

The regular meeting of the Delaware Township Board of Adjustment held on the noted date, was called to order by Chair Cline at 7:30 p.m., in Township Hall, Sergeantsville, New Jersey, as supported by the virtual meeting procedures via ZOOM.

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: Buchanan, Emmons, Gilbreath, Kenyon, Manley, Warren, Cline

Absent: Fowler, McAuliffe

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

MINUTES: February 10, 2022

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

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 and February 10, 2022 meetings.

Ms. Erica Edwards was present to represent the applicant. She noted that the applicant's architect and the applicant's planner are available for cross examination at tonight's hearing.

There was a discussion about the schedule, as related to this application. It was noted that March 31 was set aside as a special meeting but that Mr. Simon, the objector's attorney, cannot be present at that meeting. The application has been scheduled for April 14 with a special meeting tentatively set for April 28.

Mr. Simon stated that he cannot send a substitute for the March 31 meeting. Mr. Simon noted that it would be impractical to bring another person up to speed on this application. Mr. Simon stated that he will start his cross-examination with the applicant's architect, then he will cross-examine the applicant's planner.

Chair Cline stated that the Board has been accommodating to both sides concerning this application. He further stated that he feels that it is important for Mr. Simon to be for present for future meetings. He noted that there appear to be no other available dates in March to use for special meetings.

Chair Cline noted that the architect will be cross examined by the objector's attorney and can then be questioned by members of the public. Chair Cline stated that the Board will complete the architect's cross examination testimony before moving on to the applicant's planner's cross examination.

Mr. Simon asked questions of the architect, Mr. Adel Rifaat, who was previously sworn in. Mr. Rifaat stated that he was retained in the spring of 2021 by Brant Switzler. Mr. Rifaat stated that he has an engagement letter with Mr. Switzler. Mr. Rifaat stated that he put plans together at that time, plans and elevations. He was asked if he had reviewed the zoning ordinance, the site plan ordinance, and the Master Plan; to which he responded negatively. Mr. Rifaat stated that he had been asked to develop floor plans and elevations for a footprint that was established by the applicant's engineer. When asked, Mr. Rifaat stated that he did not deviate from the floor plans of Mr. Jim Hill, the applicant's engineer.

Mr. Rifaat stated that he was instructed by Mr. Switzler concerning the details of the floor plans; he worked off of Mr. Switzler's rough sketches. Mr. Rifaat stated that the latest revision diagram was on July 10, 2021, with revisions to the exterior but no revisions to the elevation or floor plans.

Mr. Rifaat stated the breakdown in his work is about half residential and half commercial. He stated that he has designed at least two or three buildings that needed a use variance. Upon questioning, Mr. Rifaat stated that he has not developed designs for a commercial building that needed a use variance, nor for a building in a non-permitted zone.

Mr. Simon asked about Mr. Rifaat's experience with non-residential projects in an agricultural zone. Mr. Rifaat stated that he has no such experience, nor with commercial projects in a residential zone.

Mr. Simon asked about Mr. Rifaat's experience in designing indoor horse rings or riding facilities, to which Mr. Rifaat stated that he had none. Mr. Simon asked about Mr. Rifaat's experience with designing commercial buildings with residential components. Mr. Rifaat stated the he could not recall any.

Mr. Simon asked about Mr. Rifaat's experience with tennis facilities. Mr. Rifaat stated that he has played tennis for his entire life. He stated that he was a college coach and has visited many facilities over the years. Mr. Rifaat stated that he was a teaching professional with Mr. Switzler's father. Mr. Rifaat noted that they worked together for more than 30 years and he does not recall how he was paid. Mr. Rifaat noted that he has remained friends with the applicant's father and is on very good terms with the applicant.

Mr. Simon asked how the building was developed. Mr. Rifaat stated that he based his plan on his own tennis playing and teaching and coaching tennis. Mr. Rifaat stated that he has been to many facilities in New Jersey. He stated that he is not aware of any facilities that have an apartment.

