

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. Administrative Officer Kathleen Klink opened the meeting at 7:30 p.m.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

STATEMENT

Administrative Officer Klink 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 December 17, 2020.

ROLL CALL

Present:

Class I	Jamie Waltman
Class II	Elliot Gray
Class III	Joe Vocke
Class IV	Joan Bailly, Dave Bond, Larry Coffey, Kathy Katz, Richard Macomber, Rosalind Westlake
Alternate	Mark Wright
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

Election of Chair

Administrative Officer Klink accepted nominations for Chair. Member Bond nominated Member Westlake and Member Katz seconded the motion. Member Macomber made a motion to close nominations, Member Katz seconded the motion. By voice vote, Member Westlake was elected Chair, with her abstention.

Election of Vice Chair

Chair Westlake accepted nominations for Vice-Chair. Member Katz nominated Member Bond and Member Bailly seconded the motion. Member Coffey made a motion to close nominations, Member Waltman seconded the motion. By voice vote, with his abstention, Member Bond was elected Vice-Chair.

Election of Secretary

Chair Westlake accepted nominations for Secretary. Member Katz nominated Clerk Klink and Member Coffey seconded the motion. Member Coffey made a motion to close nominations, Member Macomber seconded the motion. By voice vote, Clerk Klink was elected Secretary.

Assistant Secretary

Chair Westlake accepted nominations for Assistant Secretary. Member Bond nominated Member Katz and Member Macomber seconded the motion. Member Coffey made a motion to close nominations, Member Wright seconded the motion. By voice vote, Member Katz was elected Assistant Secretary, with her abstention.

Liaison to Environmental Commission

It was noted that Member Katz is to be appointed to this position by the Township Committee. Upon research it is noted that the Liaison to the Environmental Commission is a member of BOTH the Planning Board and the Environmental Commission. The Planning Board has recommended that Member Katz retain this position.

Annual Meeting Notice Resolution, Planning Board Resolution #2021-01

It was noted that there are no conflicts for regular Planning Board meetings with the first Tuesday of each month for the upcoming year; dates noted as follows, with the exception of Election Day in November:

January 5, February 2, March 2, April 6, May 4, June 1, July 6,
September 7, October 5, November 9, December 7, January 4, 2022

Other Committee dates can be found on the resolution. Resolution follows the minutes.

Member Coffey made a motion to adopt Planning Board Resolution #2021-01, the Annual Meeting Notice Resolution; said motion was seconded by Member Macomber.

Roll Call Vote

Aye: Waltman, Gray, Vocke, Bailly, Bond, Coffey, Katz, Macomber, Westlake
Alternates: Wright concurs

Nay: None

Absent: None

Appointment of Professionals, Planning Board Resolution #2021-02

Steve Goodell, Parker McCay, Board Attorney
Rick Roseberry, Maser Consulting, Board Engineer
Nicholas Dickerson, Maser Consulting, Board Planner
Kevin Jamieson, Maser Consulting, Board Environmental Consultant
Maurice Rached, Maser Consulting, Board Traffic Engineer
Richard Zelle, Maser Consulting, Board Hydrogeologist
Alexander Ross, Maser Consulting, Board Hydrogeologist

Administrative Officer Klink reported Engineer Roseberry has submitted a Professional Services Agreement on behalf of Maser Consulting as Township Engineer. Engineer Roseberry noted that the same agreement can be used for the Planning Board. Attorney Goodell has agreed to return to the Board and will complete the PSA that has been submitted.

The PSA resolution memorializing the acceptance of the professionals will be adopted at a later date, awaiting the paperwork from the professionals.

Adoption of Remote Public Meeting Procedures During a Declared State of Emergency

Member Bailly made a motion to adopt Planning Board Resolution #2021-03, which was seconded by Member Macomber. It was noted that said set of procedures details the process for accepting public

comment during hybrid meetings. Other processes of the hybrid meetings are included in the procedures.

Roll Call Vote

Aye: Waltman, Gray, Vocke, Bailly, Bond, Coffey, Katz, Macomber, Westlake

Alternates: Wright concurs

Nay: None

Absent: None

APPROVAL OF MINUTES FROM THE MEETING of December 1, 2020

Prepared minutes were distributed to members for review. Member Bond made a motion to approve the minutes from the noted meeting. Member Coffey seconded the motion, and members unanimously approved the minutes as written, with abstentions by Members Waltman and Vocke.

