

The regular meeting of the Delaware Township Board of Adjustment held on the noted date, was called to order by Administrative Officer Klink at 7:35 p.m., in Township Hall, Sergeantsville, New Jersey.

#### PLEDGE OF ALLEGIANCE

#### STATEMENT

Administrative Officer Klink read a statement noting that the requirements of the Open Public Meetings Act had been met.

#### Swearing in of new/reappointed members and alternates

Members to be reappointed: Cline, with term that will expire December 31, 2024

Alternate #1 to be reappointed, McAuliffe, with term to expire December 31, 2022

#### ROLL CALL

Present: Emmons, Fowler (7:59 p.m.), Gilbreath, Manley, McAuliffe, Cline

Absent: Kenyon, Warren, Szwed

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

#### Election of Chair

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

#### Election of Vice Chair

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

#### Election of Secretary

Chair Cline accepted nominations for Secretary. Member Gilbreath nominated Administrative Officer Klink as Secretary and Member Emmons seconded the motion. Member Manley made a motion to close nominations, Member Emmons seconded the motion. By voice vote, Administrative Officer Klink was elected Secretary.

#### Adoption of Annual Notice Resolution

The Board adopted the Annual Notice Resolution, noting that the regularly scheduled meetings will be on the second Thursday of each month, starting at 7:30 p.m. Member Gilbreath made a motion to approve the Annual Notice Resolution, seconded by Member Manley, and adopted by voice vote.

#### Appointment of Attorney/Engineer/Planner, Resolution 2021-02

Board Attorney: Steve Goodell, Parker McCay

Board Engineer: Rob O'Brien, Van Cleef Engineering Associates

Board Planner: Jim Kyle, Kyle McManus Associates, LLC

Board Radio Frequency Engineer: Dr. Bruce Eisenstein, on as-need basis

Conflict Engineer/Planner: Rick Roseberry, Colliers Engineering and Design

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

#### MINUTES: December 10, 2020

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

MEMORIALIZATIONS

- a. Roger and Holly Locandro, Block 41, Lot 1.10. Granted: final subdivision approval of Phase Two of the development of a 13-lot subdivision of 14 dwelling units, as well as extensions of all variances and prior subdivision approvals; with all other necessary permits, waivers, variances, and conditions that may arise in the course of the public hearing.

Prepared resolutions were distributed to all members for review and discussion. Items of clarification for wording and content were discussed.

Mr. Larry Wohl, objector to the application, was present. He asked that for Background items #2-8, a statement be added to each item to note that there is a list of conditions that exist for each of these resolutions. Board Attorney Goodell stated that under November 12, 2020 Hearing, item #49 addresses these conditions. It specifically notes how many conditions there are for each resolution. Board Attorney Goodell that under conditions, item #1 again identifies that there are numbered conditions for each resolution.

Per Mr. Wohl's request, letter f was added to the resolution:

- f. Each of these resolutions with these listed conditions can be found in the Board Office.

Mr. Lanza, attorney for the Locandros, was present. He asked that letter g be added to the resolution:

- g. At the applicant's request, it was noted that some of these conditions may have already been met.

Mr. Wohl asked if an appeal of this decision would go to Township Committee, as is the procedure in Kingwood Township. Board Attorney Goodell stated that such an appeal would not go to the Delaware Township Committee.

Motion to approve as discussed and amended: Gilbreath

Second: Manley

**Roll Call Vote**

Aye: Emmons, Gilbreath, Manley, Cline

Nay: None

Present, but ineligible to vote: Fowler, McAuliffe

Absent: Kenyon, Szwed, Warren

Said resolution follows the minutes.

- b. Amy Peterson, Block 43, Lots 5 and 26, bulk variances granted for pre-existing buildings (A-1 zone).

Prepared resolutions were distributed to all members for review and discussion. Items of clarification for wording and content were discussed. One item was added to the resolution and one item was removed.

For item #26, a note was added per the testimony given by the applicant, as follows:

26. *The property is secluded. When foliage is present, it is difficult for neighbors to see the horse barn and the hay shed with the exception of the Schwitzers, owners of the adjacent lot, Lot 4, who have a fairly open view all year-round.* (Underlined portion was added.)

30. Last sentence: *The horse barn and hay shed have been and will continue to be maintained.* (Underlined portion was removed.) It was felt that the applicant cannot speak for the new owner.

Motion to approve as discussed and amended: Manley

Second: Gilbreath

**Roll Call Vote**

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

Nay: None

Absent: Kenyon, Warren, Szwed

Said resolution for Peterson, 43/5 and 26, follows the minutes.

#### APPLICATIONS

- a. Brant Switzler, Block 55, Lot 2, use variance for tennis training facility, with associated variances, as needed. COMPLETENESS ONLY.

Ms. Erica Edwards was present to represent the applicant. It was noted that the hearings will begin on a special meeting, set for January 28, 2021.

Board Engineer O'Brien was present. He stated that his completeness report is dated January 8, 2021. There was a discussion about requested waivers, one being Item 16, conceptual landscape plan which has been included on the map.

Project Engineer Jim Hill was present and sworn in. He stated that he works for Frey Engineering and is a Senior Engineer there. He stated that he is licensed in the State of New Jersey and has appeared before this Board. Mr. Hill was accepted as an expert witness.

Mr. Hill used the Share screen feature of the Zoom meeting to share the map, page C-1. Mr. Hill showed on this map where preliminary landscape features have been added. He noted that the additions are along the main road and along the driveway where there is an opening that has a view from this area to a home near the southeast corner of the subject area.

Mr. Hill noted that these preliminary landscape plans show a berm with landscaping. He noted that upon approval of the variance, a finished landscape plan will be submitted.

Mr. Hill pointed out the proposed driveway, which is a geopave parking area, which is a permeable pave structure. He also pointed out the stormwater basin area. Mr. Hill stated that these items were on the plans to let the Board know that the concept includes some basic details.

Chair Cline asked about the parking area. Mr. Hill noted that this structure is a pervious structure that allows infiltration. He noted that it is plowable. Board Engineer O'Brien agreed that this type of structure has those capabilities.

Mr. Hill stated these waivers have been requested so that the application can be started.

