

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT**

**May 14, 2014
MINUTES
7:30 PM**

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

PRESENT:

D. Hewitt	C. Ostergaard, alt
M.L.Haring	D. Pierce, atty
P. Stepanovsky	J. Laudenbach
B. Wilson, sec	T. Ciacciarelli
C. McBride	

ABSENT:

L. Frank

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:

The April 9, 2014 minutes was approved with a motion by D. Hewitt, seconded by J. Laudenbach. On roll call to vote.

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

Abstain: None

Absent: L. Frank

RESOLUTION:

Perini Properties, LLC – Block 15, Lot 8.01.

C. McBride made a motion to approve, seconded by D. Hewitt. On roll call to vote.

**Aye: C.Bride, J. Laudenbach, P. Stepanovsky, D. Hewitt,
M.L. Haring**
Abstain: C. Ostergaard
Absent: L. Frank
Nay: T. Ciacciarelli

NEW BUSINESS:

None

OPEN TO THE PUBLIC:

C. McBride, if it pleased the board - Mr. Pierce, what communication do we get from a petitioner when their conditions we set upon on their variances are completed and how do we know when they are completed.

D. Pierce – It depends on the condition itself, for instance, if it's County Planning Board approval they would have to provide a letter from the HCPB showing approval or lack of jurisdiction. If it's some other obligation, such as site improvements, they would have to have Tom Decker inspect it and sign off on it before they would be able to occupy the site.

C. McBride – So, with the DRT variance that was approved earlier this year, he believes the resolution was approved earlier this year, several conditions were placed on that variance including when they were allowed to store property on that property, where the storage was going to be behind fenced areas, proof of parking sufficient to run the business, time frames for when they could or could not store stuff there. He believes that date was May 1st - before that he knows they had existing stuff on that lot and they have existing stuff on that lot now and none of the visible modifications that we requested have been made to that unit at this point of time. It's not clear if they've done the completion of the work on the septic and/or wells that were supposed to be topped. They haven't adjusted the building foundation to the existing property lines/set backs and he's concerned that they're going to put that property into production without any of the conditions being met.

D. Pierce-The conditions of the variance, conditions of the operation of the site would be enforced by either the zoning official or the code enforcement official.

C. McBride requested that the Board make a Resolution to get a formal report from the code enforcement official and zoning officer to go through the conditions that this Board placed on a variance to make sure that they've all been satisfied and if they have not been satisfied that action be taken to re mediate the situation including removing items that were not supposed to be stored on that lot. The storage, on that lot, was supposed to be for: tubes, kayaks, rafts etc. and we have a formal written report back by the next meeting including any actions that have been taken to re mediate the situation.

M.L.Haring – The fine line question she has is if his business doesn't start up anytime soon - Can he put his property on his property that he owns ? He had to remove everything from the roller rink. He doesn't have a lease with them any longer. So, basically he owns that lot and needed to

put his stuff somewhere until he can find what he needs to start up. So, we're gonna be telling him that we don't care that you own the property but you can't keep your stuff there. He won't be able to start up until he can find ample parking somewhere.

C. McBride – The items that are being stored there are items that are for commercial purpose.

D. Pierce – If he deviates from what was approved then he's in violation of the variance and the zoning.

C. McBride stated that he's in business and M.L. Haring stated but the business isn't opened.

C. McBride – The business is running or bankrupt or closed.

Discussion continued.

D. Pierce – The only commercial activity that he's allowed to do on the site was what was granted in the variance and subject to all the conditions.

Discussion continued.

C. McBride – Just because a business isn't in the process of earning money doesn't mean that they're not operational.

Barbara Wilson, secretary, stated that the zoning officer has been made aware of that from an email from Diana Evans sent to her and the zoning officer.

J. Laudenschlager asked if he received a copy of the Resolution and was told he did.

Barbara Wilson also sent the zoning officer an email requesting a report on the activity on the DRT property. No reply received.

D. Hewitt read condition # 17, page 29, from the resolution.

Discussion continued.

The Board was polled and all were in favor of a letter being sent to the zoning officer/ code enforcement official to investigate the activity on the DRT property with a report being sent to the Kingwood Board of Adjustment by the June 11, 2014 meeting.

COMMUNICATIONS/REPORTS:

Kingwood Township Minutes for March 6, 2014.

Delaware Township Ordinance #2014-02LU

Municipal Official Training for Stormwater Regulation Compliance – 5/31/14.

ADJOURNMENT:

J. Laudenbach made a motion to adjourn, seconded by D. Hewitt. All in favor.

Barbara Wilson
Secretary

