

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING HELD MAY 4, 2006**

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

ROLL CALL:

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

OTHERS PRESENT: Richard Brigliadoro, 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 April 6, 2006*, was made by Santo Verrilli and seconded by Gary Bargiel. Roll Call: Santo Verrilli – yes, Gary Bargiel – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

APPROVAL OF RESOLUTIONS: ZB-3-06-2 [ZB-9-04-1,] Barrett, Pat. Amended Final Site Plan, Block 16, Lots 3.01 & 3.03: A motion to adopt the memorializing resolution was made by Gary Bargiel and seconded by Mary Ann Murphy. Roll Call: Santo Verrilli – yes, Gary Bargiel – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

APPLICATIONS:

ZB-2-06-1 [ZB-7-00-2,] Boyer, Jeffrey D. “D” Variance, Block 75 Lot 17.04: Stephen J. McGee, Esq., appeared on behalf of Mr. Boyer. Mr. Brigliadoro confirmed that notice was sufficient and that the Board had jurisdiction to hear the matter. Michael G. Vreeland, P.E., stated that there were no completeness issues. Jeffrey D. Boyer was sworn.

Mr. McGee provided an overview of the prior resolution of approval and requested permission to change the mother/daughter approval to an approval for a two-family unit. Referencing page seven, paragraph eight of the original resolution, which was memorialized on August 3, 2000, he stated “in granting the application, it is also subject to and contingent upon the Applicant’s agreement that the approval is for a “mother/daughter” and the use of the property involving the Applicant’s elderly relatives, and if the “mother/daughter” use ceases in the future, the Applicant is required to return to the Zoning Board of Adjustment in connection with any further development of the site unless the proposed future use of the property is permitted under the then existing zoning ordinance.” He stated that there would be a time when Mr. Boyer’s parents-in-law would move on and Mr. Boyer would return to the Board when personal circumstances changed. He stated that Mr. Boyer and his wife came upon an opportunity in Wantage and the mother/daughter concept is no longer in effect. He said Mr. Boyer and his wife moved out and this was not anticipated at the time of the original application.

Mr. McGee stated there have been no changes to the property and Mr. Boyer’s excavating company is still operating out of the garage in the back. He noted that the two apartments have their own entrances, electric meters, etc. Mr. Boyer stated the property was originally built in

1983 as a multi-unit building with five external meters and hard-wired smoke detectors. He stated that he bought the building in 1996 and when he bought it, there were two efficiency apartments upstairs and two offices downstairs. Additionally, he noted that a limousine service, office, and shop were located in the back. He stated he rehabilitated the building bringing it back from a condemned condition. He stated the current floor plan is just about identical to the existing floor plan at the time of purchase with the exception of a staircase removal. He stated he has no plans to alter the building. He confirmed that the current use of the building is limited to his in-laws living downstairs and his excavating business is being run out-back. He described the floor plan and presented that the first floor contains a one-bedroom apartment and the upstairs apartment contains two bedrooms. He explained the layout of the building's apartments. Mr. McGee submitted a series of fifteen (15) photographs marked Exhibit A1 – A15 stating that it is the Applicant's intent to show what the prevailing neighborhood looks like. The Applicant identified the Exhibits as follows: Exhibit A1 shows a farmhouse about 400' south of the property; Exhibit A2 shows a neighboring business; Exhibit A3 shows three (3) neighboring single-family houses; Exhibit A4 shows neighboring homes from a different angle, Exhibit A5 shows a multi-family neighboring structure [Mr. McGee noted that the structure may be located in Franklin Borough;] Exhibit A6 shows a neighboring business; Exhibit A7 was withdrawn; Exhibit A8 shows a house and a business across the street; Exhibit A9 shows a neighboring house; Exhibit A10 shows a neighboring business; Exhibit A11 shows a cemetery across the street; Exhibits A12 through A15 show the Applicant's house.

With reference to the business, Mr. Boyer stated the business involves excavating, contracting, and demolition. He stated he has trucks, a backhoe, two tract loaders, and a couple of machines. He stated the two-car garage cannot contain all the equipment. He stated the garage, which has a bathroom, also serves as an office and supply room.

Mr. Boyer stated he would like to bring in a regular tenant and that he had no intent to change the structure. He stated there would be no public detriment by using the house. He stated he moved out approximately 9 months ago.

Mr. Miller recognized the improvements to the property. He stated that at the time of the original approval, the Board struggled with the matter and the mother/daughter use was specific. He stated that he did not think the Board ever had the intent to turn the house into a two-family unit. He expressed concern about setting a precedent. Mr. Verilli affirmed Mr. Miller's concern. Mr. McGee stated that if the Board does not approve the matter, an apartment would be vacant. He presented that should the in-laws move out, two units would be vacant and this would cause a financial hardship. He proposed that the apartments be affordable and this would be beneficial to the community.

Mr. Vreeland suggested that the house could revert to a one-family. Mr. Boyer stated that when he purchased the property, the building had two apartments upstairs and an office downstairs. He stated the house was always commercial downstairs. He stated the house was never a single-family unit. He stated the upstairs apartment is less than 800 sq.ft. and the downstairs is approximately 820 sq.ft.

Mr. Brigliadoro reviewed the previous file's notice and resolution. He stated the Board's intent was to create a mother/daughter and not to create a two-family unit. Mr. Miller stated that if the Board intended to create an unconditional two-family unit, it would not have requested that the Applicant return to the Board should the scenario change. He stated the Board is bound to the law and that the Applicant could apply to the Council for a zone change.

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

A motion to deny the variance request was made by Santo Verrilli and seconded by Gary Bargiel. Roll Call: Santo Verrilli – yes, Gerald Laughlin – yes, Gary Bargiel – yes, Candace Leatham – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried. The motion carried.

Completeness Review: ZB-4-06-1, Shotmeyer Brothers, Inc., "D" Variance, Preliminary and Final Site Plan, Block 16, Lot 2.01. Board members reviewed completeness issues and waiver requests. A motion to deem the application complete and grant waivers for completeness

only was made by Gary Bargiel and seconded by Roger Kabbash. Roll Call: Santo Verrilli – yes, Gerald Laughlin – yes, Gary Bargiel – yes, Candace Leatham – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

Board members discussed the utility of planner’s review in the matter. A motion to engage Robert P. Guerin, P.E., P.P., to advise on the plan was made by Carl Miller and seconded by Candace Leatham. Roll Call: Santo Verrilli – yes, Gerald Laughlin – yes, Gary Bargiel – yes, Candace Leatham – yes, Mary Ann Murphy – yes, Roger Kabbash – yes, Carl Miller – yes. The motion carried.

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

**HARDYSTON TOWNSHIP ZONING BOARD
ESCROW REPORT
May 4, 2006**

Richard Briigliodoro, Esq., Weiner Lesniak, LLP

Invoice 95759	Zoning OE	\$	24.20
Invoice 97958	ZB-9-04-1, Barrett, P.		210.00
Invoice 97959	ZB-2-06-1, Boyer, J.		182.00

Michael G. Vreeland, P.E., Guerin & Vreeland Engineering, Inc.

Invoice 682B	Zoning OE		380.00
Invoice WO679C	PBC-11-05-2, Shotmeyer Bros.		237.50

PUBLIC PARTICIPATION: No members of the public addressed the Board.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Santo Verrilli and seconded by Candace Leatham. The meeting was adjourned at 8:45 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm
Board Secretary