Chair Cline asked any members if they had questions about completeness. There were none.

Member Fowler made a motion to deem the application complete. Member Manley seconded the motion.

#### **Roll Call Vote**

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

Nay: None

Absent: Kenyon, Warren, Szwed

Attorney Edwards, for the applicant, stated that the application is being bifurcated, for the use variance only at this time.

Chair Cline asked that applicant and professionals be present in person.

Planning Board Update: Liaison Cline

Liaison Cline reported that the Planning Board met in January and had their reorganization. He noted that they have no new applications and cancelled the February meeting.

CORRESPONDENCE

NJPO Membership: \$185.00, per Board, joint membership with the Planning Board

Motion to approve: Gilbreath

Second: Manley

**Roll Call Vote**

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

Nay: None

Absent: Kenyon, Warren, Szwed

2021 Budget Request

The Board discussed 2020 expenditures and discussed a proposed Budget to be submitted to the Township Committee. Said Budget follows the minutes.

Bill List

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

Zoning Board Matters

Through December 31, 2020, #3125644	\$566.80
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Member Gilbreath made a motion to approve payment of this voucher. Member McAuliffe seconded the motion.

**Roll Call Vote**

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

Nay: None

Absent: Kenyon, Warren, Szwed

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

Escrow Charges

43/5 and 26, Peterson, #3125643	\$756.40
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Gilbreath made a motion to pay this bill from the escrow account. Member Emmons seconded the motion that was approved by voice vote.

Public Comment

Holly and Roger Locandro indicated that they were unable to log into the zoom meeting. Chair Cline reported that the resolution for the subdivision approval was adopted with minor changes, one being that the conditions are listed in the Board office. Administrative Officer Klink reported that their attorney, Mr. Lanza was present for the entire discussion.

ADJOURNMENT: 8:35 p.m.

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

Respectfully submitted,

Kathleen E. Klink, Administrative Officer/Secretary

Board of  
Adjustment

## Budget Request 2021

at meeting  
of

**NOTE: This proposed Budget was discussed at the January 14, 2021 meeting.**

RECOMMENDED, as discussed, same day

Account No.	Description	Budgeted	as of 12.29.19 Spent	Remaining	01.14.21 Proposed
113-200	Board of Adjustment OE Salary request - commensurate with office personnel raises				
113-205	Schools, meetings, conf.  <i>No recent courses, but course for Land Use Adm. run about \$215.00 per course</i>	230	0	230	\$100.00
113-206	Dues (Membership - NJPO)	185	185	0	\$185
113-215	Services	0		0	
113-221	Legal <i>AVE last 3 years - \$3049.22</i>	5,000	3206.8	1793.2	\$5,000
113-249	Mileage <i>needed for copying maps at Staples and to get scanned evidence posters done</i>	50	0	50	\$50
113-266	Planning Engineer	400	0	400	0
113-275	Books, publications, subscrip. \$129 <i>Minute book price (2017)</i> \$250 <i>Scan poster board documents</i>	280	224	56	\$280
113-276	Forms*	0		0	0
113-278 (for 2019)	Legal Extraordinaire	4,000	0.00	4000	\$4,000.00
113-287	Laptop	600	0	600	0
<b>totals</b>		<b>10745</b>	<b>3615.8</b>	<b>7129.2</b> <b>7129.2</b>	<b>\$9,615.00</b>

BOARD OF ADJUSTMENT

TOWNSHIP OF DELAWARE

RESOLUTION #41/1.10 (2021)

WHEREAS, on November 12, 2019, Roger and Holly Locandro, of 186 Sandy Ridge-Mount Airy Road, Stockton, New Jersey 08559, applied to the Delaware Township Zoning Board of Adjustment (the "Board") for final major subdivision approval for Phase II of the development of the property located at 27 Sandbrook-Headquarters Road, Stockton, New Jersey 08559 (Block 41, Lot 1.10 on the Delaware Township Tax Map); and

WHEREAS, the Board held hearings on June 10, 2020, September 10, 2020 and November 12, 2020; and

WHEREAS, the Board made the following findings of fact and conclusions of law:

**BACKGROUND**

1. In 2007, Roger and Holly Locandro ("Applicant"), owners of Block 41, Lot 1.01, Delaware Township, New Jersey, originally applied to the Board for preliminary subdivision approval and (d)(5) density variance for density/lot yield calculation and a d(1) variance to permit a two-family home and a major subdivision to create 13 lots. The application was subsequently bifurcated so as to permit the Board to review and consider Applicant's variance requests, with the major subdivision application to be heard separately.

2. On June 12, 2008, the Board approved a (d)(5) variance from the density/lot yield calculation to create 13 lots where the lot yield calculation permits 12.5 lots, and a (d)(1) use variance to construct a two-family home where only single family homes are permitted in the zone, with conditions.

3. On December 17, 2010, the Board granted preliminary major subdivision approval for Block 41, Lot 1.01.

4. On April 10, 2014, the Board granted two (c)(2) variances related to fencing, with conditions, and approved Applicant's Landscape and Stormwater Management Plans.

5. On January 8, 2015, the Board granted Applicant's request to phase the subdivision and approved the amendment to the preliminary major subdivision approval.

6. On April 16, 2015, the Board granted Applicant's request for Phase I Final Major Subdivision approval. The initial property designated as Block 41, Lot 1.01 was divided into Lot 1.01 (the Phase I parcel) and Lot 1.10 (the Phase II parcel).

7. On April 11, 2019, the Board granted Applicant's request for two one-year extensions to complete amended preliminary major subdivision approval for Phase II.

8. On November 12, 2019, Applicant filed an application for Phase II Final Major Subdivision approval.

**JUNE 10, 2020 HEARING**

9. Purpose: The purpose of this hearing was to determine if Mr. Lanza would be able to continue as Applicant's attorney. Prior to the hearing on the Phase II Major Subdivision application, objector,

Lawrence Wohl, Esq., raised the issue of whether Applicant's attorney, John R. Lanza of Lanza & Lanza, LLP, of Flemington, New Jersey had a conflict of interest that prevented him from representing the Applicant.

