

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 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 with the Township Clerk all on December 27, 2018.

#### 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
	Alternates	Ron Tyranski
	Liaison from	Chuck Cline, Caine Fowler
	ZBA	
	Advisors	
	Administrative Officer	Kathleen Klink
	Attorney	<del>Steven Goodell, Esq.</del> , not needed
	Engineer	<del>C. Richard Roseberry, P.E.</del> , not needed

Absent: shown by strikethroughs

It was noted that Member Alex Sawatsky withdrew his membership as he has moved out of the Township and into Stockton borough. Members Bond and Coffey of the Ag Advisory Committee asked that his membership on that committee be maintained. Committee appointments were discussed and are noted below, with the Committee Reports.

#### Election of Chair

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

#### Election of Vice Chair

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

Assistant Secretary

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

Liaison to Environmental Commission

It was noted that Member Katz was appointed to this position by the Township Committee.

Annual Meeting Notice Resolution, Planning Board Resolution #2019-01

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

January 8, February 5, March 5, April 2, May 7, June 4, July 2,

August 6, September 3, October 1, November 5, December 3, January 7, 2020

Other Committee dates can be found on the resolution.

Member Coffey made a motion to adopt Planning Board Resolution #2019-01, which was seconded by Member Crespolini, and adopted by voice vote, and follows the minutes.

Appointment of Professionals, Planning Board Resolution #2019-02

Steve Goodell, Parker McCay, Board Attorney

Rick Roseberry, Maser Consulting, Board Engineer

Darlene Greene, 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 that no complete Personal Services Agreements have been received. The Board decided to table this motion until the PSAs have been received.

APPROVAL OF MINUTES FROM THE MEETING of December 4, 2018

Member Bond made a motion to approve the minutes from the noted meeting. Member Katz seconded the motion, and members approved the minutes as written, with abstentions from Members Vocke, Waltman, Cane, and Tyranski.

Correspondence: BILL LIST

No bills were received.

CORRESPONDENCE

**Old Business**, to include Memorializations - none

**New Business**, to include Applications - none

- a. NJPO membership, with ZBA, \$185.00 (each Board, PB and board of Adjustment)

Member Katz made a motion to approve payment for this membership. Member Bond seconded the motion.

**Roll Call Vote**

Aye: Vocke, Cane, Waltman, Bailly, Bond, Coffey, Crespolini, Katz, Westlake

Alternates: Tyranksi

Nay: None

Absent: None

- b. Ordinance discussions/update – Land Disturbance and Zoning Officer Duties

Chair Westlake stated that the Zoning Officer powers to enforce are not laid out in the ordinance. She also noted that there is no process in the ordinance with a time-frame for addressing violations. She noted that there is recourse to go to Municipal Court if such a process is laid out.

Chair Westlake stated that she had been in contact with Township Attorney Sharon Dragan about both ordinances. Chair Westlake stated that she hopes to have comments for the February meeting.

**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 was needed.

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

Members: Bond, Coffey, Westlake (alternate) non Planning Board: Bench, Novak, Sawatzky

There was a meeting with some discussion about properties to be considered for preservation.

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 noted that the Maresca project should close by the end of January and that Bellsflower should be closing soon as well. He noted that work continues for the US Agrinova and the Lee Lau projects. He noted that the Kohler project is still involved with the Penn East easement problem.

Member Coffey also noted that resumes have been received and reviewed. He noted that the Committee will be interviewing two candidates at the next meeting before the Open Space meeting. He noted that the Committee hopes to send a recommendation to the Township Committee.

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

Master Plan Committee – *Member Bond 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)  
No meeting

Stormwater Management Committee – *Member Waltman*  
Nothing to discuss

#### LIAISON REPORTS

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

Liaison Cline reported that the Board had a meeting in December for Carlucci and Woodfield, for an agricultural building too close to the property line. He stated that the property is on the corner of Route 579 and Yard Road. He noted that the positioning of the proposed building preserves pastures and helps the applicants to have space for stress lots. He noted that the approval is conditioned on the approval of stormwater management. He noted that they are proposing a unique solution in that the stormwater leach pit will be built beneath the ring arena,

Liaison Cline introduced Alternate Liaison Caine Fowler, who was present.