Upon questioning, Mr. Rifaat described some of the facilities that he has visited. He noted that he has been in facilities with gyms, and can bring to mind one facility, Mountainside Indoor Tennis on Route 22, which is a state highway. He noted that this facility has eight courts and a gym of a similar size. Mr. Rifaat stated that he is not sure if this facility has a pro shop and/or a viewing area.

Mr. Rifaat stated that he has not reviewed any ordinances in his experience with any other facility.

Mr. Rifaat stated that he can think of another facility, Murray Hill Raquet Club in New Providence. He noted that this facility is off of Central Avenue, the main street in New Providence. He stated that in his recollection this facility has eight courts, no apartment, and a gym.

When asked about the use of the gym in these two facilities, Mr. Rifaat stated that he is not a member of either facility, so he does not know the rules of them. He stated that both have locker room facilities and that Murray Hill might have a pro shop.

Mr. Rifaat recalled another facility, Racquet's Club in Warren. He noted that it has a gym and seven courts. He noted that this club is located on Mt. Bethel Road, which is a county road. He recalled the name, Warren Racquet Club and that it has a gym, no apartment, a pro shop, and locker rooms.

Mr. Rifaat stated that the proposed facility is not modeled after any particular facility.

Mr. Rifaat recalled another facility, Gina's Tennis World of Berkley Heights, which is off of Springfield Avenue, a two-lane road. Mr. Rifaat stated that his recollection is that there is no apartment, no gym, no pro shop, and no viewing area. He stated that there is a sitting area without a view of the courts. He noted that this

facility has bathrooms, but not locker rooms. He stated that he thought that there might be showering facilities. He noted that this facility is in a commercial area, near Chimney Rock Inn and a Stop and Shop. He noted that there are houses behind the facility, with backyards. He stated that he thought the zone was mixed use, residential and commercial.

When asked, Mr. Rifaat could not say with certainty what the hours of operation are for any of these facilities.

There was a discussion about ceiling heights at these facilities. Mr. Rifaat noted that at the area of serve the height should be about 19 feet. He noted that the height at the net is five to ten feet higher than at the serve line.

Mr. Rifaat could not recall exact conditions for parking, to include paving, at these facilities. He stated that he was not certain about lighting.

There was a discussion about parking. Mr. Rifaat stated that he did not design the parking for the proposed facility. Mr. Rifaat stated that he could not comment about the use of geo pavers at any of these facilities.

Mr. Rifaat stated that the rendering provided in A-6, and as displayed behind the Board, was done by a company and that he himself did not create this rendering. He noted that the scale of this facility is similar to Gina's, a facility with two courts. Mr. Rifaat noted that the rendering for the proposed building was done at a scale similar the scale of Gina's, a two-court facility. Mr. Rifaat noted that the rendering shows the exterior of the building, trees, driveway, etc. It was noted that there is no stripe on the driveway and no lighting on the building. He further noted that the width of the driveway is accurate. It was further explained that the trees shown are those once grown, not at the time of planting.

Mr. Simon asked about the interior. Mr. Rifaat noted that he used Gina's to familiarize himself with the size of the proposed building.

There was a discussion about the similarity of the proposed building to a barn. It was noted that the building is a pre-engineered steel building, much like barns of the area. He noted that the color scheme fits within the area. He noted that the stone and entrances were designed based on buildings found within this area. Mr. Rifaat noted that such a building exists within about 1,000 feet of this proposed building. He further noted that there could be about one dozen steel buildings from Flemington to this location; he noted that many are red and pre-engineered steel buildings.

Mr. Rifaat stated that in his viewing of these types of buildings, he does not recall if there was commercial lighting. He also noted that if such buildings had parking, he did not drive in. He noted that most of the buildings he saw were between 20 and 40 feet tall.

Mr. Simon asked about the buildings close to this proposed building. He asked if there are any nearby that exceed 15,000 square feet. Mr. Rifaat stated that he does not recall.

Mr. Simon asked about alternate designs. Mr. Rifaat reiterated that he did not determine the building size. He noted that the only color considered was the one depicted. He reiterated that the footprint was determined prior to his engagement on the project. Mr. Rifaat stated that the building height was determined by the requirements of the zoning ordinance and that the size and height of the building was worked down from that number.

