

The regular meeting of the Delaware Township Board of Adjustment held on the noted date, was called to order by Chair Cline at 7:32 p.m., in Township Hall, Sergeantsville, New Jersey.

#### PLEDGE OF ALLEGIANCE

#### STATEMENT

Chair Cline read a statement noting that the requirements of the Open Public Meetings Act had been met, including the update for virtual attendance, posted on September 24, 2020.

#### ROLL CALL

Present: Emmons, Fowler, Kenyon, Manley, McAuliffe, Warren, Cline

Absent: Gilbreath, Szwed

Also present: Board Attorney Steve Goodell, Board Engineer Rob O'Brien, Board Planner Jim Kyle

Walter Ross, Block 17, Lot 33.04, use variance requested for accessory dwelling, not meeting ordinance requirements; and any associated bulk variances.

Mr. Jim Miller was recognized as Planner for the applicant. Mr. Miller stated that the applicant had reviewed Board Engineer O'Brien's memo, dated 09.28.2020, and decided to ask for adjournment so that a more accurate, detailed map can be presented with the application. Mr. Miller asked that this application be carried to the next available meeting. It was noted that the application was adequately noticed and that the Board takes jurisdiction, so the application can be carried without further notice.

Motion to accept request for adjournment: Member Emmons; seconded by Member Kenyon. Motion was adopted by voice vote.

The Board accepted the request and rescheduled the hearing for December 10, 2020. It was decided that new notice did not have to be done.

#### MINUTES: September 10, 2020

The Board discussed the minutes, noting changes and typographical errors. It was moved by Member Kenyon to approve said minutes. Member Warren seconded the motion. Said motion was approved by voice vote.

#### MEMORIALIZATIONS – None

#### APPLICATIONS

Brian Skeuse, Block 43, Lot 20, bulk variance requested for accessory building exceeding 900 square feet – proposed is 1,744 s.f. to be used as a residential accessory structure.

Mr. Anthony Koester was present as attorney for the applicant. He identified the property as 351 Rosemont Ringoes Road in the A-1 zone, with 62.96 acres. He noted that the property is residential with significant agriculture use. He noted that the proposal is to develop a proposed accessory structure on an existing foundation structure on the property. He noted that the foundation was the foundation of a building that was part of a chicken operation of many years ago. He noted that the foundation has historic value, but is not identified as a state historic structure.

Mr. Koester further identified that the existing foundation has been improved by the Skeuses to preserve the stone foundation. He noted that there will be a second floor. He noted that the variance being sought relates to Ordinance §230-16a, for an accessory structure over 900 square feet, he noted that the proposed building will have a footprint of 1,744 s.f.

All witnesses were sworn in: Mr. Brian Skeuse, Mrs. Jan Skeuse, Mr. Ted Bayer - engineer, and Mr. Christopher Pickell - architect.

Mr. Koester introduced Brian Skeuse, applicant, to provide testimony for the plan. Mr. Skeuse identified the property location, as 352 Rosemont Ringoes Road.

Mr. Koester switched the first testimony over to Mr. Ted Bayer, of Bayer Risse Engineering. Mr. Bayer stated that he prepared the plans. Mr. Bayer stated that he has presented before several boards in Hunterdon County, as follows: East Amwell, West Amwell, Readington, and Bethlehem. He noted that he has appeared before the Delaware Township Board of Health and Township Committee. He stated that he has appeared before Boards in Warren and Somerset Counties. He noted that he received his bachelor's degree from Rutgers in 1984, and was licensed in 1989. He noted that he has worked continuously since that time in New Jersey, Pennsylvania, and the state of New York.

Member Emmons made a motion to accept Mr. Bayer as an expert witness. Member Warren seconded the motion that was unanimously adopted by voice vote.

Mr. Bayer provided testimony through questions by Mr. Koester. Mr. Bayer stated that the property has 62.9 acres and that the proposed building will be located in the northern area of the property, near the other buildings. Mr. Bayer stated that a set of maps, of three sheets, was submitted with the application.

Mr. Bayer stated that the requested variance is for the size of an accessory structure to be built upon an existing foundation, with a footprint of 1,744 sf.; he noted that the ordinance limits such structures to 900 s.f. He noted that the waivers sought for the site plan, via the code, can be found on page 2 of the map set. He noted that most of waivers being sought relate to the size of the property. He also noted that many do not apply, such as the following: no steep slopes, no floodplains, no stream corridors, no easements or rights of way

Mr. Bayer stated that a septic redesign was approved in April and installed in May. He noted that an as-built plan was developed and submitted back to the County Health Department. It was noted that a sewer line will be connected to the redesigned septic. Board Engineer O'Brien stated that he is satisfied that the septic requirements have been met.

