

MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING HELD JULY 5, 2007

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	Present
Santo Verrilli	Present
Gerald Laughlin	Present
Candace Leatham	Present
Mary Ann Murphy	Present
Roger Kabbash	Excused
Hugh Krone (Alt. 2)	Present
Carl Miller	Present

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

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held June 7, 2007*, was made by Candace Leatham and seconded by Mary Ann Murphy. Roll Call: Candace Leatham – yes, Mary Ann Murphy – yes, Hugh Krone – yes, Carl Miller – yes. The motion carried.

APPROVAL OF RESOLUTIONS: ZB-3-07-1, Schappert, Christopher M., Interpretation, Block 17 Lot 12.08: A motion to adopt the memorializing resolution was made by Candace Leatham and seconded by Mary Ann Murphy. Roll Call: Candace Leatham – yes, Mary Ann Murphy – yes, Hugh Krone – yes, Carl Miller – yes. The motion carried.

APPLICATIONS:

ZB-3-07-1A, Schappert, Christopher M., “D” Variance, Minor Subdivision, “C” Variance, Block 17 Lot 12.08: The matter was carried without further notice to the meeting of August 2, 2007.

ZB-6-07-1, Anthony Dellechiaie, Certificate of Non-Conformity. Block 62 Lots 10 and 10Q: The matter was carried to the August 2, 2007, meeting conditioned upon the Applicant filing notice in the New Jersey Herald.

Cor Jesu Mission, Inc., D Variance, Conditional Use, Minor Subdivision, Preliminary and Final Site Plan, C Variances, Block 71, Lot 4.03: Mr. Briigliodoro confirmed that notice was in order and that the Board had jurisdiction. Board members reviewed waiver requests. Mr. Vreeland identified waiver requests for subdivision and site plan checklist items. He presented that he had no engineering objections to the requests. A motion to grant the waiver requests for completeness was made by Hugh Krone and seconded by Candace Leatham. Roll Call: William Walsh – yes, Santo Verrilli – yes, Gerald Laughlin – yes, Candace Leatham – yes, Mary Ann Murphy – yes, Hugh Krone – yes, Carl Miller – yes. The motion carried.

Thomas DiClemente, Esq., appeared on behalf of the Applicant. Father Anthony Mastroeni, President of Cor Jesu Mission Fund Inc., was sworn. He presented the property is 76.65 acres and it was purchased four years ago in view of building the project. He stated the intent was to create a retreat house to accommodate six retreatants at a time with two permanent staff and the purpose is to provide the spiritual exercises of St. Ignatius within an intensive retreat. He stated the day begins with Holy Mass, breakfast, a conference, three to four hours of meditation, journal keeping, an hour to an hour

and a half meetings with the retreat director, and meals. The evening schedule consists of another conference, prayer time, and early retirement. He noted participants would not come and go from the facility and that most participants would car pool. He stated they would stay through the retreat. He stated a good-will offering would be requested of participants. He stated the operation is small. Cleaning personnel and a cook would be utilized as needed. He stated there would be no permanent staff other than the two staff. He stated the facility would be advertised by word of mouth.

Father Mastroeni described the facility. He stated that the house would be open to all who wanted to make the retreat. He stated he had no plans to expand the facility and the remaining acres would remain as farmland or open space. He asked if he were to become ill, if sisters could have a house on the property. Chairman Miller noted that this would require a return to the Board.

Chairman Miller opened the meeting to the public for questions or comments pertaining to the witness's testimony. There were no public comments or questions. The meeting was closed to the public.

Tsvia R. Adar, A.I.C.P., P.P., was sworn, qualified, and accepted by the Board as an expert witness. She explained that the Applicant would like to separate his property into two parcels, one parcel containing 66.65 acres and one 10-acre piece. She stated the use is conditionally permitted in the MIDD V Zone and relief is requested because the proposal does not meet the ordinance requirement of having a direct access to a state or county road. She noted that the amount of the proposed disturbance exceeds the maximum permitted disturbance of 25,000 sq.ft.

