolan – just observation.

D. Pierce – and what time of year did you make that observation.

D. Pierce – how many times?

Mr. Bolan – twice.

D. Pierce – Thank You.

T. Decker – one other follow up question- the pathway as you head to the subjects site south to the boat launch, the pathway crosses the drive that goes to the boat launch- are you aware of that?

Mr. Bolan – yes.

T. Decker – so the people that are carrying their canoes, kayaks and tubes will then leave the pathway and have to walk the same drive that other vehicles bringing boats etc. to the ramp would need to, and would be accessing the ramp, correct?

Mr. Bolan – yes.

T. Decker – and would that be a safer scenario than the current scenario of people being brought by bus and dropped off at the boat launch.

Mr. Bolan – would be a neutral condition. Rest inaudible.

T. Decker – other than the boat launch- would that location be closer to the subject parcel.

Mr. Bolan – yes.

T. Decker – I don't believe that has come up at all in previous testimony. He may be wrong.

C. McBride – early in your testimony you were going down the benefits having this location and one of the items that was mentioned was employment of the young people in this area. Both Mr. Crance and Mr. Troutman stated that there's going to be an efficiency gain by reducing the number of bus runs by what's going to be happening here by as much as 50% and that the efficiency of handing out these items, at that point on the river as opposed to up on the hill at the roller rink. It sounds to him that the efficiencies are going to produce a possible reduction in employment as opposed to an increase in employment. If you're going to have 6 extra buses off the road per hour during a Saturday or Sunday that means less people working. Have you taken that into consideration in your statement when you said that would be a benefit as opposed to being a negative.

Mr. Bolan – it still is a benefit that it employs, regardless of the number..

C. McBride – but regardless of the number – that number wouldn't change regardless of this property, correct?

Mr. Bolan – it may change, perhaps you should ask that question of someone more familiar with how it's going to operate in the future.

C. McBride – but you made the testimony, sir.

Mr. Bolan – he was testifying to the fact that it employs.

Mr. Hoffman – not the numerosity of the employment.

C. McBride – no sir, I contend that this piece of property has no impact on the number of people that's employed and possibly could have a negative impact. He thinks it's a negative and not a positive, in his opinion and that's based on the testimony of three of your experts.

Mr. Bolan – he's not certain but he thinks there would be employees at the staging area that are not currently employed at the other location.

C. McBride – later on when we talk to Mr. Crance again - he would guess that moving all those tubes down, and there not up at the top - there at the bottom, they'll be moving people from the top to bottom.

C. McBride- you brought up that there was going to be a positive effect of parking on Route 29. Are you a traffic expert?

Mr. Bolan - no, he's not.

C. McBride – the traffic expert didn't state anything about the parking benefits on Route 29. He just said about the bus traffic on there, and there's been no testimony to that, and if that's the case and that's going to be one of your keystones for this, then we would want an analysis done on the parking on that road. In theory, the amount of traffic from cars is going to stay the same, all you're doing is changing the bus traffic. If you're telling him (CM) the parking situation on Route 29, with people sitting on the shoulders, is going to change you need to demonstrate that in a factual and efficient manner.

C. McBride – you also brought up foot traffic, some of the foot traffic issues, again there's been no testimony as to whether it would be positive or negative.

C. McBride - parking on the area, it worries him tremendously that there's going to be no parking on that site and that you could have casual people turning into that area because it is now, as you testified, going to be part of the gateway of the community. The gateway of the community traveling south on Route 29 would say, Oh, there's the tubing place and make a right hand turn into it. How are you going to prevent people from turning into that driveway? How are you going to address that situation?

Mr. Bolan - that's a question for the traffic engineer.

C. McBride – so the traffic engineer said that the only thing that he was considering was the ability for 6 buses an hour to get in and out of that place and no cars. Is it possible that cars are going to turn into that driveway?

Mr. Bolan – anything is possible.

