

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.

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, Gilbreath, Kenyon, Manley, McAuliffe, Szwed, Warren, Cline

Absent: Fowler

Also present: Board Attorney Steve Goodell, Board Engineer Rick Roseberry, Board Planner Jim Kyle

MINUTES: February 7, 2019

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

MEMORIALIZATIONS

William Carlucci and Elizabeth Woodfield, Block 27, Lot 9, bulk variance requested for agricultural building closer than 75 feet to the property line, continued from October, 2018 meeting; announced continuation at November meeting, granted on December 13, 2018.

There was a discussion about the change in the requirements for stormwater management and where that is best placed in the resolution. Board Attorney Goodell stated that information about the change needs to be reflected in the resolution but the location within the resolution is of little consequence. There was also a discussion about the distance to the property line, between the numbers 27.4 feet and 27.2 feet. Administrative Officer Klink noted that she would review the information with Board Engineer O'Brien. Further discussion included some minor language changes.

Member Manley made a motion to approve the resolution as noted. Member Gilbreath seconded the motion.

Roll Call Vote

Aye: Emmons, Gilbreath, Manley, McAuliffe, Warren, Cline

Nay: None

Present, but not voting: Kenyon, Szwed

Absent: Fowler

Anthony Wiseman, appeal the determination of the Zoning Officer for property of Block 11, Lot 10, use of property for home-based landscaping business, per the appeal.

There was a discussion about language changes, including some corrections sent via email from Mr. Wiseman. Mr. Wiseman was present and asked to give his opinion. There were issues within the resolution concerning the conditions that had been placed on Issue #4 of the appeal. Administrative Officer Klink noted that she would review the minutes and verify the conditions that were discussed.

Mr. Wiseman expressed his concern about enforcing the resolution conditions. Board Attorney Goodell noted that items in violation of the ordinance can be enforced. He further noted that conditions within the resolution can be enforced when the resolution is fully approved.

Chair Cline asked that the resolution be in its corrected form before there is a vote on its approval.

It was noted that the Board will review the resolution with changes at the April 11, 2019 meeting.

APPLICATIONS

Locandro Investments, LLC, Block 32, Lot 24, minor site plan approval and d(2) variance to expand the previously approved non-conforming four (4) residential apartment uses on the first, second, and third floors to permit two (2) additional units in the main building, one being a COAH unit; and two additional units in the barn.

Mr. George Dilts was present to represent the applicant. He noted that the application date was previously noticed for the February 7, 2019 meeting, but was not held due to the absence of one of the Board's professionals. Mr. Dilts noted that the record is clear on the notice that was given on February 7, 2019, that the meeting was adjourned to tonight's date.

Mr. Dilts identified the property as 88 Kingwood Stockton Road.

It was noted that two reports were presented to the Board, one from Board Engineer Roseberry and one from Board Planner Kyle. It was further noted that the Hunterdon County Planning Board provided a conditional approval not to construct subject to three conditions. A letter received from Mr. Dilts noted that the applicant will comply with those three conditions.

Mr. Dilts noted that pre-existing in the main building before the fire (2016), were the following: one restaurant on first floor and one apartment in the back of the first floor; three apartments on the second and third floors. He noted that the proposal is to create two apartments where the restaurant was and two apartments in the barn located on the southeast corner of the property. He noted that the apartments in the barn would be loft-type apartments.

Mr. Dilts noted that there are a number of public residents in attendance. He further noted that it is the intent of the applicant to finish the application at this hearing.

Chair Cline made a statement about procedure. He noted that questions about witness testimony follow the witness testimony. He noted that the Board questions come first, followed by the questions of the public. He noted that comments of a general nature will be after the application has been presented and completed. He further noted that there will be no new witnesses after 10:00 p.m. He concluded by noting that the Board does not generally render a decision on the same night that testimony is completed.

Mr. Dilts noted that the application is for a variance, as an expansion of a non-conforming use. He noted that there are existing nonconforming setbacks found on the property. He stated that the applicant also seeks minor site plan approval.

Mr. Dilts opined that the proposed four new apartments on the property do not require exterior modifications and thus do not require any setback variances. He noted that the additional right-of-way requested by the County on both County roads may present the need for a bulk variance.

Board Attorney Goodell noted that by expanding the non-conforming uses, the bulk variances may be required as a part of the application. Mr. Dilts stated that the existing apartments have been approved by previous variances. Mr. Dilts noted that the addition of the two apartments could be considered accessory apartments.

Mr. Dilts reviewed the County report that asks for additional parking spaces on-site and out of the County right-of-way. An exhibit will be introduced that describes these additional parking spaces that do not require a variance.

Following are those who were sworn in: Mr. Roger Locandro, Mr. Wayne Ingram, for the applicant; Board Engineer Roseberry and Board Planner Kyle.

Board Attorney Goodell asked that Board Planner Kyle summarize his review of the application. Mr. Kyle noted in his report dated March 13, 2019, that there are several variances that could be required, depending on legal determinations of conditions that exist and conditions that are created. Mr. Kyle noted that there is a question about the possibility that using the barn for two apartments creates two principal buildings on the lot.

Chair Cline questioned the previous use of the barn. Mr. Kyle noted that this previous use was granted a variance but that no variance on this property recognized the barn as a second principal use. Mr. Kyle noted that this provision in the ordinance may have appeared after these variances were granted. He further noted that to err on the side of caution and include that request would require no further evidence than will be submitted for the application.

