

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT**

**April 8, 2015
MINUTES
7:30 PM**

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

PRESENT:

D. Hewitt
M.L.Haring
P. Stepanovsky
B. Wilson, sec
C. McBride
C. Ostergaard, alt

L. Frank
D. Pierce, atty
J. Laudenschach
T. Ciacciarelli
T. Decker, eng

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:

The following corrections were noted for the March 11, 2015 minutes: page 2 – Bolinger s/b Bohlinger; form s/b from; page 3 – is these s/b is this; page 6 – there not s/b they are not; page 8 – last sentence sate s/b state.

D. Hewitt moved to approve the March 11, 2015 minutes with corrections, seconded by C. McBride. On roll call to vote.

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

Abstain: None

Absent: None

RESOLUTION:

County of Bucks, Block 37, Lot 4

J. Laudenschach moved to approve the revised Resolution with corrections, seconded by D. Hewitt. On roll call to vote.

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

Abstain: None

Absent: None

NEW BUSINESS:

Determination of Completeness:

Delaware River Tubing – BL6, L21 – Use & Bulk Variances, Preliminary/Final Site Plan

Larry Hardcastle stated that they're here this evening for what is hopefully the final piece of approval required to support a new business by Arties Bar & Grill and provide a permanent future for DRT. They reviewed the Review letter from Tom Decker, dated March 30, 2015 and Larry Hardcastle addressed the following: The escrow fees have been resolved. Site Plan Checklist #4 -will be submitted in accordance with any modifications made this evening. The waivers are going to be discussed by the engineer. Item #10 – will provide. Item #14 – application made. Item #16 – will provide. Item #20 – will be having conversation with the HCHD.

Eric Rupnarain, engineer, will go over waivers requested. They ask the Board to consider the waivers on those issues for purposes of completeness with the subsequent provision that all of these items be submitted at least 10 days prior to the next hearing. They have submitted an application to NJDOT on 4-3-15 and received a copy back explaining guidelines and the calculations indicate that a permit will not be needed because the maximum trips per hour is under the threshold for DOT permits. They will be providing more information.

Eric Rupnarain, engineer, went through Tom Decker's Review letter dated March 30, 2015.

Site Plan Checklist:

- #5 – Waiver – no potable water used, only bottled water. (completeness only)
- #6 – Waiver - seasonal (10 weeks out of the year). Tents placed on property for various purposes, not permanent, no change in ground cover, tracking path will be placed to clean tires, after the season the grass will be restored by seeding and hay.
- #10 – Information on application will be corrected.
- #13 – On site inspection- no wetlands found. They have applied to the state for that determination.
- #14 – Will make that application.
- #16 – Will provide.
- #8 – Will be corrected on plans. (Owner AM- Applicant DRT)
- #19 – Waiver - none on property.
- #20 – Waiver - have info will submit and also will submit to HCHD
- #22 – Will show dimensions-10x20 some doubled up and locations.
- #25 - Waiver Requested.
- #28 - Revised plans will be submitted showing the parking.
- #31 – Waiver Requested.
- #32 – Waiver Requested.
- #33 - Will be shown on the plans.
- #35 - Waiver Requested.
- #37 - Will submit.
- #48 - Will show on revised plans.

Tom Decker went through the following items that waivers were requested:

- #5 – at DRT's previous site they had a free standing shower head – no facilities like those are proposed – no exterior showers. Eric Rupnarain stated there will be no additional water draw from DRT..
- #6 – Waiver be granted for completeness purposes only with the understanding that should in the course of the application improvements are proposed that would trigger storm water management they would be required to comply with that.

Charles McBride -if we're talking about parking lot with several hundred parking spaces with cars going in and out isn't it logical that in some point of time there's going to be ruts and stuff that will change the way the storm water flows off the property. And with the vehicles and the discharges from vehicles whether on purpose or by accident, like oil or antifreeze, wouldn't storm water analysis be required.

T. Decker – I agree with you. At this point we're looking at completeness and they're not proposing any improvements. That's why I'm saying we grant the waiver just for completeness purposes. Last week he was at the site and took pictures you could tell exactly where the vehicles traveled during last years operation but that's all part of testimony.