C. McBride – so if any cars turn into that driveway that skews the traffic report. Also, on this property there are people that are going to want to access it possibly not with a bus. There are going to be people that are going to access it because of servicing the porta john and landscaping done. What's the impact of that traffic?

Mr. Bolan – that's a traffic question but he's sure with the scheduling they can be done off peak.

C. McBride – commercial organizations also have to address parking and accessibility for the disabled. What is the plan for ADA?

Mr. Bolan – that's a question for the engineer.

C. McBride – he don't understand the answer-don't you have to provide handicap parking there?

Mr. Bolan – he did not do the civil engineering on the site.

Mr. Hoffman – the use contemplates bus traffic. He imagines the buses have the ability to handle somebody that is handicapped.

C. McBride – it has to be documented someplace in his opinion.

A. Planer – Mr. Bolan the traffic on the towpath-you've also seen the towpath yourself, it's 4' wide would you say, 5'-6' wide.

Mr. Bolan – six (6) feet wide

A. Planer – so it's certainly wide enough for 1 -2 people to walk down and have a bike pass by.

Mr. Bolan – yes, on the path.

A. Planer – two people can walk side by side with a tube and a bike pass by.

Mr. Bolan – probably, yes..

A. Planer – three (3)?

Mr. Bolan – no, not on the defined path.

A. Planer – but if they were limited to the defined path and there were three (3) of them side by side it would not be possible for a bike to pass by.

Mr. Bolan – yes.

A. Planer – has there been anything in the plan to address the foot traffic?

Mr. Bolan – only the access from the site to the path.

A. Planer – Thank You.

L. Frank – so, Mr. Search testified that the plant was there before he was born and he lived his whole life in that house so he was there long before it blew up and burned down. What is actually there in the ground? There hasn't been any study done. Our own Sandy McNichol asked us to ask for this, so he's concerned about that because they'll be standing on an old industrial site that burned down.

Mr. Hoffman – he understands the expressed concerns of the Environmental Commission to the property and it's been much made of the newspaper articles that were presented and marked EXHIBIT -01 & - 02. If you look at the article that was marked -EXHIBIT-01. Copies he made from the newspaper articles were passed to the Board members and professionals.

L. Frank – there was no study done, correct?

Mr. Hoffman - correct, but all the evidence has been given to the Board. The one article, March 27, 1996, The Express Times, second paragraph says **“No injuries were reported and authorities later determined that the explosion was 'nontoxic'.”**

L. Frank – never tested anything, right..

Mr. Hoffman – no need to have a test, there's no basis to have the test. The only anecdotal evidence we have speaks of an issue that's nontoxic.

D. Pierce – he would like to address this particular issue in another aspect. He believes that there's an argument that can be made that this Board does not have the jurisdiction to require the applicant to demonstrate that the property meets the residential site contact standards that are established by DEP, and that the state in the enactment of its environmental regulations has pre-empted this area from local consideration, in particular, what he is referring to is the fact that the state has seen fit to require environmental investigations of certain properties, industrial properties, when those properties are transferred, ceased to be used for that industrial operation, and it's a complex issue because it's based upon the North American Classification of Industrial Activity System. That's one aspect. Another aspect is that the state has and seen fit and appropriate to specifically legislate the requirements of sampling and testing that must be done before a site is to be used for a daycare center and he believes someone can make a valid argument because of the extent and depth of those regulations and statutes, that if the state was concerned about the use of other properties or particular use of other properties in the environmental exposure hazards related to those, the state would have enacted legislation requiring that, and there is no regulation that requires that the regulatory scheme is that the future property owner, the person acquiring that property is going to be responsible for any environmental conditions found at that site, unless they take a do diligence investigation they have no reason to know that there's contamination there. So, he thinks there's an argument, while it's laudable, that the Environmental Commission has this concern and it certainly is a valid concern. He doesn't believe that there's a structure in place for this Board to require that analysis as part of this application.

Mr. Hoffman – our data that Mr. Kertes spoke to doesn't even speak of a public record showing environmental conditions having been caused by this historical event. It's a legitimate question and a legitimate concern but there's no foundation.