10. Appearances: Attorney John R. Lanza, Esq. appeared on behalf of the Applicant. Attorney Lawrence Wohl, Esq., appeared as a pro se objector.

11. Discussion: Mr. Lanza acts as special counsel to Delaware Township on its labor-related issues. Mr. Lanza's son and law partner, John E. Lanza, Esq., is the municipal prosecutor for Delaware Township. There was a question as to whether Mr. Lanza's and his son's roles in representing the Township prevented him from appearing before the Board on behalf of Applicant.

12. Mr. Wohl argued that, given Mr. Lanza's and his son's involvement with the Township, permitting Mr. Lanza to continue his representation of Applicant could be perceived to be a conflict of interest, and that it has the appearance of impropriety. He also argued that if this matter were ever to be appealed to the Township Committee, there would be a more direct conflict of interest for Mr. Lanza to represent Applicant before the governing body.

13. Mr. Lanza submitted a brief for the Board to consider in advance of the meeting and appeared at the hearing. Mr. Lanza stated that there is no conflict. As of the hearing date, Mr. Lanza was not actively representing the Board in any labor or special personnel issues, and his representation of the Township does not involve land use issues or any matters involving the Board of Adjustment. In addition, neither John R. Lanza nor John E. Lanza acts as plenary counsel for the Township, and their roles are limited to the specific functions of special labor counsel and municipal prosecutor. Also, the Locandros are not engaged in any litigation with the municipality, nor have they been involved in any municipal prosecutions. Mr. Lanza said that in his role as an attorney for the Township, he has never had a matter that dealt with the Locandros. He also argued that pursuant to In re Supreme Court Advisory Committee on Professional Ethics, Opinion No. 697, 188 N.J. 549, 567-68 (2006), he should be permitted to continue his representation of Applicant because, "if the scope of an attorney's engagement by a government body is limited and not plenary," the attorney may not represent a private client before or against the governing body, but may represent "a private client before one of the boards, agencies, or municipal court of the municipality."

14. The Board considered New Jersey Rules of Professional Conduct (RPC) 1.7 and 1.8. RPC 1.7 states that a lawyer may not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: "(1) the representation of one client will be directly adverse to another client; or (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer." RPC 1.8(k) says that "A lawyer employed by a public entity, either as a lawyer or in some other role, shall not undertake the representation of another client if the representation presents a substantial risk that the lawyer's responsibilities to the public entity would limit the lawyer's ability to provide independent advice or diligent and competent representation to either the public body or the client."

15. After discussion, the Board voted unanimously, by a vote of 8-0, that Mr. Lanza and his law firm do not have a conflict, and are permitted to represent Applicant in this matter. Mr. Lanza was reminded that if this matter is ever appealed to the Township Committee, the conflict may prohibit his representation of Applicant.

**SEPTEMBER 10, 2020 HEARING**

16. Purpose: The purpose of the September 10, 2020 hearing was to determine whether the Applicant should be granted final major subdivision approval for Phase II of the development and to decide certain pre-hearing motions.

17. Appearances: Attorneys John R. Lanza and Robyn Wright, of Lanza & Lanza, LLP, of Flemington, NJ, appeared on behalf of the Applicant. Thomas Decker, PE, testified as an expert in engineering. Roger Locandro, the Applicant, testified in support of the application.

18. Evidence:

- Exh. A-1 (Final Plat for Phase II)
- Exh. A-2 (Lanza & Lanza Brief, dated May 28, 2020)
- Exh. A-3 (R. Roseberry Memo, dated September 8, 2020)
- Exh. A-4 (D&R Canal Zone Letter of March 19, 2007)
- Exh. A-5 (Hunterdon County Planning Board Letter December 12, 2019)
- Exh. A-6 (Hunterdon County Soil Conservation District Letter, dated June 30, 2017)
- Exh. A-7 (Certificate of Formation Homeowners Association)
- Exh. O-1 (Agenda for Board of Adjustment Meeting, dated April 11, 2019)
- Exh. O-2 (Legal Brief Prepared by Lawrence Wohl, Esq., dated April 6, 2020 and June 5, 2020).
- The Application, with attachments and exhibits, including:
  - Stormwater Management Study, last revised August 25, 2020
  - Stormwater Operation and Maintenance Manual, August 25, 2020
  - Hunterdon County Soil Conservation District Letter, June 30, 2017
  - Construction Cost Estimate August 25, 2020
  - Hunterdon County Department of Health Letter August 12, 2020
  - Preliminary Subdivision Plans, last revised August 25, 2020 (12 sheets)
  - Letter from Thomas Decker dated August 28, 2020, addressing conditions of approval.

19. Attorney Larry Wohl, a neighbor who owns property within 200 feet of the development, appeared pro se as an objector.

20. Chris Sylvester, owner of property located at Block 41, Lot 1.05, adjacent to the location of the proposed detention basin, provided comments in opposition to the application.

21. Pre-hearing Motions: In correspondence to the Board, Mr. Wohl raised a series of legal issues. The Board Attorney asked the parties to brief those issues. On April 6, 2020, Mr. Wohl filed a brief objecting to the proceedings. On May 28, 2020, Mr. Lanza responded. On June 5, 2020, Mr. Wohl replied. All briefs were provided to the Board.

22. Mr. Wohl argued that (1) the Board should not grant final major subdivision approval because the original use variance on which the bifurcated application was based had expired; and (2) the

Applicant had failed to apply for timely extensions of the preliminary approval, and as a result, the site plan had lapsed.

23. In Mr. Wohl's April 6, 2020 brief, he argued that the d(1) and d(5) bifurcated use variances granted by the Board on April 10, 2008, and the protections provided by the Preliminary Major Subdivision granted on December 9, 2010 had expired. He noted that many of the conditions associated with the use variances and the granting of the Preliminary Major Subdivision remain outstanding. He argued that Section 230-76 of the Delaware Township Code requires that "Every variance that has not been exercised within five (5) years . . . from the time of approval by the municipal agency . . . shall expire. The applicant may thereafter apply for and the municipal agency may thereafter grant an extension to the approval of the variance if the reasons for granting the initial variance remain valid." He further argued that due to the lapse of time, conditions have changed, and, therefore, Applicant should be required to submit another application.

