

The regular meeting of the Delaware Township Planning Board was held on the noted date, in the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey. Vice Chair Kathy Katz opened the meeting at 7:30 p.m.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

STATEMENT

Vice Chair Katz read a statement noting that the requirements of the Open Public Meetings Act have been satisfied. Notice of this meeting was properly transmitted to the Hunterdon County Democrat, Trenton Times, and Star Ledger, posted on the Delaware Township bulletin board and filed at Town Hall; all on January 9, 2019.

ROLL CALL

Present:	Class I	Joe Vocke
	Class II	Chris Cane
	Class III	Jamie Waltman
	Class IV	Joan Bailly, Dave Bond, Larry Coffey, Russell Crespolini, Kathy Katz, Rosalind Westlake (7:35 p.m.)
	Alternate	Ron Tyranski, Richard Macomber
	Liaison from	Chuck Cline, Caine Fowler
	ZBA	
	Advisor	
	Administrative Officer	Kathleen Klink
	Attorney	Steven Goodell, Esq. , not needed
	Engineer	C. Richard Roseberry, P.E. , not needed

Absent: shown by strikethroughs

APPROVAL OF MINUTES FROM THE MEETING of April 2, 2019

Member Coffey made a motion to approve the minutes from the noted meeting. Member Waltman seconded the motion, and members unanimously approved the minutes as written, with an abstention from Members Cane and Katz.

Correspondence: BILL LIST

None submitted

CORRESPONDENCE

a. Old Business, to include Memorializations – none

b. Zoning Officer Duties – proposed ordinance

There was a discussion about this proposed ordinance. This ordinance was developed by the Township Attorney and sent to the Planning Board for its review. The Board made a few minor revisions.

There was further discussion about Section 10 - #4, related to the violation of any provision of this ordinance. Chair Westlake stated that the process for violations is a standard procedure. She noted that it can be as simple as the person who is complaining could go the police department and fill out an

affidavit. Member Cane, who is also Chief of Police, agreed that an explanation of the situation is provided and then the complaint is submitted to municipal court. He also noted that either the municipal prosecutor or the “complaining” citizen can proceed to municipal court.

Mr. Wiseman was present and he stated that he has issues with the prosecution level.

Chair Westlake agreed to accept Mr. Wiseman’s comments. Mr. Wiseman stated that he is concerned about enforcement and the supervision of enforcement. Mr. Wiseman introduced himself. He discussed the issue he has with his neighbor concerning his neighbor’s property use as a home based business. Mr. Wiseman stated that he has reported issues to the police. He stated that he appealed the decision of the Zoning Officer by appearing before the Board of Adjustment. He gave an opinion that the issues decided by the Board of Adjustment have been ignored by the Zoning Officer. He stated that the police have been very helpful.

Mr. Wiseman continued by stating that the issue has to do with the enforcement of any violation. He further noted that there needs to be supervision of the person enforcing the violation. He asked the Planning Board to explain how this section on violations is to be enforced and who is to supervise that enforcement. Mr. Wiseman stated that the Zoning Officer is required to follow the provisions of the resolution of the Board of Adjustment.

Chair Westlake stated that she agrees with some of the statements made by Mr. Wiseman. She further noted that the Planning Board and the Board of Adjustment are very limited in what they can do. She further noted that some resolutions do not contain time frames.

Mr. Wiseman stated that he has been told that it was up to the citizen to make certain that the resolution is followed. Chair Westlake stated that as Board members, conditions can be added to a resolution to provide a clear-cut time frame. It was further noted that once conditions have been imposed, those conditions must be met.

Liaison Cline, Chair of the Board of Adjustment, stated that Attorney Goodell, for the Board of Adjustment made a recommendation to Mr. Wiseman. Attorney Goodell recommended that Mr. Wiseman first go to the Zoning Officer to ask for compliance; if Mr. Wiseman sees no relief, he should go to the Township Committee who employs the Zoning officer. The TC would then direct the Zoning Officer to respond to Mr. Wiseman’s issues.

It was further noted that it is possible that this type of issue could become a legal issue before the Court. It was further noted that there are provisions in the ordinance regarding rules and regulations.

Mr. Wiseman responded that most times when an infraction occurs, there is no one to call.

Chair Westlake reiterated that Mr. Wiseman can make a citizen complaint to which the municipal court can respond. She also noted that the Planning Board cannot deputize anyone to enforce the ordinance and resolution. She noted that the Zoning Officer is the official person for such enforcement.

Mr. Wiseman stated that one issue is that there is a second driveway that the Board found to be dangerous and illegal. Chair Westlake stated that it is not up to the Planning Board to analyze conditions that they were not party to. She further noted that the Board of Adjustment and the

Planning Board are restricted by the powers provided within the Municipal Land Use Law of the State of New Jersey.

Mr. Wiseman asked that the authority be granted to the Zoning Officer. He also asked if the police could be deputized to help with enforcement. Chair Westlake reiterated that the Planning Board does not have this power.

Vice Chair Bond stated that “we make the rules but are not the cops.”

The complaint process includes notice, summons of complaint, and appearance in court. Mr. Wiseman stated that the problem is the issue of direct enforcement.

Chair Westlake noted that penalties are up to the municipal court judge; and that there is no charge to go to municipal court. She noted that the summons and complaint can be filed by a citizen; one does not have to hire an attorney.

Chair Westlake noted that the ordinance being reviewed tonight is to create a standard operating procedure for enforcement.