Mr. Rifaat stated that he understands heights for this type of facility based on his years as a tennis player, a coach, and as an instructor. He noted that national standards are higher for competitions. He noted that 35 feet is fine for lessons and for renting playing time. He noted that standards are issued by the ITF, the professional court circuit. He noted that the professional court sizes are codified and used for hosting sanctioned events.

Mr. Simon asked about the ordinance and the height definition, being the vertical distance from the proposed finished grade to the height of the building. Mr. Rifaat stated that the front of the building, the side facing the street is shown in A-6. He noted that the elevation is based on the rear of the building, using the worse-case scenario, the lowest grade to the peak. Mr. Rifaat stated that the difference in the average elevation between the front and rear of the building was used so that the building would not be taller than 35 feet by anyone's interpretation.

Mr. Simon asked about the overall height of the roof. Mr. Rifaat noted that behind the service line the height is 19 feet. He noted that the residential unit has two floors, but the remainder of the building is considered one story. Mr. Rifaat noted that there is no basement.

Mr. Simon asked about maximum capacity. It was noted that such a number can be determined by codes, either building codes or fire codes. Mr. Rifaat noted that there are no construction drawings and that he has not discussed this project with any building officials.

Mr. Simon asked the architect about the mechanical systems. Mr. Rifaat stated that these locations have not been determined; no mechanical system for this building has been developed to date.

Mr. Simon asked about the windows. Mr. Simon noted that on one side there will be lights that will be visible once the building is in operation. He asked if window treatments have been included. Mr. Rifaat noted that window treatment designs have not been developed; he further noted that the client will design window treatments to ameliorate any light shining out.

Mr. Simon asked about the apartment floor plan, to which Mr. Rifaat stated that the floor plan had been prepared by someone else. Mr. Simon asked about the entrances and door lights. Mr. Rifaat noted that there is one overhead door for the building, that this door is located opposite the front entrance. He noted that this door allows lifts to come in and change lights and for any necessary work requiring an entrance needing a larger opening.

Mr. Rifaat stated that the gym size and location on the first floor were already in the floor plans. Mr. Rifaat stated that no sign plan has been provided to the Board. Mr. Rifaat stated that he does not know if the proposed sign complies with the ordinance.

When asked about ADA compliance, Mr. Rifaat stated that there is an elevator and it should be on the site plan. Mr. Rifaat stated that he did not do the lighting plan, that there will be lights on the building, but that it is not part of the architect's design.

Mr. Simon stated that he had no further questions.

Chair Cline asked Mr. Rifaat about reviewing the ordinance. Mr. Rifaat stated that he did not go through ordinance, that the site preparation was done by the Engineer. Mr. Rifaat stated that he is aware that a use variance is required.

Chair Cline asked for questions from the public. He noted that this time is just for questions. He further noted that there will be a whole meeting for comments.

Mr. Howard Lopshire of 27 Sandy Ridge Road was present. He asked which side of the building faces the road. Mr. Rifaat stated that the length of 140 feet is parallel to the road. He discussed elevations at the roof peak and elevations on Sandy Ridge Road. He noted that the difference between elevations is about 20 feet. Mr. Lopshire noted that looking up or down Sandy Ridge Road, one will see this building.

Mr. Lopshire asked if the building could be moved behind the hedgerow. Mr. Rifaat stated that he did not do the site plan, that he did the architecture work.

Mr. Steve Walker of 31 Sandy Ridge Road was present. He asked about a fire suppression system. Mr. Rifaat stated that he does not know about such a system. He also stated that it might not be required.

Ms. Barb Berardo of 11 Sandy Ridge Road was present. She asked about the viewing area and how many people can use the viewing area. Mr. Rifaat stated that Mr. Switzler can answer this question. Ms. Berardo asked about the design and how many people can be accommodated. Mr. Rifaat estimated that that the courts could hold 12 people per court, 24 at most. Mr. Rifaat stated that the 800 square foot gym could house about 15 people. Mr. Rifaat noted that there is no pro shop. There was an estimate given that 64 people might be on site at the same time. Mr. Rifaat stated that he might be overstating the numbers that were previously provided. Ms. Berardo asked to know the capacity of the building and how such a capacity would be "policed".

