

MINUTES OF DELAWARE TOWNSHIP BOARD OF ADJUSTMENT

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HYBRID IN-PERSON and VIRTUAL via ZOOM PUBLIC MEETING

DATE: September 8, 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, Fowler, Gilbreath, Manley, McAuliff, Warren, Cline

MEMBERS ABSENT

None.

PROFESSIONALS/STAFF IN ATTENDANCE

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

MEETING MINUTES

- 1) MEETING MINUTES – AUGUST 11, 2022

A motion was made by Mr. Manley and seconded by Mr. Warren to adopt the Meeting Minutes of August 11, 2022. All members in attendance were in favor, none opposed.

Roll Call: Meeting Minutes August 11, 2022						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Buchanan (Alt. 2)			X			
Emmons (Vice Chair)			X			
Fowler					X	
Gilbreath			X			
Manley	X		X			
McAuliffe (Alt. 1)			X			
Warren		X	X			
Cline (Chair)			X			

RESOLUTIONS/MEMORIALIZATIONS

None.

COMPLETENESS HEARINGS

1) FRIENDS OF THE LOCKTOWN STONE CHURCH, INC.

323 Locktown Sergeantsville Road

Block 8, Lot 1

Applicant is seeking a Rear Yard Setback Variance to construct a new 707sf accessory structure which will include two (2) ADA compliant Rest Rooms, a small Multi-purpose Room with Kitchenette, a Utility Room and Storage Closet.

Due to illness, the applicant and their team were not able to be in attendance and allowed the Board an Extension of Time within which to hear this application.

2) ANTHONY AND PAULA ANASTASIO

Block 19, Lot 17,02

Applicant seeking a Use Variance requested to convert accessory building, built after 1982, to a dwelling unit (§230-31).

Mr. O'Brien indicated that he reviewed the application and had no issues with granting of completeness.

The Board voted on the motion of Ms. Gilbreath, seconded by Mr. Fowler to deem the application complete. The vote record follows.

<i>Roll Call: Completeness: Anastasio</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Buchanan (Alt. 2)					X	
Emmons (Vice Chair)			X			
Fowler		X	X			
Gilbreath	X		X			
Manley			X			
McAuliffe (Alt. 1)			X			
Warren			X			
Cline (Chair)			X			

PUBLIC HEARING

ANTHONY AND PAULA ANASTASIO

Block 19, Lot 17,02

57 Upper Creek Road

Applicant seeking a Use Variance requested to convert accessory building, built after 1982, to a dwelling unit (§230-31).

The following individuals were sworn and testified during the hearing:

- 1) Anthony Anastasio, (Applicant);

- 2) Paula Anastasio (Applicant);
- 3) Cristinia Anastasio, (Applicant's Daughter); and
- 4) Christopher Pickell, (Applicant's Architectural Expert)

Mr. Anastasio explained that he and his wife are seeking the Board's approval to convert their existing accessory structure to a second dwelling unit on their property. The purpose of this request is enable us to age in place. Our intention is that my wife and I will move from the primary dwelling to the new apartment and our daughter will move into our home, have babies and we will be next door. The proposed conversion does not exceed the existing footprint and part of the structure will remain a garage. The former workshop will be converted into an apartment. A new septic system has been designed, approved and is already in place. Mr. Anastasio stated his understanding is that a use variance is only needed because his existing accessory structure was not created prior to 1982.

Chairman Cline asked if the plan is to tap into the existing well and Mr. Anastasio confirmed this stating that the well is no more than twenty (20) feet from the garage. Chairman Cline inquired as to a back up reserve for the septic. Both Mr. O'Brien & Mr. Kyle confirmed that the new system incorporates the reserve.

Noting that if granted, a Use Variance stays with the property, Chairman Cline asked the distance to the nearest neighbor. Mr. Anastasio provided Mr. O'Brien with Exhibit A-1.

EXHIBITS

A-1 Google Earth Aerial Image depicting the Anastasio property and the nearest neighboring property.

The applicant confirmed that they will not be crossing over any hard surfaces with water lines. The existing septic field will remain. The former workshop will be converted to living space and there will be stairs going to a second floor bedroom. There will be no living units above the second floor. The existing roof line will not be increased, the only change may be to add window dormers which will not affect the existing building height. Mr. Pickell noted that the existing structure is a one and a half story building with no basement.