24. In Mr. Lanza's May 28, 2020, brief, he disputed that the variances and approvals had expired, and, even if the approvals had expired, he argued that the Board has discretion to grant reasonable extensions. With regard to the use variances, Mr. Lanza argued that the variances are conditioned on subdivision approval, and that by returning to the Board several times between 2008 and now, and by receiving final approval for Phase I, and subdividing the property, Applicant had sufficiently exercised their variances to maintain their rights. While not conceding that the variances had expired, Applicant requested an extension pursuant to Delaware Township code Section 230-76. With regard to the Preliminary Major Subdivision approval, Applicant argued that after receiving preliminary major subdivision approval on December 17, 2010, the Permit Extension Act, N.J.S.A. 40:55D-136.1 et seq. tolled the expiration of the approvals until at least June 30, 2016. While the Permit Extension Act was still in effect, Applicant submitted for, and received final approval of the preliminary subdivision on April 6, 2015 for Phase I of the project. Applicant then received amended subdivision approval to allow phasing in January 2015, and then received an additional two-year extension on April 11, 2019, which extended Applicant's time to seek final approval. Applicant argues that it submitted the Phase II application by November 12, 2019, while the preliminary approvals were still in effect, and that the Board Engineer noted that the Phase II application was "filed prior to the expiration and that determining completeness does not nullify the preliminary approval." Applicant further argued that, even if the approval had expired, the Board can grant an extension pursuant to N.J.S.A. 40:55D-49d, which provides that for a subdivision over 50 acres, the Board can grant an extension of preliminary approval, and in deciding whether to grant an extension, the Board should consider "(1) the number of dwelling units and nonresidential floor area permissible under the preliminary approval, (2) economic conditions and (3) comprehensiveness of the development. Considering that Applicant's initial application coincided with the "Great Recession", and that Applicant's application includes two affordable housing units, the Applicant argued that it is entitled to reasonable extensions if necessary. Lastly, Applicant asserted that the only condition that Mr. Wohl identified was the Letter of Interpretation from the Department of Environmental Protection, which Applicant had applied for, but was delayed due to the pandemic.

25. In Mr. Wohl's June 5, 2020 reply brief, he argued that the April 11, 2019 extension granted by the Board was not valid because it was done without the required notice. Mr. Wohl also argued that it was nearly impossible to determine if the "dozens of conditions imposed on this application and relief granted, have ever been satisfied."

26. At the September 10, 2020 hearing, Mr. Wohl argued the points raised in his brief and Ms. Wright and Mr. Lanza argued in opposition. Mr. Wohl further argued:

- Only three board members currently on the Board heard the initial application on the request for (d)(1) and (d)(5) use variances and preliminary major subdivision approval.
- Preliminary major subdivision was granted on December 9, 2010, with many of the conditions of approval having not been met, or demonstrated. He noted that on the February 27, 2014 preliminary application and on the previously granted use variance application, there was great focus on environmental standards to be met.
- He argued that the resolution granting the (d)(1) and (d)(5) variances spells out at least ten variance conditions to be met by the Applicant. These were not subdivision conditions, but are unfulfilled approvals with regard to the use variances d(5) and d(1) granted twelve years ago.
- In January 2015 the application was amended to allow phasing; and that in March 2015, the Phase I final was granted with no subsequent action on notice until this action.
- Mr. Wohl asked that the record reflect that a time extension was granted by this Board on April 11, 2019, but that no notice had been given that this action was to be discussed or appeared on the agenda, as such notice is required.
- Mr. Wohl noted that this 14-lot subdivision will change the nature of the area in which he lives. He noted that there has not been a 14-lot subdivision in Delaware Township within the last decade.

27. Applicant's counsel, Mr. Lanza and Ms. Wright responded:

- Ms. Wright said that an extension is appropriate because the variance had been exercised during the approval period and the reasons for the approval remain valid. She further stated that the recession of 2008 and a severe storm in 2012 had caused delays.
- Ms. Wright said that under the Municipal Land Use Law, an extension may be granted after an extension has expired, and noted that the project is almost half way done, including the subdivision of Phase I. She further noted that the efforts of the Locandros can be demonstrated by the money that has been paid for engineering. She concluded by stating that the project serves the welfare of the Township because it provides for affordable housing.
- Mr. Lanza stated that the project complies with zoning ordinances and the variances that have been granted, and that it would be inappropriate to stop the project.

28. On advice of the Board Attorney, the Board heard testimony from Mr. Locandro and Applicant's planner and engineer, Mr. Decker, prior to ruling on the issues raised by Mr. Wohl.

29. Decker Testimony: Mr. Decker explained that, regarding the extension of approval for the proposed subdivision, the zoning rules in effect now have not substantially changed from the time of the original approval. He described the layout of the preliminary subdivision and the Phase I subdivision. He explained that the original parcel had a gross area of 54.693 acres. He noted that the Phase I subdivision that created existing lot 1.01, has 21.5 acres. He noted that the remaining portion is identified as Block 41, Lot 1.10, with 12 proposed lots. This proposal includes a lot on the northeastern portion of the property that will be the site of a duplex use home for two families.

- Mr. Decker gave his opinion that the Permit Extension Act does apply to this area and that the lot density determination is no different than what was originally presented. He noted that the

lot density complies with the dimensions on Table I and that the lot yield calculations are conforming.

- He noted that in the Phase II subdivision, the open space will have continued agricultural use. He noted that the residential use is compliant and that the COAH use is of benefit to the Township
- Mr. Decker reviewed the memo from Board Engineer Roseberry, dated September 8, 2020.
  - Mr. Decker noted the items for which waivers are requested. Board Engineer Roseberry agreed that items 230-100, #10 and #11 are cost related and that these two items will not affect completeness. Board Engineer Roseberry also agreed that items #12, #30, and #59 can be waived for the purpose of proceeding with the testimony.
  - It was noted that the wetlands delineation has to be provided by NJ DEP. Board Engineer Roseberry noted that he does not object to moving on with the testimony while waiting for this determination to be delivered. It was noted that finalized deeds are within the purview of the Board Attorney. It was noted that as-builts, by definition, cannot be done at this time.
  - There was a discussion about the information being held up by the lack of a Letter of Interpretation from NJ DEP. Some of the topics to be discussed when the LOI is submitted are as follows: transition area averaging, buffer permits, General Permit #11 for discharge (a basic permit), General Permit #10 for minor road crossing. Mr. Decker noted that these items can be a condition of approval.
  - Mr. Decker noted that the applicant is furthering the application and wants to be in compliance. He noted that the number of dwellings support continuation as do economic issues and comprehensiveness. He opined that the Board should grant the extensions needed.

