

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING HELD APRIL 7, 2016**

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
Gerald Laughlin – Absent
Candace Leatham – Present
James Homa – Present
Ellis Marples – Present
Jane L. Caiazzo – Present
John Bazelewich (Alt. 1) – Present
Jeff Albanese (Alt. 2) – Absent
Robert T. Cook (Alt. 3) – Present
Mary Ann Murphy – Present

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

APPROVAL OF MINUTES: *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held February 4, 2016:* A motion to adopt was made by Candace Leatham and seconded by Ellis Marples. There was no discussion. Roll Call: Candace Leatham – yes; James Homa – yes; Ellis Marples – yes; Jane Caiazzo – yes; John Bazelewich – yes; Robert T. Cook – yes; Mary Ann Murphy – yes. The motion carried.

APPROVAL OF RESOLUTIONS: ZB-10-1-15, PINGLE, B. “D” VARIANCE, AMENDED PRELIMINARY AND FINAL SITE PLAN, BLOCK 72 LOT 5.02: A motion to adopt the memorializing resolution was made by James Homa and seconded by Jane Caiazzo. Roll Call: Candace Leatham – yes; James Homa – yes; Ellis Marples – yes; Jane Caiazzo – yes; John Bazelewich – yes; Mary Ann Murphy – yes. The motion carried.

APPLICATIONS: ZB-3-16-1, STENCEL, ARTUR AND AGNIESZKA, “C” VARIANCES, BLOCK 17 LOT 10.16: Richard Briigliodoro, Esq., reviewed notice, determined it was satisfactory, and informed the Board it had jurisdiction to hear the matter.

Michael G. Vreeland, P.E., P.P., confirmed the Applicant addressed each of the technical checklist items and recommended the Board deem the application complete. The writer confirmed administrative checklist requirements were satisfied. The Board deemed the application complete, and Chairman Murphy began the hearing.

Elizabeth M. Durkin, Esq., appeared on behalf of the Applicant. She provided an overview of the application for variance approval to develop a pool, cabana, outdoor fire place, outdoor fire pit, shed, patio, and walkways proposed for a single-family residence at 24 Exeter Lane, Hardyston, New Jersey. She stated the Applicant’s team worked to design an outdoor living space that would accommodate the needs of a multi-generational family by creating distinct areas accessible via walkways. She explained the separation between areas would provide options for recreational opportunities that would allow the family to enjoy the outdoors together while accommodating their individual preferences for levels of socialization and activity. She stated the comprehensive plan’s design together with associated landscaping and fencing was consciously thought out.

Witness Artur Stencil, owner, was sworn. Mr. Stencil presented he purchased the property approximately nine months ago. He stated the home is new and the yard’s vegetation has not taken yet. He stated the proposal is representative of the neighborhood and would improve his property. He stated his family enjoys outdoor living and the plan’s intent is to create an outdoor living space for his family’s enjoyment. He explained his preference for walkways vs. pavers stating his mother requires stable walkways. He stated he believes stone pavers are not as safe. He also noted he has teenagers and acknowledged that distinct spacing would maximize opportunities for the family to be outside together.

Thomas F. Graham, P.E., was sworn, qualified, and accepted as an expert witness. Exhibit A-1, a colored rendering of Sheet No. 1 of 2 titled *Site Plan, Stencil Residence Lot Development Plan, Block 17 Lot 10.16, #24 Exeter Lane, Township of Hardyston, Sussex County, New Jersey* dated 2/5/16 was submitted. Referencing the exhibit, Mr. Graham reviewed the plan locating the accessory structures, and he discussed the variance requests defined in Mr. Vreeland's report dated 3/11/16. Regarding the relief requested for 19.4% impervious coverage where 15% is allowed and the structures included in the analysis of same, Mr. Graham confirmed that the fire place was included in the impervious coverage calculations. He noted the fireplace would be moved to meet the setback. With reference to the location of the pool, Mr. Graham stated the pool is 20.99' off of the sideline measured from the coping. While not required by the ordinance, he stated the Stencils intend to screen the pool with Evergreen and Blue Spruce trees as well as Green Giant arborvitae vegetation. With reference to the number of accessory structures, Mr. Graham noted two are permitted and the application requests six, those being a pool, shed, cabana, fireplace, fire pit, and fence.