Correspondence: BILL LIST

Members reviewed the Bill List, as follows.

Bill List

Legal Bills: Parker McCay, P.A.

For Professional Services for General Legal Matters, Line Item #111-211

Through October 31, 2020, #3123325	\$368.00
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Through November 30, 2020, #3124554	\$48.00
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Member Macomber moved to approve payment of this bill, Member Coffey seconded the motion.

Roll Call Vote

Aye: Gray, Vocke, Bailly, Bond, Coffey, Katz, Macomber, Wright, Westlake

Nay: None

Abstain: Waltman

Absent: None

Bill List, Escrow Charges,

Legal Bills: Parker McCay, P.A.

19/29 and 29.01, Opdyke, #3124555	\$160.00
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Engineering Bills: Maser Consulting, P.A.

Member Coffey moved to authorize payment of the noted bill(s) from the appropriate escrow account, Member Bond seconded the motion, and members unanimously authorized payment.

CORRESPONDENCE – Old Business, to include Memorializations

Estate of Joyce Opdyke, Block 19, Lots 29 and 29.01, granted: boundary line adjustment, for lot reconfiguration.

Board Attorney Goodell prepared a resolution which the Board reviewed and discussed. There were some changes made to the resolution involving information from the memo of Board Engineer Roseberry, dated November 30, 2020.

Member Coffey made a motion to adopt this resolution, based on the Planning Board discussion. Member Bailly seconded the motion.

Roll Call Vote (Opdyke resolution)

Aye: Gray, Bailly, Bond, Coffey, Katz, Macomber, Wright, Westlake

Present but Ineligible to Vote: Waltman, Vocke

Nay: None

Absent: None

CORRESPONDENCE – New Business, to include Applications - none

New Jersey Planning Officials – membership of \$170.00

Member Macomber made a motion to approve payment of this membership, to be shared with the Board of Adjustment. Member Katz seconded the motion.

Roll Call Vote

Aye: Gray, Vocke, Bailly, Bond, Coffey, Katz, Macomber, Wright, Westlake

Nay: None

Absent: None

COMMITTEE REPORTS

As reports from each committee were given, membership of the committee was verified.

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**, Drew, Katz; with Easement Monitoring Committee of the Environmental Commission

No meeting

Member Coffey made a motion to recommend that Tim Drew be accepted as Alternate #II. Member Wright seconded the motion that was adopted by voice vote. The recommendation will be made to the Township Committee.

Agricultural Advisory Committee – first Tuesday, 7:00 p.m.; *Member Coffey to report*

Members: Bench, Bond, Coffey

Member Macomber made a motion to reappoint all of these members to this committee.

Member Waltman seconded the motion that was adopted unanimously by voice vote.

Member Coffey reported that Mr. Bench was chosen to be Chair. Member Bond recommended that Mr. Bench become an Advisor to the Planning Board. The Board agreed and the recommendation will be made.

Open Space Committee – third Wednesday, 7:30 p.m., except January 14 and February 11;

Member Coffey to report. Members: Westlake, alternate Coffey

Member Coffey reported that the Maresca project was closed in December. He noted that the Lee Lau project should be completed soon. He noted that there is no movement on the Curtis Farm to date. He also noted that there is some interest in the farm on Block 60, Lot 9.04, on Lambertville Headquarters Road.

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

Master Plan Committee – *Member Westlake to report*; members: Coffey, Westlake

No meeting

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

Quarry Compliance Committee – Member Bond (Board Representative)
No meeting

Stormwater Management Committee – Member Gray
Nothing to report

LIAISON REPORTS

Board of Adjustment – second Thursdays, 7:30 p.m., *Liaison Cline*

Liaison Cline reported that the Board of Adjustment approved the subdivision on Sandbrook Headquarters Road, with many conditions.

Environmental Commission – third Wednesdays, 7:30 p.m., *Liaison Katz*

Member Katz reported that the Environmental Commission approved purchase of two London planes for Dilts Park, by the playground. She also noted that the Commission is researching an air monitoring station for possible placement at Dilts Park.

Historical Advisory Committee – second Wednesdays, 7:30 p.m., *Liaison Vocke*
Nothing to report

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

Member Coffey reported that the Shade Tree Commission met on December 3 and also approved purchase of two trees for Dilts Park. He noted that the Shade Tree Commission will have its reorganization on January 28.

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

Member Katz wished all a Happy New Year and welcomed Tim Drew to the Planning Board. Chair Westlake reiterated the sentiments.