30. Mr. Chris Sylvester stated that he is the owner of Block 41, Lot 1.05. He noted that his is the property directly adjacent to the location of the detention basin. He stated that he is concerned about some of the culverts on Sandbrook Headquarters road and the effect of heavy vehicles on the road and some of the culverts. He also stated that he is concerned about any drains that might clog that are part of the detention basin system. He stated that it is his concern that these potential clogs could put water onto his property. He noted that nothing on his lot floods now.

31. Chairman Cline determined that the two issues, (1) whether the use variance had expired; and (2) whether the site plan approval had lapsed would be voted on the by the Board separately.

32. Member Fowler stated that the Board is being asked to make a decision for which many members have little history or knowledge. He noted that he read the resolutions from previous applications, going back for more than a decade. Member Fowler made a motion to not continue, pending further information and clarification.

#### ROLL CALL VOTE ON MOTION TO DENY EXTENSION FOR VARIANCES

Those in Favor: Fowler, Kenyon, Warren

Those Opposed: Emmons, Manley, McAuliffe, Cline

Those Concurring with the Opposed Vote: Szwed

Those Absent: Gilbreath

The motion did not carry.

33. The motion to deny having failed, a motion to grant was then made by Mr. Manley.

ROLL CALL VOTE ON MOTION TO RECOGNIZE THAT APPLICANT EXERCISED THEIR VARIANCES UNDER ORDINANCE § 230-76, AND THAT THEY SHOULD BE CONTINUED

Those in Favor: Emmons, Manley, McAuliffe, Cline

Those Concurring: Szwed

Those Opposed: Fowler, Kenyon, Warren

Those Absent: Gilbreath

The motion passed.

34. The Board based its conclusions on the following:

- The Applicant exercised the variances: Two years after receiving the variance, Applicant applied for and received preliminary subdivision approval. Then in early 2014, Applicant applied for and received approval of its stormwater and landscaping plans. In August 2014, Applicant applied for a variance to allow phasing. By April 16, 2015, Applicant received final subdivision approval for Phase I. On April 11, 2019, they asked for and received extensions for their approvals. By returning to the Board several times to pursue approvals, and receiving final approval for Phase I, Applicant sufficiently exercised its variances to maintain its rights.
- Section 230-76 of the Delaware Township Code allows for the extension of a variance “if the reason for granting the initial variance remains valid.” Here, affordable housing units still serve the general interest, and the New Jersey Supreme Court continues to enforce the obligations of municipalities to provide such housing; the relevant zone is still residential and the two-family house is still a residential use in a residential zone; township policies still support development with open space set asides; and there is no identified harm to the zone plan and the zoning ordinance. The reasons for granting the initial variance remain valid.

35. Member Manley made a motion to grant the extension of preliminary subdivision approval.

ROLL CALL VOTE ON MOTION TO GRANT EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL

Those in Favor: Emmons, Kenyon, Manley, McAuliffe, Warren, Cline

Those Concurring: Szwed

Those Opposed: None

Those Abstaining: Fowler

Those Absent: Gilbreath

The motion passed.

36. The Board based its conclusions on the following:

- N.J.S.A 40:55D-49(e) permits Applicant to “apply for the extension either before or after what would otherwise be the expiration date.”
- The subject subdivision was for an area of 50 acres or more, and is therefore governed by the requirements of N.J.S.A. 40:55D-49(d): (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions and (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.
- A retroactive extension is appropriate in light of: the number of dwelling units, which represents a significant development in Delaware Township; economic conditions, which have included the recession, a fire (at a different property in Rosemont owned by the applicants) and now, a pandemic; the comprehensiveness of the development, which requires that Phase II succeed Phase I, which has already been completed. In addition, the Permit Extension Act evidences a public policy designed to promote the development of previously approved projects through the economic downturn.

37. The Board adjourned to November 12, 2020, with an extension granted by the Applicant. No further notice was required.

#### **NOVEMBER 12, 2020 HEARINGS**

38. Purpose: To conclude the adjourned hearing and determine whether Phase II Final Major Subdivision approval can be granted, with all necessary waivers, variances and conditions.

39. Appearances: Attorney John R. Lanza, Esq. appeared on behalf of the Applicant. Attorney Larry Wohl, Esq. appeared as a pro se objector.

40. Additional Evidence offered:

- A-8, written LOI, from NJ DEP, dated October 23, 2020
- A-9, wetlands map approved by NJ DEP
- A-10, Township Board of Health approval, dated 9.10.20
- A-11, Hunterdon County Department of Health approval, dated 8.12.20
- A-12, HOA restrictions approved for Phase I
- Email submitted by Board Planner Kyle regarding affordable housing, dated November 12, 2020.

#### **Findings:**

41. The Applicant submitted HOA documents, including bylaws, for review by the Board Attorney and Board Engineer, and will comply with their comments on those documents.

42. Since the time the preliminary approval was granted, there have been no revisions to the Township ordinance that would create any changes to the layout. Mr. Lanza noted that all proofs are on the record, as acted upon at preliminary approval. He noted that the applicant is perfecting the subdivision so the plat can be filed.

43. The Applicant agreed the following conditions related to the DEP must be satisfied (and noted that DEP review had been slowed due to the pandemic):

- Approval from DEP for stormwater management plan.
- Transition averaging permit from DEP
- Culverts on County roads need to be widened, with DEP approval.

44. The Applicant agreed that the final subdivision cannot be recorded at the County Clerk's office until all conditions are satisfied. He noted that the maps will have the signatures of the Secretary, Chair, and Board Engineer.