There were no further questions of Mr. Rifaat.

Mr. Simon began to cross-examine the applicant's planner, Ms. Leah Bruder, who was previously sworn in at the January 13 meeting.

Upon questioning, Ms. Bruder stated that she was first retained in the summer of 2019 about the idea. She noted that she was retained in December 2019 or January 2020 with a contract for services. She noted that Jim Hill is the engineer for the project. She stated that she did not know the family prior to being contracted.

Ms. Bruder stated that she has prepared no written report. She stated that she reviewed all Master Plan documents and any other documents related to the Master Plan. She noted that she reviewed any studies that are land use related. Ms. Bruder named a few studies that she reviewed, but noted that this is not an inclusive list. Included in the studies: 2004 Evaluation of the Groundwater, 2007 Base Study, 2009 Land Use Amendment, and others.

Mr. Simon asked about any Hunterdon County Planning documents that Ms. Bruder may have reviewed. One example is the Hunterdon County Farmland and Preservation Plan. Ms. Bruder responded affirmatively. She noted that she reviewed the State Plan, which is outdated. She noted that this property is in State Planning Area PA 4, a rural designation. She noted that this property does have a County designation, with a focus on preservation as the property is in the ADA Agricultural Development Area.

Mr. Simon asked if the owner has pursued farmland preservation, to which Ms. Bruder responded negatively. She stated that she asked the owners and the applicant. When asked, Ms. Bruder stated that she did not know how long this property has been in the family.

Ms. Bruder stated that she reviewed the application and found it to be accurate and complete. She noted that the written submission and plans reflect the terms of relief for a use variance application. Ms. Bruder stated that she is not an engineer and cannot answer if the application is beyond the bounds of a use variance request. She stated that she did not review the title in great detail. She stated that she is not aware of any restrictions on the property beyond those noted.

Mr. Simon asked Ms. Bruder about her experience with use variance applications, and associated site plans. Ms. Bruder stated that she cannot recall a use variance application in an agricultural zone. She stated that she has worked on use variance applications in residential zones, but cannot recall specific examples. Ms. Bruder stated that as Municipal Planner she has done reviews for indoor recreation, but not any tennis facilities. Ms. Bruder stated that as a professional planner she worked on a project in Burlington County for a field house application, a building for lacrosse or soccer.

Mr. Simon asked about Ms. Bruder's preparation for this proposed project, the Switzler tennis training facility. Ms. Bruder stated that she is not a tennis player, but that she did seek out facilities to see where they are located, what they look like, and how they are sited. When asked, Ms. Bruder stated that she is not aware of any variances that may have been obtained for these sites she viewed. She further stated that she did not investigate the zones, nor did she investigate the location via specific roadways.

Mr. Simon asked if any of these facilities that Ms. Bruder viewed had these components: two courts, residential apartment, viewing area, or gym. Ms. Bruder stated that she could not respond to that. Mr. Simon asked a planning perspective concerning the difference between an indoor tennis facility for training and an indoor training facility for recreation. Ms. Bruder stated that from a planning perspective there would be no difference.

Mr. Simon asked if the housing component is relevant to the planning analysis, wherein the owner would live and work in the same place. Ms. Bruder stated that planning practices encourage the co-existence of uses. She noted that this co-existence of uses does not change the facility size in any substantial way. She further noted that the municipality looks for a variety of housing, but that this point is not primary justification for the use variance.

Mr. Simon discussed the potential number of variances that may be needed concerning this commercial use including commercial parking and lighting. Ms. Bruder noted that there is no separate variance for the parking lot as that is accessory to the principal use. It was noted that the pro shop and gym facility are not operations that are open to the general public, they are reserved for clients/participants. She noted that a client that is receiving training would be able to use the gym, as part of the membership.

Ms. Bruder noted that Mr. Switzler could better respond to the operations. She further noted that Mr. Switzler prepared the information about the number of participants and the overlap between classes. Mr. Simon noted that per Mr. Switzler, recreational use is proposed with reservations, giving those participants access to the pro shop and the gym. Ms. Bruder stated that she could not affirm that statement.