NEXT MEETING: ~~February 2, 2021~~ – March 2, 2021

Member Bond made a motion to cancel the noted meeting, if there are no applications. Administrative Officer Klink stated that today's date is the deadline for the February meeting and that no application has been submitted. Member Waltman seconded the motion that was adopted unanimously by voice vote.

ADJOURNMENT: 8:19 p.m.

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

Respectfully submitted,

Kathleen E. Klink,
Administrative Officer

DELAWARE TOWNSHIP PLANNING BOARD
RESOLUTION NO. 2021-03

**RESOLUTION ADOPTING REMOTE PUBLIC MEETING PROCEDURES DURING A
DECLARED STATE OF EMERGENCY**

WHEREAS, the Division of Local Government Services recently released emergency regulations establishing standard protocols for remote public meetings held by public body during a Governor declared emergency; and

WHEREAS, a Local Finance Notice 2020-21 was released on September 24, 2020, to accompany and further explain the new regulations promulgated by the Division of Local Government Services; and

WHEREAS, these regulations include provisions concerning notice, public comment, and minimum requirements for remote meetings technologies, to ensure continuity of government operations and transparency in conducting public business when an emergency requires a governing body to meet remotely; and

WHEREAS, the regulations further require a local public body to adopt by resolution standard procedures and requirements for public comment period during a remote public meeting; and

WHEREAS, the Delaware Township Planning Board desires to establish and adopt said procedures attached hereto, as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of January, 2021 by the Delaware Township Planning Board, County of Hunterdon, and the State of New Jersey, hereby adopts Remote Public Meeting Procedures during a declared State of Emergency attached hereto, as Exhibit A.

Moved By: Bailly

Seconded By: Macomber

Roll Call Vote

Aye: Waltman, Gray, Vocke, Bailly, Bond, Coffey, Katz, Macomber, Westlake

Concurs: Wright

Nay: None

Absent: None

CERTIFICATIONS

I certify that the foregoing Resolution was duly adopted by the Township of Delaware Planning Board at a regular meeting held on the 5th day of January, 2021, a quorum being present and voting in the majority.

Kathleen E. Klink, Administrative Officer

Delaware Township Planning Board Remote Public Meeting Procedures during a Governor-Declared State of Emergency

Meetings

The Delaware Township Planning Board meets on the 1st Tuesday of every month at 7:30 p.m. In-person public meetings remain the default during a declared emergency. Room capacity restrictions pursuant to Federal and/or State guidelines shall be followed for in-person meetings. A hybrid or all virtual public meeting model shall be employed as necessary. When the all virtual or hybrid public meeting model is used, in addition to physical access to public meetings, Zoom shall be the electronic communication platform used for the public's remote access to public meetings. The virtual/hybrid-meeting model is made available to provide the opportunity for public participation during a declared state of emergency requiring physical distancing limitations.

Notice of Meetings

Public meetings of the Delaware Township Planning Board continue to be conducted in-person and via Zoom. Supplemental meeting notices, which include clear and concise instructions for accessing the meetings remotely, means for making public comment and where relevant documents, including plans and documents associated with the applications before the Board can be found, are advertised on the Delaware Township website, www.delawaretpnj.org, posted on the official bulletin board located inside the Delaware Township Municipal Building and on the main access door and handicap accessible entrance of the Municipal Building – viewable from the outside.

Technology & Procedural Matters

Remote Meeting Platform

Zoom electronic communication platform shall be available for every public meeting. The access phone number and computer link for the specified meeting will be available, at a minimum, ten (10) days prior to the public meeting. Members of the public attending the meeting remotely may make public comment via Zoom during the meeting. Comments sent via chat on Zoom will not be accepted and will not be made part of the record/minutes. Any remote public meeting with one or more public hearings on the agenda shall be broadcast by video as well as by audio. Individuals giving sworn testimony at a public hearing held during a remote public meeting shall appear by video in addition to audio.

Public Comments Submitted Prior to Meeting

The public may submit questions or comments via e-mail to kklink@delawaretpnj.org no later than 3:00 p.m. on the day of the scheduled Planning Board meeting. The public may also submit public comments in written letter form via mail or by drop box to the Municipal Building located at 570 Rosemont Ringoes Road, Sergeantsville, New Jersey 08557, no later than 3:00 p.m. the day of the scheduled Land Use Board meeting. Timely submitted public comment shall be read aloud and addressed during the public meeting that will be heard to all remote participants and the public. The Planning Board may pass over duplicate written comments; however, each duplicate comment will be noted for the record with the content summarized. Written public questions or comment will not be treated as sworn testimony.