Attorney Goodell asked about the barn use, as to whether or not it is a d-1 use variance, or an expansion of the use on the property. Mr. Kyle noted that the barn had already taken on the characteristics of a principal use due to the commercial uses that were permitted in that building. Mr. Kyle stated that he thought the barn use could go along with the expansion variance. He reiterated that the proofs would be the same, if the barn is separately identified or "lumped" with the expansion request. He noted that the request could go either way, as the proofs for d-1 and d-2 variances are not significantly different.

Mr. Kyle discussed the bulk relief question for the expansion of a nonconforming use. He noted that it is not uncommon for there to be such bulk variances related to a preexisting building. He noted that the request could go either way, especially as it could be addressed in the minor site plan approval.

There was a discussion about the parking spots requested by the County, per its memo dated February 21, 2019. It was noted that a suggestion has been made to add a parking area on the southwest corner of property. Mr. Dilts noted that an exhibit will be presented to show how this can be done. Mr. Kyle stated that there will be planning review of what is required for the minor site plan and a consideration of how to apply that to this application.

There was further discussion about the bulk variance issue. Mr. Kyle noted that if the right-of-way area is dedicated to the County, the dimensions on the property become smaller. He noted that this would still fall under the hardship variance. He noted that the applicant has some options with the County: request that the new right-of-way not be dedicated; review the right of entry to the County; review current conditions if the right-of-way is dedicated as requested. Mr. Kyle noted that this can be considered with the site plan application and can be considered as variances. It was further noted that the County right-of-way request is for both County roads.

Board Engineer Roseberry noted variances in his report, as follows:

- §230-107.V – paving location restrictions, specifically paving shall not be permitted within five feet of any property line.

- §230-106 – buffer landscaping requirements

- §230-107X – parking area site layout - Subject to site development plans

- Old Article 11 – design standards and improvements shall apply, see particular sections between new §230-101 through §230-114

- Old Article 10 – site plan review; new §230-91 through §230-100

Mr. Dilts asked questions of Mr. Locandro and elicited the following information.

Mr. Locandro thanked the Board for hearing the application and being in attendance. He noted that he and his wife acquired the property on January 20, 2015. He noted that at that time, the make-up of the property included four apartments and a restaurant. He noted that there was a one-bedroom apartment on the first floor; on the second floor: a one-bedroom apartment and a two-bedroom apartment; and a one-bedroom apartment on the third floor. He noted that the proposal is to maintain these apartments and to replace the restaurant with two one-bedroom apartments. He noted that the barn area was used as a prep area and storage for the restaurant and

that he proposed to put in two apartments, both one-bedroom apartments with a loft-type arrangement. He noted that he has no architectural drawings at this time. He noted that the total would be eight apartments, seven one-bedroom and one two-bedroom. He also discussed possible COAH units as described in his notice. He noted that the possibilities would be related to meeting ADA compliance for any potential COAH units.

Mr. Locandro stated that the existing four apartments are rented. He noted that there is a demand for rentals. He noted that he has a backlog of about ten people looking for an apartment. He stated that there is a tremendous demand for single-bedroom apartments.

Mr. Locandro noted that the water for the building is supplied by the Rosemont Water Company. He noted that by May 3, 2016, most of the building had been rebuilt. He noted that he has installed sprinklers and an active alarm system connected directly to central station. He noted that the reconstruction has many green components, such as a geothermal heating/cooling system; and the building is hyper-insulated. He noted that it is an efficient place to live.

Mr. Dilts noted that the engineer will address the septic system, as questioned by one of the Board members. Mr. Locandro stated that the existing system was built by Barbiche for apartments and a restaurant. He noted that per NJ AC 7:9A3.3.4b, the existing system may continue to be used. He further noted that each apartment only uses about 50 gallons of water per day.

Mr. Locandro noted that there is a generator on-site, with an outlet to everyone's utility room. He noted that there is sufficient power for the heater, refrigerator and phone. He noted that he received zoning and construction permits for the reconstruction process.

Mr. Locandro noted that the garbage for the site is located on the cartway on the side of barn, with recycling units as well. Page 1 of 5, of the minor site plan shows the location. It was noted that this site plan was submitted with the application.

Photos of the main building, were submitted into evidence, as follows:

A-1 back of building during the fire

A-2 second floor, after the fire, looking out of the building

A-3 third floor, after the fire, looking down, and towards 519; the chimney is on the north side of the building

A-4 back of building upon completion, summer 2018

This is the south side of the building. Mr. Locandro noted that these apartments are on two floors, with the bedroom on the third floor.

A-5 front of the west side of the building once finished, facing Route 519; taken August 2018

Mr. Locandro explained that the left door is the old entrance to the restaurant. He noted that the right door goes up the original stairs to apartment #2. He noted that this apartment is on the 519 side and occupies the second and third floors. He also noted that the apartment has two entrances.

Mr. Locandro noted that apartment #1 is the original apartment on the first floor. He noted that Apartment #1 has access from the parking lot side of the building and from Route 519.

Mr. Dilts asked about parking. He noted that the applicant's engineer will review this in detail. Mr. Locandro noted that there will be parking spaces along Route 604. He noted that there are five stacked stalls between the main building and the barn. He noted that there will be two stacked stalls by the barn. He noted that it is his intent to assign stacked parking to each apartment and to the same stack per apartment, if permissible. It was noted the parking spaces are marked on the site plan submitted with the application. Mr. Locandro further noted that the handicapped parking spot would be closest to unit 5.

Board Engineer Roseberry noted that parking spots in the right-of-way cannot be assigned.

A-6, was presented into evidence. It is a copy of the minor site plan sheet 1 of 5, marked for presentation, with colors and a revision date 3.08.19. There was a discussion about the three double-stacked parking areas with access from Route 519, as shown on A-6. It was noted that these spots do not interfere with the septic system. There was an unanswered question about whether or not there is an historic easement on this property.