David Pierce – he does have a couple of questions for Mr. Bolan. He just wants to be clear- you're aware that this property does not provide direct access to the Delaware River, correct?

Mr. Bolan – yes.

David Pierce – are you aware that Mr. Crance has previously testified that the use of this property is not necessary for his operation.

Mr. Bolan – don't recall.

David Pierce – if he has testified to that would that change your opinion in any way.

Mr. Bolan – no.

David Pierce – you also testified that this would satisfy the zoning/planning purpose of lessening the cost of development, correct? If this variance were granted.

Mr. Bolan – that's a part of that purpose that he stated.

David Pierce – is that part of the purpose that you're relying on for your opinion?

Mr. Bolan – no.

D. Pierce – he wanted to be clear that was not a part of what your relying on for your opinion. Thank You.

M.L. Haring – are there any questions from property owners within 200' that have questions of Mr. Bolan.

Gary Search – They said there were no toxics – we went through two to three months of hell when that blew up to clean up all the asbestos that rained on our properties.

Mr. Hoffman – there's no public record of the environmental condition.

Gary Search – but he's saying he lived there – he went through it when it rained and it was asbestos. Everyone was around their place with white suits and masks and everything else for 2 to 3 months.

Mr. Hoffman – and what did the people do?

Gary Search – pick up all the asbestos particles all over our properties.

Mr. Hoffman – at that time did you see the asbestos particles.

Gary Search – yes, they did.

Mr. Hoffman – did they do the same clean up on the subject property.

Gary Search – it's possible.

Mr. Hoffman – very possible, correct.

Gary Search – very possible.

Gary Search – but the bottom line was they ran out of money, so everything's clean, so they packed up and left. That's what they were told.

Mr. Hoffman – so some government official told you it was clean.

Gary Search – yup.

Gary Search was sworn, by David Pierce.

Gary Search – the other statement that you made that there's no other residential property on the west side of 29. Isn't there a house right up the road?. Down, you're not going north.

Mike Pisauro – on behalf of Diana Evans. Mr. Bolan you had referenced a catering business just north of this property. Do you know when it started?

Mr. Bolan – no.

Mike Pisauro – so you don't know if it's grandfathered in.

Mr. Bolan – no.

Mike Pisauro – the area surrounding Lot 9 would be residential, which is across the street, and park which is surrounding it.

Mike Pisauro – he believes one of the professionals discussed **Ordinance 132-53 E. (Read)** We're clear that this site is not providing any parking, and he thinks that Mr. Bolan testified that since there's no structure you didn't think there was actual parking lot requirements.

Mr. Bolan – response inaudible.

Mike Pisauro – but the same subsection H (1) reads as follows: “**Each non residential use shall provide at least one space per use unless the applicant can demonstrate to the satisfaction of the reviewing board that such space is unnecessary.**” If this is providing up to 2,000 people per day – did you take a look and see if there's parking facilities sufficient for that?

Mr. Bolan – one space required.

Mike Pisauro – but your asking for a variance indicating that there are no detriments, meets all the negative requirements and meets all the positive requirements but you can't say whether there's sufficient parking.

Mr. Bolan – correct.

Mike Pisauro – and this use on Lot 9 is dependent on there being parking somewhere.

Mr. Hoffman – inaudible.

Mike Pisauro – it's requiring parking for customers to come, be transported and to get there.

Mike Pisauro – you haven't taken a look at the impacts of parking of this operation. The Delaware River Tubing operation.

Mike Pisauro – the use you are proposing is to have people come, pick up a tube, walk 500 ft. down a path to the boat ramp to launch.

Mr. Hoffman – they come by the bus.

Mike Pisauro – they come by cars.

Mike Pisauro – you are aware currently that the applicant is using the roller skating rink for parking, and for operations.

Mr. Bolan – yes.

Mike Pisauro – and do you know how long he's been doing that?