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

Liaison Katz reported that the Commission met in December and thanked EC Secretary Klink for the holiday cookies. She noted that there was a discussion about budgeting for tree work on the White Oak Trail.

Historical Advisory Committee – second Wednesdays, 7:30 p.m., *Liaison Cane*  
Liaison Cane was not present.

Shade Tree Commission – fourth Thursdays, 7:00 p.m., *Liaison Coffey*  
No December meeting

#### **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 asked about the research requested on Air BnB's. He noted that if a use variance is needed that applications will come to the Board of Adjustment. He noted that there have been discussions on the Township Committee level concerning one specific property. Discussions have included such topics as taxation, regulations, a possible permit process, a definition, etc.

Member Crespolini expressed his concerns because of his proximity to the property in question. He noted that the police have been summoned to the property for certain violations. He questioned the possibility of a registration process and to consider this type of use as a home-based business.

Chair Westlake stated that the issue comes down to enforcement within the power of the Zoning Officer per the regulations of the ordinance.

Member Crespolini noted that there may be some health issues. It was noted that such concerns are within the power of the Health Department – County or Township.

There was further discussion about issues and possible violations. Chair Westlake reiterated that the way of tracking comes down to enforcement with a Zoning Officer who works two hours per week.

Member Coffey stated that it appears that the issues are by complaint only.

Member Katz reported that she went on the Air BnB website and noted that there are other locations within the Township.

Member Bond agreed that it appears as though there is only one property with issues and that they are not likely to stop doing what they are doing. He noted his concern that if too many ordinances are put into place, that enforcement will be difficult. He noted that this situation creates difficulties for the “innocent guy”.

Member Crespolini stated that he is concerned about the water issues found on the property in question and how it may affect the water on his property. He noted that he did report this to the County who told him that there is nothing to be done unless Member Crespolini has testing done on his well.

There was a discussion about private well testing as applied to landlord-tenant properties. Member Katz stated that landlords are required to test every five years and report to their tenants. It was unknown if the same is required of Air BnB’s.

Liaison Cline reported his concern about those operations that are perfectly fine and how they may be impacted by any type of regulation, permit, or ordinance. It was noted that the Township Committee recently adopted nuisance and noise ordinances.

Chair Westlake stated citizen complaints can be filed. She noted that complaints can be made known to the Zoning Officer. She further noted that municipal court is a possible option.

Member Cane, in his capacity as Township Chief of Police, noted that the new regulations that are applied come into effect when police are called to a property a certain number of times. He noted that fines can be levied and police summons can be issued.

Chair Westlake asked Member Cane asked for a quick view of the process. He noted that a resident can make a complaint at the Police Station, and the complaint can move to court, with one possible process being done by mail. He further noted that the accountability goes to the owner and not just the individual involved.

Alternate Liaison Fowler questioned the safety issues for the Township. He questioned if annual inspections are done, for fire, water, etc. He stated his concern about these Air BnB operations.

Chair Westlake stated that one problem here is that the State has provided no legislation or guiding language about Air Bnb’s. She stated that she is not certain that such “rentals” fall under the landlord tenant laws.

Alternate Liaison Fowler asked questions about the authority of the Historic Advisory Committee. Member Coffey stated that at its inception, it was developed to be a subcommittee of the Planning Board. Liaison Cline noted that its initial powers included historic review of project on homes within an historic district. It was further noted that the Historical Society appears to have taken over some of the powers of the Historic Advisory Committee.

