

MINUTES OF DELAWARE TOWNSHIP BOARD OF ADJUSTMENT

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HYBRID IN-PERSON and VIRTUAL via ZOOM PUBLIC MEETING

DATE: August 11, 2022

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

Chairman Cline read the Public Notice Requirements.

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

MEMBERS ATTENDANCE

Buchanan, Emmons, Gilbreath, Manley, Warren, Cline
McAuliff (in virtual attendance via Zoom)

Chairman Cline asked that members please state their name when speaking to assist Secretary Filardo with the Minutes.

MEMBERS ABSENT

Fowler, Kenyon

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Steven Goodell, Esq., Board Attorney
- 2) Rob O'Brien, PE
- 3) Jim Kyle, PP (in virtual attendance via Zoom)
- 4) Denise Filardo, Board Secretary

MEETING MINUTES

1) MEETING MINUTES – JULY 14, 2022

Ms. Gilbreath referenced one correction to be made to her testimony changing word “children” to “grandchildren”. Secretary Filardo stated that this correction along with another non-substantive change had already been made to the Minutes.

A motion was made by Mr. Manley and seconded by Ms. Gilbreath to adopt the Meeting Minutes of July 14, 2022. All members in attendance were in favor, none opposed.

RESOLUTIONS

1) BRANT SWITZLER

Block 55, Lot 2

Resolution No. 2022-01

Resolution memorializing Denial of Use Variance to construct a Tennis Training Facility.

Chairman Cline noted there is a discrepancy with the number of parking spaces

Attorney Goodell noted that there was a discrepancy with the number of parking spaces in the application versus the number provided in testimony. Attorney Goodell agreed to review and resolve the discrepancy.

Ms. Gilbreath noted that the applicant agreed that the height of the building would not exceed 35ft to eliminate the need for additional variance relief.

Mr. Manley noted that he identified a couple of typos, but nothing substantive. He was going to mark up the resolution and provide it to Attorney Goodell.

There were no other comments from Board Members and there were no comments from the public.

A motion was made by Mr. Manley and seconded by Ms. Gilbreath to adopt Resolution No. 2022-01. The vote record follows.

<i>Roll Call: Brant Switzler – Denial of Use Variance - Resolution No. 2022-01</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Buchanan (Alt. 2)					X	
Emmons (Vice Chair)			X			
Fowler						X
Gilbreath		X	X			
Kenyon						X
Manley	X		X			
McAuliffe (Alt. 1)			X			
Warren			X			
Cline (Chair)			X			

COMPLETENESS AND PUBLIC HEARING

1) GTG BUILDERS, LLC

552 Rosemont Ringoes Road

Block 23, Lot 6

The applicant is seeking a Use Variance and Preliminary and Final Site Plan Approval to construct four (4) two-bedroom apartments, each having an attached garage in the rear of the proposed building; and any other associated variances as need arises.

The applicant was represented by Steven Gruenberg, Esq. Mr. Gruenberg was in virtual attendance via Zoom. Attorney Gruenberg thanked the Board for allowing him to appear virtually due to illness.

Attorney Gruenberg introduced the application to the Board stating that the applicant is proposing to construct a four (4) two-bedroom townhome type apartment building on the above referenced vacant lot. Each unit will have its own attached garage at the rear of the building. We are seeking “D(1)” Use Variance because apartments are not a principally permitted use in the zone and a “D(5)” Density Variance to permit a lot yield of four (4) units per 0.459 acres where a lot yield of only one (1) unit per 0.459 acres is permitted within the zone. We do not need any other variance relief. We are also applying for Preliminary and Final Site Plan Approval.

We have three witnesses to testify, however I believe we need to address completeness first.

At the request of Chairman Cline, Mr. O’Brien read the following sections from his Completeness memo (attached herewith) identifying items that the applicant has addressed and items not yet addressed:

- A. Site Plan Review Checklist
- B. Variance Relief Checklist
- C. Design Standards and Improvements – Site Plan Comments
- D. Landscaping Regulations for all Zones
- E. General Comments

Mr. Kyle stated that he reviewed the landscape plan which is intertwined with the site plan and noted that it has been supplied for purposes of completeness.

There were no questions from Board Members regarding completeness.

Attorney Gruenberg asked that the Board deem the application complete and grant the requested waivers for completeness purposes only and the applicant’s professionals will provide additional supporting testimony as needed to address open items.

Attorney Gruenberg stated that they can’t complete their testimony tonight because they will have an additional witness in the future.

Chairman Cline stated that it is generally the policy of this Board to hear testimony on a Use Variance and not vote on it the same night. Since the applicant has a witness who will provide testimony at a later date, we may or may not vote that evening. Attorney Gruenberg acknowledged that he understood.