Mr. Bolan – no.

Mike Pisauro – but he has been doing that for a number of years, would that be an accurate statement?

Mr. Bolan – yes.

Mike Pisauro – do you know that he's currently operating.

Mr. Bolan – yes.

Mike Pisauro – you said you talked to the applicant as part of your ability to prepare testimony. You didn't inquire on how long he's been doing this? How many people he services a day?

Mr. Bolan – he knows how many people come in buses and the maximum they can carry.

Mike Pisauro – you didn't discuss with him how many people he serviced in 2012.

Mr. Bolan – no.

Mike Pisauro – and you didn't discuss with him how many people were serviced in 2011.

Mr. Bolan – no.

Mike Pisauro – that would be the same going back to the origination of DRT at the Kingwood area but you still testified that this operation would meet all the positive and negative criteria.

Mike Pisauro – did you take a look at the impact of noise on the surrounding residential areas?

Mr. Bolan - response inaudible.

Mike Pisauro – this use would generate noise, correct?

Mr. Bolan – everything generates noise.

Mike Pisauro – you didn't look at how the noise on this site would impact the neighbors across the street.

Mike Pisauro – he believes it was prior testimony that the applicant could continue to operate without this property and that doesn't impact your determination whether this property is particularly suited or not suited.

Mr. Bolan – response inaudible.

Mike Pisauro – you would agree that what Mr. Crance is doing -DRT is a commercial activity.

Mr. Bolan – yes.

Mike Pisauro – and the facility that exploded in 1996 was a commercial activity.

Mr. Bolan – yes.

Mike Pisauro – was that activity abandoned?

Mr. Bolan – by virtue of a fire.

Mike Pisauro – so, since it was abandoned it hasn't been around since 1996 and the AR Zone has been around at least since 1996 that doesn't impact your

Mr. Bolan – inaudible.

Mike Pisauro – and this property is in the AR-2 Zone.

Mr. Bolan- yes.

Mike Pisauro – I believe you testified, and correct me if I'm wrong, you're not aware of whether the facilities that are currently going on at the roller rink was grandfathered or not.

Mr. Bolan – that's correct.

Mike Pisauro – are you aware whether they have a variance to operate where they're currently operating.

Mr. Bolan – not aware.

Mike Pisauro – and your- one of the positive benefits is that you're going to be reducing bus traffic from the roller rink to the site and what's currently operating from the roller skating rink to the boat launch.

Mr. Bolan – not audible.

Mike Pisauro – and if that current traffic (busing activity) is in violation of the zoning requirements, that does not impact your testimony at all.

Mike Pisauro – currently it's your understanding that Mr. Crance is running a parking facility, for his customers, at the roller skating rink, correct?

Mr. Bolan – correct.

Mike Pisauro – that would not be permitted under the AR-2 Zone, correct?

Mr. Bolan – don't know what the grandfather status is at the roller rink.

Mike Pisauro – lets assume that it's not grandfathered and doesn't have a variance. Under the AR-2 Zone parking lots are not permitted, correct?

Mike Pisauro – the permitted uses in the AR-2 Zone, Section 132-30 B- (1) through (7).

Discussion between Mr. Hoffman and Mr. Bolan inaudible.

Mike Pisauro – is there actual recreation going on on Lot 9? Will there be actual recreational activities occurring on Lot 9?

Mr. Bolan – we're not claiming parks or playgrounds.

Mike Pisauro – and you would agree that this is not a private garage.

Mr. Bolan – response inaudible.

Mike Pisauro – and do you know there's no grandfathering of variances for Mr. Crances activities at the roller skating rink. The taking of money and giving of tickets that currently exists- would that be in violation of the AR-2 Zone?

Mr. Bolan – that's a commercial operation in a residential zone.

Mike Pisauro – and the transporting of individuals from one location to another? That's what currently is going on - would that permitted under the AR-2 Zone?

Mr. Bolan - inaudible

Mike Pisauro – how about a parking lot for buses. Is that permitted under the AR-2 Zone?