Public Comments & Conduct from Remote Participants

The procedures and requirements for making public comment, along with an explanation of the audio muting function of the Zoom platform being used, will be announced by the Administrative Officer at the beginning of the remote public meeting. The Board members will facilitate a dialogue with all commenters to the extent permitted by Zoom technology.

All participants must keep their microphones muted until directed otherwise. If necessary, the Administrative Officer will also engage the Zoom Meeting mute function until such time for public comments. When a hybrid meeting model is employed, members of the public attending the meeting in-person will be provided the opportunity to engage in public comment prior to any remote participants. All remote participants will be asked to state his/her name and home address before making comment. The Administrative Officer will manage the order of the remote participant's comments.

If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Administrative Officer or designee shall mute or continue muting the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity. Time permitting, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to speak. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

Presentations or Documents

New applicants for development shall submit exhibits to the Administrative Officer no less than four weeks in advance of the remote public meeting. Applicants with continuing applications must submit exhibits to the Administrative Officer no less than two weeks in advance of the remote public meeting. The applicant is responsible for converting all exhibits into an electronic format accessible to the public.

All documents made available to the public in hard copy format will be available prior to the meeting for download. Documents will be available at www.delawaretwpnj.org in addition to the Meeting Agenda and Remote Meeting Instructions.

DELAWARE TOWNSHIP PLANNING BOARD
RESOLUTION #19-29 and 29.01 (2021)

Estate of Joyce Opdyke
Boundary Adjustment and Exchange
Block 19, Lots 29 and 29.01

WHEREAS, on August 18, 2020, the Estate of Joyce Opdyke, by its Executor, Stephen C. Opdyke of 11 Hewitt Road, Stockton, NJ 08559, applied to the Delaware Township Planning Board for a boundary adjustment and variances for property located at Block 19, Lots 29 and 29.01 on the Delaware Township Tax Map; and

WHEREAS, the Delaware Township Planning Board held a hearing on December 1, 2020 to consider the application; and

WHEREAS, the Board gave due consideration to the testimony and the evidence presented at the hearing and made the following findings of fact and conclusions:

DESCRIPTION OF THE SITE

1. The properties in question, known as Block 19, Lots 29 and 29.01 on the Delaware Township Tax Map, are located in the A-2 agricultural/residential zoning district.
2. Lot 29 is 6.686 acres (gross), with frontage on Hewitt Road. Lot 29 has a two-story residential dwelling, four sheds, a septic tank and gravel drive.
3. Lot 29.01 is 6.117 acres (gross), and fronts on Hewitt Road. It is vacant land.
4. The lots are adjacent.

NATURE OF THE APPLICATION

5. The applicant, The Estate of Joyce Opdyke, owns lots 29 and 29.01. The Estate has applied to adjust the boundary line separating the two lots. The purpose of the application is to create two buildable lots that meet the requirements of the A-2 zone.
6. The boundary line adjustment would decrease the size of Lot 29 from 6.686 acres to 6.413 acres (gross), 6.284 acres (net).
7. The boundary line adjustment would increase the size of Lot 29.01 from 6.117 acres to 6.390 acres (gross), 6.347 acres (net).
8. The application requires a lot width variance for the reconfigured Lot 29.01, and a front yard variance to recognize the existing location of the residential structure.
9. The applicant requires waivers from the following checklist items:
 - Item No. 34, contours and survey benchmark.

- Item No. 38, 100 year and 500 year floodplains.
- Item No. 39, Streams and adjacent floodplains, wetlands, and steep slopes within 300' of the site.
- Item No. 40, Other physical features within 200' of the tract.
- Item No. 41, Location of all existing structures within 200' of the tract.
- Item No. 44, Location of existing and proposed wells and septic systems.