Anthony Kurus, P.E., Project Manager, was sworn, qualified, and accepted by the Board as an expert witness. Referencing plan sheet 3 of 13, titled *Site Plan*, revised January 12, 2007, he stated the major site plan design is the location of the retreat house on the 10-acre lot. He stated it is considerably set back from Franek Road, approximately 500' back, and the driveway is 1200'. He stated the proposed paved driveway is 12' wide with 2' gravel shoulders on each side. He stated the maximum slope of the driveway is 12%. He stated the proposed barn is located at the northwest corner of the property and it is 40' from the rear lot line and approximately 39' from the side lot line. Mr. Kurus stated the ten proposed parking spaces are 10' x18' and include one handicapped accessible space. He stated ten spaces are more than adequate for the proposed use. He stated the Applicant is in agreement with the township engineer's report. He stated the Applicant would coordinate with the Fire Department to address any concerns about emergency access. Mr. Walsh stated the Fire Department would like turnarounds and a wider driveway. He stated the Fire Department would like a water tank as well. Mr. Vreeland noted that the guide rail on both sides of the road might restrict the roadway as well. Chairman Miller noted that asking for a larger driveway would increase the disturbance.

Referencing sheet 4 of 13, titled *Grading and Drainage Plan*, Mr. Kurus stated the roadway is graded following the existing grade to the greatest extent possible and the maximum grade is 12%. He stated the drainage design is in accordance with the township and state requirements. He provided an overview of the drainage plan noting proposed seepage pits for roof run-off, a retention basin for parking lot run-off, and a drainage design for the proposed roadway. He stated there are no proposed curbs. He stated that adjacent to the gravel shoulders there is a proposed vegetated water quality, both detention and conveyance swales. He stated the vegetated swale would provide a break up of impervious run-off in order to filter run-off and provide a means of storing volume. He stated proposed retention basin is designed to attenuate run-off from the roadway in addition to off-site contributory areas that are captured and bypassed. He stated water quality for the site was designed in accordance with the state and township regulations. Mr. Kurus noted that additional calculations requested by Mr. Guerin would be provided.

Referencing sheet 5 of 13, titled *Utility Plan*, revised January 12, 2007, Mr. Kurus identified the location of the conventional septic system in a flat graded area in front of the proposed retreat house. He stated telephone and electric would come off the existing utility lines located on Franek Road. He stated the potable water well would be located in the northern end of the property and propane would be used for heating.

With reference to signage, the Applicant confirmed that they would comply with the Ordinance.

Chairman Miller opened the meeting to the public for questions relating to the testimony. No members of the public addressed the Board. The meeting was closed to the public.

Nicholas J. Netta, Architect, was sworn, qualified, and accepted by the Board as a witness. Referencing Exhibit A-1, a colored rendering titled *Floor Plans*, prepared by Nicholas J. Netta Architects, dated January 14, 2004, Mr. Netta provided an overview of the principal building's layout. He stated that the building was sited based on the intended use, which requires quiet, solitude, and isolation. He stated the barn, an accessory use, was tucked away to not interfere with the on-site activities. He stated the intent was to take advantage of the natural views of the surrounding area.

Referencing Exhibit A-2, titled *Elevations*, prepared by Nicholas J. Netta Architects, dated January 14, 2004, a colored sketch of the building's exterior, Mr. Netta stated it is essentially a one-story structure from the front view and two stories from the rear view. He described the design as Tuscan Age architecture, which makes use of stone, clay tile, and stucco. He stated fenestration was minimized in the front of the building to create a sense of solitude. He stated the chapel area is differentiated to highlight it. He stated the rear of the building has fenestration and glazing on both the upper and lower levels to maximize views.

Referencing Exhibit A-3, a colored rendering of the barn titled *Plan and Elevations*, prepared by Nicholas J. Netta Architects, dated January 14, 2004, Mr. Netta stated the structure is approximately 1600 sq.ft. He stated the prefabricated structure is intended to store materials to maintain the complex.

Chairman Miller opened the meeting to the public for questions of the witness. Mr. Jeffrey VanAcker asked about the width of the road and the number of people using the building. He stated it is a big building. Mr. DiClemente explained that there is only room for six retreatants. No other members of the public addressed the Board.

Ms. Adar stated the selection of the retreat's location was to have it secluded. She noted that the top of the lot is fairly clear and less steep. She stated that the site is particularly suited for the use. She provided an overview of the existing conditions, the proposed conditions, and the relief requested. Referencing Exhibit A-4, page 1 of 1, an aerial photograph titled *New Jersey Map*, from http://thenjgin.nj.gov/OIT_GISTOOLS/aicServlet?ServiceName=np&ClientVersion=4.0&Form=True&Encolde=False, showing boundaries of the site, and Exhibit A-5, prepared by John J. McDonough, Landscape Architect, P.P., sheet 1 of 2, dated June 15, 2007, titled, *Retreat House, Aerial Photograph*, showing the location of the site in relation to the boundaries of the township, Ms. Adar described the location of the site as being on the southwest side of town in a low density area surrounded by farmland, open space, and residential uses. Ms. Adar submitted Exhibit A-6, sheet 1 of 2, prepared by John J. McDonough, Landscape Architect, P.P., dated June 15, 2007, titled, *Retreat House, Aerial Photograph*, showing the location of the site in relation to the boundaries of the township and showing the location of the proposed retreat house and the second lot that will be farmland.

