

## **MINUTES OF DELAWARE TOWNSHIP BOARD OF ADJUSTMENT**

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### **HYBRID IN-PERSON and VIRTUAL via ZOOM PUBLIC MEETING**

DATE: October 13, 2022

Chairman Cline called the meeting to order at 7:30pm.

Chairman Cline read the Public Notice Requirements.

The Notice Requirements called for in the Open Public Meetings Act have been satisfied. Said Notice was transmitted to the Hunterdon County Democrat, The Times (of Trenton), and the Star-Ledger. Said Notice was posted in the Delaware Township Municipal Building and filed in the Board Office; all on January 18, 2022.

### **MEMBERS ATTENDANCE**

Buchanan, Emmons, Fowler, Gilbreath, Manley, McAuliff, Warren, Cline

### **MEMBERS ABSENT**

None.

### **PROFESSIONALS/STAFF IN ATTENDANCE**

- 1) Steven Goodell, Esq., Board Attorney
- 2) Rob O'Brien, PE, Board Engineering Expert
- 3) Elizabeth McManus, PP, substituting for Jim Kyle, PP, Board Planning Expert
- 4) Denise Filardo, Board Secretary

Chairman Cline announced that former member Andrea Kenyon sadly passed away and he called for a moment of silence in her honor.

The Township Committee has appointed Scott Mileznec as a new Board Member who will be starting next month.

### **MEETING MINUTES**

- 1) MEETING MINUTES – SEPTEMBER 8, 2022

A motion was made by Mr. Buchanan and seconded by Mr. Fowler to adopt the Meeting Minutes of September 8, 2022. All members in attendance were in favor, none opposed.

### **RESOLUTIONS/MEMORIALIZATIONS**

ANTHONY AND PAULA ANASTASIO

57 Upper Creek Road

Block 19, Lot 17,02

Resolution No. 2022-02

Grant of a Use Variance to convert an existing Accessory Building which was constructed after 1982, to a Dwelling Unit. (§230-31).

A motion was made by Mr. Manley and seconded by Ms. Gilbreath to adopt Resolution No. 2022-02. The vote record follows.

<b>Roll Call: Anthony and Paula Anastasio – Variance Resolution No. 2022-02</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Concur</b>	<b>Absent</b>
Buchanan (Alt. 1)					X	
Emmons (Vice Chair)			X			
Fowler			X			
Gilbreath		X	X			
Manley	X		X			
McAuliffe			X			
Warren			X			
Cline (Chair)			X			

## **PUBLIC HEARING**

GTG BUILDERS, LLC

552 Rosemont Ringoes Road

Block 23, Lot 6

The applicant is seeking a Use Variance and Preliminary and Final Site Plan Approval to construct four (4) two-bedroom apartments.

*This application commenced on August 11, 2022 and was carried without the need for further notice to September 8, 2022. Due to the number of items on the September 8<sup>th</sup> Agenda, the application was carried to the October 13th meeting without the need for further notice.*

Chairman Cline communicated that if testimony is completed tonight, we will not vote this evening, we take a month to render decisions on Use Variances.

The applicant's attorney, Steven Gruenberg thanked the Board for allowing him to participate in the August meeting via Zoom due to illness.

Attorney Gruenberg stated that the applicant will now designate one (1) of the four (4) proposed units for a moderate Affordable Housing unit.

The following individuals were sworn and testified during the August 11, 2022 hearing:

- 1) Andrew Giannattasio, (Managing Member of GTG Builders)
- 2) Robert Templin, PE, (Applicant's Engineering Expert)
- 3) Ralph L. Finelli, RA (Applicant's Architectural Expert)

The following individuals were sworn and testified during the October 13, 2022 hearing:

- 1) John A. Madden, PP, (Applicant's Planning Expert)
- 2) Liza Davis, (Chairperson of the Delaware Township Historic Advisory Committee)

Mr. Madden was sworn and qualified by the Board during a previous application. The Board considered Mr. Madden an expert witness.