HEARING

10. The Planning Board hearing was held December 1, 2020.
11. The applicant's witnesses were:
 - a. Stephen Opdyke, Executor of the Estate of Joyce Opdyke;
 - b. Patrick Fatton, PLS. Mr. Fatton was accepted by the Board as an expert. He prepared the boundary line adjustment map.
 - c. Anthony Hajjar, PE, PP. Mr. Hajjar was accepted by the Board as an expert. He provided proofs supporting the application and variances.
12. The Board considered the following documents submitted by the applicant:
 - A. Completed Land Use Board Application for boundary adjustment and merger;
 - B. Cover letter dated August 18, 2020 to Delaware Township Planning Board from Patrick Fatton, PLS;
 - C. Variance application for minimum lot width for proposed Lot 29.01 (250 feet lot width is required; 218.89 feet is provided);
 - D. Boundary adjustment Checklist E;
 - E. Deed dated November 17, 1997 from and to Charles Richard Opdyke and Joyce Opdyke;
 - F. Metes and Bounds description for Proposed Lot 29.01, prepared by Patrick H. Fatton, PLS, dated August 7, 2020;
 - G. Metes and Bounds description for Proposed Lot 29, prepared by Patrick H. Fatton, PLS, dated August 7, 2020;
 - H. Plan entitled "Boundary Line Adjustment for the Estate of Joyce Opdyke, Block 19 – Lots 29 & 29.01, Township of Delaware, Hunterdon County, New Jersey," prepared by Patrick H. Fatton, PLS, dated August 7, 2020;
 - I. Deed dated February 11, 2002 between Peter H. & Sandra Miller, and Charles Richard & Joyce C. Opdyke.
13. The Board also considered the report dated November 30, 2020 prepared by Board Engineer C. Richard Roseberry, PE, PP, CME.

14. The Delaware Township Environmental Commission issued a report dated September 16, 2020. The Environmental Commission "supports this application as it is presented with the requested conservation easement." The Environmental Commission recommended that the applicant "place a conservation and drainage easement to follow the boundaries of the C-1 stream and associated buffer; also included wetlands identified by NJ DEP Geoweb."

15. On September 22, 2020, the Hunterdon County Planning Board, Development Review Committee, issued a Conditional Approval of the plan, finding that "applicant shall submit a properly executed Maintenance Easement form (Schedule M) for County Structure D-486 with metes and bounds descriptions in accordance with Section 604 of the Hunterdon County Land Development Standards (LDS)."

FINDINGS

16. The Board found that Checklist Waivers were appropriate. The waivers could be granted without detriment to the Board's ability to review the application.

17. The boundary adjustment can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

18. The boundary adjustment will result in the preservation of environmentally sensitive lands, which will further protect existing wetlands and the Wickecheoke Creek, a C-1 stream.

19. Boundary adjustments are governed by Delaware Township Land Use Ordinance Section 230-84 C(1), (2) & (3), which states:

(1) Boundary adjustments and mergers. Where an applicant proposes to subdivide a portion of a lot and combine it with an adjoining existing lot owned by the applicant or by another owner, the municipal agency shall classify such application as a "boundary adjustment and merger" if it determines that the resulting lot will not violate the Zoning Ordinance or increase the potential for re-subdivision that existed immediately prior to the proposed merger.

(2) Boundary adjustments and exchanges. Where two adjoining owners apply to exchange portions of their lots solely for the purpose of realigning their common boundary, the municipal agency shall classify such application as a "boundary adjustment and exchange" if it determines that neither of the two resulting lots will violate either the zoning requirements or the purpose and intent of this chapter and further determines that neither of the two resulting lots will have a greater potential for re-subdivision than existed immediately prior to the proposed exchange.

(3) Boundary adjustments and exchanges not counted as subdivisions. Boundary adjustments and mergers or exchanges shall not be included in counting the aggregate number of lots permitted to be subdivided as minor subdivisions from a single tract or in counting the number of lots permitted to be subdivided in any twelve-month period.

20. The Planning Board found that Lots 29 and 29.01 are adjoining lots; that they are under common ownership; that the boundary adjustment will make them both developable lots in A-2 zone; and that the boundary adjustment will not increase the potential for re-subdivision that existed immediately prior to the proposed lot line adjustment.

21. The boundary adjustment leaves proposed Lot 29.01 with a lot width of 218.89 feet. 250 feet is required.

22. A lot width variance is appropriate for proposed lot 29.01 pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70(c)(2). Allowing the variance promotes two purposes of zoning: First, it provides for two lots that meet the area requirements of the A-2 zone; second, as a condition of the approval, the applicant will deed-restrict environmentally sensitive lands. The benefits substantially outweigh any detriment. The variance can be granted without substantial detriment to the public good (the lot is in a rural area where lot width is not consistent), and will not substantially impair the intent and the purpose of the Zone Plan and Zoning Ordinance (the overall effect of the approvals will be greater conformity with the Zoning Ordinance).