Item #19 – Agrees with waiver for completeness.

Item #20 – They will meet with the BOH.

Item #22 – They will comply.

Item #25 – Agree with the waiver.

Item #28 – They will comply.

Item #31 - Waiver for completeness purposes.

Item #32 - Waiver appropriate-not proposing any.

Item #33 - Will comply.

Item #35 - Waiver for completeness purposes.

Item #37 - Will comply.

Item #48 – Will comply.

Tom Decker – those were his comments.

L. Frank – you mentioned farming – is that lot farm assessed?

Larry Hardcastle – it's not farm assessed but per the ordinance farming is allowed.

D. Pierce asked Tom Decker if Item #5 is waived for completeness only.

Tom Decker – yes.

D. Pierce asked Tom Decker if it would be appropriate to have certain waivers for completeness and other items conditionally complete subject to providing the items that they agreed to provide so that we have that before the hearing next month - May 13, 2015.

Barbara Wilson - they have 10 days before the meeting date to submit the documents. (May 4, 2015)

C. McBride moved that the application be conditionally accepted as complete with the following conditions: Item #25- permanent waiver; Item #5,6,19,20,31,32,35- waiver for completeness purposes only; Item #4,10,14,18,22,28,33,37,48- conditionally complete subject to providing items they agreed to. Seconded by J. Laudenbach. On roll call to vote.

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

Abstain: None

Absent: None

M.L. Haring – the next hearing date is May 13, 2015

OPEN TO PUBLIC:

A person from the audience had questions regarding the DRT application. M.L. Haring informed her to come to the Board meeting next month where she could address them.

C. McBride asked D. Pierce if he could give a brief overview of how the discovery process, the testimony and the memorialization goes for the people in the audience that might not understand.

David Pierce – The way the Board will administer the application process is as you seen tonight, is the applicant submits the application and supporting documents. The Township Engineer reviews that, compares

it to the checklist requirements, identifies items that are missing or deficient and the Board will review that, and it has the authority to either deem the application incomplete because there's not enough information there or if it feels it's appropriate, as in this case the distance to the nearest intersection, 2500 feet away, they can waive that or they can waive it for purposes of completeness. What that means is, it's a temporary waiver and the applicant is not excused from providing that information during the application. It's simply the Board will not postpone the hearing on the matter until the applicant provides that. The Board could say – we're not going to even set a hearing date until you provide this information, but the Board said it's okay to set a hearing date and we'll review these issues during the testimony of this application. The items that are deemed conditionally complete, the applicant does have to supply those 10 days before the hearing so that the Board and the public has the opportunity to review that. At the hearing or prior to the hearing, the applicant must publish notice and mail notice to property owners within 200 feet. They only have to mail it, they don't have to prove that the property owner received it. That's a jurisdictional requirement and if they do not mail notice to anyone within 200 feet the Board cannot open the hearing and proceed. Once the hearing is open, the applicant will present testimony from the individuals running the company, as well as various experts such as their engineer, environmental expert and possibly a traffic expert and others that they might have. During that process the Board will ask the witnesses questions and after the Board has asked each witness questions, then any member of the public will be given the opportunity to ask questions of that witness as well. Once the applicant completes all of its testimony, then anyone with an interest in the application will have an opportunity to present their own testimony and concerns through direct testimony. They can even hire an attorney to represent them. Then the same process will happen - the Board will ask questions and the applicant can ask questions of that witness. Once that's done the applicant may have some clarifying testimony to present. The Board will take final comments and close the hearing and deliberate on the application and make a decision as to whether or not the application should be granted. The Board has the ability, because this is a variance, it has the ability to impose conditions upon the variance it thinks are necessary if it decides to grant the variance. It has the authority to impose conditions that it thinks are necessary to alleviate some of the detriments that might occur because of the variance. That's a brief summary of what will happen.

COMMUNICATIONS/REPORTS:

Kingwood Township Minutes for February 5, 2015 & February 18, 2015

ADJOURNMENT:

L. Frank moved to adjourn, seconded by D. Hewitt. All in favor. Meeting adjourned at 8:15 PM.

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