Mr. Bayer discussed structural capacity of the foundation. He noted that Mr. Pickell will testify to that.

Member Kenyon made a motion to accept the requested waivers. Member Emmons seconded the motion that was unanimously adopted by voice vote.

Mr. Skeuse returned as witness. He provided some background about the property. He noted that the age of the house and the age of the foundation are similar due to the stone used and the construction of the stone walls. He noted that the foundation is one-story tall. He noted that the original structure was a laying house with a small office inside. He noted that this use was part of Spring Water Poultry Farm in operation in the late 1800s. He noted that this farm was noted for white leghorn chickens. He noted that the farm specialized in selling eggs and 1-2 day old chicks. He noted that they delivered to Stockton, Flemington, and sometimes Pittstown at that time.

Mr. Skeuse presented an old sales brochure from the farm. He noted that the brochure lists the chick specialties. He noted that the brochure also has pictures of the original building showing the same stone foundation with a wood-frame second floor. Mr. Skeuse stated that the copies of the brochure were found in the house when his family moved in, in 1962. He stated that the home was built in 1805, based on a study done on the beams that determine the age of the wood. He noted that part of the home has cedar siding and part of the house is stone. He noted that he and his wife restored the house about seven years ago.

A-2 was presented into evidence, a set of three, full-sized, color photos of the foundation.

A-3 was presented into evidence, a full-sized color photo of the foundation, showing a worker doing restoration work. Mr. Skeuse stated that this photo shows the present condition of the foundation.

Mr. Skeuse noted that in 1962, the building was falling into disrepair. He noted that the top, wooden portion was taken off. He noted that the foundation restoration efforts have included repointing the stonework and shoring up the foundation. He also noted that the one-time building, the laying house, is shown in the brochure for the chicken farm. He noted that there were coal-fired incubators on the first level. He noted that the structure of the foundation is the same as that of the house, using the same fieldstone that is native to the property.

The property was described, in response to questions by Mr. Koester. Mr. Skeuse noted that the property is 62+ acres and is bordered by Route 604 and Lambertville HQ Road. He noted that the foundation is 540 feet off of Route 604, and that it is 380 feet off of Lambertville HQ Road. He noted that there are existing hedgerows between the proposed structure and both roads. Mr. Skeuse noted that the vast majority of the property is farmed with soybeans, corn, hay, with the crop work done by a local farmer.

Mr. Skeuse explained that it is their intent to develop the building matching the historic use of the property. He also noted that they want to match the architectural aspect of house, by using the same window size that existed and matching the window type with the house. Mr. Skeuse stated that this is an adaptive use of the foundation, in order not to lose the foundation.

Mr. Skeuse also stated that they have spoken to the neighbors and have received no objections. Mr. Skeuse explained that the proposed structure will include an area to be used as a pool house for a swimming pool already on the property. He noted that as his family is expanding that they want this structure to be used as a gathering place for the family.

Mr. Skeuse stated that their intent is to use the foundation as the base for this new structure. He noted that the foundation is a piece of history that they did not want to lose. He also noted that by using this foundation that they are maintaining the aesthetics of the property. Mr. Skeuse noted that the builders will be working to maintain the existing trees and only remove a tree if it needs to come down.

Sheet 2 of 5, part of existing A-2 was referenced. It was noted that there are windows with arches. Mr. Skeuse stated that many years ago, his father was in New York City in the area of a demolition of the Knickerbocker Brewing Company. Mr. Skeuse stated that his father rescued the stained glass windows that measure 55 by 80 inches. Mr. Skeuse noted that these windows will be installed in this building.

Mr. Skeuse explained the importance of minimizing any impact to this property. He noted that by using this footprint there is no increase in coverage. He noted that its distance to the road creates no impact on neighboring properties.

Chair Cline suggested that the set of maps, of three sheets, be marked into evidence, A-4. Using sheet 1, the following items were identified: the main house and the tenant house. It was noted that two principal dwellings on one lot is a permitted use, due to the size of the property. Mr. Skeuse accepted the condition that this proposed structure would not be used as a dwelling. It was noted that septic and water are available for this structure, as there will be bathrooms in this new structure.