It was noted that Mr. Bayer's septic design references two bedrooms, but architect's plan shows one bedroom. Mr. Kyle offered that he spoke with Ted Bayer who said that they have to design for a two-bedroom.

No additional lighting is proposed, however the applicant agreed to a condition to direct any new possible lighting downward.

Chairman Cline noted that this particular type of development is identified in the Master Plan as a means to increase dwelling units and minimize sprawling developments maintaining the rural character of the community.

Discussion ensued as to whether the applicant thought the proposed second dwelling would be rented in the future. Mr. Anastasio stated renting is not part of their plan, however he does not know what the future holds after he and his wife are gone.

Ms. Christina Anastasio offered that she works for AARP and is directly involved with the conversion of accessory structures to allow adults to care for their older family members and prevent sprawling developments. Ms. Anastasio stated that she has no intentions of renting the apartment at this time.

Board Attorney Goodell confirmed that once a Use Variance is granted, the second dwelling unit can be rented in the future.

Discussion ensued regarding plans for ADA accommodations to the apartment. Mr. Anastasio stated that they have the ability to add a chair lift to the stairs and Mr. Pickell stated that the bathroom door is wide enough to accommodate a wheelchair.

Mr. Kyle noted that one of the conditions of this particular conditional use is that there is a certification from a licensed architect or engineer indicating that the major portions of the structure are in-tact. Mr. Kyle noted that there are no concerns regarding setbacks.

There were no questions from the public.

The Board voted on the motion of Mr. Manley, seconded by Mr. Fowler to grant a Use Variance to allow the conversion of an existing Accessory Structure to a dwelling. The vote record follows.

Roll Call: Completeness: Anastasio – Grant of Use Variance						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Buchanan (Alt. 2)					X	
Emmons (Vice Chair)			X			
Fowler		X	X			
Gilbreath			X			
Manley	X		X			
McAuliffe (Alt. 1)			X			
Warren			X			
Cline (Chair)			X			

APPLICATION CARRIED TO OCTOBER MEETING

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.

This application commenced on August 11, 2022 and was carried without the need for further notice to September 8, 2022. Due to the number of items on the September 8th Agenda, the application was carried to the October 13th meeting without the need for further notice.

PLANNING BOARD UPDATE

Liason Cline was not in attendance at the September Planning Board Meeting. Secretary Filardo reported that the Planning Board is working on the Draft Master Plan Reexam. They have been working on the Farmland Preservation Element of the Master Plan identified that there is a lot of data entry to be done including updating NJDEP Land Use reports and figures. They need to employ the expertise of their Planning Expert to assist.

CORRESPONDENCE

None.

APPROVAL OF BILL LIST

Chairman Cline read items from the Bill List.

<u>Professional Service</u>	<u>Invoice No.</u>	<u>Date</u>	<u>Amount</u>
Kyle McManus Associates, LLC			
Planning Escrow – Brant Switzler	3559	08/04/2022	\$639.00
Planning Escrow – GTG Builders	3560	08/04/2022	\$1,420.00
Planning Escrow – GTG Builders	3611	09/02/2022	\$269.80
Planning Escrow – Anastasio	3609	09/02/2022	\$596.40

The Board voted on the motion of Ms. Gilbreath, seconded by Mr. Fowler to approve payment of the bills. All members in attendance were in favor, none opposed.

Discussion ensued regarding the following pending applications:

- 1) Friends of the Locktown Stone Church is seeking a variance to construct a new building to house restrooms.
Mr. Kyle and Mr. Goodell have not received responses from the applicant's attorney. Secretary Filardo reported that she spoke with the applicant's President who was just released from an extended hospital stay. He was in the process of trying to reach their attorney and that their attorney would be communicating with Mr. Kyle and Mr. Goodell.
- 2) Sparrow King is seeking relief to operate a home business consisting of a dog kennel and training.
Mr. Kyle provided that it was his understanding that the applicant was going to modify their application in an attempt to eliminate the need for a use variance. There is also an objector to this application.
It was decided that Mr. Goodell and Mr. Kyle will set up a meeting with the applicant's attorney to discuss the amended application and next steps.

Nancy Bond, a member of the public had interest in the GTG application, which she thought was going to be heard this evening. Chairman Cline explained that the application will be continued at the October meeting. Ms. Bond said she will attend the October meeting.

ADJOURNMENT

A motion was made by Mr. Fowler and seconded by Mr. Emmons and the meeting was adjourned at 8:20pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on October 13, 2022.