Member Gilbreath asked about the apron-opening on Route 519. Mr. Locandro stated that this possibility came up in discussions with the County. Board Planner Kyle suggested that this opening may present a pedestrian danger. There was also concern about backing onto a County Road.

Chair Cline asked about access to the Rosemont Water Company. He asked that there be written documentation for all hook-ups. Mr. Locandro noted that there is a second meter for this property. Mr. Locandro also noted that the water runs from one building to the other.

There was a discussion about adequate septic capacity. Board Engineer Roseberry stated that there would have to be affirmation concerning septic capacity.

Mr. Locandro provided a brief history of the property (which was later marked into evidence, A-7)

Mr. Locandro noted that the beginning date of the commercial and mixed residential use appears to be somewhere between 1932 to 1982. He noted that the accessory building has been used as a slaughter house, parts store, and the South County Road Department Garage. He noted that some of this information was retrieved from County records. He noted that in 1864, the property is identified as a general store with apartments on the upper floors.

Mr. Locandro noted that beginning in 1982, several variances were obtained for uses on this property.

- October 30, 1982

First floor – 845 square feet (s.f.) for general store; 320 s.f. for storage; total 1,165 s.f.
645 s.f. for professional office space

Second floor – 2,100 s.f. of general office space

Third floor – 1,700 s.f. for single-family unit

- November 12, 1982

Site plan approval for parking – 13 on site and 10 off-site

- July 19, 1984

First floor – general store, as noted above; kitchen added to general store
645 s.f., single family apartment

Third floor – two office spaces, 800 s.f. each

- September 26, 1984

First floor – deli/lunch counter added

- September 13, 1984 (per the order of A-7)

Second floor – converted back to two apartments

- January 9, 1986

Barn expanded into printing press accessory production

Item #8 – 17 parking spaces on premises

- January 14, 1993

Academy Books and Binding approved

Other items of consideration per timeline, A-7

- September 27, 1993

Application for septic for apartments and restaurant –

40 seat restaurant at 1500 gallons per day; septic sized at 1000 gallons per day

Field and tank sized at 1.4 times the meter reading

- April 24, 1994 – repair and capacity signed off by Hunterdon County Board of Health, 1,500 gallons/day

- January 17, 1995

Acknowledgement of success of Rosemont Café, Hunterdon County requests that there be no parking within 50 feet of the stop sign.

Occupancy at that time: Book Bindery, Rosemont Café, 3 apartments, 2 office units

DT Zoning Officer verifies parking to be 17 spaces on site

At this point of the meeting, the following items were marked into evidence

A-7 chronology of dates of historical uses and variances; created by Locandro through personal research

A-8 – summary of Locandro testimony

Mr. Locandro stated that he has made several attempts to have a restaurant reinstalled at this location. He noted that there have been four restaurants at this site. He noted that he has had continuous requests for apartment usage. He stated that he did not limit marketing to restaurant commercial use. He noted that there are other items on the permitted V-2 zone list that do not exist today. He reiterated that there is high demand for single-bedroom apartments.

Chair Cline asked a question about photo, A-5. He noted that there is drain pipe from roof that appears to drain onto the area of bricks. He stated that he is concerned that there is enough slope to cause run-off to go onto the County Road. He questioned if there is to be mitigation for this water run-off. Mr. Locandro stated that the proposed parking area off of County Route 519 could be pervious. Chair Cline expressed his concern that pavers or crushed stone are both considered impervious. Mr. Locandro noted that a collection area could be put under this proposed parking area. Mr. Locandro stated that he is not required by the County to divert this flow. Mr. Locandro stated that there are no competing utilities underground at that location.

Chair Cline questioned the water service for the barn, which comes from the main building. Mr. Locandro stated that the water service comes underneath the paved area between the two buildings. Mr. Locandro noted that it is okay for the water connection to be underneath the concrete. Chair Cline stated that he would defer to the engineer as to the safety of this pathway. Chair Cline noted that his concern stems from the age of the water system in Rosemont. Chair Cline stated that he wants to avoid any leakage issues.

No member questions

Board Planner Kyle asked about the trash. Mr. Locandro stated that he has a dumpster for solid waste, once per week. He noted that there are roll carts for the recycling.

Mr. Peter Sudano of 102 Kingwood Stockton Road was present. He stated that he is on the Board of the Rosemont Water Company and that he is a member of the Delaware Township Board of Health. Board Attorney Goodell stated the need for a question of Mr. Locandro. Mr. Sudano suggested that on the north side of Route 519, there was once a sign that said no parking 50 feet from the stop sign. When questioned, Mr. Locandro stated that there can be parking on the County side of the road. Mr. Locandro stated that in 1994, the County wrote a letter that was reviewed by the Township. He noted that the summary of that letter was that parking was allowed on the County road as long as it was not within 50 feet of the stop sign. Mr. Locandro further noted that the same communication verified 17 parking spaces on the subject property.

Mr. Sudano stated that he can provide the genesis of parking on the street for the café. In speaking with Mr. Sudano, this reference is about the fact that he (Mr. Sudano) allowed parking on his property edge when Lola Wyckoff owned the Café. He noted that as a matter of convenience that some of the tenants park on the County road along Mr. Sudano's property.

Attorney Goodell noted that Mr. Sudano can provide testimony at the end of testimony, while this is the time for questions of the experts. Both Attorney Goodell and Chair Cline asked that this information be given as testimony at the end of the applicant's testimony.

Mr. Locandro stated that there is less traffic without the restaurant. He noted that the traffic is significantly lower.

Attorney Goodell stated that at the end of the testimony, neighbors have an opportunity to make a statement. He further noted that they can even be sworn in and provide testimony.

