

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING HELD FEBRUARY 6, 2003**

**CALL TO ORDER:** The meeting was called to order by Chairman Miller at 7:30 p.m.

**STATEMENT OF COMPLIANCE:** Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975, adequate notice as defined in Section 3D of Chapter 231 P.L. 1975 has been made to the New Jersey Herald and is also posted on the Bulletin Board at the Hardyston Township Municipal Building.

**ROLL CALL:**

William Walsh	Present
Santo Verrilli	Present
Gerald Laughlin	Present
David Toye	Present
Gary Bargiel	Present
Candace Leatham	Excused
Carl Miller	Present
Mary Ann Murphy (Alt.1)	Present
Roger Kabbash (Alt. 2)	Present

**APPROVAL OF MINUTES:**

A motion to approve the Minutes of the Hardyston Township Zoning Board of Adjustment Reorganization Meeting Held January 2, 2003, was made by. Roll Call: Carl Miller – yes, William Walsh – yes, Santo Verrilli – yes, Gerald Laughlin – yes, David Toye – yes, Gary Bargiel – yes, Mary Ann Murphy – yes.

A motion to approve the Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held January 2, 2003, was made by Gerald Laughlin and seconded by Santo Verrilli. Roll Call: Carl Miller – yes, William Walsh – yes, Santo Verrilli – yes, Gerald Laughlin – yes, David Toye – yes, Gary Bargiel – yes, Mary Ann Murphy – yes.

**APPLICATION:**

**ZB-12-02-1, Roth, J. Edward & Karen G., “C” Variance, B 60, Lot 22:** Applicants John Edward Roth and Karen G. Roth were sworn. Richard Briadoro, Esq., reviewed the notice and stated the notice was in proper form. Chairman Miller explained Board procedure. Mr. Roth stated that he owns a cottage in Beaver Lake on Hypes Island and has used the premises for approximately 22 years. It was noted that Beaver Lake Realty owns the property. He stated he would like to move the back wall of the cottage back seven feet to the rear of the property and add a second floor onto the structure. He stated he would not be adding additional bedrooms. He stated the home is presently a three-bedroom home and two of the three bedrooms would be relocated upstairs and the downstairs rooms would be enlarged. Mr. Roth presented that the home is almost 100 years old and is a “band-aid” house having had several alterations to the original structure. He stated the home is difficult to live in and that he would like to spend more time there. He stated he did not believe the alterations would pose a hardship to the neighbors. He stated the house is on an island and he has two neighbors. He stated there are trees on both sides of the house and the second floor addition will not exceed the tree line.

Mr. Roth distributed two photographs that he stated were taken from the edge of his home looking towards his neighbor’s homes. He distributed a third photograph displaying the rear of his home, which he said is starting to sink. He stated the front of the house is on solid rock and the rear of the home is not. He stated he would repair this as part of the rehabilitation of his home. Chairman Miller confirmed Beaver Lake Association’s approval of his proposal. Mr. Roth stated that he was working with the Beaver Lake Board and acceptance of the proposed project was granted in August. He stated he would comply with the recommendations of the Beaver Lake Board.

The Board reviewed the attached report of Michael G. Vreeland, P.E., dated December 3, 2002. With reference to the septic design, Mr. Roth stated that the rebuilding of the foundation and the move of the home back seven feet was coordinated with the septic system design. Mr. Vreeland was given septic design plans titled *Septic Design, Lot 22DN in Block 60 for Edward Roth, Hypes Island/Beaver Lake, Robert L. Campbell Associates, July 2002*, for review. Mr. Roth submitted a letter from the septic contractor. The Roth's stated there was no well and consequently no encroachment on same. Mr. Roth stated water is brought in by boat and water from the lake is pumped up for the toilets. Mr. Roth submitted drawings of the proposed structure.

Chairman Miller opened the meeting to the public. There were no participants.

A motion to approve the application conditioned upon the Applicant's compliance with Beaver Lake Realty's requirements and the requirements of Board engineer Vreeland was made by William Walsh and seconded by Santo Verrilli. Roll Call: Carl Miller – yes, William Walsh – yes, Santo Verrilli – yes, Gerald Laughlin – yes, David Toye – yes, Gary Bargiel – yes, Mary Ann Murphy – yes.

The Applicant questioned their ability to apply for permits and commence construction. Richard Brigladoro, Esq., explained the appeal period of 45 days after publication of the notice of memorialization of the resolution. He explained that a waiver would permit the Applicant to pull building permits prior to the end of the appeal period at their own risk. The Board granted the waiver.

**ZB-1-03-1, Sussex National Development, Preliminary and Final Site Plan, "D" Variance, Block 16, Lots 6.01 and 6.01Q:** Richard Valenti, Esq., appeared on behalf of the Applicant. Richard LeBar, Project Manager, and Kenneth Dykstra, P.E., P.P., L.S., were sworn. Mr. Dykstra presented his qualifications and was accepted by the Board as an expert.

Mr. Dykstra stated that the proposed golf maintenance building is designed to serve the Wild Turkey Golf Course and Crystal Springs Golf Course. He stated access to the site is from Van Decker Drive via Route 94 and from a second access to the golf courses from Wild Turkey Way. He stated major deliveries of sand and large equipment would be routed from Route 94.

Mr. LeBar stated that Sussex National Development is under contract to purchase the property and a closing is pending. He stated that the VanDeckers are permitted to operate the existing soil washing plant for 30 months after the closing. It was noted that their equipment will be removed; however, the concrete manufacturing operation will remain. He stated there are no plans for that building at this time. He stated that a decision has not been made as to what will occur with Service Concrete, Inc. It was noted that the Applicant would be required to provide proof of ownership to the Board as a condition of approval.

