

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; as supported by the virtual ZOOM platform.

PLEDGE OF ALLEGIANCE

STATEMENT

Chair Cline read a statement noting that the requirements of the Open Public Meetings Act had been met.

ROLL CALL

Present: Emmons, Fowler, Gilbreath, Kenyon (7:34 p.m.), Manley, McAuliffe, Warren, Cline

Absent: Szwed

Also present: Board Attorney Goodell, Board Engineer O'Brien

MINUTES: February 11, 2021

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

MEMORIALIZATIONS – None

APPLICATIONS

Jim Toth, Block 27, Lot 22, bulk variance requested for 900 square foot building 15 feet from property line, for which the ordinance requirement is 50 feet.

Mr. Toth and Mr. Banisch were both sworn in. Mr. Banisch is a licensed planner and has appeared before this Board.

Mr. Toth stated that he lives at 82 Sandbrook Headquarters Road. He stated that he would like to build a garage on the south side of property, closer than 50 feet to the property line. He stated that the garage would allow for dry indoor storage, snow free storage of vehicles, storage of various pieces of maintenance equipment. He noted that the location of the proposed building would allow him to use the existing driveway and not relocate the driveway. He noted that there is a building at this location, for which he would need to re-level the pad.

Mr. Banisch stated that he would present positive and negative criteria. Mr. Banisch stated that Sandbrook Headquarters Road is diverse in character. He noted that there are small farms, preserved farms, and larger residential lots. He noted that Mr. Toth's property exists within tree lines that shape perception as you drive by. Mr. Banisch stated that if the strict 50-foot setback is applied, then the placement of this proposed building would be in the middle of the backyard. He noted that by placing the proposed building closer to the property line it is custom fit, into a series of evergreen trees that line the south side of property. He noted that no trees would have to be removed and that supplemental landscaping can be added, if needed.

Mr. Banisch noted that the area soil is pretty good, which would allow for gardening in the open area, away from the trees. He also noted that the backyard area is quite open, with trees further to the rear, creating a private view. He noted that the nearest home is 275 feet from the proposed structure, on the north side.

Mr. Banisch stated that there is much efficiency in using the existing driveway. He noted that the house is not far back from the road and not very large. He reiterated that there is a private viewing area into the backyard. He opined that this is a more efficient use of the property and that it is a better fit.

Chair Cline asked about the size of the proposed building. Mr. Banisch noted that the proposed building is 900 square feet, measuring 30 feet by 30 feet. Mr. Toth stated that the house is 52 feet by 30, resulting in 1,560 square feet. It was noted that the proposed garage will not be taller than the house.

Mr. Banisch stated that bulk variance requests do not rely on hardships. He noted that the MLUL, Municipal Land Use Law, provides the framework for positive arguments. He noted that purpose 'a' is to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare. Mr. Banisch stated that this proposal promotes the general welfare of the Township by providing an improvement to the attractiveness of the property. He noted that there are two buildings shown on the map to be removed for placement of the proposed buildings. He noted that one shed will be moved to the back and will be conforming to the setbacks. He showed the gray area on the map to be the existing 30 by 30-foot driveway and turnout area.

Mr. Banisch noted not every house has a garage, and that if you have a garage you have a snow free storage. He noted that "tucking" it away creates a good visual environment. He noted that there is a driveway on the adjacent property that runs along the southern boundary. He noted that the closest house that might have an unobstructed view of the proposed building is 700 feet to the southeast.

Mr. Banisch noted that the proposed building improves the homesite. He noted that the proposed building allows the property owner and future owners to benefit with the visual improvement of this building. He noted that the proposed building would be new construction.

Mr. Banisch opined that the proposal is not detrimental to the zone plan or the zoning ordinance. He noted that it is not detrimental to the surrounding neighbors, considering the distances of neighboring homes to the proposed building. Said distances were shown on an aerial photo presented with the application. He also opined that the proposed building does not substantially impair the zone plan or undermine the zoning ordinance.

