

The regular meeting of the Delaware Township Board of Adjustment held on the noted date, was called to order by Administrative Officer Klink at 7:30 p.m., present in Township Hall, Sergeantsville, New Jersey, presented via ZOOM.

PLEDGE OF ALLEGIANCE

STATEMENT

Administrative Officer Klink read a statement noting that the requirements of the Open Public Meetings Act had been met. Due to the format change to Zoom only, notice was sent to the Star Ledger and Hunterdon County Democrat on December 29 to be published, as follows January 1, 2022 for the Star Ledger and January 6 for the Hunterdon Democrat.

ROLL CALL

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

Absent: None

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

Seth Buchanan was present who will be confirmed as Alternate II at the Township Committee meeting on February 14, 2022.

Election of Chair

Administrative Officer Klink accepted nominations for Chair. Member Manley nominated Member Cline and Member Emmons seconded the motion. Member Fowler made a motion to close nominations, Member Warren seconded the motion. By voice vote, Member was elected Chair, with his abstention.

Election of Vice Chair

Chair Cline accepted nominations for Vice-Chair. Member Manley nominated Member Emmons and Member Fowler seconded the motion. Member Warren made a motion to close nominations, Member Manley seconded the motion. By voice vote, Member Emmons was elected Vice-Chair, with his abstention.

Election of Secretary

Chair Cline accepted nominations for Secretary. Member Manley nominated Clerk Klink and Member Fowler seconded the motion. Member Warren made a motion to close nominations, Member Fowler seconded the motion. By voice vote, Clerk Klink was elected Secretary.

Appointment or Reappointment of new or returning members/alternates

It was noted that with the resignation of Member Szwed, newly appointed member, Seth Buchanan becomes Alternate II.

Appointment of Attorney/Engineer/Planner

Steve Goodell, Parker McCay, Board Attorney

Rob O'Brien, Van Cleef Engineering, Board Engineer

Jim Kyle, Kyle McManus Associates, Board Planner

Chair Cline recommended the appointment of the above professionals, all of whom agreed to serve. Member Manley made a motion to approve the appointments. Member Warren seconded the motion. By voice vote, the Board accepted the appointments.

MINUTES: December 9, 2021

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

MEMORIALIZATIONS - none

APPLICATIONS

Brant Switzler, Block 55, Lot 2, use variance approval requested for tennis training facility, continued from 04.29.21 special meeting; and regular meetings of June 10, 2021 and July 8, 2021; continued from special meeting of July 22, 2021; adjourned from November 11, 2021 meeting.

Ms. Erica Edwards introduced herself as attorney for the applicant. She stated that this is a bifurcated application, for the request of a d-1 use variance in the A-1 zone. She noted that the property is located at 30 Sandy Ridge Road.

Ms. Edwards noted that at the July 22 meeting, there was testimony from the architect. It was further noted that at the same meeting, Mr. Simon, representing Objector Tucci would cross-examine the architect at the next meeting. The application was delayed, and Mr. Simon noted that in his communication with Ms. Edwards about this application, that it was decided to delay that cross-examination (of the architect) until the applicant's planning testimony is concluded.

Ms. Edwards agreed with the information provided. She further noted the architect was not available for tonight's meeting. She agreed that the Planning testimony should be concluded before moving forward with anything else.

Mr. Simon noted that it is likely that there will be no cross-examination of the applicant's planner at tonight's meeting. He further noted that at the next meeting, he would cross-examine the architect first, then Planner Bruder.

Chair Cline stated that the applicant's planner will answer questions from Board members first. Chair Cline suggested that audience questions should come after Mr. Simon's cross examination. Chair Cline explained that Mr. Simon is quite thorough in his questions.

Ms. Edwards introduced Leah Furey Bruder, the applicant's planner. She stated that she has been certified as a planner with the State of NJ and that she is a member of the Association of Certified Planners. Ms. Bruder was sworn in by Attorney Goodell. Ms. Bruder stated that she has not testified before this Board. She stated that she received her Bachelor's degree from American University and her Master's degree from Rutgers. She stated that she has 19 years of experience in community land planning. She stated that she has appeared before 60 municipalities. She further stated that she has been colleagues with Mr. Kyle for many years.

