

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING HELD MAY 3, 2012**

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 – Present
James Homa – Present
Ellis Marples – Present
Mary Ann Murphy – Present

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

Board members Homa and Laughlin submitted certifications that they listened to the Board meeting's audio file of April 5, 2012.

APPROVAL OF MINUTES: Board members Homa and Laughlin submitted certifications that they listened to the Board meeting's audio file of April 5, 2012. A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held April 5, 2012* was made by Candace Leatham and seconded by Santo Verrilli. Roll Call: William Walsh – yes; Santo Verrilli – yes; Candace Leatham – yes; James Homa – yes; Ellis Marples – yes; Gerald Laughlin – yes; Mary Ann Murphy – yes. The motion carried.

APPROVAL OF RESOLUTIONS: There were no resolutions scheduled.

APPLICATIONS: ZB-3-12-1, Skylands Ownership Group, LLC, "D" Variance, Conditional Use, Amended Preliminary and Amended Final Site Plan, Block 60 Lots 8, 9, 10: M. Richard Valenti, Esq., identified open issues. He stated the Applicant expects to receive state licensing in a few weeks. He stated the law states that once a day care is licensed, the use is permitted in the business zones. He stated the law prohibits the imposition of additional parking requirements. He noted the proximity of the dumpster to the playground remains as an issue.

Mr. Gregory Charles Brandner was sworn. He stated he and his wife own Skylands. Ms. Litteral acknowledged she was previously sworn and still under oath. She confirmed she submitted a water supply certification to the state, and this was the last step required for the completeness portion of the submittal process. Both Exhibit A-6, a letter dated April 19, 2012 addressed to *Child Care Center Applicant*, from the State of New Jersey Department of Children and Families, Office of Licensing, Child Care and Youth Residential Licensing; and Exhibit A-7, a *Certificate of Occupancy* for a day care on the subject property issued to Skylands Ownership Group, LLC, and dated 12/27/11, were distributed.

Ms. Litteral confirmed she would supervise the day care, and a staff member would be assigned to the door to assist during drop-offs. She stated there are specific drop-off and pick-up hours, and staff at the front desk can call upstairs to the day care for help as needed. With reference to multiple drop-offs occurring simultaneously, Ms. Litteral stated staff members have radios and can be called to assist.

With reference to the proposed playground, Mr. Wostbrock, previously sworn, identified the initial location as being at the south west corner of the existing building in the area of the dumpsters. He presented Exhibit A-8, a revised plan dated 5/3/12. He identified the revised location as being on the north side of the building. He stated it was a positive location that could also be used as a drop off.

He stated there is another option for drop-off at the front door. Exhibit A-9, a colored rendering titled *Landscape Plan*, dated 5/2/12, prepared by Mr. Wostbrock, was distributed.

Upon inquiry as to why the Applicant chose to move the playground instead of the dumpster, Mr. Wostbrock stated the dumpster needs to be accessible to the garbage trucks. Mr. Vreeland submitted five photographs, identified as Exhibits B1– B5. He stated the photos show the existing conditions at the Skylands dumpster. Mr. Brandner presented there is a trash compactor surrounded by masonry block. He explained costs noting that electric was run to the compactor. He stated he was concerned about the safety of employees that would take the refuse across the parking lot. He stated creating separation between the compactor and playground is wise. Chairman Murphy asked about garbage pick-up times. Mr. Brandner stated pick-up is in the early morning. A photographic exhibit, marked A-10, was submitted by the Applicant. Mr. Brandner identified the photograph stating it was the dumpster at the Stepping Stone day care location. He stated the photo was taken on Tuesday.

Mr. Walsh asked if the Applicant would agree to install bollards to protect the playground. Mr. Wostbrock noted a curb, fence, and landscaping are proposed. Mr. Brandner stated the curb is high, the sidewalk is deep, and there is a distance. The engineer stated vehicle operators should be driving slowly around the loop. Mr. Laughlin suggested 3" fence posts in concrete instead of 2" fence posts. Mr. Brandner agreed to the 3" fence posts. Mr. Walsh suggested a guardrail as well.

Mr. Marples asked if reserved parking could be placed at the front of the building. Mr. Verrilli asked how many spots would be reserved. The matter was discussed. Mr. Brandner agreed to designate six stalls for drop-off and pick-up, with parking limited to 15 minutes. Mr. Laughlin asked how it would be policed.

Mr. Walsh noted the various uses proposed and stated he would like a traffic impact study so he could understand what is really going on and what it would look like when done. He noted the multiple uses on site and the potential for more activity. He asked if the school bus would enter the site or drop children off at the highway. Mr. Walsh suggested signage to prohibit bus drop-offs in front of the building and encourage the use of the drop-off loop. Ms. Litteral confirmed that the Hardyston Township School may provide bus service to the facility. Chairman Murphy noted that school buses go into Maple Tree Plaza.

Mr. Walsh asked where the cars parked during an overload. Mr. Brandner stated there was only one incident. Mr. Vreeland noted that the number of parking spaces is not an issue due to the Municipal Land Use Law. Richard Briigliodoro, Esq., reviewed the law and stated the Board is focusing on the site plan issues.

Chairman Murphy called a recess at 8:25 p.m. The meeting was called to order at 8:47 p.m.

