

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING HELD SEPTEMBER 6, 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 – Excused
Mary Ann Murphy – Present

OTHERS PRESENT: Richard Brigliadoro, Esq., and Michael G. Vreeland, P.E., P.P.

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held August 2, 2012* was made by Santo Verrilli and seconded by William Walsh. Roll Call: William Walsh – yes; Santo Verrilli – yes; Mary Ann Murphy – yes. The motion carried.

APPROVAL OF RESOLUTIONS: There were no resolutions scheduled for review.

APPLICATIONS: ZB-2-09-1C, Crystal Springs Builders, L.L.C., Extension, Crystal Springs Soil Removal Operation, “D” Variance, Preliminary and Final Site Plan Block 14, Lots 22.01, 24.01, 24.02: The matter was withdrawn by the Applicant.

ZB-7-12-2, Evans, Steven. “C” Variance, Block 88 Lot 18: Mr. Steven Evans and Dave Smith, Architect, were sworn. Exhibit A-1, revised plans showing an additional impervious coverage notation requested by Board Engineer Vreeland, was submitted. Referencing the exhibit, Mr. Smith stated the front entrance of the home is currently hidden. He noted the existing front stoop is not within the setback and the proposed bump-out would encroach as well. Michael G. Vreeland, P.E., P.P., stated the encroachment is roughly six feet into the setback. He noted a modest roof over the top of stairs is also proposed. He explained that the home is almost like a raised ranch where the first floor slab is above the existing grade. He stated access to the entrance requires steps. Mr. Smith added the proposed addition will follow the existing roof lines and would increase impervious coverage. He stated this increase from 23.6% to 24.5% impervious coverage, representing an increase of 60 square feet to the house, requires relief.

Mr. Evans presented that the existing home entrance-way, which he described as being shaped like a cove, has caught snow and created safety issues, particularly during the winter months for years. He stated that the current entranceway’s obscure location has also been problematic for delivery services as well. He stated the intent of the proposal is to create a safe front entranceway.

Chairman Murphy opened the meeting to the public. There was no discussion. The meeting was closed to the public.

A motion to approve the application was made by William Walsh and seconded by Gerald Laughlin. There was no discussion. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Candace Leatham – yes; James Homa – yes; Mary Ann Murphy – yes. The motion carried.

The Board waived the reading of the resolution.

ZB-7-12-1, Pingle, Bhagawan R. “D” Variance, Preliminary and Final Site Plan,

Block 72 Lot 5.02: Board members reviewed completeness items and waiver requests.

Michael G. Vreeland, P.E., P.P., identified the waiver requests and stated he had no engineering objections to any of them. A motion to grant the waiver requests and deem the application complete was made by Candace Leatham and seconded by Gerald Laughlin. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Candace Leatham – yes; James Homa – yes; Mary Ann Murphy – yes. The motion carried.

William T. Haggerty, Esq., appeared on behalf of the Applicant. He stated the Applicant is the contract-purchaser of the Masonic Lodge, has obtained a liquor license, and requires a “D” Variance to permit a package goods store on the first floor of the facility. He stated there is no intention to utilize the second floor or site disturbance proposed.

Jason Dunn, P.P., L.L.A., was sworn, qualified, and accepted by the Board as an expert witness. Mr. Bhagawan Pingle, Applicant, and Mr. Larry Williams were sworn. Mr. Williams stated he is the current statutory receiver and a former member of the Masonic Lodge. Mr. Williams stated that various uses of the building have transpired since 1988 including churches, scouts, banquets, weddings, receptions, and auctions. Mr. Williams provided an overview of auction functions held on the first floor of the building. Mr. Williams stated the second floor was used by groups such as the masons and Eastern Star. He confirmed there is a kitchen on the premises that is not currently being used as a kitchen. Mr. Dunn presented that the proposed use is similar to the uses permitted in the zone and described same.