Chair Cline asked about her appearances in Hunterdon. Ms. Bruder stated that she most recently has appeared before Raritan Township and Bloomsbury.

Board Planner Kyle stated that he has known Ms. Bruder for more than 15 years and is very comfortable with her qualifications.

Member Manley made a motion to accept Ms. Bruder as an expert witness in planning. Member Fowler seconded the motion, that was approved unanimously by voice vote.

Ms. Bruder stated that she has been involved with this project for about 2 ½ years. She stated that she has worked with the applicant and the applicant's family and the applicant's professionals. She stated that she has reviewed the 2012 Reexamination of the Master Plan, the Master Plan, and the Zoning Ordinance. She noted that she has reviewed all Board professional memos and that she has visited the site on several occasions.

Ms. Bruder stated that the application has been made for a portion of the subject property. She noted that it is the family's plan to retain the land and keep a majority of the land in agricultural use. She noted that the subject property is located in the A-1 zone, which is zoned for agricultural and residential use. She noted the neighbors are located in the same zone.

Ms. Bruder noted that she reviewed the zoning ordinance, §230-16, A-1 Zone. She noted that in this zone, single family residential dwellings are permitted, as is agricultural use. She noted that the proposed use, a year-round tennis facility is not a permitted use, thus the request for a d-1 use variance. She noted that the applicant has developed this facility in a manner to be compatible with the zone. She noted that the request includes an accessory apartment within the building. She noted that the tennis facility is the primary use, and the apartment is the secondary. She noted that the applicant will stipulate to an agreement that whoever lives in the apartment will work in the tennis facility. She noted that there will be two uses on the same property and that the apartment would be occupied by the owner and operator of property. She further noted that if the resident of the apartment is not the owner, the resident would be an employee of the facility.

Ms. Bruder noted that Zoning Ordinance §230-12W does permit accessory apartment, as a COAH unit. It was noted that a d-1 variance is required for the apartment use, since it is not to be designated as a COAH unit.

Ms. Bruder stated that the Switzler family is committed to Delaware Township. She noted that the proposed request would be for a two-court training facility with a building and improvements on one portion of the lot, and the remainder would remain open, or for agricultural use. She noted that the proposed building would be similar in nature to an equestrian facility and could be converted to one, if the need arises.

Ms. Bruder stated that farm property around the facility would remain open and be used for agriculture. She noted that the property has favorable soils and provides the scenic quality of open lands.

Ms. Bruder displayed Exhibit A-5, a concept plan submitted as presentation A, prepared by J Hill of Frey Engineering, November, 2021. Ms. Bruder noted that this is the same conceptual site plan submitted with the application that has been colorized for illustrative purposes. She noted that the northern portion of the lot is the portion for the subject proposal. She noted that the residential lot shown is not proposed for construction at this time, but is included as a one-acre exception area. She noted that if the use variance is approved, the applicants would return to the Board for subdivision and site plan approval at the same time.

Ms. Bruder stated that the subject proposal is in harmony with existing uses in the area. She opined that the subject proposal is less disruptive than eight single family homes, which is permissible. She noted that the subject proposal fills a gap in recreation activities.

Ms. Bruder referenced Exhibit A-6, which was marked into evidence. She noted that it is the a different view of the facility. She noted that the drawing was done by the same architect, Mr. Rifaat, showing the view of the building from Sandy Ridge Road.

Ms. Bruder noted that the positive criteria is required to prove to the Board's satisfaction that a use variance can be granted. She noted that the subject property is a particular location that is suited to the use with the proposed structure. She noted that special reasons can be given that would satisfy the Municipal Land Use Law. She also noted that negative criteria have to be presented to show that there will be no substantial detriment to the public good or zone plan or zoning ordinance.