Mr. Simon asked about the off-site impact of the proposed use. Ms. Bruder noted that information about traffic was provided by the applicant's Traffic Engineer and the Board's Traffic Engineer.

There was a discussion about the minimum setback from an underground fuel pipeline.

There was a five minute break.

Mr. Simon resumed his questions about the site plan. Mr. Simon noted that the ordinance requires a minimum of 25 feet from above or below ground easement for a pipeline, §230-16E.3.(a). It was noted that this ordinance discusses improvements within 25 feet of the pipeline and the building is not within 25 feet, but the parking lot and part of the stormwater facilities are. There was a question about the 25 feet being from the easement or the pipeline itself. It was noted that Penn East has withdrawn the pipeline project but the easement still exists and is on record, which would trigger the ordinance requirement.

Mr. Simon asked about pedestrian movement exposed to vehicular traffic. He noted that there are circumstances for which a client could park near the stormwater basin and walk through the parking area and parking islands before getting to the building.

Mr. Simon asked about the residential apartment having two bedrooms. Ms. Bruder stated that she does not know why Mr. Switzler wants two bedrooms. Ms. Bruder reiterated the point that whoever lives in this apartment will work for the tennis training facility. Ms. Bruder stated that she cannot recall the exact number of employees for the facility, she thought it might be between one and four. She repeated that one employee will live in the apartment.

Mr. Simon stated that this residential apartment has been compared to that of an accessory apartment, a conditional use in this zone. Mr. Simon stated that his perception of an accessory apartment is a conditional use for an affordable housing unit. Ms. Bruder stated that the number of affordable housing units is negotiated by the Township through the Fair Share Program. She noted that this conditional use for accessory apartments is meant to supplement the Township's program.

Mr. Simon asked about the person living in the residential unit and whether or not such person might have guests. He asked about parking. Ms. Bruder stated that parking would be in the parking lot. Mr. Simon then asked about the lighting. Mr. Simon stated that it has been noted that the lighting goes off after operating hours and that there is no light on the driveway. Mr. Simon expressed his concern about guests.

Mr. Simon asked about granting variances from a planning perspective, that granting a variance represents the exception. Ms. Bruder stated that exceptional cases justify the use variance and that the Governing Body legislates the uses.

Mr. Simon had questions regarding the height. He stated that he reviewed the ordinance and found the definition of height, per §230-5: *"BUILDING HEIGHT – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof. Chimneys, spires, water towers, tanks, and similar projections other than signs, shall not be included in the calculation of building height."*

Ms. Bruder gave her opinion that the front of the building, for single family homes and farms, typically has a front door and faces the roadway. It was noted that the side of the proposed building that is facing the road has no doors, but can still be considered the front of the building.

Mr. Simon asked if Ms. Bruder, as a planner, had investigated appropriate heights for the roof of a tennis facility. She noted that the information about clear heights of such a structure came from reliable sources, that of the Switzlers and their years of experience with tennis and from Jim Hill and his engineering experience. She noted that the height of the structure is 17 feet over the ends of the court and higher over the net.

When questioned, Ms. Bruder stated that indoor recreation is not a permitted use in Delaware Township.

Mr. Simon asked if Ms. Bruder had done any investigations on indoor facilities in any surrounding communities, to which Ms. Bruder responded negatively. Ms. Bruder also noted that she had not investigated if any properties are available in the Township or surrounding communities.

Ms. Bruder noted that in her review of zoning in Delaware Township, indoor recreation facilities are not permitted in any zone. She noted that a variance request would be required for any zone in Delaware Township. She noted that the industrial zone applies to the quarry. She noted that the village zones were developed for small neighborhood commercial uses. She noted that the commercial, or "highway" zone on Route 12 is in Croton and that there is no available space there. Ms. Bruder stated that she cannot say for sure that there is no undeveloped space in the commercial zones of Delaware Township. Ms. Bruder stated that she has not done a comprehensive study and that she has not looked into every property.