Attorney Gruenberg noted that at the request of the Board we tweaked the design to include additional stormwater features and also forwarded the application and plans to the newly formed Township Historic Advisory Committee.

#### EXHIBITS / EVIDENCE

- A-6 Letter from Steven Gruenberg dated October 7, 2022 re: fire suppression and the Historic Advisory Committee containing Exhibits A, B and C.

A - Email dated October 5, 2022 from Fire Chief Bunting to Attorney Gruenberg regarding fire suppression for the proposed development.

B – Email dated October 7, 2022 from Paralegal Barbara A. Stubbins of Gruenberg Legal to Liza Davis of the Township Historic Advisory Committee.

C – Delaware Township Resolution # 2022-76 Historic Advisory Guidelines (included in excerpt from Township Council July 11, 2022 Meeting Minutes).

- A-7 Six (6) photographs of neighboring properties relevant to the subject property.

- 1 - Photograph of the vacant subject property Block 23, Lot 6;
- 2 – Proposed Plot Plan;
- 3 – Architectural Rendering of the proposed stacked townhouses;
- 4 – Aerial photograph of Sergeantsville highlighting the subject site;
- 5 – Photograph of the ARC of Hunterdon County building;
- 6 – Photograph of single-family home on the adjacent property.

- A-8 Eight (8) photographs of neighboring properties relevant to the subject property.

- 7 – Photograph of the Sergeantsville Post Office;
- 8 – Photograph of the Sergeantsville Grain and Feed Store;
- 9 – Sanitary Sewer Service Area;
- 10 – Delaware Township Zoning Map;
- 11 – Photograph of existing Affordable Townhouses at Rosemount-Ringoes Road and Jorgensen Road;
- 12.1, 12.2, 12.3 – Renderings depicting examples of Missing Middle Housing

Referencing Exhibits A-7 and A-8, Mr. Madden's testimony included and was not limited to the following:

- An overview of subject property and neighboring properties in Sergeantsville;

- Review of the proposed plan noting that this is the last infill property in Sergeantsville;
- Review of the architectural character of the proposed building
- Testimony in support of granting the D(1) Use and D(5) Density Variances ;
- Site suitability and consistency with the Township Master Plan goals to provide more varied housing needs, encourage housing infill in areas with presently available infrastructure and continue to encourage diverse housing opportunities for low and moderate-income affordable housing.
- Sergeantsville is the only sewer water district in the Township so it is the only area capable of accommodating affordable housing.
- Zoning permission to create accessory apartments in the V-1 District has not yet produced any opportunities to provide for a portion of the Township's Fair Share and Housing obligation;
- The Township's obligation is forty (40) units and the Township has only produced thirteen (13) new units. The proposed moderate-income unit counts as two (2) credits towards satisfying the Township's affordable housing obligation.
- Affordable Townhouses at corner of Rosemont Ringoes Road and Jorgenson Road which is within the Village Extension Zone, consists of the same density as our proposal which is eight (8) units per acre.
- Negative and positive criteria in support of the C variances.
- Providing desirable visual development, as the building has been designed to fit in with buildings in Sergeantsville. There are no design standards in the zone, we have gone beyond to try to make it fit in with much of the prevailing character

Attorney Gruenberg offered that the applicant has taken great steps to address the Board's concerns regarding stormwater. Attorney Gruenberg stated that the units will meet all relevant fire codes.

Discussion ensued regarding the possibility of residents and/or guests parking on the street.

Steve Goodell asked if planner felt that people will park on the street

Questions from Board Members resulted in spirited discussion regarding whether the four (4) proposed units are townhouses, attached single family homes or apartments.

Board Attorney Goodell offered clarification that there are often different categories or words to describe the same structure. The UCC describes it as townhomes and the Census would define as attached single family units.

Attorney Gruenberg explained that they are Townhouses which will be rented and the applicant will be paying the taxes.

Attorney Gruenberg summarized we are not violating bulk standards and there is no detriment the public good. We take this infill lot and do not overuse it, meeting the impervious standard. There will always be some impact, the question is whether it is substantial.