Mr. Pingle stated that he proposes to operate a package goods store on the lower level of the structure, Monday-Saturday, 9:00 a.m. – 9:00 p.m., and Sundays from 10:00 a.m. – 6:00 p.m. He stated he intends to hire two to three workers. He confirmed that no site disturbance, changes to the existing lighting, or changes to the parking area are proposed. It was noted that the kitchen area has been designated for a cooler. With reference to the parking area, Mr. Haggerty presented that the Applicant proposes to clean out the parking area, repair the cracks, and reseal it. Mr. Vreeland stated he believes that this would be sufficient. Referencing the photos in the planning report, Mr. Dunn stated the parking lot is in good shape. Mr. Dunn reviewed options to address the parking lot with the Board. Mr. Haggerty noted the high costs of installing a new parking lot. Mr. Dunn explained signage proposed to route customers to the appropriate parking area.

With reference to the dumpster, Mr. Haggerty noted it would be located on a pad at the rear of the building where it is not visible from the road. Mr. Dunn stated an enclosure is proposed. Michael G. Vreeland, P.E., P.P., agreed to review recycling requirements and work with the Applicant’s professionals to achieve ordinance conformance. Mr. Haggerty confirmed that the Applicant would utilize a washable dumpster pad as requested by the Health Department.

Mr. Haggerty reviewed the entrance way referencing Exhibit A-1, a colored rendering of the site titled *Presentation Plan*, dated 9/6/12. He further reviewed the technical report prepared by Michael G. Vreeland, P.E., P.P. In response to Mr. Vreeland’s comments, the Applicant agreed to add a detail regarding the wall mounted sign to indicate a tolerance of six inches and agreed to eliminate the sign on the front of the building. Mr. Haggerty noted the freestanding sign would be the focal point. The Applicant also agreed to identify a fire lane on the plan as requested by the Fire Department.

With reference to landscaping, Mr. Dunn presented the locations of proposed plantings. He explained that he intended to keep the front of the site open for visibility. He identified a 150’ wetlands buffer and the tree line.

With referencing to lighting, Mr. Dunn confirmed halogen lights are located under the soffits of the building. Mr. Haggerty confirmed that the lights would be turned off at closing time and agreed to add a note to the plan. Mr. Dunn noted that there is a light on the telephone pole that stays on all night. He stated this pole and light are owned by the telephone company.

Referencing Exhibit A-1, Mr. Dunn confirmed that all improvements and site access are in the RC-Zone. Mr. Dunn described the uses in the vicinity of the site referencing an aerial photograph presented in the planner’s report. He stated the residences are far enough apart from the proposal for the use to not have a detrimental impact. He noted the proposed use would be less intense than previous uses. He stated the site is a turn-key site that is suitable to accommodate the use. He stated it is a quiet use – no lingering and no large movement of cars. Mr. Pingle stated there may be small events such a wine tastings to showcase organic wines. Mr. Dunn noted the

site is environmentally constrained, and he did not know if the NJDEP would permit an expansion of same. Mr. Dunn noted there would be no significant noise or odors caused by the proposed use. He stated that looking at all the permitted uses, the proposed intensity is the same. Mr. Haggerty noted that the difference between the uses is the type of goods for sale. Mr. Dunn stated there are other package stores in neighboring towns. He stated the proposal is consistent with the 2003 Hardyston Township Master Plan as it encourages economic development along Route 94, would add a ratable, employment, and would occupy a vacant building.

The meeting was opened to the public. Mr. Robert Beck was sworn. He stated his property abuts the site. He presented Exhibit O-1b, photos showing a view from the parking lot of the site looking toward his backyard, and a view of the proposed site from his driveway. He confirmed that he did not have a fence. He stated he took the photos in 2003 when he was looking to buy the house. He stated for six months of the year there is no buffer. He stated the photos accurately show what exists today. He noted there is no separation of the site from his yard. Mr. Haggerty objected to the photos stating the photos taken by the planner show the current condition. Mr. Beck stated the proposed use has a stigma and the use will have a negative impact on the neighborhood. He stated he believed the use was purposely omitted from the master plan.

Mr. Dunn stated that landscaping to buffer his view could be provided.