Mr. Bolan – depends on what the use is.

Mike Pisauro – under the AR-2 Zone the parking and storage of buses. Long term parking.

Mr. Hoffman – long term parking?

Mike Pisauro – and you would agree the lot itself does not provide access to the river. It has to go over the canal path and some other property.

Mr. Nolan – correct.

Mike Pisauro – you said you observed the towpath on one (1) occasion.

Mr. Bolan – two (2)

Mike Pisauro – did you take notes of your observations?

Mr. Bolan – no.

Mike Pisauro – how many people, how long were you there?

Mr. Bolan- response inaudible.

Mike Pisauro – how long were you there, time of day..

Mr. Bolan- Saturday-early afternoon.

Mike Pisauro – did you count how many people.

Mr. Bolan – no.

Mike Pisauro – do you know how many runners were on the path.

Mr. Bolan – didn't count.

Mike Pisauro – you talked about reducing the parking along the side of the road. Did you do any studies as to who those people were that were parking there and what they were doing?

Mr. Bolan – no.

Mike Pisauro – would you agree that the installation of the fence and canopy proposed by the applicant will impact the views of the neighbors across the street.

Mr. Bolan – will improve the views.

Mike Pisauro – will it obstruct their views of the Delaware River?

Mr. Bolan – inaudible.

Mike Pisauro – do you know how high the fence is that they're proposing.

Mr. Bolan – 8 foot high.

Mike Pisauro – and the canopy above won't obstruct any views.

Mr. Bolan – will not obstruct any views at all.

Mike Pisauro – did you do any studies to determine if that was accurate or not. You didn't take a look at the elevations to see what views will or will not be obstructed.

Mike Pisauro – did you observe Lot 9 from the properties across the street?

Mr. Bolan – only the common driveway.

Mike Pisauro – but not from the properties themselves.

Mr. Bolan – correct.

Mike Pisauro – and your understanding of this operation if this variance is granted is that people are going to park at the roller skating rink, be transported down to Lot 9 and then have to walk to the boat ramp.

M.L. Haring – Mr. Pisauro you're asking questions that already have been answered. Move it on.

Mike Pisauro – you've also indicated, if granted, you would be increasing efficiency, is that correct?

Mr. Bolan – yes.

Mike Pisauro – doesn't that assume that each bus that travels is full and doesn't take a partial load.

Mr. Bolan – response inaudible.

Mike Pisauro – do you know how many buses were running in 2012, on an hourly basis?

Mr. Bolan – inaudible.

Mike Pisauro – Thank You.

M.L. Haring – any other property owners within 200' that have any questions of Mr. Bolan. Anyone in the audience that has any questions of Mr. Bolan.

Michelle Bernhard, resident of Kingwood Township, stated that Mr. Bolan mentioned several benefits to having Mr. Crances business where he's proposing it be - the staging area and she believes he said that one of the benefits to encourage the use of land to promote the health, safety, etc. the residents and to provide sufficient spaces for a variety of uses to meet the needs of all citizens, to encourage free flow of traffic and discourage congestion and to encourage the coordination of private and public procedures and enterprises and he also mentioned something about the gateway entrance to the town, the first images people have of the town as they enter it. Could these same things be accomplished to the same extent, if not better, by having a staging area in a different location, such as the present commercial zone on Route 12 and busing people in.

Mr Bolan – couldn't provide the same river access.

Michelle Bernhard – right now he has river access through the boat ramp and your saying with his property that your talking about the people would have to walk down to the boat ramp anyway.

Mr. Bolan – what he speaking to is this particular location.

Mr. Hoffman – we're staging from this location and putting all our tubes there and that allows them to bring

less buses to that location, regardless from where they come from.

Michelle Bernhard – she understands.

Norman Torkelson, Stockton Planning Board, Mr. Bolan you made a comment in terms of meeting the use variances requests, you stated that this will help to identify and protect scenic views and vistas, is that correct?