Ms. Bruder discussed larger land use planning. She noted that for forty years it is the strong desire of the State, and Delaware Township, to preserve farmland. She noted that there is a strong demand for such limited resources, being large tracts of farmland. She noted that the Township does not want to move to suburban development, but there is still a slow loss of farmland. She noted that land use policy has been implemented to find an acceptable level of development in the least impactful way. She noted that in Delaware Township, there are the agricultural/residential zones, the A-1 and A-2 zones. She noted that there are more compact areas of development in the V-1, V-2, and VE zones. She noted that the Township has a small area of commercial uses and that the proposed use does not perfectly fit into the whole picture. She noted that the proposed use adds recreation, saves agricultural land and scenic view, and provides and supports local business.

Ms. Bruder noted that an eight-lot subdivision is permitted, which could increase to 14 lots with the addition of Lot 2.03. She noted that the proposed project offers less disturbance to the neighborhood than an eight-lot subdivision. She presented A-7, a conceptual layout of an eight-lot subdivision. She noted that she prepared this concept plan following the requirements of the zoning ordinance and that the applicant even met with the Planning Board professionals. She noted that the layout includes Lot 2.03, which could add five additional houses on that lot. She noted that the preparation of these plans is for the consideration of the alternatives for the land.

Ms. Bruder discussed the proposed use on this lot. She noted that there are commercial areas in the V-1 and V-2 zones, the town zones. She also noted that the proposed project would be oversized for either of these two zones. She noted that if the town were to zone larger parcels for commercial use, one might not agree with the uses that could come with such a designation.

Ms. Bruder suggested that the proposed use could be a destination site. She noted that land values would be supported by preserving the undeveloped land, resulting in the preservation of the agricultural use of the land.

Ms. Bruder discussed particular suitability. She noted that the proposed use paired with the historic agricultural use of the land speaks to that suitability. She noted that the proposed use would be operated by a person dedicated to tennis. She noted that site suitability can be addressed by the proposed building which is similar in design to nearby agricultural uses.

Ms. Bruder noted that in the 2012 Reexamination of the Master Plan, a goal was presented for the establishment of a community center for recreational needs. She noted that the proposed facility is privately owned but can provide recreational needs without the use of town funds.

Ms. Bruder noted that no Township location is in a zone that would permit this. She noted that the commercial zones are for retail and personal use, not for private recreation. She also noted that the applicant's family is willing to protect 37 acres of farmland, which is consistent with the Township's goal for farmland preservation. She noted that the property owner can offer permanent preservation of land, per Exhibit A-8 a plan developed by Jim Hill, November 2021. She noted that the total of 37 acres is achieved through the combined open areas found on Block 55, Lots 2 and 2.03, under the same ownership.

Ms. Bruder noted that the elevation of land found on the subject property is low to the adjacent roadway which would allow the development to blend in more with the area. She noted that additional landscaping and berms could be provided to provide additional buffering, as needed.

Ms. Bruder opined that the proposed facility fits the location and uses found in the agricultural area. She noted that without the variance, there could be a development with more disruption and less scenic views. She noted that the proposed facility disturbs 4.6 acres, while eight homes would disturb 6 acres. She noted that with the subdivision there would be 15 acres of preserved land, while there would be 37 acres preserved with the proposed use.

Ms. Bruder discussed special reasons, as noted in the NJ Municipal Land Use Law (MLUL), 40:455D-2 Purposes of the Act.

Ms. Bruder first discussed 2a. *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.* Ms. Bruder noted that the proposed use promotes the public health and general welfare. She noted that in granting a d-1 variance, there is more efficient use of land in a suitable location that is compatible with surrounding agricultural uses. She noted that there is no viable location within the municipality for the proposed use. She noted that granting relief also helps with the recreational needs of the community.

Ms. Bruder discussed 2g. *To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective requirements in order to meet the needs of all New Jersey citizens.* Ms. Bruder stated that approving this proposed use helps to provide other types of uses to meet the needs of the citizens. She noted that approving the proposed use helps to preserve the land as farmland and to remain in agricultural production, thus promoting the public welfare.