Mr. Steve Jaques, adjacent property owner to the south, was present. He asked about the barricade fence along Route 519. Mr. Locandro stated that the County suggested the removal of the fence and arborvitaes to allow access for parking spots. Mr. Locandro stated that the arborvitaes on the property line between the Jaques property and the Locandro property would remain.

Mr. Jaques stated his concern about the sight angles off of Route 604 and 519.

Ms. Rosemary Brenner of 85 Kingwood Stockton Road was present. She stated that Mr. Locandro discussed the possibility of a parking area that would be accessed along Route 519. She questioned if something can be done about the water run-off from that pipe, off of the corner of the house. She noted that since the County raised the road, there is more run-off than usual on Route 519.

Ms. Brenner asked if some remedy can occur now, because of this run-off. She further explained that as the run-off comes out of this pipe it travels south along Route 519 in front of several residents' homes. She asked if something can be done about it before the complication of additional parking spots on the subject property.

Mr. Locandro stated that the problem is exacerbated by water coming out of the ground from the Water Company. Mr. Locandro noted that this leaking water is being pumped from the basement into the pipe. Mr. Locandro noted that when the County raised the road up, the water was running back onto the subject property. Mr. Locandro stated that it is possible to fix this issue.

Mr. Locandro explained that when water has chlorine in it, as this water does, it is leaking from the Water Company. Mr. Locandro stated that it is possible to fix the problem.

Member Manley asked about the water. Mr. Locandro explained that the water coming out of this drainpipe is coming off of the building and from the sump pump in his basement. Mr. Locandro noted that this sump pump is the original sump pump for the building. He further noted that all of the drainage goes to the end of the building. Mr. Locandro noted that if the property is to be dug up for the parking spaces, that would be the time to make repairs.

Mr. Steve Jaques of Rosemont spoke. He questioned the sidewalk and if the County put in the sidewalk, then the repair for the issue should be the responsibility of the County. Mr. Locandro stated that he knew that before the County put in the sidewalk, the water went down the road. Mr. Jaques stated that he would like the Board of Adjustment to make the County make the change, instead of making Mr. Locandro do it. Chair Cline stated that he does not think that the Board has that power. Mr. Jaques stated that the Board could write a letter.

Tim Davis of 79 Kingwood Stockton Road was present. He stated that he would like to correct some mistakes that were made. He stated that the bookbindery was in the main building of the printing press. There was also a discussion about the parking spaces at the site of the printing press, which were never proven to be there.

Attorney Goodell asked about the Book Bindery. Chair Cline noted that the Book Bindery was granted a variance from the Board of the Adjustment as a part of the printing press operation. Mr. Jaques, previous owner of the printing press operation, stated that it was just a sign on the building. Mr. Jaques stated that he had a printing press in that building. Mr. Jaques stated that he printed greeting cards in that building.

Mr. Davis said that the Book Bindery used to be in Stockton and then moved to a part of the printing press operation, named the Village Craftsman.

Mr. Davis stated that his second issue concerned the statements about leaks from the Rosemont Water Company. He stated that the Water Company does have leaks, but that there were two downspouts on the corner of the building and now there is only one. Mr. Davis noted that you can watch the water pour out of the source of the missing downspout and the water that comes out of the existing downspout.

Attorney Goodell asked about the downspouts. Mr. Locandro stated that there is water that comes down out of the downspout and that it is the same amount of water that came down since before he bought the property.

Mr. Dilts introduced his next witness, Mr. Wayne Ingram, who will be giving engineering and planning testimony. Mr. Dilts asked for Mr. Ingram's qualifications. Mr. Ingram stated that he is a licensed engineer and planner. He stated that he attended NJIT and Rutgers. He stated that he has not appeared before this Board but that he has appeared before at least 10 to 12 boards in Hunterdon County. Board Engineer Roseberry confirmed his qualifications.

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

Mr. Ingram reviewed evidence item A-6, with a revision date of 03.08.19. He stated that the map, as revised, was prepared by him or under his direction. He stated that this map is the same as the one submitted with the application except for the information from the County. Mr. Ingram explained what the colors represented on the map. He noted that the blue line shows the County dedication and right-of-way. He noted that the pink line outlines the main building and the barn.

Mr. Ingram noted that A-6 shows the zoning chart and the parking chart. He noted that the layout shows the 15 stall requirement for 8 apartments. He noted that the changes shown on A-6 reflect the County request for three on-site parking spots to supplement the three parking spots within the County right-of way. He noted that the County okayed the spaces on the roadway, but wants three spots on-site so that the roadway can be cleared for snow removal or something like that.

Mr. Ingram noted that the proposed parking area has six spaces that would be double parked. He noted that this is an acceptable parking arrangement as is often found in residential developments that have a garage and parking spot in front of the garage, counting as two stalls. He noted that one vehicle is backed out to get another one out. He noted that this is not a typical arrangement but can be utilized for this space.

Chair Cline asked about the turn radius. Mr. Ingram noted that this is the parking that exists now. Mr. Ingram noted that there should be 20 feet for back-up. He noted that on the alley-side of the property, the alley supplements the back-up area. He noted that this distance is sufficient and has been used for this site for many years. Mr. Ingram noted that along Route 519, that this parking arrangement was recommended by the County and that there is space on the County road to back up.

Mr. Ingram noted that one other site improvement shown on A-6 is a covered porch on the barn, for access to the two proposed units there.

