

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING  
HELD MARCH 3, 2011**

**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 Meeting Act, Chapter 231, P.L. 1975, adequate notice as defined in Section 3D of Chapter 231 P.L. 1975 was 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 – Present  
Mary Ann Murphy – Present  
James Homa – Present

**OTHERS PRESENT:** Michael Vreeland, P.E., P.P.; Richard Briigliodoro, Esq.,

**APPROVAL OF MINUTES:** A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Reorganization Meeting Held January 6, 2011* was made by Santo Verrilli and seconded by Gerald Laughlin. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Hugh Krone – yes; James Homa – yes; Mary Ann Murphy – yes. The motion carried.

A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held January 6, 2011* was made by Santo Verrilli and seconded by Gerald Laughlin. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Hugh Krone – yes; James Homa – yes; Mary Ann Murphy – yes. The motion carried.

**APPROVAL OF RESOLUTIONS:** There were no resolutions scheduled.

**APPLICATIONS:** ZB-1-11-1, Caruso, Robert and Aileen, “D” Variance, Block 75 Lot 25 —

William T. Haggerty, Esq., appeared on behalf of the Applicant. He stated the Applicant would like to place a kennel building on the 17-acre site versus a day care center that would generate more traffic. He stated that noise could be addressed with appropriate buffering and construction resulting in no greater noise than that produced by kids in a playground.

Mr. Robert Caruso was sworn. He stated that it would be a good thing to have a kennel with buffering and plantings. He stated that he would make it look nice and that the kennel would have a 50-dog capacity. He stated a groomer was interested in caring for the dogs. Mr. Haggerty explained that the kennel could not be set back on the property due to wetlands restrictions. Mr. Caruso noted that the kennel would also contain an employee/caretaker’s apartment. Mr. Caruso noted that area kennels are full at certain times of the year and the proposed kennel would fill a need. He stated he would continue farming the land.

Mr. Verilli noted that there is a kennel approximately ½ mile from the subject property and it is located far in off the road. He stated you can hear the noise from that kennel in the early morning. He stated he wanted to review plans. Mr. Walsh stated you can hear a dog more than a ½ a mile away on certain evenings. Mr. Caruso stated he could have a building engineered to address sound. He explained that the dogs would be out during the day in a 4' x 4' area weather permitting. He stated the outdoor area would be screened by plantings and if needed by a block wall. Mr. Laughlin noted that there were houses in the area and that he believed the Applicant would need something unbelievably soundproof. Ms. Murphy stated she thought barking dogs would be annoying to the neighbors.

Chairman Murphy opened the meeting to the public. Mr. Robert Watson was sworn. He stated that he totally opposed the application. He stated his main concern is the noise that could not be controlled. He stated he

liked the idea that the Applicant wants to improve the property. He stated that the area is residential. He stated the noise will be an issue with the police. He stated he believed the kennel would depreciate the value of his home.

Mr. Watson stated that he has never had a problem getting his dog into the Pet Spa and that you cannot compare a daycare to this. He confirmed that he could hear the dogs at Pet Spa. He noted that a daycare center operates within certain hours. He stated he could see no positives.

Ms. Marla Casbarro was sworn. She stated that the township relies on zoning laws to keep the town nice and that she would like to keep the area as residential as possible for the value of her home. Ms. Casbarro stated she did not believe that the kennel could be made noise proof. She stated she wondered about the smell.

Ms. Sandy Lipka was sworn. She stated she lives three houses down from the proposed kennel. She stated she would like to keep the neighborhood the way it is. She stated that you cannot stop a dog from barking and when one starts, they all start. She stated she could not see 50 dogs onsite and indicated the subject property is her back yard. She stated she can hear the Pet Spa.

Ms. Toni Manzi was sworn. She stated that when she bought her house in 1989, she looked at the zoning code. She stated dogs barking and crying does not promote the general health and welfare. She asked how the Applicant would control it. She asked if the neighbors would have to call the police all the time. Ms. Manzi stated she could hear the Pet Spa even with all the woods in between. She stated that the industrial park is a quiet neighbor and that North Church Road is silent other than at rush-hour.

Mr. Patel was sworn. He stated the problem is the noise, littering, and the smell. He stated he has been living in the area since 1984 and it is a quiet place. He stated he did not like the proposal.

Mr. Chris Manzi was sworn. He stated he would love to see the property improved. He noted you can hear the dogs at Pet Spa at feeding time. He noted there are bear and deer in the area that could set the dogs barking. He asked where the feces and pee would go and noted there is a huge aquifer there. He stated there is groundwater there for months. He stated "we drink from these wells." Mr. Manzi stated it is a good neighborhood and that he did not feel the dog kennel would do anything for anyone.

Having no other members of the public stepping forward to address the Board, Chairman Murphy closed the meeting to the public.

Mrs. Aileen Caruso, Applicant, was sworn. She stated that the front of the property is zoned commercial and they would like to develop it. She stated if you don't develop it, it is useless.

Ms. Marla Casbarro stated there is nothing worthless about beautiful land that is sitting there. She stated if it is wetlands and the neighbors have wells, the best thing for the land is to stay natural. She stated it does not have to be developed commercially to make it worth something.

Mr. Briigliodoro provided an overview of the Municipal Land Use Law with respect to "D" Variance review. He stated that the Applicant has to show special reasons and satisfy the negative criteria. Mr. Briigliodoro noted that there is an enhanced quality of proof required to grant a use variance.

Mr. Haggerty requested a recess. The Board recessed at 8:00 p.m. The meeting resumed at 8:10 p.m.

Mr. Haggerty stated the Applicant recognized the concerns of the public and requested to withdraw the application. The Board granted the request.

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

**DISCUSSION:** There was no general discussion.

**BILLS:** A motion to pay the bills cited below was made by William Walsh and seconded by Roger Kabbash. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Roger Kabbash – yes; Hugh Krone – yes; James Homa – yes; Mary Ann Murphy – yes. The motion carried.

**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT  
ESCROW REPORT  
MARCH 3, 2011**

**Weiner Lesniak, LLP, Richard Briigliodoro, Esq.**

Invoice 140400	Zoning OE	\$ 674.60
Invoice 141374	Zoning OE	300.00
Invoice 140401	ZB-11-10-1, Edgewater Commons Office Park, LLC,	63.20

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

Invoice 781M	ZB-11-10-1, Edgewater Commons Office Park, LLC,	157.50
Invoice WO855A	Zoning OE	105.00

**New Jersey Herald**

Invoice 3515335	Legal Notice	252.50
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**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT  
ESCROW REPORT  
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ADDENDUM**

**New Jersey Herald**

Invoice 3540614	Legal Notice	\$16.60
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**CORRESPONDENCE:** There was no correspondence.

**ADJOURNMENT:** Having no further business, a motion to adjourn was made by Santo Verrilli and seconded by William Walsh. All were in favor. The meeting was adjourned at 8:10 p.m.

Minutes respectfully submitted by:

/s/ Anne-Marie Wilhelm

Anne-Marie Wilhelm  
Land Use Administrator