Ms. Bruder stated that there are 35 properties that are considered commercial, but they are on small lots. She noted that approving this proposed use is a creative response to allow added amenities. She also noted that approving this proposed use shows that there is a commitment to designing a facility to preserve farmland within an appropriate location that is compatible within the area.

Ms. Bruder discussed 2i. *To promote a desirable visual environment through creative development techniques and good civic design and arrangement.* Ms. Bruder noted that the creative design for this proposed use is in alignment with the prevailing agricultural character of the Township. She noted that the parking is located behind the building. She also noted that the site plan will allow for more site improvements that enhance the visual environment.

Ms. Bruder discussed 2m. *To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.* Ms. Bruder stated that the proposed indoor tennis facility adds recreation to the community, as a private venue. She also noted that 37 acres of land will be preserved with no public investment. She noted that there are prime agricultural soils found on the subject property.

Ms. Bruder noted that in the 2012 Reexamination of the Master Plan, a comprehensive farmland preservation plan was developed. She noted that it was originally developed in 1994, but was refined in the 2012 Reexamination.

Ms. Bruder noted that the Township Land Use Ordinance encourages the continuation of agricultural use and to support state efforts towards sustaining agriculture. She further noted that the Ordinance should provide diverse land use options and in so doing, support a variety of agricultural pursuits (230-16A.(4)).

Ms. Bruder noted that Ordinance 230-3B adopted relevant goals and concepts contained in the Master Plan of Delaware Township, including:

- (1) Maintain a viable agricultural economy by encouraging farm development and by conserving open space for agricultural purposes.
- (2) Plan development location and density to respect the environmental limitations and historic and cultural character of the areas involved.
- (3) Encourage development in areas having available infrastructure.
- (4) Promote the conservation of energy.

Ms. Bruder reviewed the Master Plan goals, of which there are 32. She noted that the proposed facility supports all of the goals for land and water. She noted that five agricultural goals are supported, including the following: unique collaborations; support on-direct farming facilities; achieve preservation. She noted that the 3.5 acres used for the tennis facility compares to that of a riding facility. She noted that the proposed use does not undermine the housing goals and supports the goals by providing a housing unit while still preserving open space. She noted that the commerce and industry goals are supported by providing a use that is compatible with the Township economy; and a use that has low impact.

Ms. Bruder noted that the proposed tennis facility is recreation that can be encouraged and developed in citizens of all ages. She noted that this facility supports indoor recreation opportunities and will complement the public outdoor facility.

Ms. Bruder noted that the community goals are not impacted. She noted that there is not an appreciable impact on the transportation goals. She noted that for the solid waste goals, the applicant will insure separation of trash and recyclables.

Ms. Bruder noted that per the 2006 Reexamination of the Master Plan, the recommendation was made to regulate the development of large tracts of land and to encourage innovative strategies to preserve existing farmlands. She noted that in 2011, the Township adopted ordinances for clustering and open land subdivision with the intent to preserve farmland.

Ms. Bruder noted that in 2016, an ordinance for mandatory clustering was adopted to save prime farm soils. She noted that the proposed development is consistent with preserving larger areas of lands. She reiterated that it is similar to horse riding facilities in the region and is less impactful than an eight-lot subdivision. She noted that the proposed use does not undermine the land use plan and does not further fragment the landscape.

Ms. Bruder stated that it would be difficult to plan for an indoor tennis facility as an A-1 permitted goal. She noted that this use variance enables this proposal to happen and advances the goals in the Master Plan.

Ms. Bruder addressed the negative criteria. She noted that the application must not show a substantial detriment to the public good; nor should there be a substantial detrimental impact on surrounding properties. Ms. Bruder noted that implementing this proposal does not impair the zone plan or the zoning ordinance as the lot is large enough to accommodate the proposal. She noted that the proposed building is consistent with agricultural buildings in the area. She further noted that there is no significant increase in traffic, thus causing little traffic impact.