There was a discussion about the existing septic system. Mr. Ingram explained that there are two tanks between the two buildings. Both units are currently serviced by this system. Mr. Ingram reviewed the septic usage on the subject property. He noted that the restaurant usage is calculated at 35 gallons per seat with a total of 1,400 gallons for a 40-seat restaurant. He noted that there are currently four units on the property with another 1,400 gallons of capacity for those units. He noted that there is additional "gallonage" for commercial space. He noted that there is a bare minimum of 2,900 gallons of septic demand per code on this site. He stated that if the

restaurant usage is removed, there is a less intense demand on the septic system; including the need for a grease trap. With the addition of the four proposed apartment units, there would be an additional 1,400 gallons of capacity needed, making a total of 2,800 gallons. He noted that the current demand of 2,900+ gallons is thus reduced to 2,800 gallons.

Mr. Ingram discussed the water meter readings. He noted that new lines were replaced for the water to this property. He also noted that the entire site, as it exists today with four apartment units, uses an average of 300 gallons of water per day. Mr. Ingram noted that this is less than the amount calculated per code for one apartment.

Chair Cline questioned that if the use change goes from restaurant to apartment usage, does the composition of what goes into septic change. Mr. Ingram noted that the change is beneficial. Chair Cline then asked if this requires agency approvals. Mr. Ingram stated any agency approval needed will be provided. Mr. Dilts agreed that the applicant has already agreed to do this, from the Board of Health and from the Water Company.

Mr. Ingram stated that he does not believe that they have leaks on their line. He noted that the meter readings would not be so low if there were a leak in the line. Mr. Ingram noted that Mr. Locandro made various improvements that would have eliminated leaks on this subject property.

Member Manley asked Mr. Ingram to explain the design of the septic system. Mr. Ingram noted that from the records, it is a multiple tank system that flows out to a large disposal field. Mr. Ingram noted that this is a preexisting system and that they have done no investigations of the system. He noted that to his knowledge there have been no issues with the disposal field.

Chair Cline asked about Mr. Locandro's discussion concerning a stormwater abatement system. Mr. Ingram noted that there is a practical difficulty because of the septic. He noted that an infiltrating structure must be no less than 50 feet from the septic. He noted that to put a dry well in is not feasible. He noted that they can try to limit the impervious surface where possible. He noted that it could be possible to shrink the opening proposed on Route 519. He further noted that a porous paver system could be used for the proposed parking space along Route 519.

Mr. Ingram noted that in a perfect world there would be a drain on the County Road with curbing. He also noted that with such a system in place, the drainpipe off the corner of the house could drain into this system; but this system does not exist.

Chair Cline stated that even with these existing conditions, the proposal contains significant increases to the impervious surface on the subject property, with no abatement for the run-off from the roof. Mr. Ingram noted that this is existing run-off with nowhere to locate it. He noted that they can try to direct the water to the street and not to adjacent owners' properties. He again noted that there are practical difficulties to the site and that they are following the suggestion of the County and would rather stick to the original plan. He further noted that the County did not require stormwater for this proposal.

Board Engineer Roseberry noted that the applicant put in six spaces and that the County only required three. Mr. Dilts stated that in light of the discussion, there is a possibility of cutting down the opening and number of parking spaces, which would leave room for a vehicle to turn around and exit, without backing onto the County road. Mr. Ingram stated that it is possible to rotate the three stalls and align the spots differently so that there is no backing out on the County Road. He noted that it would not be a full 24-foot back up area, but would mimic the 20 feet provided by the alley for the parking on the eastern side of the property. Mr. Ingram further noted that redesigning could reduce the impervious area along the street, but that it leaves impervious parking area the same due to the back-up area.

Mr. Dilts noted that the neighbors have indicated that there is exacerbated property run-off. Mr. Ingram noted that the County installation of elevated road height is preventing the water from running off along the County road. He noted that the applicant would need cooperation of the neighbors if they were to pursue corrective measures. He further noted that they can reach out to the County to see if the County would allow further improvements beyond the subject property.

Mr. Ingram noted that there is a span of 47 feet that separates the main building from the property line that should provide enough room for parking spaces and a turn-around area.

Chair Cline stated that he is uncomfortable with removing the arborvitae as a natural barrier.

Chair Cline stated that he also uncomfortable with the inability to mitigate the water runoff and with increasing the impervious surface of the subject property. Mr. Ingram noted that changing the parking area along Route 519 from six spaces to three would reduce the impervious coverage by 600 square feet. Mr. Ingram further noted that there is de minimis change between the proposal and what is existing.

Chair Cline asked how much area of the existing property surface is non-impervious. Mr. Ingram stated that he does not know that number. Chair Cline stated that he believes that the Town Code limit on impervious coverage is 20%. He stated that he is very concerned with these numbers.

Mr. Dilts stated that they will review and revise what can be done before the next meeting, since the application will not be finished at this meeting. He noted that it is their intent to satisfy the concerns of the Board and members of the public.

Mr. Dilts asked Mr. Ingram to review the bulk standards found on page 1 of the site plan submitted with the application. Mr. Ingram used A-6 to review the revised information concerning the County right-of-way. He noted that the blue line shows the right-of-way lines requested by the County. It was noted the requested right-of-way along Route 604 does not impact the property because of its use as parking areas.

Chair Cline asked about the sidewalk along Route 519. Mr. Ingram noted that the requested right-of-way goes right up to the building. Mr. Ingram stated that the County is asking for a dedication that will be 20 feet back from the center line for the right-of-way and that the sidewalk will remain.

Chair Cline asked which is considered the rear yard. Mr. Ingram noted that they are considering the rear yard as the area towards the alley. Mr. Ingram stated that the alley is not a public alley but is a right of access for anyone who has frontage on the alley.

Mr. Andrew Devennie of 82 Kingwood Stockton Road was present. He noted that the easement being discussed is 12 feet wide by survey. He stated that there are eight homes that are served by this alley.