45. Mr. Lanza addressed the items in Board Engineer Roseberry's September 8, 2020 review memo as follows:

- The dimensional criteria on the detention basin will be updated on a revised map.
- D & R Canal Commission approval: it was noted that the Canal Commission responded that the project is outside of its review area.
- Details for the culverts as required by the County Planning Board will be provided and the work will be completed.
- Hunterdon County Soil Conservation requirements must be approved on the previously presented layout, and then these revised plans will be presented to Soil Conservation District based on DEP submissions.
- Mr. Lanza agreed that memo item #7, letters a.-i. will be included as conditions of approval, as set forth more fully below.

46. In terms of affordable housing:

- Applicant is providing two affordable housing units.
- Delaware Township Ordinance Section 230-135(d)(2) allows for an exemption from paying COAH fees on the development units. This development complies with the definition of an inclusionary development, thus exempting the development from paying COAH fees.
- In addition to Section 230-135, the affordable housing must meet all requirements of the Uniform Housing Affordability Controls (UHAC) and operative rules for the Council on Affordable Housing (COAH).
- The two COAH units must be built before 50% of remaining units can receive certificates of occupancy.

47. The Applicant agreed that the plat must be revised with the comments from Board Engineer Roseberry's memo and any further DEP requirements.

48. Mr. Larry Wohl appeared as an objector. He reminded the Board that per N.J.S.A. 40:55D-76, as part of the bifurcated approval, subsequent approvals are subject to the same proofs: no approval shall be granted without substantial impairment to the zone plan, zoning ordinance, or to the public good.

49. Mr. Wohl expressed his concern that the Applicant be required to meet all of the conditions of all of the prior approvals. The Board agreed, and conditioned Phase II Final Major Subdivision approval on the Applicant meeting all previously unmet conditions of the prior approvals, to wit:

- June 12, 2008 – 10 conditions
- December 9, 2010 – 24 conditions
- January 8, 2015 – 9 conditions
- April 16, 2015 – 10 conditions
- All conditions must be reviewed by the Enforcement Officer

50. Mr. Lanza reviewed N.J.S.A. 40:55D-76(b) and stated that the resolution of December 17, 2010 documents that the negative criteria were met. He noted that the preliminary subdivision resolution, page 7, item 41, shows that the negative criteria were met and the approval can be granted as there is no detriment to the public good.

51. Chris Sylvester, owner of property located at Block 41, Lot 1.05, adjacent to the location of the proposed detention basin, provided comments in opposition to the application. He was concerned about the traffic that would be generated by the new development and asked for a definitive timeline on construction. Traffic impact is not a consideration for final site plan approval and the municipality cannot require a “definitive” construction timeline. A Developer’s Agreement and UHAC requirements can allow for phasing of the project.

52. The Board Engineer noted all conditions must be met before any construction can begin.

#### **FINDINGS REGARDING NEGATIVE CRITERIA**

53. The Board finds that the final major subdivision can be granted without substantial detriment to the public good. The Board’s findings from preliminary subdivision approval continue to apply:

- The site will be used for residential purposes, which are permitted in the A-1 zone.
- Elements of the subdivision plan that are inconsistent with the rural nature of the area, such as street lighting and sidewalks, have been removed.
- The proposed street intersection at Sandbrook-Headquarters Road has been realigned so that headlights will not interfere with neighboring properties.
- Drainage and surface water runoff from the development will be controlled and managed on site and will not interfere with neighboring properties.
- Water use will not adversely affect neighboring wells.
- The site will be adequately buffered from neighboring uses.

54. The final major subdivision approval granted herein will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. The Board’s findings from preliminary subdivision approval continue to apply:

- The proposed lots meet the bulk standards for a single family detached cluster in the A-1 zone.
- The subdivision plan, which provides for a 12 lot subdivision with lands remaining as Lot 1.01, is consistent with the use variances approved by the Board on June 12, 2008.

- At the time the Board granted the use variances, it noted that the increase from 12.5 to 13 lots, which required a d(5) variance, was *de minimis*.
- The Board also noted that the d(1) use variance, which was required to permit construction of a two family home where only single family homes were permitted, was appropriate because the two family home would be a residential use and because the two family home would provide affordable housing, which was inherently beneficial.

55. The application continues to promote the general welfare, provided all conditions are met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Delaware, that Roger and Holly Locandro hereby are granted Final Major Subdivision approval for Phase II of the development, at Block 41, Lot 1.10, Delaware Township, New Jersey.

BE IT FURTHER RESOLVED that this approval is expressly CONDITIONED on the following:

1. Compliance with all conditions listed in previous resolutions involving this matter, including:
  - a. June 12, 2008 – 10 conditions
  - b. December 9, 2010 – 24 conditions, except for Condition No. 8 (affordable housing fees) which was eliminated at the November 12, 2020 meeting as set forth in this Resolution.
  - c. April 10, 2014 – 33 conditions
  - d. January 8, 2015 – 4 conditions
  - e. April 16, 2015 – 10 conditions
  - f. Each of these resolutions with these listed conditions can be found in the Board Office.
  - g. Certain of these conditions have been met, applicant is responsible for completing any open conditions.
  
2. Compliance with September 8, 2020 Board Engineer Memo, including:
  - a. The 91.37-foot dimension along the southerly boundary of proposed Lot 1.21 appears to be in error and should be removed from the map.
  - b. The lot summary chart under the Area Summary must be revised to add an additional column to indicate the open space that is included in each lot.
  - c. The revised final plan shall show whether the right of way is a dedicated public street or private road, to the satisfaction of the Board Engineer. If it is to be a public road, the applicant should request a street name from the Township Committee to be placed on the final map.
  - d. A cost estimate is prepared and submitted in accordance with Senate Bill 3233.
  - e. Performance Guarantees are posted for the required improvements.
  - f. Inspection fees are posted with the township.
  - g. Revisions to the stormwater plan to comply with Municipal and State Regulations.
  - h. Recording of a Developers Agreement with the Township.
  - i. A pre-construction meeting is held prior to start of construction.
  - j. A revised Final Map is submitted for approval.