Mr. Bolan – that was one of the items discussed under the negative criteria. (Goal/Objective in Conservation Element)

Norman Torkelson – OK- you also discussed that this recreational goal additionally was a low impact that protects the river and habitats, is that correct.

Mr. Bolan – he believes he stated that there would not be substantial impairment from this use.

Norman Torkelson – you also commented that this would benefit the general welfare through appropriate use and development without the detriment to the public good, correct.

Mr. Bolan -no substantial detriment.

Norman Torkelson – and then we talked about thousands of people on a peak weekend coming down to this site – where are they going to go to the bathroom?

Mr. Hoffman – the engineer testified to this situation.

Norman Torkelson – he's the planner and I heard maybe one or two porta potties, couple thousand people, where they gonna go? They're gonna be on a tube for how many hours and that's appropriate development that will not be detriment to the public good.

Gilbert Dick, township resident, sir, under the general welfare test you commented that this would be a low impact use. It may be a low impact use on the river but it's your position that the use of this property from the busing etc. is low impact.

Mr. Bolan – he's saying the use of this property is low impact compared to other uses.

Gilbert Dick – it's been commented, and nobody disagreed, the business already exists. You also commented that this use is as benign as any use. This property and the busing what's going to occur on it is benign as any use. Small office building being built with 3 or 4 cars coming out a day. This is the most benign as any other use, that's your position.

Mr. Bolan – other buses operate full time all year. Looking at it from an annual basis full time all year.

Gilbert Dick – annual basis 3 or 4 cars parking, using it as a business location as opposed to thousands and thousands of people using it from April to September every day of the week and worst on weekends that's more benign than his (GD) example.

Gilbert Dick – you also stated several times, as a plus, the site would have no parking. The object is that the buses are coming and going. Again, if you were a resident in this area would you find it more acceptable that four or five cars came and parked there during on any given day and there was a quiet use of it, as compared to the bus activity that may not be “parking there” but come and sit there and go and come back and sit there and go because there's no “parking” - that that's a plus? You made is sound as a plus that there will be no parking on this site and his question is, which would be less disturbing to the individuals and less impact to the area

cars parking there during the day, a few cars parked there and then left or the bus activity that's going to occur there because there not going to park except for periods when they are parked picking up and dropping people off. You consider that a low impact use because no cars are going to park there.

Mr. Bolan – 12 months out of the year would have more of an impact.

Gilbert Dick – that's your position I disagree. Thank You.

David Pierce – has a couple of questions for Mr. Bolan. You talked about this use operating 10 to 12 weeks per year – what do you base that on?

Mr. Bolan – what he heard from Mr. Crance.

David Pierce – are you aware of the bid that he was successful on for the operation of the river tubing concession with the State of New Jersey?

Mr. Bolan – no, he's not.

David Pierce -so if the operation were to run say 20 weeks, would that change your opinion in any way?

Mr. Bolan – no.

David Pierce – he would like to go back to the discussion of **Zoning Purpose – M**. He believes that Mr. Bolan indicated that there were two regulatory or other governmental approvals or permits that were involved in this operation.

Mr. Bolan – he simply referred to the concession agreement pending and other permits.

David Pierce – does the concession agreement require Mr. Crance to use this property?

Mr. Bolan – not aware.

David Pierce – you're not aware if this property is incorporated into that concession agreement, correct?

Mr. Bolan – correct.

David Pierce – what are the permits. What permits in particular.

Mr. Bolan – State and Federal level for access to the river.

C. McBride – you said they have to have a permit to access the river, do they have a permit to access the D&R Canal from the back of the property or do they need one?

Mr. Bolan – don't believe he needs one.

Mr Hoffman – you mean access from this parcel to the common area?

David Pierce – to the towpath.

Mr. Hoffman – his understanding that through the concession agreement they have authorization.