Chair Cline noted that Mr. Devennie is providing testimony and he would like that to be presented at the end of the applicant's testimony. Mr. Devennie agreed but stated that the answer to the ownership is that each person with access has ownership. Mr. Devennie then noted that there is no agreement as to its care, that it seems to be a "gentleman's agreement" agreement that dates back to the 1930s. Mr. Devennie stated that he had difficulty obtaining a mortgage because there is no shared agreement for this alley.

Attorney Goodell stated that this information needs to be presented as testimony. It was agreed that this information can be revisited.

Mr. Ingram stated that they found no information in their research about the alley.

Mr. Ingram noted that bulk information provided is based on the locations of the principal and accessory structures. Chair Cline asked about the width of the alley. Mr. Ingram noted that his dimension of 20 feet is based on the back up area including the property apron on the alley and the alley. He noted that alley width is narrower than 20 feet.

Chair Cline noted that the property is not RSIS compliant because there is not 24 feet back-up space behind the parking area on the alley side of the property. Mr. Ingram stated that the question relates back to the alley and the fact that it is not a public road. Mr. Ingram noted that the alley does not have a block and lot and that it is not a taxed piece associated with any property.

Mr. Ingram discussed the barn and the question as to whether it is an accessory use or a principal use. Mr. Ingram noted that setback numbers would change if considered principal, but that all of the non-conformities are existing and not being changed by this application.

Chair Cline stated that the barn, if considered an accessory building/use would be considered a subservient use to the principal use. He noted that the use is being changed from being subservient to being equal to the main building use. Mr. Ingram stated that they will update the zoning table to apply the principal dwelling bulk setbacks to the barn.

Mr. Dilts noted that the planning testimony will not begin tonight, due to the time. It was decided to have Mr. Ingram review the memo prepared by Board Engineer Roseberry.

Board Engineer Roseberry's memo dated 02.03.19 was reviewed item-by-item. Following are the comments and responses: (Note: Mr. Ingram is the applicant's engineer.)

#1 – Mr. Ingram noted that this item is a building code responsibility concerning the ADA accessible route from the parking area to the building.

Mr. Dilts stated that this access route will be provided.

#2 – Mr. Ingram noted that the parking on site will change.

Updates will be provided.

#3 – Mr. Dilts stated that the applicant is going to "push-back" on the County about using the County right-of-way for vehicular parking. He noted the opinion that such a request is a "taking".

Mr. Dilts noted that more information will be provided on this issue.

#4 – Mr. Ingram noted that the RSIS is a matter of law and that items related to the RSIS will be answered. He also noted that a majority of conditions exist on the lots.

#5 was read aloud to the audience

"RSIS states: "When, in the judgment of the local approving authority, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided in off-street parking facilities. A length of 23 feet per on-street parking space shall be used in calculating the number of available on-street parking spaces." The 3 parking spaces along the County Road are considered to be "on-street" parking and do not meet the length requirement of RSIS or ADA".

Mr. Ingram noted that there is enough distance to lengthen the lots.

#6 – The applicant is proposing 10 by 20-foot stalls instead of 9 by 18-foot stalls.

#7 – Mr. Ingram stated that this is a design waiver request. He noted that there is some buffer that exists on the southeast corner of the property; said buffer uses arborvitae. He noted that there is no buffering adjacent to the street or the alleyway.

#8 – Mr. Ingram noted that it would be difficult to have a parking area in which the parking is separated from the driveway by curbing. Mr. Ingram noted that curbing does serve a purpose in this project. He noted that excluding the curbing would decrease the impervious coverage of the subject property. He noted that the water flow off the property currently goes down the alleyway and that this directional flow would not change. He also opined that the proposal would not increase the waterflow down the alleyway.

#9 – Mr. Ingram noted that this is another RSIS item for which compliance should be met. He noted that the main parking area exists and that the applicant is prepared to demonstrate compliance with this issue.

Mr. Ingram also noted that the plan as presented was approved by the County for the safety of the County. He noted that the main parking area exists and that additional areas were approved by the county. Mr. Ingram also noted that with the conversion to apartments, from previous restaurant use, there is a reduction in traffic and less demand for the parking on the site.

There was a discussion about the traffic report. Board Engineer Roseberry stated that he has reviewed the report and does not doubt the information within. Board Engineer Roseberry further noted that the Board can rely on the expertise of this engineer.

Board Attorney Goodell stated that the traffic report adds to Mr. Ingram's testimony. Mr. Goodell noted that the Board can make the decision to rely on the information provided with input by the Board's experts.

Board Engineer Roseberry noted that the traffic report shows a 9-unit development instead of 8 units. Board Engineer Roseberry further noted that the report is based on trip generation. He stated that he did not agree that this is the only impact to be considered. He noted that the Board has to assess the impact on adjacent streets. Mr. Roseberry opined that it is more important to address the parking and safety related to the parking.

Board Engineer Roseberry concluded by noting that the Board does not need the verbal testimony of the applicant's traffic engineer.

#10 – Mr. Ingram testified that this provision can be waived by DCA. He noted that #10 reflects what is an existing condition.

There was a discussion about parking. Mr. Ingram explained that the parking spaces can be striped and that any delineation can be adjusted. Mr. Locandro agreed that striping exists. Mr. Locandro further noted that the parking spaces on the south side of the barn exist and that these parking spaces are directly opposite a driveway on the other side of the alley.

Mr. Ingram stated that 24-foot aisled width for 90-degree parking will be reviewed.

#11 – status of alley

There was a discussion about the ownership of the alley. It was noted that more research on the view of the ownership of the alley must be done to ascertain who has the legal right to use it. It was noted that there is no written maintenance agreement.