Chairman Miller stated this is a preexisting nonconforming use and the proposal is an expansion of a preexisting nonconforming use. Referencing the attached report dated January 29, 2003, prepared by Michael Vreeland, P.E., Mr. Dykstra clarified the intent of the well referenced in Item 3 and confirmed that the well will provide water for irrigating the golf course. He stated he would comply with all the recommendations of the Board engineer. With reference to Item 5, Michael Vreeland, P.E., stated that the matter was clarified in the testimony. It was noted that golf carts would not be stored in the new maintenance building. With reference to lighting, Mr. Dykstra stated the operation is a daytime operation. He stated the applicant preferred not to add lighting to the plan. With reference to parking concerns noted by Board engineer, the Applicant agreed to provide striping in the parking areas.

With reference to fuel storage and oil disposal, Mr. LeBar stated a private company is contracted to provide this service. He stated the two tanks are 1000 gallon above-ground storage tanks. He stated one stores gas and the other stores diesel fuel. He stated they are double-walled concrete tanks that have been in operation at the existing maintenance facility for five or six years.

Mr. Dykstra, referencing sheet three of the plans, addressed material storage, which Mr. LeBar stated consist of concrete block. He stated the design layout objective was to minimize impact to a future golf course, which will run along the front of the property. The Applicant requested variance relief for setback encroachment.

With reference to the dumpsters, Mr. Dykstra stated that Applicant intends to use one seven-yard dumpster located on the south-east of the building adjacent to the paved area on a gravel pad. Board members stated that they would prefer a three-sided enclosure with the front opened to permit access. Mr. LeBar stated that he would like to use landscaping to hide it once the golf course is open.

Mr. Bargiel inquired about the second building on the plan. Mr. LeBar stated that building would be used to store landscaping supplies, ball washers, and flags. Mr. LeBar presented an overview of potential golf course construction in relation to the maintenance building.

Mr. Dykstra stated that the maintenance building is permitted in the CR-Zone and there is no impairment of the Zoning Ordinance. He stated that he sees no detriment to the public good. He stated the Applicant controls the property to the east and south. He stated the north and west areas contain a rail bed and a commercial district.

Mr. Bargiel asked about the Van Decker Building and if the Applicant would be returning to the Board for review upon the Van Decker's vacating same. Mr. LeBar stated that the second building would not be altered and stated that he preferred to have gravel parking. Mr. Vreeland stated that he did not believe paved parking was an issue as the buildings are not heavily used in the wintertime.

Mr. Briigliodoro stated the cessation of the soil operation reduces the nonconforming use. The concrete plant will remain a preexisting nonconforming use. He confirmed that the Applicant is lessening the preexisting nonconforming use. Mr. LeBar stated the Applicant would return to the Board if the Van Decker soil cleaning operation had not ceased as discussed.

Chairman Miller opened the meeting to the public. Jim Vecchio was sworn. He asked if the buildings would accommodate a third and fourth golf course. Mr. Lebar stated that the building would accommodate a third golf course and that there were no plans at this time for a fourth golf course. Mr. Vecchio stated that the light from the concrete building shines into his house. The Applicant agreed to rectify the situation when they took ownership of the property. There were no other participants wishing to address the Board. The meeting was closed to the public.

A motion to approve the application subject to the terms discussed and conditions noted below was made by Carl Miller and seconded by David Toye. Roll Call: Carl Miller – yes, William Walsh – yes, Santo Verrilli – yes, Gerald Laughlin – yes, David Toye – yes, Gary Bargiel – yes, Mary Ann Murphy – yes. The motion carried. Conditions of approval noted were as follows: the Applicant shall supply documentation that wetlands are not within 150' of the area of disturbance as discussed in Section Two of Mr. Vreeland's report; the well that is used to irrigate the golf course must be shown on the plans and shall not be used as a part of the community water system; and the Applicant shall comply with the recommendations of Michael G. Vreeland, P.E., to include landscaping and screening, striping of the paved parking area, lighting, location of the dumpster, provision of the storm water and drainage calculations, and provision of as built plans. It was noted that the Applicant was required to produce and provide proof of all necessary agency approvals, submit an affidavit stating that all necessary approvals have been obtained, and provide a certificate of ownership prior to the issuance of building permits.

Chairman Miller called a five-minute recess at 8:55 p.m. He called the meeting to order at 9:00 p.m.

**DISCUSSION:** With reference to ZB-5-02-1, AT & T Wireless Services, Preliminary and Final Site Plan, "D" Variance, Block 62, Lot 35. Mr. Vreeland reported on a site inspection on the AT & T site where construction has not been completed nor in accordance with the conditions of the

resolution or plans. He stated that should the limbs not be constructed as required, the matter could be returned to the Board. The Board agreed that the matter should be referred to the zoning officer via a letter from the engineer citing the violation of site plan conditions.

Chairman Miller noted possible site plan violations on Route 515 in the Sprint matter previously approved by the Board. Mr. Vreeland noted that he would conduct a site inspection.

**PUBLIC PARTICIPATION:** There were no members of the public present.

**BILLS:** Board members reviewed the bills cited below. A motion to approve and recommend payment of the bills to the Town Council was made by Gary Bargiel and seconded by David Toye. All were in favor. The motion carried.

Weiner Lesniak	ZB-12-02-1, Roth	\$70.00
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**CORRESPONDENCE:** Chairman Miller noted local land use course offerings.

**ADJOURNMENT:** Having no further business, a motion to adjourn was made by Santo Verrilli and a seconded by William Walsh. All were in favor. The motion carried. The meeting adjourned at 9:30 p.m.

Minutes prepared by:

Anne-Marie Wilhelm