Ms. Bruder reiterated that the site is suited, as the proposed use does not detract from nearby properties or the Township. She noted that there will be little traffic impact which will be limited and defined by the owner. She noted that a permitted development would impact traffic with an increased number of cars in and out of such a development. Ms. Bruder noted that the peak hour traffic is below the level of impact and that overall the traffic does not rise to the level of significant impact, as reported by the traffic engineer. She noted that there will be land disturbance with the proposed use and reiterated that the proposed building will be compatible with horse training and riding facilities in the area.

Chair Cline asked about a definitive need for such a use. He noted that there has been no proof of need presented, nor have any studies been shown to demonstrate the need for this type of use. Chair Cline agreed that the overriding theme of preservation of farmland and open land is a primary goal of the Master Plan. Chair Cline also questioned if there are other locations, near Croton or in Rosemont near Cane Farm. Ms. Bruder reiterated that there are no commercial properties in the Township that may fit the use.

Ms. Bruder reiterated the preservation of farmland promoted by this proposal. She noted that if the proposed use is approved the family will permanently preserve land. She noted that there is a need to be creative in preserving farmland. She also noted that if the proposed use is approved the farmland is maintained with a use that is compatible with open farmland. She noted that the proposed use competes for open farmland compared to development ideas.

Ms. Bruder stated that the Switzler family understands the need for the proposed recreational activity and facility through the family's history with the sport. She also noted that the Switzler family has a history of farmland use and open space. Ms. Bruder stated that the Master Plan calls for additional recreational facilities, of which the proposed is a private facility and would be built at no cost to the Township. Ms. Bruder concluded that an indoor tennis facility is not allowed in any zone.

Chair Cline stated that he understands the arguments that have been presented but stated that it makes more sense to have the facility on a more well-travelled road. Ms. Bruder stated that she is not aware of any buildings or lots that could accommodate this proposal. She noted that she did review Township properties. She also noted that she saw no buildings in Rosemont that could be used for this proposal.

Chair Cline questioned the application as presented compared to the information about a permitted development. Ms. Bruder stated that the request is for a tennis facility and should be approved on its merits. She further noted that she felt that it is important to understand the permitted uses of the property.

Member Emmons referenced evidence item A-8 and questioned the possible future house that would be located on one acre of land, surrounded by preserved land. It was noted that this "future" house is south of the tennis area. It was noted that Lot 2 has 30 acres.

Attorney Goodell asked about Lot 2.03 which is owned by the applicant's parents and identified as Lot 2.03. It was noted that this property has 19-20 acres and that the owners are willing to carve out what is needed for their use and preserve an additional 15 acres from this lot.

Member Warren had no questions.

Member Kenyon agreed with Chair Cline's question concerning the need of this proposed facility. She noted that in the applicant's testimony, there was a focus on training high performance players. She also noted that she recalls that the applicant has no current clients in Delaware Township. Member Kenyon suggested that there might be free or low-cost clinics for DT residents. She noted that the basis of one conclusion is that the proposed facility serves a need in the Township and for Township residents. She suggested that this need needs to be more fully explored and demonstrated.

Ms. Bruder stated that the overall planning conclusions are based on her planning experience. She noted that commercial use does not necessarily produce the need. She also noted that investors would not proceed without seeing a need. Ms. Bruder stated that the proposed use creates additional recreational opportunities by adding to what is available. She noted that the proposal would be an amenity to the community.

Member Kenyon stated that there has been no evidence that this is something Township residents need.

Member Manley asked about the planning perspective based on the traffic engineers' testimonies. He noted that one engineer classified this road as a rural lane. Member Manley stated that he felt that the proposal is better suited near a more major roadway. Member Manley noted that this is a tar and chip road, 20 feet wide without defined shoulders in most places. Ms. Bruder stated that she read the traffic studies and understands the concern. She stated that the impact is minimal on these roads. She noted that no measurable impact was shown

by the studies. She stated that the volume of traffic is small. Member Manley stated that he may not agree with that conclusion.