Chairman Murphy opened the meeting to the public. Robert B. McBriar, Esq., asked about the new proposed playground and asked the playground's capacity. Mr. Wostbrock stated 28 children. He stated the size was proposed for flexibility. He confirmed it would be surrounded by a 4' high chain-link fence. He confirmed that the playground would be 50' to 80' from Route 23. Mr. Wostbrock noted that two buried propane tanks are in the area. Mr. Wostbrock stated the topography, guardrail around the propane tanks, and a freestanding sign are barriers between the playground and Route 23. Mr. Wostbrock confirmed that Route 23 debris, projectiles, and carbon monoxide levels were not considered. Mr. Wostbrock confirmed the revised playground location is adjacent to a bus turn around. Mr. McBriar presented this was a significant safety issue. Mr. Verrilli noted the speed limit on Route 23 was 45 mph in the area. Mr. Wostbrock stated he believed it is one of the safe areas on the site to locate the playground.

Ms. Danielle Evers was sworn. She stated this does not seem like a suitable place for day care. She stated she is worried for the children. She stated she is concerned about safety, and there probably should be a traffic study.

Ms. Rene Sheeham stated she has never felt unsafe dropping off her children at Camp Skylands during the summer. She stated her nine and eleven year old children have different need stimulation. She stated she is happy with the services received, and day care options are important.

Ms. Litteral presented that Camp Skylands averages 50-60 children per day and participants range in age from four to thirteen. She confirmed that the camp is licensed.

Ms. Janice Coulther was sworn. She stated she is a Camp Skylands mom and is very happy with the experience. She stated she has had no problems picking or dropping off her children. She stated her children were five and eight when they started the camp.

Ms. Debra Santa Lucia was sworn. She stated she has never had any problems dropping or picking up her children at Skylands Summer Camp.

Ms. Kelsi Keil was sworn. She asked about the radio procedure. She asked how the front desk personnel would know someone needs help. Ms. Keil stated that there are safety issues she is worried about, and the traffic “thing” would be a good idea.

Mr. McBriar, representing Kaiser Pendergast Properties, stated the application is about traffic circulation, parking, and safety. He reviewed the property land use approval history stating many concessions were made by the Board. Mr. McBriar stated the proposed changes affect the suitability of the site. He stated a traffic or impact study should be obtained. He described the proposed playground as a time bomb. He stated he believed the application should be denied.

No other members of the public addressed the Board. Chairman Murphy closed the meeting to the public.

Mr. Vreeland noted that he did not believe the front yard was the best location for the playground. He suggested the relocation of the dumpster and trash compactor. Mr. Marples stated he preferred the original playground location and moving the dumpster. Mr. Brandner agreed to move the dumpsters. Mr. Vreeland stated he would be willing to work with the Applicant to achieve a suitable location.

With regard to the traffic study, Mr. Vreeland stated the NJDOT approved one entrance. He noted the access is under the state’s jurisdiction. He stated that due to the nature and scope of the application, he did not know if a traffic study is warranted. Mr. Briadoro concurred.

Mr. Valenti stated the irony is that the neighbor is not required to undergo the scrutiny. He stated it is a difficult pill to swallow when the neighboring competitor has not had to undergo the same process.

Mr. Valenti noted that many of the comments came from the competitor or patrons of the competitor. He stated the Board is not required to bear the burden to make sure there is not another day care in the area. He stated Mr. Brandner has worked to address safety concerns. He reviewed the site plan issues noting the Applicant has agreed to designate six parking spaces for pick-up and drop-off and has agreed to relocate the dumpsters.

Mr. Vreeland stated he did not believe the Board has put the Applicant through anything more than any other Applicant. Mr. Briadoro stated that the Board reviewed the matter from a planning and zoning perspective within the confines of the law. He stated the Board reviewed the site plan to make it as safe as possible. He stated the Applicant was not subjected to anything it should not have been.

A motion to approve the application subject to the requirement that the Applicant reserve six spaces for pick-up/drop-off parking with parking limited to 15 minutes, use the original playground location, and relocate the dumpster/compactor with no net increase of on-site parking was made by Mary Ann Murphy and seconded by Ellis Marples. Roll Call: William Walsh – no; Santo Verrilli – no; Gerald Laughlin – yes; Candace Leatham – yes; James Homa – yes; Ellis Marples – yes; Mary Ann Murphy – yes. The motion carried.

PUBLIC PARTICIPATION: Chairman Murphy opened the meeting to the public for general questions and comments. No members of the public addressed the Board. The meeting was closed to the public.

DISCUSSION: Board members discussed scheduling technology training.

BILLS: A motion to approve the bill list below, and recommend payment of the bills noted to the Township Council was made by Santo Verrilli and seconded by Gerald Laughlin. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Candace Leatham – yes; James Homa – yes; Ellis Marples – yes; Mary Ann Murphy - yes. The motion carried.

**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW REPORT
MAY 3, 2012
Revised 5/1/12
Revised 5/3/12**

Weiner Lesniak, LLP

Invoice 150628	ZB-3-12-1, Skylands Ownership Group, LLC	\$192.00
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Guerin & Vreeland Engineering, Inc.

Invoice 391Q	ZB-3-12-1, Skylands Ownership Group, LLC	230.00
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Invoice WO880A	Zoning OE	575.00
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New Jersey Herald

Invoice 4504532	Zoning OE	28.50
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CORRESPONDENCE: There was no correspondence.

ADJOURNMENT: Having no further business, a motion to adjourn was made by William Walsh and seconded by Gerald Laughlin. All were in favor. The meeting adjourned at 9:40 p.m.

Minutes respectfully submitted by:

/s/ Anne-Marie Wilhelm

Anne-Marie Wilhelm
Land Use Administrator