

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
February 08, 2023
7:00 PM**

CALL TO ORDER

A regular meeting of the Kingwood Township Board of Adjustment (BOA) was called to order at 7:00 pm by the Vice-Chairman, Jim Laudenbach.

NOTIFICATION

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.

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon County Democrat and Courier News on December 22, 2022. Copies of the notice were also posted in the Kingwood Township Municipal Building on December 22, 2022. The Board of Adjustment proceedings close at 10:30 pm.

ROLL CALL:

PRESENT: James Laudenbach – Vice Chairman, David Hewitt, John Mathieu, Leslie Bella, David Frank, Paymon Jelvani (Alternate #1).

ABSENT: Phil Lubitz – Chairman, Cynthia Ostergaard

OTHERS: None

NEW AND PENDING BUSINESS:

NO NEW OR PENDING BUSINESS FOR FEBRUARY 2023.

APPROVAL OF MINUTES:

J. Laudenbach asked if there were any questions or comments, additions or corrections to the January 11, 2023 BOA Meeting Minutes. None noted. The Vice-Chairman asked for a motion to approve the meeting minutes.

It was moved by L. Bella seconded by J. Mathieu to approve the Meeting Minutes of January 11, 2023.

J. Laudenbach asked for a Roll-Call Vote:

Roll Call Vote:

J. Laudenbach	Yes
D. Hewitt	Abstain
J. Mathieu	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Alternate does not vote due to a full quorum.

CORRESPONDENCE/REPORTS:

The Vice-Chairman reviewed the January Zoning Report and commented that there was not much going on – just some of the Application Types brought before the Zoning Officer. There were a couple of generators, construction of an indoor and outdoor riding arena and some construction projects.

J. Laudenbach moved on to the Planning Board Agenda. He asked John Mathieu if there was anything going on with the Planning Board.

J. Mathieu said not a lot going on just the scenic byway and that is on its way to being concluded.

J. Laudenbach commented that the Planning Board has two new Board members. J. Mathieu was not aware of that but that might be correct.

D. Hewitt asked J. Mathieu if he heard anything about the bowling alley property? J. Mathieu said he hasn't heard anything. The only thing he had heard was that they were going to put a warehouse there. D. Hewitt said that is what was said at a previous BOA meeting. L. Bella said then they tore down the bowling alley much to the dismay of the residents.

J. Laudenbach asked if there was anything else that anyone had to say. J. Mathieu said there seems to be one thing we should be watching, not so much for the Board of Adjustment but what is going on the Cooley Farm on Rt. 29. He said that would be turning into a donnybrook (a public dispute).

L. Bella said she does not know where the Cooley Farm is located, and would he tell where it is located.

J. Mathieu said it is approximately 1 mile south of the Frenchtown border on Rt. 29 on the east side. It was preserved under Green Acres. It is the property which Big Bear got a franchise from the state to operate a tubing business that the Hot Dog Man used to operate. It was active last year. The state asks for a proposal. It gives a franchise for a private enterprise to operate on state property in exchange for money. He doesn't know what their contract provides but he knows that the Hot Dog Man paid \$45,000. What is going on now is that Big Bear has completely complied with everything with Kingwood, the state and water management. They are putting in a 196-parking space lot, it will be asphalted. It will cost \$6.00 per space to park there. J. Mathieu does not know how much of that will go to the business and how much will go to the state. There is some concern as to what the public access will look like. Will they tell you when you drive in that you are to park here and give us \$6.00? Personally, J. Mathieu thinks it violates the spirit of Green Acres and it will be a donnybrook in the making.

D. Hewitt said it is a sad time when we have Green Acres properties for open space, and it is allowed to convert into a business.

L. Bella said it is like the old song “take down paradise and put up a parking lot.” It is hard to believe that a Green Acres property with all the regulations around it would allow it to be paved.

J. Mathieu said they had earth movers there today. They have spent a fortune and with a franchise fee that is probably higher than \$45,000 from a fiscal standpoint, he doesn't know how they will recoup what is being spent on it. They have imported an enormous amount of soil, they have dug a pipeline out to Rt. 29 to drain the runoff from the parking lot, he doesn't know where that runoff will go. As a founding trustee of the land trust and a conservationist all his life, it makes him furious to what they have done. He has always supported the Green Acres bond issues. If that is the way the state is going, he is not on that wagon anymore.

L. Bella said they need to understand more about it and what the regulations are that went along with the Green Acres and what the guidelines are. J. Mathieu said yes there are, and the Township is working on it.