Mr. Skeuse accepted a condition that all outdoor lighting will be aimed downward.

Chair Cline acknowledged that the location of this proposed structure is 580 feet from the nearest dwelling, not on this property. He also noted that the presence of the hedgerows provides much privacy. Mr. Skeuse noted that the trees in the hedgerow approach 40 to 50 feet in height.

Mr. Skeuse acknowledged that the proposed structure will not exceed the maximum height allowed.

The architectural drawings were admitted into evidence, A-5. It was noted that per the plans, the building has a height of 25 feet 6 inches. It was further noted that the chimney adds five (5) feet, but that the total overall height is not over 35 feet.

Chair Cline asked about the placement of drywells. Mr. Skeuse noted that from the existing building foundation, there is a catch basin that drains to a pond and that this system still works.

Chair Cline asked Board Planner Kyle if he felt that further shielding is needed. Mr. Kyle noted that the sheer distance from the road provides much shielding. Mr. Kyle noted that there are many planning positives about this project; he noted that the proposal conserves an historic resource. He noted that the adaptive use of the building does create an additional footprint and that the size of the foundation is "driving" the size of the building. He also noted that covering the foundation will preserve the foundation.

Board Planner Kyle stated that he could see no negative effect on the zone plan. He noted that there is no limit in size for agricultural buildings and that this building has limited visibility from the road. Mr. Kyle noted that it is the intent of the ordinance to allow buildings for working farms. Mr. Kyle concluded by stating that there is not much potential negative for this proposal.

Board Engineer O'Brien stated that he has received the septic information that he requested.

#### Board Member questions

Member Manley asked about the elevation of the principal dwelling. It was noted that it is taller than Town Hall. It was also noted that the proposed building sits higher than the dwelling due to elevation. In reviewing A-2, it was noted that the roof of the house is visible and that the house is taller than the proposed structure. It was also noted that the residence is substantial. Mr. Skeuse stated that he does not believe that the proposed building will overwhelm the house.

Member Kenyon asked about the bathrooms. It was noted that there is to be one of the first level and two on the second level. The first floor was described as a large gathering room, followed by a billiards room, and ending in a second gathering room with a wine cellar. The second floor was described as a personal office, each, for Mr. and Mrs. Skeuse, two bathrooms and a work-out room. Mr. Skeuse stated that there will not be a kitchenette on either floor.

Mr. Roger Byrom was present. He stated that he is a neighbor, opposite the Skeuse's on Route 604. He stated that the Skeuses have been terrific neighbors, noting that they helped him with his sheep business, even letting him use their pasture. He stated that he wholeheartedly supports the application as a neighbor. He stated that the restoration work that has already been done has been high quality workmanship. He asked the Board to approve this application.

Mr. Chris Pickell was introduced. He stated that he is a licensed architect, licensed in New Jersey since 1988. He stated that he is also licensed in Pennsylvania and New York. He stated that he does residential work and that he has done work in Delaware Township. He stated that he has testified before this board, East Amwell and Raritan Township, before Boards in Mercer County, Morris County, and Madison. He stated that he has owned his own firm since 1998.

Member Kenyon made a motion to approve Mr. Pickell as an expert. Member Emmons seconded the motion, which was adopted by voice vote.

Mr. Pickell stated that his testimony will speak to the consistency of the architecture of the proposed building with the house and the rest of the buildings. He noted that the home is a classic farmhouse with additions. He noted that the stone ruins structure is long and narrow. He noted that returning the second floor with a wooden structure is appropriate. He agreed that the stone in both the foundation and the farmhouse is locally sourced stone. He noted that the house has a vertical stone section and that the foundation is a horizontal stone structure. He noted that the imitation slate proposed for the structure's roof is similar to the colors of the house. He noted that as proposed, this structure will fit in with the old stone farmhouse. He noted that the farmhouse cannot be seen from the road and that this proposed structure is behind the house.

Mr. Pickell stated that he has had fun working the stained-glass windows into the design. He noted that the chimney is a brick chimney. He noted that the building is under 35 feet in height. He noted that the entrance was originally on the narrow end and has been kept that way. He noted that the far western end is buried into the ground. He noted that the lighting will be over each door and will be normal residential-type lighting.

There was a question about ADA accessibility. Mr. Pickell stated that ADA does not apply to homes, or residential uses.