- k. Metes and Bounds for all conservation easements.
- l. Compliance with all outside agency approvals and conditions prior to the start of construction; including but not limited to:
  - i. NJDEP for Letter of Interpretation;
  - ii. NJDEP for Freshwater Wetlands Transition Area Averaging; and
  - iii. NJDEP for General Permits 10A and 11.
3. The subdivision of the Property shall be implemented in accordance with the requirements of the Municipal Land Use Law and Map Filing Law.
4. Any and all fees due and owing the Township and the Board of Adjustment shall be promptly paid in full.
5. The plans shall clearly define the limits of responsibility for the future maintenance and ownership of the improvements. It is anticipated that the roadway will be dedicated to the public, but the maintenance of the stormwater system is to be maintained by the Homeowners Association.
6. All of the conditions of this resolution, where applicable, shall be incorporated in a revised Plan, subject to the review and approval of the Zoning Board Engineer.
7. This approval has taken into consideration and is subject to the terms and conditions of all maps, reports and documents in the applicant's file in the office of the Zoning Board of Adjustment to the same extent as if said maps, reports and documents had been read into the record and marked into evidence.
8. Approval of Homeowners Association documents and bylaws by Board Attorney.
9. DEP approval of a stormwater management plan.
10. All other outside agency approvals as may be required.
11. Any permits, deeds or other documents required by these conditions shall be approved by the Board Attorney and Board Engineer and, where appropriate, shall be filed with the Hunterdon County Clerk's Office. Proof of recording with the County Clerk shall be filed with the Board.

**ROLL CALL VOTE ON MOTION TO GRANT  
FINAL MAJOR SUBDIVISION APPROVAL**

Those in Favor: Emmons, Gilbreath, Manley, Szwed, Warren, Cline

Those Opposed: None

Those Abstaining: Fowler

Those Absent: Kenyon, McAuliffe

The motion passed.

**ROLL CALL VOTE ON MOTION TO APPROVE  
RESOLUTION OF MEMORIALIZATION**

Those in Favor: Emmons, Gilbreath, Manley, Cline

Those opposed: None

Present, but ineligible to Vote: Fowler, McAuliffe

Those Absent: Kenyon, Szwed, Warren

The motion passed.

CERTIFIED TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE

DELAWARE TOWNSHIP ZONING BOARD

AT A PUBLIC MEETING HELD ON JANUARY 14, 2021.

This written Resolution memorializes a Motion to Grant Subdivision Approval for the property located on Sandbrook Headquarters Road, Stockton, New Jersey 08559 (Block 41, Lot 1.10). The Motion to grant the Variances was adopted by the Board as noted above.

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Kathleen E. Klink,  
Administrative Officer

Application Approved: November 12, 2020

Resolution Adopted: January 14, 2021

Distributed: January 18, 2021

**BOARD OF ADJUSTMENT  
TOWNSHIP OF DELAWARE**

**RESOLUTION 43/5 and 26 (2021)**

Dr. Amy K. Peterson  
Block 43, Lots 5 and 26

**WHEREAS**, Dr. Amy K. Peterson (the Applicant), the former owner of property located at 12 Wagner Road, Stockton, NJ 08559 (Block 43, Lots 5 and 26 on the Delaware Township Tax Map), applied to the Delaware Township Zoning Board of Adjustment (the Board) for bulk variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) to allow two existing accessory structures to remain in their current location; and

**WHEREAS**, Applicant recently sold the property to Nina Engelhardt, and as part of the conveyance of the property, Applicant was required to seek the bulk variances to allow the accessory structures to remain in their current location;

**WHEREAS**, the Board held a hearing on December 10, 2020 to consider the application; and

**WHEREAS**, the Board considered the evidence presented at the hearing and made the following findings and conclusions:

**FINDINGS**

Background

1. On October 20, 2020, Applicant, Dr. Amy K. Peterson, submitted an application for bulk variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) to allow two existing accessory structures to remain in their current locations.
2. The property is located at 12 Wagner Road, Stockton, NJ 08559. It is Block 43, Lots 5 and 26 (the "Property") on the Delaware Township Tax Map. It is located in the A-1 zone.
3. Applicant recently sold the subject property to Ms. Nina Engelhardt. As part of the conveyance, Applicant agreed to seek the necessary variances to allow the existing accessory structures to remain in their current location.
4. Applicant requested that the board grant two bulk variances – (1) An existing horse shed has a setback of 42.32 feet, where 75 feet is required for accessory buildings that house live stock in the A-1 Zone; and (2) an existing hay shed has a setback of 5.24 feet, where 10 feet is required for accessory structures in the A-1 Zone, pursuant to Section 230-16 of the Delaware Township code.

Jurisdiction, Notice, and Waivers

5. The Zoning Board has jurisdiction over an application of this nature.
6. The applicant published timely notice by newspaper and served notice by certified mail to all neighbors within 200 feet of the subject property.

Hearing

7. The Board held its hearing on December 10, 2020.
8. The Applicant was represented by Anthony Koester, Esq. of Dilts & Koester, Flemington, New Jersey.
9. The Board considered testimony from:
  - a. Dr. Amy K. Peterson, Applicant.
  - b. Kate Keller, AICP, PP, of Phillips Preiss, LLC, Applicant's planner.
  - c. Board Engineer Robert S. O'Brien, PE/CME, Van Cleef Engineering Associates, LLC.
  - d. Board Planner James T. Kyle, PP/AICP, Kyle & McManus Associates.
10. The Board considered the following evidence offered in support of the application:
  - a. Application of Dr. Amy K. Peterson, dated October 20, 2020.
  - b. Addendum to contract of sale between Dr. Amy K. Peterson and Ms. Nina Engelhardt, dated September 25, 2020.
  - c. Review memorandum submitted by Board Engineer O'Brien, dated December 4, 2020.
  - d. Review memorandum submitted by Board Planner Kyle, dated December 3, 2020.
  - e. Copy of Delaware Township Tax Map, Sheet 12, Bloc, 43, Lot 5 & Lot 26.
  - f. Photographs of the Subject Site:
    - A-1, showing the horse barn
    - A-2, showing the hay shed
    - A-3, showing a closer view of the hay shed
    - A-4, showing horse barn in the background, and hay shed in the foreground
    - A-5, showing hay shed with attached lean-to.
11. The Applicant seeks c(2) bulk variance relief for the existing horse barn and hay shed on the Property.
12. The hay shed is set back 5.24 feet, where 10 feet is required pursuant to Section 230-16 of the Delaware Township code. The hay shed is a 12 ft. by 18 ft. structure.
13. The horse barn is set back 42.32 feet, where 75 feet is required pursuant to Section 230-16 of the Delaware Township code. The horse barn is a 12 ft. by 38 ft. structure, with three stalls that are each 10 ft. by 12 ft., and a tack feed room.
14. Both structures are at least 175 feet to the rear wall of the dwelling on Lot 4, and about 500 feet to the homes on Lots 27 and 29.
15. Lot 5 and Lot 26 are both owned by Ms. Engelhardt. Both lots were previously owned by Applicant.