P. Jelvani asked if Kingwood Township has the authority to stop it. J. Mathieu said no. He understood that it was a state directive, a Green Acres acquisition. Now if Kingwood has money in it because the township partners

with the Green Acres properties, we say have a say in it. They should come before the township just as a courtesy to let the township know what they are doing and planning just like they did with the Kingwood Elementary School.

L. Bella said we should look at the agreement and are they in compliance with the agreement.

J. Mathieu said that is being done as we speak. This is something that the Township Committee must work on.

L. Bella said what bothers her is the re-direction of water.

J. Mathieu said he assumes that they will run the drainpipes off to the south and then about quarter mile there is a place where it can discharge into a tributary to the Delaware River. It looks like that is what they are going to do. He is watching what they are doing there and today the pipes are covered. This is something the BOA has no power over it, the Planning Board has no power over but it is something the Township Committee must look into it. The key is what did the agreement say. That property was preserved when the Hot Dog Man was in operation. He is not happy with it at all.

P. Jelvani said it is no longer green land anymore but a black land.

D. Frank said what drove it financially when they could have taken over the old Hot Dog Man's property north of Frenchtown with room for the buses and parking.

J. Mathieu said that property was owned by Sal DeSapio who has passed away, but everything is still there from the Hot Dog Man. All the equipment is still there, the busses, life preservers. The Hot Dog Man was in default with his operation. He agrees with D. Frank that would have been a better place for the Big Bear business. The state must have thought that this was a good opportunity for them but why would you ask the taxpayers to put money into land to preserve it and then come in and charge for it and ruin it?

D. Frank asked J. Mathieu if Kingwood Twp. gets any money from the Big Bear operation? J. Mathieu said no but he would have to see the agreement. Kingwood did not get any money from the Hot Dog Man. Even though his operation as based in Alexandria Township, but the bulk of his operation was in Kingwood Township.

D. Hewitt said that with the Cooley Property the parking lot will be exclusively for the Big Bear business. It is gated from Memorial Day until Labor Day. The local people can't park there. There is a fee charged but that would be for the tubers and not for the general public. Will the local people be able to park there through the summer months?

J. Mathieu asked will there be a certain number of spaces for the tubing operation and the rest for public parking? What happens if they fill their number of spaces and then they encroach on the public spaces? It may become a money-making enterprise for the state using taxpayers money for Green Acres.

D. Hewitt reiterated that the property was gated from Memorial Day until Labor Day. It should be open.

D. Frank said the \$6 should also include the boat launch. He pays for a boat launch permit and can't launch his boat because it is full of cars.

D. Hewitt said the Cooley Farm was a beautiful piece of property. He milked cows there. There was a block building for milking and a stone house with a corner stone dated 1733. To demolish everything is sickening. Jack Cooley planted 2 rows of red maple trees up the length of the driveway and Big Bear just cut them all down. They also took down 300-year-old walnut trees. When he went there a shipping container was there and he asked about it and their answer was they were exempt from the township's ordinance about no shipping containers on properties.

J. Mathieu said there is alot more to come. This is just the tip of the iceberg.

D. Frank since this is the open mic section, he wanted to thank the Township Committee for bringing in JCP&L to address all the power outages in the township especially on Hammer Road and start the dialog.

J. Laudenbach said the problem with the ash trees will be a problem for a few more years.

D. Frank said the DPW should cut the tree stumps down lower so it would be easier to mow around and for visibility.

P. Jelvani wondered if the residents cut down the trees themselves would it be an incentive for JCP&L to do so?

J. Mathieu said he has been cutting down trees himself rather than to wait for JCP&L to do it. To be fair to JCP&L it would be a huge undertaking and expense to have it cut down.

D. Frank said the company budgets for trimming not tree removal.

D. Hewitt said JCP&L is doing a 4-year cut back for a 4-year growth. We have enough trouble with the dying trees and then Big Bear is cutting down live trees.

J. Mathieu said it is not just the ash trees causing problems, but the red oaks are not seeding themselves. There is a connection between animals and humans and it affects nature. The state has a preserved propagation program, but they are letting it go, invasive species take over and it will affect the wildlife.

D. Hewitt said he is involved with Earth Day. L. Bella is interested in what he has planned for the day. D. Hewitt said to end on a happy note, he got \$20 for a dozen eggs at the auction.

ADJOURNMENT

J. Laudenbach asked for a motion to adjourn.

J. Mathieu made the first motion and seconded by D. Hewitt to adjourn the meeting. All members present voted **AYE**. The meeting ended at 7:40pm.

All meeting votes were unanimous with a vote of 5:0 with a sustained quorum. There were no controverted issues and there was no conflict of interest for any of the Board members in attendance.

Respectfully submitted,

Karen Radcliffe
BOA Secretary