With reference to the proposed conditions, Ms. Adar stated the length and design of the driveway was sensitive to the topography. She stated the residence is only two stories and is 8300 square feet. She stated the proximity is approximately ½ mile from Route 94. She identified the variance requests. She stated the use is an inherently beneficial use. She stated the traffic is minimal, the building is modest, there are no environmental impacts noting no wetlands, streams, or flood zones. She stated the project is outside the Highlands Preservation Area. She stated the application meets the goals and objectives of the master plan. With reference to the statutory requirements for a D3 variance, Ms. Adar stated this use is treated with less stringent requirements. She stated the use is consistent with the zone plan and master plan. She stated the proposal is beneficial versus very few negatives. With reference to the lot disturbance, she stated if the property were to be subdivided into ten lots, there would be more disturbance. With reference to height, Ms. Adar noted the building and the accessory structure conform to the ordinance.

Chairman Miller opened the meeting to the public for questions of the witness. No members of the public addressed the Board. Chairman Miller closed the meeting to the public.

Chairman Miller asked if alternatives to the location of the building were considered. Mr. Kurus stated that the main constraint when considering alternatives was the site topography to meet the maximum slope requirements. He stated that if disturbance was reduced, slope would be an issue. He confirmed that the shoulders are gravel to reduce impervious coverage. Mr. Kurus stated that if one went off the shoulder, there are proposed vegetative swales in areas along the driveway. He identified the guide rail locations in areas where the property slopes downward.

Board members reviewed the attached report dated June 27, 2007, prepared by Mr. Vreeland.

Mr. Kuras agreed to provide information and amend the plans as requested. Mr. Vreeland stated that the project will generate a lot of fill materials and there may be an opportunity to fill along the driveway to make it wider to address the Fire Department's concerns. Chairman Miller noted this could be worked out between the engineers.

With reference to the handling of garbage, the Applicant proposed garbage cans that could be put out. Board members suggested a dumpster and noted potential bear situations. The Applicant agreed to review the matter.

With reference to tree removal, Mr. Vreeland suggested a tree removal plan. The Applicant agreed to provide same. Chairman Miller noted that the Board would like to keep as many trees as possible.

Chairman opened the meeting to the public. No members of the public addressed the Board. Chairman Miller closed the meeting to the public.

A motion to approve the application and grant the conditional use variance was made by William Walsh and seconded by Gerald Laughlin. Roll Call: William Walsh – yes, Santo Verrilli – yes, Gerald Laughlin – yes, Candace Leatham – yes, Mary Ann Murphy – yes, Hugh Krone – yes, Carl Miller – yes. The motion carried.

A motion to approve the Minor Subdivision, the Preliminary and Final Site Plan, and variance applications subject to the conditions noted below was made by Hugh Krone and seconded by Candace Leatham. Roll Call: William Walsh – yes, Santo Verrilli – yes, Gerald Laughlin – yes, Candace Leatham – yes, Mary Ann Murphy – yes, Hugh Krone – yes, Carl Miller – yes. The motion carried. The conditions noted by Chairman Miller are as follows: compliance with all conditions noted in Mr. Vreeland's report, meet with the Fire Department for their approval, submission of a lot clearing plan, the subdivided lot will remain open space for use for farming, and that any further expansion of the approval would be required to return to the Board.

BILLS: A motion to recommend payment of the bills cited below was made by Santo Verrilli. All were in favor. The motion carried.

**HARDYSTON TOWNSHIP ZONING BOARD
ESCROW REPORT
JULY 5, 2007**

Richard Briigliodoro, Esq.

Invoice 109926	ZB-3-07-1, Schappert, C.	\$ 75.00
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CORRESPONDENCE: No comments were noted.

DISCUSSION: Board members reviewed policy regarding enforcement of resolution conditions. Mr. Brigiladoro noted that the ordinance permits 190 days on precedent conditions for variance matters not related to site plan and or subdivision applications.

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

ADJOURNMENT: Having no further business, a motion to adjourn was made by William Walsh. All were in favor. The motion carried. The meeting adjourned at 9:50 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm
Board Secretary