Mr. Simon questioned if the use would be best situated on a highway, meaning a State or County Road. It was noted that the answer would depend on availability of a property.

Mr. Simon asked about the A-1 zone and its connection to the State Master Plan, the County Master Plan and the Township Master Plan. It was noted that preservation is a main goal of these plans. Ms. Bruder stated that the full extent of this property is 30 acres and that the area to be disturbed is four acres. There was a discussion about the subdivision of the land, with 12 acres for the training facility and 18 acres for a single family house.

Ms. Bruder noted that the intent of the remainder of the property is to continue its farming, with no physical delineation concerning the separation of the area to be farmed. When asked, Ms. Bruder stated that it does not matter if the facility is closer to the public from the roadway. She noted that from a planning perspective it is better to place the facility on a 12-acre site that is closer to the road and infrastructure. She noted that the design of the building reflects the barns in the area and the parking lot behind the building makes the parking lot less visible from the roadway. She noted that the design fits the general rural character. She noted that there is development but that it is not out of scale.

Ms. Bruder noted that if the building is moved further back, it is uncertain where the subdivision line would be. She opined that the 12-acre parcel is better.

Mr. Simon asked how many properties throughout the A-1 zone are similar to this. Ms. Bruder stated that she did not study other parcels. She stated that soils here are similar to those throughout the A-1 zone, making the site suitable to be preserved for farming. She noted that the proposal is a request for a use that fits into Township goals and does not undermine the surrounding area to any significant extent.

Ms. Bruder noted that this site is a good one for this planning purpose. She noted that the proposal includes 37 acres of preservation opposed to 22 acres of preservation, if there were to be a subdivision. She noted that combining this lot with Lot 2.03 would allow for greater preservation. She noted that this lot has 30 acres and that Lot 2.03 has about 15 acres. She agreed that Lot 2.03 is not part of the application and that no property owners have been notified concerning that lot. She further noted that with the addition of Lot 2.03 to the preservation proposal, there would be 37 acres preserved by the owners; making this part of the "big picture".

Mr. Simon asked if there was any consideration given to using the family lands to be developed for permitted uses in the A-1 zone and then use those sales proceeds to purchase property for the tennis facility to be located in an area in which it is permitted. Ms. Bruder stated that the family prefers to keep the land. She noted that the family does not want to sell the land for subdivision, with a potential of eight homes.

Ms. Bruder stated that she is not aware of the family pursuing farmland preservation, from the county or state, or for any tax deductions.

When asked, Ms. Bruder stated that she does not recall what tennis facilities she looked up. She stated that she was not commissioned to do studies in Hunterdon County. When questioned, she noted that she did not review school enrollment, current or future, of either the high school or the grammar school.

Mr. Simon asked if the applicant would partner with another owner. Ms. Bruder stated that she is not aware of that. There was a discussion about financial success or failure. Ms. Bruder stated that this was a factor in the planning analysis. She stated that she assumed the client will be successful, but that she did not review the viability of the operation. Ms. Bruder stated that her client understands the demand for tennis in this area. She stated that she is not aware of any studies or independent investigation to support this.

When asked, Ms. Bruder stated that she is not aware of any indoor recreation facilities on a farm or on rural lanes. When asked, Ms. Bruder stated that she is not aware of any indoor, non-agricultural enterprise on a farm.

Ms. Bruder noted that there is an equestrian facility within one mile of the subject property, with lights inside the riding facility. She stated that she is not aware of delineated parking strips for this property.

There was a discussion about lighting for the proposed building/use. Ms. Bruder stated that there will be 14-foot fixtures on pole lights, which is considered low for a commercial use. She noted that the lighting is meant to be low-impact and that the engineer can determine the foot candles so that there is no lighting spill-over.

Mr. Simon asked about non-conforming uses in the area, within one or two miles. Ms. Bruder stated that she is not aware of any. She noted that there are commercial facilities in the V-1 zone, which is about two miles away.

Mr. Simon asked about the recreational facilities at Dilts Park. Ms. Bruder stated that there are recommendations in the Master Plan for more indoor facilities, from a 2005 report. She noted that the town has no specific plans at this time and that she is not aware of any funding to develop such plans.