Mr. Pickell stated that he feels that the proposed structure does not overwhelm the house, and in fact compliments the house. He noted that there is a decent distance between the house and the proposed structure. He noted that he tried to design the structure as a view from the house and to be consistent with the overall look of the property. He noted that adaptive reuse applies to buildings such as this that cannot be used as they once were. He noted that the proposal is to adapt the old building to a modern use, especially to preserve the building. He noted that the foundation would collapse into ruin if not being adapted to this use.

Mr. Pickell stated that the foundation has structural integrity, that it has the 200-year old work found similarly with 200-year old barns. He noted that the walls are 18 inches thick and could support three stories. He noted that there are no settlement cracks or structural problems, as shown in A-3, the photograph that shows repointing as part of the restoration of the foundation.

Board Engineer O'Brien asked about the north elevation and the elevation change. Mr. Pickell noted that the elevation was changed to get water from building and to fit in the windows. He noted that lowering the grade at that end of the building makes a more gradual slope.

Member Kenyon asked if there had been consideration to making it look more barn-like. Mr. Pickell stated that the intention is to make it look more residential. He noted that the other buildings are more farm like. He further noted that the stained-glass windows would look odd in a barn.

Mr. Byrom noted that all of Mr. Pickell's projects end up with a good fit to existing structures.

Mr. Bayer was reintroduced. Mr. Bayer referenced Board Engineer O'Brien's report. He noted that per the comments on page 3, the d variance plan comments, the applicant has no problem complying with these items, which will be added to the revised plan.

Board Engineer O'Brien noted that per E.4.a, a detailed grading plan prepared in accordance with Ordinance 230-16 shall be submitted to the Municipal Engineer, who will review all items under #4. Board Engineer O'Brien reminded Mr. Bayer that items for letter E need to be submitted, acknowledging that the septic design has been submitted.

The conditions were discussed that have been considered for this proposal, as follows:

- Meet the requirements of Board Engineer O'Brien's report, dated 09.30.2020.
  - Specifically Item D.1, Plan Details; Item E
  - Item E.4. to be approved by Municipal Engineer Roseberry (both a. and b.)
- No human habitation
- Lighting to direct downward, as discussed – 2 lights, one on each door

Member Kenyon made a motion to approve the application as presented. Member Fowler seconded the motion.

**Roll Call Vote**

Aye: Emmons, Fowler, Kenyon, Manley, McAuliffe, Warren, Cline

Nay: None

Absent: Gilbreath, Szwed

Board Attorney Goodell noted that an Emergency Remote Meeting protocol will be set up using specific information for Delaware Township, for both the Board of Adjustment and the Planning Board. He noted that the Board or governing body will adopt a policy that incorporates these rules. He noted that it should be done and be able to be adopted at the next meeting. He further noted that the Township Committee will have to do their own.

Administrative Officer Klink reported that Member Fowler was very helpful in setting up the technology for the hybrid meetings.

Planning Board Update: Liaison Cline

Liaison Cline reported that the boundary line adjustment for the October meeting was adjourned to the December meeting.

Correspondence – none received

Bill List

**Bill List: Attorney Services – Parker McCay P.A.**

General Zoning Matters

Zoning Board Matters, Line Item #113-215	
Through August 31, 2020, #3120283	\$368.00

Member Emmons made a motion to approve payment of this voucher. Member Fowler seconded the motion.

**Roll Call Vote**

Aye: Emmons, Fowler, Kenyon, Manley, McAuliffe, Warren, Cline

Nay: None

Absent: Gilbreath, Szwed

**Bill List: Attorney Services – Parker McCay P.A.**

Escrow Charges

4/10, King-Hummler, #3120282	\$272.00
41/1.10, Locandro, #3120284	\$32.00

**Bill List: Engineering Services – Van Cleef Engineering Associates LLC**

Escrow Charges

4/10, King-Hummler, #3935007.01-1	\$33.25
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**Bill List: Engineering Services – Maser Consulting, P.A.**

41/1.10, Locandro, #607494

\$920.33

**Bill List: Planning Services – Kyle Planning and Design, LLC**

Escrow Charges

43/1.10, Locandro, #2229

\$482.20

Member Emmons made a motion to approve payment of these vouchers from their respective escrow accounts.  
Member Fowler seconded the motion that was approved by voice vote.

ADJOURNMENT: 8:55 p.m.

It was moved, seconded, and unanimously carried to adjourn at the noted time.

Respectfully submitted,

Kathleen E. Klink,  
Administrative Officer, Secretary