

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT**

**MINUTES
January 13, 2016
7:30 PM**

CALL TO ORDER

The meeting was called to order by M.L. Haring at 7:33 PM.

PRESENT: T. Ciacciarelli
L. Frank
M.L. Haring
J. Laudenbach
P. Stepanovsky
D. Hewitt
C. Ostergaard, Alt #1
D. Pierce, Attorney
T. Decker, Engineer

ABSENT:

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.

Notification of the date, time and place of this meeting has been published in the Hunterdon County Democrat, Courier News and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk. The Board of Adjustment proceedings close at 10:30 pm.

RE-ORGANIZATION

Nomination of Chairperson

D. Hewitt nominated **M.L. Haring for Chairperson**, seconded by J. Laudenbach. P. Stepanovsky moved that nominations be closed, seconded by L. Frank. **On roll call to vote.**

Abstain: M.L. Haring

Aye: T. Ciacciarelli, L. Frank, D. Hewitt, J. Laudenbach, P. Stepanovsky
C. Ostergaard

M.L. Haring - Thanked the members of the Board.

Nomination of Vice Chairperson

D. Hewitt nominated **P. Stepanovsky for Vice Chairperson**, seconded by J. Laudenbach.

L. Frank moved that nominations be closed, seconded by D. Hewitt. **On roll call to vote.**

Abstain: P. Stepanovsky

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

Appointment of Engineer

J. Laudenbach moved to appoint **Thomas Decker from the office of VanCleaf Engineering Assoc.**, for the Board of Adjustment Engineer, seconded by D. Hewitt. P. Stepanovsky moved that nominations be closed, seconded by D. Hewitt. All members voted **AYE on ROLL CALL VOTE.**

Appointment of Planner

J. Laudenbach moved to appoint **David Banish form Banish and Assoc.** for the Board of Adjustment Planner, seconded by C. Ostergaard. P. Stepanovsky moved that nominations be closed, seconded by D. Hewitt. All members voted **AYE on ROLL CALL VOTE.**

Monthly Meeting Dates

It was moved by P. Stepanovsky, seconded by D. Hewitt and carried to approve the Kingwood Township Board of Adjustment meetings for 2016 be held on the Second Wednesday of each Month at 7:30 PM as set forth on the agenda. All members voted **AYE on ROLL CALL VOTE.**

Newspaper

It was moved by L. Frank, seconded by D. Hewitt and carried to designate the Hunterdon County Democrat & Courier News as the official newspapers, with the Express Times as alternate, of the Kingwood Township Board of Adjustment. All members voted **AYE on ROLL CALL VOTE.**

D. Hewitt – Asked to add a recommendation and motion that C. Ostergaard be moved up as a regular member to the Township Committee.

M.L. Haring - Asked if a letter is needed.

D. Pierce – We will make a recommendation to the Township Committee, they will do the appointment.

M.L. Haring – Asked D. Pierce if he should send a letter to the committee.

D. Pierce – You can simply make a motion and Kris can send a letter to the committee indicating that the Board made the motion or I could.

M.L. Haring – Ok, David made the motion, can I have a second.

It was moved by D. Hewitt, seconded by L. Frank to move C. Ostergaard from alternate to the regular Board position.

Abstain: C. Ostergaard

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

NEW BUSINESS

M.L. Haring - First item of business, the September 9, 2015 Minutes.

P. Stepanovsky – On page #2 of the September 9, 2015 meeting it says “C. McBride made a motion to approve Resolution 2015-02 with the exception of the caption on page 1”. The next line says it was moved by P. Stepanovsky and seconded by C. McBride, it should be the other way around.

M.L. Haring – Ok, so it should say it was moved by C. McBride and seconded by P. Stepanovsky.

M.L. Haring - Asked for a motion to approve with the correction.

It was moved by P. Stepanovsky, seconded by D. Hewitt and carried to approve the minutes of September 9, 2015 with the following correction. **Page #2 “It was moved by C. McBride, seconded by P. Stepanovsky and carried to approve Resolution No 2015-02 with the change of “Approval” to “Denial”. On roll call to vote.**

Abstain:

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

M.L. Haring - Additions or corrections to the December 9, 2015 Minutes.

D. Hewitt – On page #4, DeSapio is misspelled.

C. Ostergaard – Last name Pierce is misspelled on page #3.

M.L. Haring - Asked for a motion to approve with corrections.

It was moved by J. Laudenschach, seconded by D. Hewitt and carried to approve the minutes of December 9, 2015 with the spelling corrections of D. Pierce on page #3 and Mr. DeSapio on page #4. **On roll call to vote.**

Abstain:

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

M.L. Haring – Delaware River Tubing, Inc. Block 50, Lot 9, Request for Extension of Time.

Gaetano DeSapio, Esq., Attorney from Frenchtown, announced he is representing Delaware River Tubing, Inc. and also on behalf of the property mentioned in the resolution.