Board Attorney Goodell stated that there must be a document that can be found through title search and a title company. Mr. Kyle agreed that the title document must be reviewed. It was noted that such a plan needs to be submitted 10 days prior to the next hearing date, April 11, 2019.

Mr. Dilts stated that they will bring a title expert to the next meeting.

At this time Mr. Ingram noted that 20 days is enough time for any plan changes that need to be made and then submitted to the Board.

#12 – submit revised plans to fire official

It was noted that the person to review these plans would be the Building Subcode Official who will follow the Uniform Fire Code

#13 – water supply

Mr. Ingram noted that the proposed used will be a reduction in water usage. Mr. Locandro noted that they have permits for two separate water lines and that they have upgraded the lines.

#14 – document about septic capacity

#15 – as related to the traffic report

Mr. Ingram noted that they can agree to items a, b, c.

#16 and #17 – references UHAC regulations and the possibility of converting an accessory structure for a COAH unit. These two items will be deferred to Board Planner Kyle.

#17 – to provide one apartment

Board Planner Kyle stated that while one apartment can become a COAH unit, the accessory apartment section of the ordinance (§230-31) does not apply. There was further discussion on this issue with the notation that a COAH unit is deed restricted for 30 years and an accessory apartment COAH unit is deed restricted for 10 years.

Board Engineer Roseberry asked that the locations of the following items be placed on the revised map: the generator, dumpster, and underground tank.

Board Planner Kyle discussed the concept of affordable units as accessory apartments as applied to this application. He noted that he had contacted Shirley Bishop, the Township's COAH consultant. The conclusion reached is that the definition of an accessory apartment is specifically linked to a single family dwelling. He further noted that if any units are to be considered COAH and for Township credit, those units have to be deed restricted for 30 years. He noted that the accessory apartment program designation is for 10 years, and also for Township credit. It was also discussed that two moderate income units would be better than one low income unit.

Mr. Locandro stated that it is not required to dedicate units as affordable. He noted that the incomes in this region, as recognized for COAH consideration, are high resulting in high rentals.

Board Planner Kyle stated that one affordable unit offers a clear public benefit. Attorney Goodell agreed, noting that such units are identified as inherently beneficial uses.

Questions of Mr. Ingram

Mr. Steve Jaques stated that his property will be most impacted by the proposed parking area along Route 519. He also stated that he appreciates what the applicant has done to improve the property. He stated that he has concerns about the septic. He noted that if it passes Board of Health, there should be no issue.

Mr. Pete Sudano questioned how the septic system capacity can be determined if the size is not known. Mr. Ingram stated that they plotted the system based on the records that were given to them. Mr. Ingram stated that they could come back with additional information. Mr. Sudano reiterated that the size is unknown. Mr. Sudano asked if testing had been done. Mr. Ingram replied negatively noting that it is operating far below its "gallorage".

Chair Cline questioned the seepage area as described by Mr. Locandro. Mr. Locandro stated that the system was designed around gallorage, related to the use in the main building. Mr. Locandro stated that the system is a stone field, that it has one seepage pit that goes into a seepage field.

Mr. Jaques stated that he can speak to it because he put it in. He stated that the field is 20 feet deep, with crushed blue jingler at the bottom and then layered.

Mr. Steve Jaques was sworn in. He stated that when he (the owner of the printing company) originally bought the place that they followed Township regulation and permits. He noted that they went through the Board of Health to install the septic field. The septic system was dug by Johnny Martin with a backhoe that would go

down 20 feet. Mr. Jaques stated that Mr. Martin crushed the blue jingle stone on the bottom of the septic field being constructed; it was then filled to an area that measured as follows: 20 feet by 28 feet along the north side; and possibly 20 by 25 feet on the south side. Mr. Jaques stated that it was inspected by the County Board of Health before each layer was covered. Mr. Jaques stated that 10 laterals were put into place; and that those laterals run north to south in the field. Mr. Jaques noted that the water usage when this system was put into place was greater than that of Wescott Farm. Mr. Jaques stated that over time septic systems fail, which he stated is his concern, and is looking for it to pass Health inspections and engineering inspections.

Chair Cline asked about the tanks. Mr. Jaques stated that there is a septic tank under the south side of barn, once used by the slaughterhouse. Chair Cline reviewed the information provided and noted that there is a tank near the location of the generator.

Mr. Locandro filled in other information. He noted that coming out of the main building on the road side, there is a pipe that comes out and goes to a 1500-gallon grease trap, and that there is a grease trap inside the building as well. Mr. Locandro noted that he is journeyman plumber. He noted that after the grease trap, the septic flow goes to a septic tank. He noted that there are two stacked 1200 gallon tanks. Mr. Locandro noted that both tanks are inspectable.

Chair Cline asked if cars can be parked on top of the area with the ten laterals. Mr. Ingram stated that one cannot park cars on top of laterals and that the applicant is not proposing to. He noted that the outline of the field is shown on the plan.

Mr. Locandro stated that the laterals sit on the stone field. He noted that the drainage goes straight down into this monolithic field. He also noted the septic was protected during construction.

Mr. Sudano asked when the system was built. Mr. Locandro stated it was done in 1986. Mr. Locandro stated that when he bought property, the septic was not tested.

Mr. Locandro stated that the paperwork he has concerning the septic shows a date of April 1994. He stated that he has an as-built septic design with this date.

Chair Cline suggested that Mr. Ingram should review this information. He also suggested that Mr. Locandro should check with the County Board of Health about the records that are on file there.