ADJOURNMENT: 8:20 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**  
**ANNUAL MEETING NOTICE RESOLUTION #01-2019**  
**Calendar year: 2019**

WHEREAS, the Open Public Meetings Act (Ch. 231 P.L. 1975) provides for the giving of annual notice by public bodies of the time and location of the regular meetings of such public body to be held during the succeeding year; and

WHEREAS, the Open Public Meetings Act (Ch. 231 P.L. 1975), hereinafter referred to as the Act, authorizes a public body to make certain other determinations and take certain other actions in conformance therewith.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Delaware, County of Hunterdon and State of New Jersey as follows:

1. Regular meetings of this Board shall be held during the calendar year on the first Tuesday of each month at 7:30 p.m. at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey.

a. Exception: January 8, 2019 is a second Tuesday.

2. Regular meetings of the Subdivision and Site Plan Review Committee of this Board and the Environmental Commission shall be held during the calendar year at 7:30 p.m. at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey on the **second** Wednesday of each month. On-site inspections of applications shall be conducted with members of the Subdivision and Site Plan Review Committee and the Site Inspection/Easement Monitoring subcommittee of the Environmental Commission on the following dates, if necessary, meeting at 9 a.m. at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road, (County Rt. 604), Sergeantsville, New Jersey and proceeding to the sites of the pending applications:

January 13, February 10, March 10, April 14, May 12, June 9,

July 14, August 11, September 8, October 13, November 10, and December 8

3. On-site monitoring of various easements by the Environmental Commission shall be conducted at the same time and dates as in #2 above.

4. The Ordinance Review Committee will meet as needed at times and dates to be announced and posted at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey.

5. The Open Space Committee will meet on the third Monday of each month at 7:30 p.m., with these two exceptions: January 14, 2019 and February 11, 2019. Said meetings will be held at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey.
6. The Agricultural Advisory Committee will meet on the first Tuesday of each month at 7:00 p.m. at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey.
7. The Master Plan Committee will meet as needed at times and dates to be announced and posted at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey.
8. The Quarry Compliance Committee will meet as needed at times and dates to be announced and posted at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey.
9. The following newspapers are hereby designated as the newspapers to receive any and all notice required or permitted to be given under the Act including but not limited to Annual Notice and 48 Hour Notice:
  - a. The *Hunterdon County Democrat* which is the official newspaper of the public body; and
  - b. The *Times of Trenton* and the *Star Ledger* are hereby determined to be the other newspapers that will have the greatest likelihood of informing the public within the area of jurisdiction of its meetings.
10. Copies of this Resolution, any revisions or modifications thereof, certified to be true copies by the Secretary of this Board, shall be disseminated and distributed as required by the Act, as follows:
  - a. Posted and maintained throughout the calendar year on the bulletin board at the Delaware Township Municipal Building and on the Township website;
  - b. Mailed or hand delivered to the above listed newspapers;
  - c. Filed at Town Hall of this municipality; and
  - d. Mailed to such other persons as may be entitled thereto under the terms of the Act and this Resolution.
11. Pursuant to Section 14 of this Act, the Clerk of this municipality is thereby authorized and directed to mail such notice as may be required and authorized under the Act to any person requesting the same provided that person has first complied with the following terms and conditions:
  - a. Any and all requests for notice under the Act shall be made in writing either by letter or by signing a request list to be maintained in the office of the Clerk; and
  - b. Any person requesting such notice other than the news media which is expressly excluded from payment of any fee thereunder, shall pay to the Township of Delaware a fee of \$3.00 which said sum is hereby determined to be a reasonable sum, the amount of which is calculated solely to reimburse this Township for the costs incurred in providing said notice; including but not limited to printing, photocopying costs, clerical time, and postage.

Dated: January 9, 2019

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Kathleen E. Klink, Secretary

CERTIFICATION

I hereby certify this to be a true copy of a Resolution approved by the Delaware Township Planning Board on January 8, 2019.

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Kathleen E. Klink, Administrative Officer