We are within the allowable ordinance requirements pertaining to setbacks, height and impervious coverage.

Mr. Fowler asked if the applicant would consider additional affordable housing units . Attorney Gruenberg stated no.

Chairman Cline referenced the environmental report from 1996. Chairman Cline has concerns of contamination because there used to be a welder on the site and asked why the applicant did not provide testimony of possible contaminants and the environmental impact.

Attorney Gruenberg stated that respectfully, it is not within this Board's jurisdiction it would be within the NJ DEP jurisdiction.

Liza Davis, Chairperson of Historic Advisory Committee reported that the Town Committee recently adopted a resolution memorializing that the Historic Advisory Committee has been formed to provide advice to Boards on historic sites. Ms. Davis read a letter dated October 13, 2022 written on behalf of the Committee regarding the GTG application. (Said letter is attached herewith.) Ms. Davis noted that the Committee just met last night to review this application and requests additional time to provide balanced and thorough advice.

The Board took a brief recess at 9:38pm and resumed the meeting at 9:46pm.

Chairman Cline proposed that we carry this application to the beginning of the November meeting and at that time hear from members of the public and then have our vote in November.

Attorney Gruenberg stated that the applicant and team will absorb the NJDEP question and address at the next meeting.

Due to a scheduling conflict, Attorney Gruenberg asked the Board if a Special Meeting could be scheduled in November so they wouldn't need to wait until December.

It was discussed and decided that it would be best to schedule for December so as not to inconvenience anyone around the Thanksgiving holiday.

The application was carried to the December 8, 2022 meeting with no need for further notice.

## **PLANNING BOARD UPDATE**

Liason Cline reported that the Planning Board is still working with the planner on the Master Plan Reexam. They will soon make final adjustments and send to the Township Committee for approval. There are no pending Planning Board applications at this time.

## **APPROVAL OF BILL LIST**

Chairman Cline read the non-escrow items from the Bill List.

<u>Professional Service</u>	<u>Invoice No.</u>	<u>Date</u>	<u>Amount</u>
<b>Parker McKay, P.A. (Legal)</b>			
General Board Matters	3150721	8/11/22	\$374.00
General Board Matters	3152033	9/15/22	\$306.00

The Board voted on the motion of Ms. Gilbreath, seconded by Mr. Fowler to approve payment of the non-escrow legal bills. The vote record follows.

<b><i>Roll Call: Approval of Non-Escrow Bills</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Concur</b>	<b>Absent</b>
Buchanan (Alt. 1)					X	
Emmons (Vice Chair)			X			
Fowler		X	X			
Gilbreath	X		X			
Manley			X			
McAuliffe			X			
Warren			X			
Cline (Chair)			X			

Chairman Cline read the escrow items from the Bill List.

<u>Professional Service</u>	<u>Invoice No.</u>	<u>Date</u>	<u>Amount</u>
<b>Van Cleef Engineering</b>			
Escrow - GTG	3935016-4	9/15/22	\$2,068.00
Escrow - Anastasio	3935017-2	9/15/22	\$408.00
<b>Parker McKay, P.A. (Legal)</b>			
Escrow - Switzler	3150719	8/11/22	\$1,156.00
Escrow - Switzler	3152029	9/15/22	\$1,360.00
Escrow - GTG	3152030	9/15/22	\$663.00
Escrow - Anastasio	3152031	9/15/22	\$34.00
Escrow - Friends Locktown Church	3152032	9/15/22	\$238.00

**Kyle McManus Associates, LLC (Planning)**

None.

The Board voted on the motion of Mr. Emmons, seconded by Mr. Fowler to approve payment of the escrow bills. All were in favor, none opposed and no abstentions.

**ADJOURNMENT**

A motion was made by Mr. Fowler and seconded by Mr. Emmons and the meeting was adjourned at 10:04pm.

Respectfully Submitted,

*Denise Filardo*

Planning and Zoning Board Secretary

These minutes were approved on January 12, 2023.