

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING HELD MARCH 4, 2010**

CALL TO ORDER: Chairman Murphy called the meeting to order at 7:30 p.m. and read the following Statement of Compliance

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 a copy 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	Excused
Roger Kabbash	Present
Hugh Krone (Alt. 2)	Present
Mary Ann Murphy	Present

OTHERS PRESENT: Richard Briigliodoro, Esq., Robert P. Guerin, P.E., P.P.; 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 4, 2010* was made by Gerald Laughlin and seconded by Hugh Krone. Roll Call: Roger Kabbash – yes; Hugh Krone – yes; Mary Ann Murphy – yes. The motion carried.

APPROVAL OF RESOLUTION(S): There were no resolutions scheduled.

APPLICATIONS: ZB-2-09-1a, Crystal Springs Builders, L.L.C., Request for Extension, “D” Variance, Block 14, Lots 22.01, 24.01, 24.02, and 24.04:

John Fetterly, Esq., appeared on behalf of the Applicant and stated the variance was for the performance of certain soil removal operations on the subject property. He stated the primary purpose of the soil removal operation was for the later development of the Crystal Springs North development and in light of current economic conditions, the soil removal activity has not become a necessity yet.

Board members reviewed a letter dated February 24, 2010, prepared by Dale Pierson, Administrator of Development, Crystal Springs Companies. Ms. Pierson was sworn. She stated that the Applicant has been working to achieve compliance with all the conditions of approval. She explained that the lengthiest process is the NJDEP R-13 Permit (hereinafter R-13) review that involves stormwater management requirements. She stated that Sussex County Soils (hereinafter SCS) office stated that the R-13 needed to be procured prior to the filing of a SCS application. Ms. Pierson related that the NJDEP informed the Applicant that their procedure required the filing of a SCS application prior to the R-13 review. Consequently, the R-13 review is pending the developer’s completion of the SCS process. Ms. Pierson stated the County’s review was returned with some comments, which are being addressed. She stated she expected to have the R-13 permit within three weeks.

Ms. Pierson noted that a quarrying registration certificate is in place and may need to be renewed. She added that the NJDOT access permit is in place. She stated the remaining conditions would be satisfied. Mr. Guerin stated he is in contact with the Applicant and aware of the status of the matter. He presented no objections to the granting of the extension request.

Board Attorney Briigliodoro added that Hardyston Township Ordinance §33-21 concerning variances includes a 9-month expiration of variances unless construction or the use has

commenced. He stated that in connection with the granting of the use variance, the Applicant also received preliminary and final site plan approval. He stated that by virtue of the Applicant getting site plan approval, the Applicant has vested rights and is protected against zone changes for a period of two years from June 4, 2009. He stated the Applicant seeks relief from the provision of the Ordinance that would have the variance expire. He stated the intent is to have the variance run concurrent with the final site plan approval. He noted that the Zoning Board of Adjustment's 2009 Annual Report recommended the removal of the variance expiration ordinance.

Chairman Murphy opened the meeting to the public. Mr. Russell Law was sworn. He stated that he represents the residents of Hamburg that are closely affected by the project. He stated that he and they would like to extend their support of the extension and project. No other members of the public addressed the Board. Chairman Murphy closed the meeting to the public.

A motion to extend the variance to run concurrently with the granting of the final site plan approval, which will expire on June 4, 2011, was made by Santo Verrilli and seconded by Gerald Laughlin. Roll Call: William Walsh – no; Santo Verrilli – yes; Gerald Laughlin – yes; Roger Kabbash – yes; Mary Ann Murphy – yes. The motion carried.

PUBLIC PARTICIPATION: Chairman Murphy opened the meeting to the public. There were no public participants. The meeting was closed to the public.

DISCUSSION: Chairman Murphy asked if Board members had any matters for discussion. No matters were discussed.

BILLS: Following a review of the bills cited below, a motion to recommend payment of the bills to the Township Council was made by William Walsh and seconded by Gerald Laughlin. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Roger Kabbash – yes; Hugh Krone – yes; Mary Ann Murphy – yes. The motion carried.

**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW REPORT
MARCH 4, 2010**

WEINER LESNIAK LLP

Invoice 132660	Zoning OE	\$ 366.40
Invoice 132661	Zoning OE	75.00

CORRESPONDENCE:

Cor Jesu Mission Fund, Inc., Father Anthony J. Mastroeni, President. 2/28/10. Request for return of fee. Board members reviewed the matter and agreed the fee should be returned.

Cor Jesu Mission Fund, Inc., Father Anthony J. Mastroeni, President. 2/28/10. Request for return of escrow. Professional staff reviewed the request and signed-off on the matter.

ADJOURNMENT: Having no further business, a motion to adjourn was made by William Walsh and seconded by Hugh Krone. All were in favor. The meeting was adjourned at 7:50 p.m.

Minutes respectfully submitted by:
/s/ Anne-Marie Wilhelm
Anne-Marie Wilhelm
Land Use Administrator