16. Section 230-25(c)(2) of the Delaware Township code states that “Where the owner of a lot of substandard size owns an adjacent lot or lots or parcels of land, such lots or parcels shall be considered a single lot to which the area and yard provisions of this chapter shall apply.” This provision is applicable to this application.
17. Lot 5 consists of about one acre, and has frontage on Wagner Road.
18. Lot 26 abuts Lot 5 and consists of 3.573 acres. It has no frontage on any road.
19. Although Lots 5 and 26 are under common ownership, they were not officially merged on the Delaware Township tax maps.
20. Dr. Peterson stated that while trying to sell the Property to Ms. Nina Engelhardt, the Delaware Township Zoning Officer noted that the setbacks for the horse barn and the hay shed are not compliant with the requirements for the A-1 Zone. Dr. Peterson was informed that variances needed to be obtained to allow the horse barn and the hay shed to remain on the property in their current locations.
21. Dr. Peterson and Ms. Engelhardt entered an addendum to the contract of sale for the property that required Dr. Peterson to attempt to obtain the variances.
22. Inspections have been performed on both buildings by the Township construction officials, and both were found to comply with construction codes.
23. It is believed that both accessory structures at issue were built sometime in the 1960s, although there are no building permits on file with the Township.
24. Dr. Peterson has used the horse barn to house two horses and a pony. She uses the hay shed for hay, and the lean-to attached to the hay shed is used to store equipment.
25. Ms. Engelhardt, the current property owner, did not attend the hearing. Dr. Peterson said that Ms. Engelhardt does not currently own a horse, but is contemplating future horse ownership.
26. The Property is secluded. When foliage is present, it is difficult for neighbors to see the horse barn and the hay shed with the exception of the Schwitzers, owners of the adjacent lot, Lot 4, who have a fairly open view all year-round.
27. The Board wanted to ensure that the building would not be used as a commercial agriculture venture. Board Planner Kyle noted that the definition of “Agricultural or Horticultural Use” in Section 230-114 of the Delaware Township Code does not include boarding as a permissible use:

The growing of crops, truck gardening, raising or breeding of horses, cattle, sheep, dairy, poultry or other farm livestock; maintaining under good management practices an orchard, woodlot, forest, nursery or greenhouse; or performing other agricultural, agricultural or horticultural activity. Agricultural lands shall include open or wooded areas, ponds, brooks, wetlands, fields and meadows.

28. The Zoning Board has the authority to grant a variance from bulk requirements of the Land Use Ordinance when the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment. The Board must find that the variance can be granted without substantial detriment to the public good and the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. N.J.S.A. 40:55D-70(c)(2).

29. According to the New Jersey Supreme Court, “the grant of approval must actually benefit the community in that it represents a better zoning opportunity for the property.” Kaufman v. Planning Board, 110 N.J. 551, 563 (1988).

**CONCLUSIONS**

30. The variances can be granted without substantial detriment to the public good because foliage and buffers block the view of the structures from neighboring homes. Both structures have existed since the 1960s, and neighbors have not complained about the locations of the hay shed and horse barn. There is a large distance between the structures and neighboring homes; it is 175 feet to the rear wall of the dwelling on Lot 4, and it is about 500 feet to the homes on Lots 27 and 29. The horse barn and hay shed have been maintained.

31. The variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance because the structures help support an agricultural use, which is the primary use in the A-1 zone. One of the aims of the 2012 Master Plan is to preserve agricultural uses in the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Township of Delaware, that Dr. Amy K. Peterson is hereby granted c(2) variance relief for the existing horse barn and hay shed on the Property located at Block 43, Lots 5 and 26.

**BE IT FURTHER RESOLVED** that the variances shall be subject to the following **CONDITIONS**:

1. Applicant and/or the current owner of the Property, Block 43, Lots 5 and 26, shall ensure that Lots 5 and 26 are officially merged on the Township Tax Map. This shall be done by deed.
2. No commercial usage of the Property, to board horses or other livestock, shall be permitted.

**ROLL CALL VOTE ON MOTION TO GRANT VARIANCES**

December 10, 2020

Motion to Approve: Emmons

Second: Fowler

Those in Favor: Emmons, Fowler, Gilbreath, Kenyon, Manley, Warren, Cline  
Concurs: McAuliffe

Those Opposed: None

Those Absent: Szwed

**ROLL CALL VOTE ON MOTION TO APPROVE  
RESOLUTION OF MEMORIALIZATION**

January 14, 2021

Motion to Approve: Manley

Second: Gilbreath

Those in Favor: Emmons, Fowler, Gilbreath, Manley, McAuliffe, Cline

Those Opposed: None

Those Absent: Kenyon, Warren, Szwed

Certified to be a true copy of a Resolution adopted by the Delaware Zoning Board at a public meeting held on January 14, 2021. This written Resolution memorializes a Motion to Grant Variance Approval for the property located at 12 Wagner Road, Stockton, New Jersey 08559 (Block 43, Lots 5 and 26). The Motion to grant the Variances was adopted by the Board on December 10, 2020 and was approved by a vote of 8-0.

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Kathleen E. Klink,  
Administrative Officer

Application Approved: December 10, 2020  
Resolution Adopted: January 14, 2021  
Distributed: January 18, 2021