The Board voted on the motion of Mr. Manley, seconded by Mr. Warren to deem the application complete. The vote record follows.

<i>Roll Call: Completeness: GTG Builders, Inc. Blk 23, Lot 6</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Buchanan (Alt. 2)			X			
Emmons (Vice Chair)			X			

Fowler						X
Gilbreath			X			
Kenyon						X
Manley	X		X			
McAuliffe (Alt. 1)			X			
Warren		X	X			
Cline (Chair)			X			

GTG BUILDERS, INC. PUBLIC HEARING

The following individuals were sworn and testified during the hearing:

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

Mr. Giannattasio stated that he and his brother Paul are long time Hunterdon County residents and they are custom home builders and build throughout Hunterdon and Somerset Counties. They have been in business for approximately twenty-five (25) years. Their plan is to build, hold and rent the proposed dwelling units. They feel there is a need to provide a more affordable alternative to purchasing a home.

Chairman Cline asked the ratio of properties that GTG builds and sells versus what they hold and rent. Mr. Giannattasio stated that their main business is the construction of custom homes. Once every couple of years they build something that they rent and hold onto for investment purposes. They spent time with the architect to design a building to fit it with character of the area.

Chairman Cline opined that since the applicant plans to rent the dwelling units that categorizes the Use a Commercial Use and not a Residential Use.

Attorney Gruenberg argued that while the applicant will be renting the units for investment purposes from a Land Use perspective, this is still a Residential Use.

Chairman Cline asked Mr. Kyle to provide his advice. Mr. Kyle advised that although it is an investment venture for the applicant, it is classified as a Residential Use.

Mr. Templin provided his qualifications to the Board. A motion was made by Mr. Emmons and seconded by Ms. Gilbreath to accept Mr. Templin's qualifications. All members in attendance were in favor, none opposed.

Referencing the Site Plan, Mr. Templin's testimony included and was not limited to the following:

- An orientation of the proposed structure on the existing vacant lot;
- Discussion of stormwater and construction of a drywell designed for the proposed 43% impervious areas; where the zone permits 45%. All leaders will be directed to the drywell.
- Stacked parking behind garage doors plus two (2) visitor spots;

- Trash cans will be stored in a fenced in collection area with a gate and brought to the street by respective residents. There will be no dumpster on site to maintain the residential feel and prevent the garbage truck from entering the site and needing to back out.

Chairman Cline noted that there has been flooding in Sergeantsville and we want to ensure that this is not exacerbated. He asked the following:

- Has the applicant considered any semi-pervious coverage?
- Will the driveway runoff run out to Route 604?

Chairman Cline expressed concern with stacked parking and the possibility of residents parking on the road. Attorney Gruenberg offered that stacked parking is typical for Townhouses. Mr. Templin was not of the opinion that residents would likely park on the street.

Attorney Gruenberg stated that the applicant will work with the Board Planning Expert regarding landscaping.

Valerie Tucci of 21 Sandy Ridge Road stated that she is a member of the Stormwater Committee and that flooding in the Sergeantsville area is a problem the Committee has identified. Ms. Tucci expressed concern about potential additional water entering Route 604 from the proposed development.

Mr. Templin responded that the purpose of the proposed drywell is to mitigate that and we will work with Mr. O'Brien to further address these concerns.

Mr. Finelli provided his qualifications to the Board.

A motion was made by Mr. Warren and seconded by Ms. Gilbreath to accept Mr. Finelli's qualifications as an Architectural Expert. All members in attendance were in favor, none opposed.

EXHIBITS/EVIDENCE

- A-1 Google Earth Aerial of the site and surrounding properties
- A-2 Architectural scaled drawing depicting the footprint of the proposed building showing the footprints of the surrounding structures.
- A-3 Scaled depiction of the proposed building from the street facing East.
- A-4 Scaled depiction of the proposed building relative to the existing houses on the sides of the proposed structure, showing the proposed roof lines.
- A-5 Photoshopped model of the proposed building from across the street.

Referencing the above listed exhibits, Mr. Finelli's testimony included and was not limited to the following:

- Orienting the Board with the subject site and surrounding area;
- Noted that the existing surrounding homes are close to the road while the existing Group Home is set much farther back;

- Placement of the proposed structure was determined by splitting the difference between the placement of the existing dwellings and the Group Home to blend in and also allow privacy for the Group Home front yard;
- The height of the proposed structure fits in with the surrounding properties;
- The buildings will be considered Townhomes as the fire wall is one contiguous vertical separation from foundation up between units;
- Description of the interior layouts, entry porches, garages;
- Proposing a mix of the siding types, trim details and gable trends seen in Town
- Metal roof on porches and on some bump outs;
- Two townhomes on East and West side are offset for aesthetics;
- Regular basements and conventional construction.
- Porch lighting will be adequate and not adding parking lot lighting for the parking area;

Mr. Kyle opined that perhaps he and applicant can work with Mr. O'Brien if there is an approval. Mr. Gruenberg stated that if there is an approval they can work together on lighting and landscaping.