Mr. Simon asked for an assessment of the difference in traffic between the proposed use and a riding facility. She noted that this information would better be questioned of the traffic engineer, noting that the traffic engineer did a report on the traffic impact of the proposed use.

Ms. Bruder noted that if the tennis facility “goes away”, this facility could be further developed as an equestrian facility; she noted that she is not aware of the conversion process. She agreed that tennis is not under the right to farm act.

There was a discussion about soils. It was noted that all of the immediate farms owned by the Switzlers fall within the same soil classes. It was noted that one goal the Township has is to have the least disturbance possible to agricultural soils. It was noted that this could be incorporated into the site plan approval. It was further noted that the applicant will strive to comply.

When asked about the distinction between this 12-acre parcel and others in the A-1 zone, Ms. Bruder stated that she has not studied other 12 acre lots. She noted that single family homes are permitted, but that continuing to farm is a family priority.

There was a discussion about the concept eight-lot subdivision. Mr. Simon questioned the long driveway. Ms. Bruder stated this long driveway becomes the access to the eight lots while remaining part of a flag stem to Lot 2.03. She noted that there is no increased impervious surface by sharing this driveway.

Chair Cline agreed that the different types of soil should be on the plans. He noted that preserving Type I soils is a Master Plan goal and that it would be less desirable to develop these soils. He noted that with the right subdivision, it would be a goal to keep the disturbance as minimal as possible.

Chair Cline expressed a concern about a possible cell tower placement on this proposed commercial building; such a use is encouraged by the cell tower ordinance. Ms. Bruder stated that there could be a deed restriction against allowing the placement of a cell tower on this building.

There was a discussion about solar panels. It was noted that there is maximum percentage of land that can be used for a major solar array.

There was a discussion about open space plans and funds, but no specifics were provided.

Mr. Simon asked about the evaluation of patrons and travel to and from the facility. Ms. Bruder stated that there are tennis opportunities in the region. She noted that the Switzlers are familiar with the tennis community.

Mr. Tony Berardo of 11 Sandy Ridge Road was present. When questioned, Ms. Bruder stated that a use variance is required for this proposal in the A-1 zone.

There were no other questions. Mr. Simon stated that he would like to cross examine the owner of the property. Ms. Edwards stated that the applicant would like to give additional testimony, for which there would be cross examination by Mr. Simon. Ms. Edwards stated that the applicant might recall the engineer, for which there would be cross examination by Mr. Simon.

It was noted that the application will continue to the April 14 meeting with no new notice given. It was noted that there could be continuation to April 28, but such decision will be made on April 14.

Planning Board update – Liaison Cline

Liaison Cline stated that the Planning Board will hear the review of the reclamation plan for the Trap Rock renewal license, which is renewed every ten years. It was noted that the quarry is not in operation at this time.

Liaison Cline commented on the possible proliferation of cell towers with the introduction of the 5G networks. He noted that these towers may need to be closer together.

Board Planner Kyle stated that there is permission in public rights-of-way, similar to that of telephone poles and equipment. He noted that the 5G equipment might be a single antenna with a cabinet. He further noted he has not seen any new applications over existing facilities. He further noted the cell towers and appurtenant uses may require permission of the Township and owners of the poles; the zoning board should not be involved. Mr. Kyle stated that he did research with Board Attorney Goodell.

Correspondence – none other than the Bill List

Bill List

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

Zoning Board Matters

Through January 31, 2022, #3142934 \$511.80

Member Gilbreath made a motion to approve payment of this voucher. Member Manley seconded the motion.

Roll Call Vote

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

Nay: None

Absent: Fowler, McAuliffe

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

Escrow Charges

55/2, Switzler, #3142933 \$340.00

Bill List: Engineering Services – Van Cleef Engineering Associates LLC

Escrow Charges

51/5.05, Tilch, #3935013-6 \$139.50

55/2, Switzler, #3935008-9 \$340.00

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

ADJOURNMENT: 10:20 p.m.

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

Respectfully submitted,

Kathleen E. Klink,
Administrative Officer, Secretary