23. The existing residential structure on proposed lot 29 is 31.8 feet from the front lot line. Fifty feet is required. A hardship variance pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70(c)(1) is appropriate to recognize the existing condition.

24. The applicant has agreed to comply with each of the requirements listed in the October 2, 2020 Roseberry report. These requirements are listed below as conditions of approval and are adopted by the Board as findings of fact.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Delaware, that the Estate of Joyce Opdyke be and hereby is granted a boundary adjustment for Lots 29 and 29.01 in Block 19 on the Delaware Township Tax Map, as well as a lot width variance for proposed Lot 29.01 and front yard variance for proposed Lot 29.

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

1. Roseberry Memo Paragraph 5 (dated November 30, 2020): The plan has been revised to show a separate driveway for Lot 29.01. A driveway permit shall be obtained, and the driveway installed prior to recording the deeds.
2. Roseberry Memo Paragraph 8 (dated November 30, 2020): Prior to applying for construction permits for a new house, the applicant shall provide the following:
 - a. Verification of the wetlands and buffers on the property by the DEP; **the applicant provided a certification from their ecologist to the boundary, which is sufficient for this application.**
 - b. Approval from the Hunterdon County Department of Health for the septic system
 - c. Certification from the Hunterdon County Soil Conservation District
 - d. A stormwater management plan
 - e. A lot grading plan
3. Roseberry Memo Paragraph 9 (dated November 30, 2020): The new house will be subject to an Affordable Housing Development fee at the time of building permits.
4. The location of the lateral for the septic system shall be measured and, if necessary, the lot line adjusted to ensure that the lateral does not end less than 10 feet from the lot line. If the lot line in the location of the lateral must be adjusted to accommodate the lateral, such adjustment shall be considered

de minimis and reviewed for approval by the Board Engineer. Any appeal from the determination of the Board Engineer shall be to the Planning Board.

5. There shall be an access easement from Lot 29.01 for the driveway and shed on adjacent Lot 32.
6. Three sheds shall be removed.
7. Conservation easements as specified by the Land Development Ordinance shall be provided for the environmentally sensitive lands.
8. D&R Canal Commission zone classification shall be noted on the Plan.
9. Unconditional Approval is required from the Hunterdon County Planning Board.
10. All of the conditions of this resolution, where applicable, shall be incorporated in a revised Plan, subject to the review and approval of the Planning Board Engineer.
11. 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 Planning Board to the same extent as if said maps, reports and documents had been read into the record and marked into evidence.
12. The deeds which are to be filed of record in the Hunterdon County Clerk's Office in order to memorialize this boundary line adjustment and variance, shall not be approved by Township officials until written confirmation is received from the Chief Financial Officer of Delaware Township that the applicant has paid all application fees, inspection fees and escrows in accordance with the ordinances of Delaware Township.
13. Any permits, deeds or other documents required by these conditions shall be approved by the Planning Board Attorney and Planning 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.
14. The deeds for Lots 29 and 29.01 shall contain the following right to farm language:

The grantee hereby acknowledges that there are presently, or may in the future be, farm uses in proximity to the described premises from which farm uses may emanate noise, odors, dust, and fumes associated with agricultural practices permitted under the Delaware Township "Right to Farm" Ordinance. By acceptance of this conveyance, the grantee does hereby waive objection to such activities.

ROLL CALL VOTE ON MOTION TO GRANT VARIANCE

December 1, 2020

Motion: Bond; Second: Macomber

Those in Favor: Herman, Gray, Bailly, Bond, Coffey, Katz, Macomber, Wright,
Westlake

Those Opposed: None

Those Absent: Vocke

ROLL CALL VOTE ON MOTION TO APPROVE

RESOLUTION OF MEMORIALIZATION

January 5, 2021

Moved by: Coffey

Seconded by: Bailly

Those in Favor: Gray, Bailly, Bond, Coffey, Katz, Macomber, Wright, Westlake

Present but Ineligible to Vote: Waltman, Vocke

CERTIFICATION

The foregoing is a true copy of a Resolution of Memorialization adopted by the Planning Board of the Township of Delaware on January 5, 2021.

This written resolution memorializes the December 1, 2020 decision of the Board to grant a boundary line adjustment.

Kathleen E. Klink, Administrative Officer
Planning Board, Township of Delaware
County of Hunterdon, State of New Jersey

Date: January 6, 2021

Distributed same day