The property dimensions were reviewed. The lot is 2.9 acres. It was noted that the neighboring lot to the north is a lot of 4.67 acres. It was noted that there are two lots across Sandbrook Headquarters Road that are three acres each.

Chair Cline asked about other details of the building. Mr. Toth noted that the primary purpose of the building is for storage. He noted that there would be no water and no exterior lights. He noted that the building would be a single-story garage, not two stories.

Member Manley asked about the location of the septic. Mr. Toth stated that there is a deck attached to the house. He also stated that the septic tank is directly behind the house and the field is located behind that. Mr. Banisch noted that this makes a more difficult fit to place the proposed garage 50 feet from the property line.

Members Warren, Fowler, McAuliffe, Gilbreath, and Emmons had no further questions.

Member Kenyon asked if there is a garage attached to the house, to which the response given was that there is no current attached garage. It was noted that nothing is attached to the south side of the house.

Board Engineer O'Brien stated that all of his questions have been answered.

Public comment

Cathryn Zega, owner of the property adjacent to the south side of the subject property, was present. She stated that there is a grove of very mature trees between their properties. She asked if any would be removed, to which it was stated that the entire wood-line would remain, with no tree removal, as a part of this project.

Chair Cline closed the public comment.

Member Warren made a motion to approve the application as presented. Member Gilbreath seconded the motion.

Roll Call Vote

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

Concurs: McAuliffe

Nay: None

Absent: Szwed

EXPECTED TO START AT 8:30 P.M.: Brant Switzler, Block 55, Lot 2, use variance approval sought for a tennis training facility.

Administrative Officer Klink stated that the application and maps have been sent to the members prior to this hearing. It was noted that at the February 28 special meeting, the Board took jurisdiction of this application.

Attorney Goodell stated that there is letter from the opposition about proceeding with the application. He noted that Mr. Rob Simon has put in an appearance as attorney for an objector. Attorney Goodell stated that Mr. Simon submitted a brief explaining his objection to the notice; Mr. Simon noted that the notice is insufficient in description. Mr. Simon also stated in his brief that the plans are not available on the website. Mr. Simon further opined that he believes that the matter should not be bifurcated. Mr. Simon further explained, within his brief, his objection to the subdivision.

Attorney Goodell stated that this brief was sent to Attorney Edwards, representing the applicant. He stated that he and Ms. Edwards discussed the issues. Ms. Edwards was present and agreed that the application would be renoticed.

Attorney Goodell stated that Administrative Officer Klink will work with the website manager to get the application on the website.

There was a discussion about meeting dates. It was noted that there is a conflict for April 8. The Board decided to cancel that meeting and create a special meeting on April 29 to begin, or continue the application. Board members found April 15 and April 29 acceptable; board professionals will be contacted to verify the dates.

Public comments

Chair Cline stated that the application will be renoticed with a start date of April 15, if that date is available; on April 29, if April 15 does not work. He stated that the application will be advertised and new notices sent. He noted that the website manager will be contacted to see if the application can be placed on the Township website. He noted that the application is available for viewing by appointment or by submitting a request for an external drive.

Ms. Tucci was present; she stated that the objector's letter needs to be on the site as well.

Planning Board Update: Liaison Cline

Liaison Cline reported that the Planning Board is planning to start the review of the Master Plan, that has to be done by 2022. He noted that Planner Dickerson from Colliers Engineering (formerly Maser Consulting)

prepared a slide show with background information about the process. Liaison Cline stated that PB members will be rewriting and adding sections as needed. He noted that one new requirement is for a section on climate change.

Correspondence - none

Bill List

Bill List: Engineering Services – Van Cleef Engineering Associates LLC

Escrow Charges

17/33.04, Ross, #3935010	\$559.50
55/2, Switzler, #3935008-3	\$1,246.50

Member Gilbreath 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: 8:18 pm

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

Respectfully submitted,

Kathleen E. Klink,
Administrative Officer, Secretary