Mr. Wiseman stated that he sees how difficult it is to enforce these issues. He appealed to the Board to take seriously how important this problem is. Chair Westlake repeated that Mr. Wiseman should go to the Township Committee and ask that this resolution enforcement take place, even if it means authorizing someone else to do it.

Member Vocke, who is Township Mayor, stated that he can take what he has heard and report to TC.

Chair Westlake and Board of Adjustment Chair Cline both recommended that Mr. Wiseman appear before the Township Committee. Chair Westlake stated that there is a legal process in place, that of the MLUL; and that the Board of Adjustment acts in compliance with the MLUL. She noted that the State law puts power in places providing the appropriate course of action.

It was moved, seconded and carried to pass the Planning Board recommendations concerning the ordinance on the Duties of the Zoning Officer to the Township Committee.

NEW BUSINESS, to include Applications – none

COMMITTEE REPORTS

Scheduled Committee Meetings

Subdivision and Site Plan Review Committee - second Wednesday, 7:00 p.m., as needed per applications submitted. *Member Bailly to report.* Members: Bailly, Crespolini, Katz
No meeting

Agricultural Advisory Committee – first Tuesday, 7:00 p.m.; *Member Coffey to report*
Members: Bond, Coffey, Westlake (alternate); non Planning Board: Bench, Novak, Sawatzky

Member Coffey reported that the Committee met and talked about the Curtis Farm and other pending properties that may move to the Open Space Committee.

Open Space Committee – third Wednesday, 7:30 p.m., except January 14 and February 11;
Member Coffey to report. Members: Coffey, Bond, alternate Westlake

Member Coffey reported that the Kulas property is in the beginning process of preservation. He noted that NJCF is looking to acquire an easement on the Pierman property, for the property along the creek. He further noted that a walk has been scheduled for the Moore Cemetery.

Non-Scheduled Committee Meetings, please give me notice for proper newspaper notification

Master Plan Committee – *Member Westlake to report*; members: Coffey, Westlake
No meeting

Ordinance Review - *Member Coffey to report*; members: Katz, Westlake
No meeting

Quarry Compliance Committee – *Member Bond* (Board Representative)
Member Bond reported that the Committee met two months ago and that he reported about that meeting. Member Katz asked if Administrative Officer Klink had distributed the request about hydrology review and well testing at Trap Rock. Ms. Klink stated that this will be distributed to the Board members and put on the agenda for June 4.

Stormwater Management Committee – *Member Waltman*
Nothing to report

LIAISON REPORTS

Board of Adjustment – second Thursdays, 7:30 p.m., *Liaison Cline*
Liaison Cline reported that two resolutions were amended and approved at the Board's last meeting. One change for the Carlucci and Woodfield resolution was to put the conditions in the resolution concerning the stormwater and other ordinance requirements. He reminded the Board that the application was for an agricultural building within the setback. He noted that the applicants reduced the size to change the stormwater requirements that will still meet the ordinance.

Liaison Cline reported that the other resolution was about the Wiseman appeal, previously discussed.

Liaison Cline further noted that the Board is hearing the Locandro application to renovate the Rosemont Café to add two apartments to the four apartments that are there; and two additional apartments in the accessory barn. He noted that the Board has had several discussions about parking including the County requirement of off-site parking for three on-street parking spots. He noted that the on-street spots can be used, but that the County wants to know that those spots can be on-site if needed.

Environmental Commission – third Wednesdays, 7:30 p.m., *Liaison Katz*
Member Katz reported that the Environmental Commission is selling bluebird boxes for fundraising for the EC. She further noted the following dates -

- May 15 – bluebird speaker from North American Bluebird Society
- May 18 – sale of boxes to begin
- May 29 – talk on spotted lanternfly, to begin at 7:00 pm

Historical Advisory Committee – second Wednesdays, 7:30 p.m., *Liaison Cane*

Liaison Cane reported that the Historical Society is asking the County to amend the pavement that has been done over the sidewalks on Route 523. He further noted that there is a plan to secure Open Space funding for the access to the Moore Cemetery, which is Township property. He also noted that the Heritage Conservancy has been contracted to assist with the historic management of the Holcombe property.

Shade Tree Commission – fourth Thursdays, 7:00 p.m., *Liaison Coffey*

It was reported that the Shade Tree Commission had a walk on April 9 to assess the ash trees at Dilts Park. It was further noted that a report will be made available to the Township Committee.

Meeting opened to the Public for Comments or Questions

There were no comments or questions from the public.

Meeting opened to the Board for Comments or Questions

Liaison Cline further reported that the oral arguments for the Cellco Litigation will be on May 15. He noted that he can forward the time and location, which will be at the Flemington Court House.

Member Bailly asked if the Planning Board could make a recommendation about enforcement. She questioned if there is anything that we can do to help with this enforcement process.

Chair Westlake stated that with this ordinance change concerning the duties of the Zoning Officer, a mechanism is in place for enforcing rules and regulations. She also reviewed the process that is easy for a citizen to file and make complaints. She noted that some towns require a development agreement or management agreement upon the approval of development projects. She noted that with such an agreement the violation of a deadline is enforceable. She noted that the town or board can file a lawsuit if such an agreement is in place.

Liaison Cline reviewed the Wiseman/Lindner decision and part of the process that has been occurring.

There was further discussion about municipal and prosecuting complaints, either by the municipal prosecutor or a citizen. It was further noted that a Zoning Officer could be prosecutor of the case.

NEXT MEETING: June 4, 2019

ADJOURNMENT: 8:37 pm

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

Respectfully submitted,

Kathleen E. Klink,
Administrative Officer