Mr. Sudano asked what would trigger a Board of Health review. Board Engineer Roseberry stated that there should be a review by the County Health Department for a change in use. He noted that it would not go to the Township Board of Health. He further noted that if the septic varies from the requirements, then it goes to the Township Board of Health.

Ms. Brenner asked Mr. Ingram when he last visited the property. Mr. Ingram stated that he visited the site about two months ago. She asked if the drawings are based on the conditions of now or of that time. Mr. Ingram stated that the survey is based on proposed conditions. He noted that the date of the survey is February, 2018. Ms. Brenner stated that she did not see the concrete that is on the site now, between the pavers and the alley. Mr. Ingram noted that the biggest change is to the proposed parking area along Route 519. Ms. Brenner stated that there are pavers and concrete where there was once dirt. She also noted that there has been a discussion about pervious versus impervious. She noted that this is creating additional run-off, along the alley and Route 519.

Mr. Tim Davis asked about the proposed extra parking on the site along Route 519. He noted that it sounded like the County approved that plan, and that in later discussions it appears as though the parking will be parallel to Route 519. He stated that he thought that one is not allowed to back onto a County Road. He asked what the County has actually approved. Mr. Ingram stated that the County saw this plan and approved of double stacked

parking with backing onto the County road. Mr. Ingram noted that the other suggestion, with three parking spaces parallel to Route 519, came from Board Planner Kyle's discussion about this parking. Mr. Ingram noted that they are going to reevaluate both ideas.

Mr. Davis stated that his property is across Route 519 and that he has problems going in and out of his driveway.

Mr. Devennie questioned the water retention issue and if there is added impervious surface. He questioned how that can be corrected. Mr. Ingram stated that there is no requirement other than what may be suggested by the Board. Mr. Ingram stated that they want to see what limitations they can propose and what drainage improvements can be made on this property. He noted that there can be no dry well, but there may be other ideas.

There was a discussion about the impervious surface on this site. When calculated, there appears to be about 84% impervious coverage. Mr. Ingram noted that much of the impervious surface already exists.

There was a discussion about impervious coverage. It was noted that some data discussed earlier related to the A-1 and A-2 zones and new construction. It was noted that there are no impervious coverage requirements for the V-2 zone.

Mr. Devennie asked if documentation concerning a testing of the septic system would take place prior to the next meeting. Mr. Ingram stated that they are going to provide documentation for the septic location and size. Mr. Ingram noted that septic size by code is based on the number of bedrooms. Mr. Ingram stated that he knows that Mr. Locandro has installed low flow fixtures in other construction.

Mr. Devennie stated that he knows that the domestic water service is provided by two one-inch pipes, with pressure given as 45 psi. Mr. Devennie stated that testimony was given that a fire sprinkler system has been installed. Mr. Devennie questioned if a fire pump has been placed on one of the lines to serve the sprinkler system. Mr. Locandro noted that this was not required. Mr. Locandro stated that the system has been tested and inspected by the fire inspector. He noted that the system will provide 35 gallons per minute out of the two heads to the third floor.

Mr. Devennie asked if this water information is supplied to the Water Company for its review. Mr. Devennie expressed his concern that the system could drain the tank.

Chair Cline reiterated the request for written confirmation of approval from the Rosemont Water Company.

Prior to a motion to adjourn, other residents spoke.

Mr. Ken Vieth of 84 Kingwood Stockton Road was present. He asked Mr. Ingram if he had been at the site at any time and if he has seen the water flowing. Mr. Vieth stated that he has lived at his home for 45 years and that he has not seen water flowing down the alley as has happened this past year. Mr. Vieth also stated that he never had water on the front sidewalk before and this year he had four inches of water on the sidewalk.

Attorney Goodell asked Mr. Ingram if he has seen water flowing on the site. Mr. Ingram stated that he has not been at the site in a rain storm. Mr. Ingram also stated that he has not seen water flowing when he has visited the site. Mr. Ingram stated that he was last at the site three or four months ago.

Ms. Terry Kell was present. She asked about historic preservation considerations. Mr. Ingram stated that he is not aware of any.

Chair Cline stated that this might be a planning question.

Ms. Joanne Vieth questioned the changes to the parking lot on the alley-side of the property. She questioned if these changes had been approved by the Board. She noted that there appears to more coverage than previously existed.

Mr. Sudano asked if any work has been done that requires approval, to which there was a negative response. Mr. Locandro stated that he had already changed the parking lot to pavers.

Member Manley made a motion to carry this application to April 11. Member Gilbreath seconded the motion that was unanimously adopted by voice vote.

Planning Board Update: Liaison Cline

Liaison Cline reported that the Planning Board did not meet in March. He noted that the Township Committee adopted the Home-based Business ordinance, which was passed on its second reading. He further noted that the Planning Board is considering an ordinance amendment for Land Disturbance; and one for the Duties of the Zoning officer, concerning enforcement and compliance.

Correspondence – none

Bill List

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

27/9, Carlucci/Woodfield, #3085976	\$272.00
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Bill List: Engineering Services – Van Cleef Engineering Associates

Escrow Charges

27/9, Carlucci/Woodfield, #3935005-3	\$166.25
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Bill List: Planning Services – Kyle McManus Planning Associates, LLC

Escrow Charges

11/10, Wiseman appeal, #1115	\$298.20
27/9, Carlucci/Woodfield, #1116	\$392.00
32/24, Locandro Investments, LLC, #1114	\$979.80

Member Gilbreath made a motion to approve payment of the noted vouchers from their escrow accounts. Member Emmons seconded the motion that was approved unanimously by voice vote.

ADJOURNMENT: 11:15 p.m.

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

Respectfully submitted,

Kathleen E. Klink,
Administrative Officer, Secretary