Mr. Buchanan asked a question about the second-floor layout. Mr. Finelli reviewed the second-floor plan.

Chairman Cline asked if there will be a fire wall between the units. Mr. Finelli responded that there will be a one-hour fire wall separation between each unit.

Chairman Cline asked about increase in slope (101-105) towards the back, will you be taking out 5 feet of soil for the parking area in the back? Mr. Templin responded that they will not be removing more than a foot or two of soil as the grade increases gradually from the front of the building to the rear of the parking area.

Chairman Cline asked that Mr. Templin check the Ordinance regarding the areas containing slope in excess of 15%. Have you taken the 45% coverage into your calculations? Mr. Templin said he did not and will check it with the ordinance.

Chairman Cline asked about placement of the air conditioner condensers. The location will be placed on the plan for the next meeting.

Mr. Manley asked the total square footage of the proposed units. Mr. Finelli stated it is approximately 1,500sf.

Mr. Manley stated that the size of the building looks out of proportion to him. Mr. Finelli responded that the proposed building meets the setbacks and is not of the opinion that the building appears to be out of proportion since there is no standard building size in the immediate area.

Ms. Gilbreath had a question regarding stacking of cars in the first two units gaining access to the second two units and lack of proposed yard space.

Mr. Finelli noted that the parking spaces are twelve feet wide which provides a great deal of wiggle room.

Mr. Emmons asked about lighting on the front of the building. Mr. Finelli responded that there is no proposed lighting on front of building other than high hat porch lighting.

Mr. Warren did not have any questions.

Mr. Cullen stated that his questions have already been answered.

Chairman Cline asked is any permits are required from the State Historic Preservation and Mr. Finelli stated that none are required.

Discussion ensued regarding the newly established Township Historic Commission which is an advisory Commission. Attorney Gruenberg will review the Township Ordinance and reach out to the Historic Commission and to the extent required they will request an advisory opinion.

Mr. Kyle noted there seems to be limited storage, is the garage space adequate for storage space for items such as bicycles. Mr. Finelli opined that there is sufficient second floor closet space, storage space in the garage as well as a good-sized basement for storage of seasonal items.

Mr. O'Brien asked if there is any requirement for ADA access. Mr. Finelli stated that it is not a requirement for Townhomes. He will look more closely at the possibility of ADA access from parking spaces to the building and he will provide this information at the next meeting.

Ms. Valerie Tucci questioned that there would be approximately four trips per day and asked if animals be permitted? Mr. Finelli noted that since they are renting, the owner has control over whether or not animals/pets will be permitted.

The Board asked that the applicant address the following additional items prior to the next hearing:

- Contact the Fire Department regarding required access;
- Revise visitor parking space to provide better turning radius, and adjust impervious calculation accordingly;
- Provide email communication with the DTMUA regarding sewer and water capacity;
- Make a request to the Historic Commission (recently appointed by the Township Committee) to provide an advisory opinion;
- Provide a thumb drive to upload to the Township website.

Mr. Gruenberg stated that concludes their testimony for this evening and they would like to continue at the September meeting. Discussion ensued regarding whether there would be room on the September Agenda and they may need to come back in October. It was decided that the application be carried to September meeting and if needed it will be carried to the October meeting without the need for further notice. Attorney Gruenberg will communicate with Secretary Filardo about a week prior to the September meeting regarding agenda items and scheduling.

Chairman Cline stated that there is no Planning Board update because they took a vacation and did not meet in August.

Correspondence – none at this time.

APPROVAL OF BILL LIST

Chairman Cline read the Zoning Board Legal services from the Bill List.

The Board voted on the motion of Ms. Gilbreath, seconded by Mr. Emmons to approve payment of these charges. The vote record follows.

<i>Roll Call: Approval to pay Parker McCay Non-escrow Legal bill</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Buchanan (Alt. 2)			X			
Emmons (Vice Chair)		X	X			
Fowler						X
Gilbreath	X		X			
Kenyon						X
Manley			X			
McAuliffe (Alt. 1)						
Warren			X			
Cline (Chair)			X			

Chairman Cline read the escrow charges from the Bill List. A motion was made by Ms. Gilbreath and seconded by Mr. Warren to approve payment to the respective professionals. All members in attendance were in favor, none opposed.

ADJOURNMENT

A motion was made by Mr. Warren and seconded by Mr. Emmons and the meeting was adjourned at 9:32pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on September 08, 2022.