Member Manley stated that he is not sold on the idea that this is needed for Hunterdon County. He stated that he has seen no evidence that this facility is needed by the residents of Delaware Township. Ms. Bruder stated that residents were not polled. She noted that part of the Master Plan is to provide a range of recreational uses. She stated that per the 2020 census, a population of 4500 is enough to support recreational activities. She noted that there could be draw from surrounding communities as well.

Member Manley asked about the permitted development of eight or more houses. Ms. Bruder stated that it is the owner's intention to pursue the proposed use. Ms. Bruder stated that the eight-lot development was prepared in anticipation of what is permitted for the sake of comparison.

Member Gilbreath questioned the need for a second variance for the apartment. She questioned the impact of the use if the apartment was not there. Ms. Bruder stated that she sees both variances as part of the overall plan. She noted that accessory apartments are permitted if conditions are met. Ms. Bruder referenced a d-1 variance granted in the Coventry Square decision, in which the applicant demonstrates that when conditions can be met, deviations can be allowed, and in this proposed use, the deviation can be accommodated by the site. Ms. Bruder stated that the applicant wants to live there in an owner-operator situation. She noted that such a situation reduces traffic and the safety of the facility is increased.

Member Gilbreath questioned the two residences on two lots. It was noted that the proposed tennis lot would have 14 acres and the second residential lot would have about 16 acres. Ms. Bruder noted that the residence in the tennis facility would be in the same building, not a separate building.

Member McAuliffe asked about the land preservation. Ms. Bruder stated that if the variance is approved the applicant and the family have agreed to preserve 37 acres of land. She noted that if the variance is not approved, the same amount of preservation may not be enacted. Ms. Bruder stated that it is the intent of the applicant and the applicant's family to keep the land and be stewards of the land.

Member McAuliffe asked about the size of the apartment. Ms. Bruder stated that she can get that information.

Member Fowler asked about the 35 commercial properties found to be in the Township. Ms. Bruder stated that none has the land size to build the proposed facility. She noted that no zones permit the proposed use, so that a variance would still be needed. Member Fowler asked about surrounding Townships. Ms. Bruder stated that she cannot address that.

Ms. Bruder was asked to discuss the eight-lot development. She noted that this concept was not developed with an either/or proposal in mind. She noted that the development was made so that it can be understood what the ordinance allows. She noted that the A-1 zone is complex about density within cluster provisions. She noted that there are soil calculations needed to develop a plan. She noted that there are other points to consider in the ordinance. She stated that the development plan was made because she thought that the Board might wonder about what could be permitted and she wanted to know the number is accurate.

Member Fowler asked if the proposed development is less disruptive than an eight-lot development, to which Ms. Bruder responded positively. She further noted that in her research of the ordinance, there is a section that speaks to businesses that are accessory to a primary residence. She stated that the application is presented as a tennis facility with a subsequent residential use.

Member Emmons stated that Member Gilbreath's question were the same as his.

Chair Cline asked about the soil types present on the subject property. Ms. Bruder stated that the soils are statewide prime soils that are to be preserved to the extent possible.

Mr. Buchanan was present, he is to be approved as Alternate II at the next Township Committee meeting. Mr. Buchanan asked about the easement along the property line. It was noted that there was once a Penn East pipeline easement, but now only a power line easement remains along the property line.

Mr. Buchanan asked about the quantity of trips. Chair Cline suggested that he could review the reports or minutes.

Board Planner Kyle stated that he had no questions. Board Engineer O'Brien stated that he had no questions. Board Attorney Goodell stated that he had no questions.

Mr. Simon, attorney for the objector, stated that at the next meeting he will first cross the architect; and then he will cross-examine the planner.

Ms. Edwards stated that the owner of the property, Angele Switzler, would like to address the Board directly. Ms. Edwards noted that Ms. Switzler is concerned about her ability to respond to questions in an efficient manner. Board members may want to question Ms. Switzler, Mr. Simon stated that he will hold his cross-examination.