David Pierce read **Zoning Purpose – M** for the record again: “**To encourage coordination of the various**

public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;” You indicated earlier Mr. Bolan that you're not relying upon lessening the cost of such development as part of that, so you must be relying upon the coordination to promote the more efficient use of land

Mr. Bolan – yes.

David Pierce – how do those permits, which you're not aware of how they relate to this specific property promote the more efficient use of land.

Mr. Bolan – they promote the more efficient use by reducing the impact of the traffic on this ...rest inaudible.

David Pierce – how will the granting of this use variance change the use of the boat ramp by the DRT operation? His understanding is that the patrons will continue to use that access point.

Mr. Bolan – for the time being they will continue to use that access point.

David Pierce - there's nothing in the record before this Board that indicates that access point changing. That's not any part of this application.

David Pierce – he has one last question on Zoning Purpose – M- assuming, for the purposes of this question, that was the only zoning purpose that was being promoted by this use variance, are you aware of any reported cases in the state that relied upon the advancement of that purpose as a basis of special reasons and granting a use variance.

Mr. Bolan – that zoning purpose specifically, no.

David Pierce – Thank You.

C. McBride – you stated that you're looking have the variance include no parking on the facility, correct?

Mr. Bolan – yes.

C. McBride – that would be from the day the variance was granted until forever, correct?

Mr. Bolan- as long as this is the use.

C. McBride – you also stated that there will be no requirements for parking on Route 29 also, from the time a variance could possibly be granted.

Mr. Bolan – for this use, no parking.

C. McBride- period

C. McBride – if you're not going to have people parking on the shoulder of Route 29, but it's not your intention to have people parking on Route 29, so if variance is given one of the first things that has to be done is to do modifications to the foundation and that will require equipment, correct? Where will that equipment be parked.

Mr. Bolan – I assume on the site.

C. McBride – there's no parking on the site.

Mr. Bolan – I thought you were referring to what is generally considered parking on site, which is permanent parking. Construction activities park on site.

C. McBride – don't think you can have it both ways.

C. McBride – after it's established and you're running there 12 weeks a year – 20 weeks a year, what will the maintenance of that facility be for those other 20 to 26 weeks of the year.

Mr. Bolan – I don't know-that's a question for the engineer.

C. McBride – so, wouldn't you expect that the owner would come into that facility at least once a week or once a month and possibly during the winter time to check the facility, and when they do that they would most likely do that with a vehicle, correct?

Mr. Bolan – in the driveway.

C. McBride – what is the first thing they do after they drive into the driveway.

Mr. Bolan – they would leave it in the driveway.

C. McBride – would they park it in the driveway?

Mr. Bolan – yes.

C. McBride – so, if your given a variance that says that you're not going to have any parking spaces on there you're explicitly prohibiting yourself from parking vehicles there to do the improvements to the property that's required and do maintenance on the property that's required. Is that what you really want?

C. McBride – I believe, Mr. Pierce, we have a conflict on what they applied for and what they want.

David Pierce – you may very well be correct, Mr. McBride. That was part of purpose of making that statement for the record previously. The applicant is aware of your position with respect to the parking variance, its aware of the concerns by the Boards professionals regarding the parking variance, and the applicant can choose to address that or the applicant can choose to proceed at its own risk without presenting that information. We cannot compel them to present that information, we can request it, if they decide not to provide it then the Board will have to act accordingly and take that into consideration in its deliberations.

Mr. Hoffman – he's going to bring back the engineer. He don't think we can finish tonight. He requested a 5 minute recess to speak with his client.

M.L. Haring – we're not taking a break, it's just a 2 minute recess for you. (Mr. Hoffman)

Mr. Hoffman – Madam Chair, we certainly have to come back, bring his engineer back next time and discuss concerns of the Board addressing the parking

David Pierce – I believe that we're at the point, Mr. Hoffman, where we're probably going to require a consent to an extension of time to act regardless, I think we're running up to the 120 days already, so even to carry it to the next meeting would require an extension.

Mr. Hoffman – absolutely. He's just trying to forecast whether we we will have another meeting, will we need another extension for that based on what the objectors say.

