

MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING HELD APRIL 6, 2006

CALL TO ORDER: Chairman Carl Miller called the meeting to order at 7:45 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 posted on the Bulletin Board at the Hardyston Township Municipal Building.

ROLL CALL:

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

OTHERS PRESENT: Richard Briigliodoro, Esq., Michael G. Vreeland, P.E., and Anne-Marie Wilhelm, Secretary.

APPROVAL OF MINUTES: A motion to approve the Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held February 2, 2006, was made by Santo Verrilli and seconded by Gary Bargiel. Roll Call: William Walsh – yes, Santo Verrilli – yes, Gary Bargiel – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

APPROVAL OF RESOLUTIONS: There were no resolutions scheduled.

APPLICATIONS:

ZB-2-06-1 [ZB-7-00-2,] Boyer, Jeffrey, D Variance, Block 75 Lot 17.04:

Richard Briigliodoro, Esq., informed the Board that the Applicant requested to carry to the May meeting. A motion to carry to the May meeting without further notice was made by William Walsh and seconded by Gary Bargiel. Roll Call: William Walsh – yes, Santo Verrilli – yes, Gary Bargiel – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

ZB-3-06-2 [ZB-9-04-1,] Barrett, Pat, Amended Final Site Plan, Block 16, Lots 3.01 & 3.03:

Richard Briigliodoro, Esq., confirmed that notice was sufficient. Angela C. Paternostro, Esq., appeared on behalf of the Applicant. She stated that the Applicant seeks an amendment to provide for the location of air-conditioning units and for a conditional use variance because the loading area does not meet the conditional use requirement of §185-58BB(Gi.) Bernard Caffrey, L.S., P.P., and Patrick Barrett, Applicant, were sworn.

Mr. Barrett identified the location of the air-conditioning units and provided an explanation as to why the units were moved. He stated that the system is large and weighs 7.5 tons and the load on the roof could not handle it. He stated the units were spaced across the back of the building at ground level.

Mr. Vreeland was sworn. Referencing the attached reports dated January 9, 2006, and February 23, 2006, he provided an overview of the matter. He stated that a revised as-built plan was submitted and upon his site inspection, it was noted that the air conditioning units were not placed as approved; there were encroachments of the gravel parking area onto Lot 4; landscaping was placed in the Department of Transportation (DOT) right-of-way; and a pre-existing seepage pit on the adjoining property needed to be sealed. In addition, the dumpster area and striping had not been completed.

Mr. Vreeland stated that he conducted a second inspection and noted that encroachments were resolved by this time; however, the air conditioning units were located in the previously approved loading and unloading area. He explained that the location of the air-conditioning units and the concrete pad placement caused a reduction in the width of the aisle. He stated that this width was further reduced at the SE corner by the removal of the Lot 4 encroachment.

Mr. Vreeland stated that these changes impact the circulation around the building and requested the Applicant's testimony as to whether these changes created a negative situation. He confirmed that the latest as-built plan included the previously approved parking spaces.

Mr. Briigliodoro submitted a photographic display series marked Exhibit B1, Exhibit B2, and Exhibit B3 prepared by Mr. Vreeland. Describing Exhibit B-1, Mr. Vreeland identified two photographs of the rear of the building. He stated the first photograph shows the gravel parking area and the air conditioners behind the building and the second photograph shows the access driveway where the paving was cut to remove the encroachment on Lot 4.

Identifying Exhibit B-2, Mr. Vreeland stated that the first photo illustrates the seepage pit that was sealed by the Applicant. He stated the second photograph shows the stop sign and striping installed on the access drive.

Identifying Exhibit B-3, Mr. Vreeland stated the first photograph illustrates the back of the building's gravel area and air conditioning units and the second photograph is a picture taken from the adjacent lot of the back of the building showing the gravel area and air conditioning units.

Mr. Caffrey stated that the area adjoining the building would decrease by 20% due to the loading area. He stated there is clear access for loading and unloading behind the building. He stated that the area would not be fenced. He stated the access detail was provided for a trailer and the plan demonstrates an adequate turn-around. He noted that all the encroachments were remedied. Mr. Caffrey stated the area is tight.