Emma Angele Macy-Switzler was sworn in. She stated that she is the owner of 51 acres on Sandy Ridge Road. She stated that this plan was developed to financially maintain open farmland. She noted that the final proposal would include the tennis courts and one apartment, and possibly two homes. She noted that she will give up the right to preserve through the farmland preservation program. She noted that her family has lived through four generations of stewardship on their family land.

Ms. Macy-Switzler stated the family agrees with some of the concerns that have been raised about the proposal. She stated that they have modified the plans and reduced the parking. She noted that all lighting will be shielded downwards. She noted that there will be no back-to-back large classes. She noted that her family has a love of the land and this has been passed to her son. She noted that if they were to consider an alternate location, they would have to monetize the land to move elsewhere. She noted that the subdivision is not an open discussion.

Ms. Macy-Switzler stated that no farm survives without an ancillary business and further noted that a farm is a business. She stated that she fought for the denial of the pipeline. She noted that this is the context behind having her son on the land. She noted that tennis is a life-long sport and a mentoring sport. She noted that there is a cost to live on the farm and the family to change things as little as possible. She noted that the family has been approached by residential developers and solar "farm" developers. She noted that it is their opinion that this is a benign use while maintaining open space.

The Board members had no questions. Chair Cline thanked Ms. Macy-Switzler for her presentation.

Ms. Edwards stated that the plans for the next meeting are to wrap up all of the testimony.

Chair Cline noted that the public comment will come after the Simon cross-examination. He noted that this might not occur at the next meeting. Board Attorney Goodell stated that this is an efficient plan to follow.

Administrative Officer Klink stated that there are no applications for the February 10 meeting. The Board agreed that the whole meeting will be kept for this application. It was noted that there may be cross-examination of the architect, the planner, and Ms. Macy-Switzler.

Mr. Simon requested that all exhibits be emailed to him and placed on the website as soon as possible. Chair Cline stated that he felt that this could be done by Tuesday.

Attorney Goodell discussed procedure. Ms. Edwards noted that after the cross examination that she has no further witnesses. She stated that she may bring back the applicant and Mr. Hill for brief follow-up questions.

Chair Cline stated that he is hoping for a hybrid meeting on February 10 and asked that the members, professionals and the applicant and his team should attend in person, if possible.

Ms. Edwards granted an extension of time to the Board, by the applicant.

Attorney Goodell asked if Mr. Simon intends to present witness testimony. Mr. Simon stated that this decision will be made after the cross-examination.

Planning Board Update: Liaison Cline

Liaison Cline reported that the Planning Board cancelled its January meeting and will meet on February 1 to do its reorganization.

Correspondence
2022 Budget

Chair Cline stated that he would like to do one last review at the February meeting.

Adoption of Annual Notice Resolution

The Board reviewed the Annual Notice Resolution, noting that the regularly scheduled meetings will be on the second Thursday of each month, starting at 7:30 p.m. There was a discussion about the format of the meetings, to which Attorney Goodell noted that the extension of the state of emergency has not included this determination. Member Fowler made a motion to adopt this resolution, as noted. Member Gilbreath seconded the motion that was adopted by voice vote.

Bill List

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

General Zoning Matters

Through November 30, 2021, #3139744	\$527.00
Through December 31, 2021, #3140890	\$136.00

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

Roll Call Vote

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

Concurs: McAuliffe

Nay: None

Absent: None

Bill List: Legal Services – Parker McCay, P.A.

Escrow Charges

44/4.03, Weiss, #3139743	\$476.00
44/4.03, Weiss, #3140889	\$986.00

Bill List: Engineering Services – Van Cleef Engineering Associates LLC

Escrow Charges

44/4.03, Weiss, #3935015-3

\$465.50

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: 9:32 p.m.

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

Respectfully submitted,

Kathleen E. Klink,
Administrative Officer, Secretary