D. Pierce – Asked that Board members J. Laudенbach and L. Frank excuse themselves.

G. DeSapio – Delaware River Tubing, Inc. is here tonight to request an extension of time in regard to the completion of certain improvements on this parcel which were to be done within two years. What you approved was the use of this parcel as the staging area for the tubing operation. When originally approved the tubing operation was conducted at what everyone calls the Roller Rink site. The intent of the tubing company was to coordinate the improvements on this parcel with things that were going to be done on the roller rink site. The applicant lost their lease and tried to find another place to conduct the operation, as you are all probably aware they selected the site on Rt. 12. He made an application to this board for approval and was denied. He did not or could not have the funds or it didn't make sense to make the improvements on the parcel that is covered by the resolution until he had a site and until he was in lawful operation. Therefore, we requested an Extension of time, Mr. Pierce asked us to appear before the Board to explain the applicant's intent. In August of last year, after you denied the variance, the applicant moved his operation to Alexandria Township. He located a site there that was zoned commercial. We thought that his operation was commercial. Alexandria has an ordinance that if you have a commercial operation on your site already, you can go to another commercial operation, as long as they are both permitted uses you don't need any approval. So they opened up, started the operation, the Zoning Officer then determined that his use was not commercial, it was recreation. We appealed to the Board of Adjustment for an interpretation of the ordinance and also to appeal the Zoning Officer's determination that the use wasn't commercial. In December, the Board of Adjustment in Alexandria Township affirmed the Zoning Officer's determination and said he was recreational and he should come back for a variance. Delaware River Tubing is doing two things, next week the variance application will be filed in Alexandria and an appeal of the interpretation ruling in the advent the variance is not granted, so we have some recluse. We feel that by this summer season we will have some resolution, we will have a lawful, initial site, so that he can coordinate his operation with this site here, but he's not going to be able to get the improvements because he doesn't have the money and he doesn't have that site approved yet. We are asking for an extension for two years not because of delays but because he will likely not get approval until May or June of this year. We would like the opportunity to complete the work. I think this is fair. For those of you who were on the Board at the time this resolution was adopted, it was essentially finding that this lot could not be used for the erection of any structure. I respectfully suggest any useful purpose for the Town to say this can't play out, he should lose his variance and then he's got a lot with no approval and no chance of conforming use. He is making a good faith effort and will continue to do so to keep everyone happy. We will also try to satisfy Alexandria Township and then go about developing the improvements.

M.L. Haring – Asked the Board for questions.

D. Hewitt – It's a sensible explanation. We had no idea of the Alexandria Township situation. One has to play out before the other and both scenarios are needed. I would have no problem with this.

M.L. Haring – Essentially there is no other use that was proven over months of testimony. We did approve it. There is no parking anywhere, a big hurdle that will have to be overcome. I don't see any reason to not grant an extension, it won't prove anything. If we say No you can't do that then why did we go through all of that in the first place. Therefore, I have no problem granting an extension but it would have to be proven that there is ample parking before a business could open there.

G. DeSapio – That would have to be proven to Alexandria Township for the base site before they will grant permission will be granted. It should all be resolved. I would hope for it to be resolved by now, but with a misunderstanding about whether it was a permitted use or not, now we are beyond that and let's go to the next step.

M.L. Haring – Asked for a motion.

P. Stepanovsky - Questioned D. Pierce about other site stipulations.

D. Pierce – Yes, he had to come back to the Board and demonstrate that he had a lawfully permitted site for the intake process.

G. DeSapio - I agree. Hopefully, Alexandria will approve this and when they do we will show that we have the other site. Improvements will then begin but we need the extension in order to have the time to get the other approval. It's essentially going to happen this spring or there's going to be big problems all around.

P. Stepanovsky – Asked D. Pierce if we could make a motion to approve with time restriction.

D. Pierce - I would suggest a compromise in a way to keep control of the situation is to grant a one year extension from December when it would previously expire. Have him come back in next November or December to explain where he is in the process. And what approval he has and then the Board can make a determination at that time whether a further extension is appropriate.

P. Stepanovsky – I'll make the motion we grant a one year extension from December.

M.L. Haring – Asked for a second.

D. Hewitt – Second.

It was moved by P. Stepanovsky, seconded by D. Hewitt and carried to grant approval of a one year Extension of Time for Delaware River Tubing, Inc. Block 50, Lot 9.

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

G. DeSapio – Thanked the Board.

OPEN TO THE PUBLIC

M.L. Haring - Called for comments from the public.

COMMUNICATIONS/REPORTS

M.L. Haring – Announced The Kingwood Township Committee Meeting Minutes for November 5, 2015 and November 12, 2015 Special Meeting were available.
Review of County Ordinance #2015-02

ADJOURNMENT:

The meeting was adjourned with a motion by L. Frank, seconded and carried by D. Hewitt. **All in favor.** The meeting adjourned at 8:03pm.

Respectfully submitted,

Kris Boxwell, Secretary