Mr. Barrett testified that the air conditioning units are 6-7 feet in length. He stated that it did not occur to him to come to the Board prior to installing the units. Mr. Walsh asked how a fire truck could access the rear of the facility if a truck was parked in the back. Mr. Caffrey stated that most of the truck deliveries would be made by box trucks. Mr. Caffrey noted that the back area would not have a fence in order for a truck to go around another truck in an emergency.

With reference to traffic flow, Mr. Barrett stated that most of the deliveries would enter from the southern driveway by Level 10 and exit through the northern area. He noted that there was no other suitable location to put the air conditioning units. With regard to an area containing mulch at the rear of the property, Mr. Barrett stated he mulched the area that was previously encroached upon because it was nasty looking back there and he intended to freshen the area. Mr. Vreeland acknowledged that the elimination of the encroachments was done well and emphasized his concern was the circulation around the building and the driveway that scales approximately 17 feet wide, which is not wide enough for two-way traffic. He stated that a vehicle needed to be able to turn around when the parking spots were full. He suggested cutting the curb and island back to reestablish the 24' wide driveway to allow for two-way traffic. Mr. Barrett agreed to comply with the recommendation.

Chairman Miller opened the meeting to the public for questions and commentary on the matter. There were no participants. The meeting was closed to the public.

Mr. Kabbash asked about the southeast corner parking space that straddles the lot line. Mr. Vreeland confirmed that shared parking easements have been recorded. He confirmed that all of the parking that was originally approved has been provided.

A motion to approve the amended final site plan and conditional use variance was made by Gary Bargiel and seconded by Mary Ann Murphy conditioned upon the modification of the island to maintain a drive isle width of 24ft. Roll Call: William Walsh – yes, Santo Verrilli – yes, Gary Bargiel – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

The Applicant requested a waiver of the written resolution. The Board granted the request and the Applicant confirmed his understanding that he would proceed at his own risk. It was noted that the Applicant could apply for a building permit for interior issues; however, the drive isle must be corrected prior to the issuance of a Certificate of Occupancy.

DISCUSSION: Mr. Walsh asked about CJS matters reviewed by the Township Council. It was noted that the Planning Board Chairman Miller provided an overview of Planning Board matters.

BILLS: A motion to pay the bills cited below was made by Santo Verrilli and seconded by Gary Bargiel. Roll Call: William Walsh – yes, Santo Verrilli – yes, Gary Bargiel – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

**HARDYSTON TOWNSHIP ZONING BOARD
ESCROW REPORT
MARCH 2, 2006**

Richard Briigliodoro, Esq., Weiner Lesniak, LLP

Invoice 9680	Zoning OE	447.69
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Michael G. Vreeland, P.E., Guerin & Vreeland Engineering, Inc.

Invoice 682A	Zoning OE	475.00
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Invoice WO618E	ZB-03-06-2[ZB-9-04-1]	190.00
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The New Jersey Herald

Invoice 85141	Legal Notice	57.90
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**HARDYSTON TOWNSHIP ZONING BOARD
ESCROW REPORT
ADDENDUM
APRIL 6, 2006**

Guerin & Vreeland Engineering, Inc.

Invoice WO618F	ZB-9-04-1, Barrett, P.	190.00
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Invoice WO695A	ZB-2-06-1, Boyer, J.	142.50
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**HARDYSTON TOWNSHIP ZONING BOARD
ESCROW REPORT
APRIL 6, 2006**

Richard Briigliodoro, Esq., Weiner Lesniak, LLP

Invoice 97477	Zoning OE	289.99
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Invoice 97478	ZB-9-04-1, Barrett, P.	98.00
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PUBLIC PARTICIPATION:

No members of the public addressed the Board.

ADJOURNMENT: Having no further business, a motion to adjourn was made by William Walsh and seconded by Santo Verrilli. All were in favor. The motion carried. The hearing adjourned at 8:20 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm
Board Secretary