Mr. Beck stated the site's delivery area and refuse area is in a residential district. He confirmed that he would not be as upset if the proposed use was a hardware store. He stated there is a line, and a liquor store is on the other side of that line. He stated his objection is to the use. He reviewed the planner's testimony. He questioned the use of the space. He asked about site lighting and the existing lighting on the utility pole. Mr. Beck asked about signage and conditional uses. He stated the proposed sign seems very high off the ground and would stick out. He asked about traffic impact. Mr. Beck discussed traffic accidents in the area and questioned traffic and safety at the site's access points. He asked about the quantity and timing of garbage and recycling pick-ups. He asked about deliveries. Mr. Beck asked about environmental impacts and asked if the Applicant was going to address flooding. Mr. Haggerty stated no site disturbance is proposed. Mr. Dunn stated the parking lots are within the 150' buffer. Mr. Beck stated the proposal contradicts the Master Plan, and the negative criteria were not addressed fully. He stated he would like the Applicant to conduct a traffic study, provide a robust evergreen buffer, shield existing or new lights, limit signage, limit deliveries, limit the size of the roadside sign, and limit garbage and recycling pick-ups.

Ms. Amy Beck was sworn. She stated the lack of buffering between the site and her home would be disturbing. She stated she has not done any improvements or landscaping in the yard aside from the installation of a playground and the removal of two trees in the backyard. She stated the photos presented by Mr. Beck were accurate. She stated she would not have a problem with family-friendly facilities.

Mr. Brian Gordon was sworn. He stated he agreed with the concerns presented by the Becks. He stated he would like additional site buffering in the form of landscaping or a fence. He stated he is a police officer, and there are problems at times with liquor stores. He stated there would be additional traffic. He stated he believed there would be more accidents in the area. He discussed a photo of his property taken in 2007. Mr. Vreeland noted that Route 94 is under state jurisdiction.

The Applicant agreed to position a row of trees behind the building in the gravel area and review the matter with the Board engineer.

Mr. Richard Reed was sworn. He stated the traffic on Rt. 94 is excessive noting the amount of trucks is scary. He stated there have been numerous accidents in the area, and he fears lives will be in jeopardy. He stated he asked the Board to review the matter. He stated he believes the rear portion of the property should have a buffer.

Frank Williams, Esq., was sworn. He stated he worked at Samaritan Lodge as a youth and currently represents them. He presented an overview of the use. He stated there is no decent liquor store in Hardyston Township, and this is the only package license in the Township. He stated the Samaritan Lodge is trying to wind down its affairs; and granting the application would benefit the buyer, seller, and township.

Mr. Haggerty presented the essence and use of the site is the same as the uses permitted in the zone. He confirmed that the Applicant is willing to buffer the rear of the property.

Chairman Murphy closed the meeting to the public.

A motion to approve the application conditioned on the Applicant addressing the comments made in Mr. Vreeland's report dated August 3, 2012; the addition of a detail to the plan showing that the wall mounted sign conforms to the ordinance; the removal of the sign from the front of the building; the replacement of an *Authorized Vehicle* sign; the repair and seal coat the parking lot; the addition of a fire lane to the plan in accordance with the Fire Department's comments; the placement of the waste dumpster on a washable pad in accordance with the Health Department's comments; the addition of a note to the plan concerning hours of lighting operations; and the scheduling of a meeting with the property owners to determine adequate landscape buffering 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; 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: There was no discussion.

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

**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW REPORT**

September 6, 2012

Guerin & Vreeland Engineering, Inc.

Invoice WO391T	ZB-3-12-1, Skylands Ownership Group	\$80.50
Invoice 899A	ZB-7-12-2, Evans, S.	460.00
Invoice 898A	ZB-7-12-1, Pingle, B.	805.00

CORRESPONDENCE: There was no correspondence.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Santo Verrilli and seconded by Gerald Laughlin. All were in favor. The meeting adjourned at 9:20 p.m.

Minutes respectfully submitted by:

/s/ Anne-Marie Wilhelm

Anne-Marie Wilhelm
Land Use Administrator