David Pierce – it's certainly appropriate to ask the objectors if they're willing to share with us, what sort of professional testimony, if any, they intend to provide, the approximate length of that. It happens all the time in court cases- you tell the court how long you think you're gonna be.

Mr. Hoffman – and this will be without notice of the next meeting.

David Pierce – yes.

Mike Pisauro – plan to have a traffic engineer and planning expert-approximately one hour and a half or so, maybe longer, maybe shorter.

David Pierce – I think we can anticipate that you'll have more public participation, in terms of presenting testimony and objections or positions on it so I think your going to have more than two (2). His expectation is that we'll probably end up carrying this past next month. I would plan on that.

Discussion on extension but it was noted that they missed a month due to escrow replenishment not brought up in time.

M.L. Haring – Mr. Crance I have a question for you. When all is said and done, if the variance is granted, will you still have what's known as your staging area, where they pay and sign the release. Will that be down on your property or will it be.

Mr. Crance- everything will remain where it is. The goal is to give them equipment, nothing else should be done there.

M.L. Haring – no hold up down below.

Charles McGroarty – just for the applicants consideration for the next meeting if they are, he would ask the question that he asked tonight and he's not sure if the Board is going to be granting recognition of the facility that's in place at the roller rink unless there's some testimony whether it's grandfathered or has a use variance.

Mr. Hoffman – we are asking for a use variance specific to the parcel. Madam Chairs concern was that we wouldn't deal with the exchange of money, completion of forms etc.

M.L. Haring – that was her specific question to Mr. Crance.. However, what our planner was discussing that has to do with our zoning ordinance of sufficient on site parking or adequate off site parking.

M.L. Haring – that was apples and oranges – that was one specific question for Mr. Crance. What we're talking about is another issue and yes, if we talk about that you do need to be present.

Mr. Hoffman – no variance application for the roller rink.

R. Lerch – the thumb drive that we currently possess has two presentations on it and only one is meant for them to look at, the one I presented tonight – labeled traffic.

Me. Hoffman – the issue I have with that is you put that in the hands of the Board. There in public domain-he would like to see both.

David Pierce – he will settle this. He disagrees with Mr. Hoffman that he (Mr. Lerch) provided the Board with a flash drive that contained several files, Clearly Mr. Lerchs intent was to present to the Board and you (Mr. Hoffman) the file that he opened tonight. There has been no opening of the other file and would be entirely inappropriate for the Board to release that at this point in time.

M.L.Haring – you were here when it was opened what you saw is what we saw.

David Pierce – everything that happens on that computer is shown on the wall.

Mr. Hoffman- then he only wanted one.

Randy Letch – it's the one labeled traffic.

Charles Soriero – regarding the request of your attorney, we are going to need 20 minutes at the meeting, we're going to introduce a Resolution passed by the Stockton Planning Board and sent to many of the municipalities along the Delaware River. No copy was sent to Kingwood Township.

David Pierce – he thinks the appropriate way to handle that is to present that as part of his testimony.

Mike Pisauro – for the next meeting your going to bring back the engineer any other. Mr. Bolans testimony is complete as he sits here right now. Any other witnesses.

Mr. Hoffman – he's bringing people back..

M.L. Haring – the DRT is adjourned for this evening and will re-convene on October 9, 2013, at 7:30 without re-noticing.

OPEN TO PUBLIC:

Robert Fee- he owns the roller rink driveway. Sorry-next month.

September 21st is Kingwood Townships Community Day- Don't Forget

COMMUNICATIONS/REPORTS:

C. McBride – he believes that we should talk with the Township Committee to come up with a strategy for explicitly handling the electronic files.

C. McBride moved to have a letter sent to the Township Committee requesting a policy for the handling of electronic files, seconded by L. Frank. All in favor.

ADJOURNMENT:

D. Hewitt moved to adjourn, seconded by L. Frank. All in favor. Meeting adjourned at 10:31 PM.

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