The Board discussed the sizes and scope of the accessory structures. With reference to the cabana, Mr. Graham agreed the cabana was better defined as a gazebo. Mr. Stencil confirmed the gazebo structure would not be enclosed and site lighting would be limited to interior pool lights, house lights, and possible battery lanterns at the various structures.

With reference to proposed fencing, Mr. Graham explained the fence placement and noted fencing requirements are determined by UCC regulations. He stated the site design featuring fencing that expands beyond the side of the home triggers the need for variance relief. The Applicant agreed the fence would be power-coated black and landscaping would be placed in proximity to the fence in an effort to reduce visual impact. The Applicant agreed to submit a landscaping plan subject to Mr. Vreeland's review and approval.

With reference to the number of accessory structures and the requested relief to exceed impervious coverage limits, Mr. Graham explained the design facilitates connectivity for all members of the family. He noted the design incorporates a separation of spaces with varied uses, including a "quiet zone" near the home. He opined that walkways provide more stability than stepping stones. Mr. Graham confirmed that alternative designs were considered and it was found that shrinkage of the layout would reduce the coverage coverage by tenths of a percent. Concerns about potential run-off were discussed. Mr. Graham noted drywells sized at 500 gallons – 1000 gallons would be utilized as well as a grading plan that directs water to a grate in an effort to mitigate any impact. The Applicant agreed to submit a drainage plan with the addition of a drywell subject to Mr. Vreeland's approval.

Michael J. Pessolano, P.P., A.I.C.P., was sworn, qualified, and accepted as an expert witness. He submitted Exhibit A-2 described as a three-page series of photographs – page one showing an aerial photo taken before the property was developed, and pages two and three showing photographs taken 4/7/16 prepared by John McDonough, LA., PP, AICP. The exhibit was further identified as follows: Page 1- Aerial Photo – showing existence of pools in the neighborhood; Page 2- four photographs titled: 1. *View of front of subject home from corner of Exeter Lane and Pheasant Brook Court*; 2. *View of rear of subject home showing exiting outdoor living space*; 3. *View of side of subject property as viewed from Exeter Lane*; and 4. *View of subject driveway and home, panning right from prior view*; and Page 3 - four photographs titled: 5. *View of subject property looking toward Exeter Lane*; 6. *View of subject property panning right from prior view*; 7. *View of subject property panning right from view six*; 8. *View of subject property panning right from prior view, looking toward Pheasant Brook Court*.

Mr. Pessolano stated the proposed coverage of the property is at ground level, spread out, and discreet from a visual perspective. He noted the improvements are broken up to avoid massing. He presented the pool is sized with other pools in the neighborhood, and the design would create a quality finish to the site. He stated that using a C-2 analysis, the fixed design provides for a known, which is consistent with good planning principles. He stated the application's detriments to the zone plan are de minimus and are outweighed by the benefits. Mr. Pessolano noted the positive health benefits of outdoor recreation as a positive impact and stated the proposed features improve the property. He stated he did not see any negative impacts.

With reference to the variance requested for fence height, Mr. Pessolano stated the height was integral to the application and in the interest of safety. He stated the deviation is de minimus and he noted the corner lot poses a challenge.

He stated the application is consistent with good planning principles, satisfies the statutory criteria for granting relief, and does not negatively impact the Master Plan or Zone Plan.

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

Mr. Briadoro summarized the matter and noted the variances as follows: exceeding impervious coverage to 19.4%; exceeding the permitted number of accessory structures to permit six; and permitting a 4.6 ft. fence to encroach in two front yards. Mr. Vreeland confirmed his concerns were addressed. A motion to approve was made by Jane Caiazzo with the stipulations discussed including the landscape plan, drywell, fencing, removal of the fire pit from the rear yard. The motion was seconded by Ellis Marples. Roll Call: William Walsh – yes; Candace Leatham – yes; James Homa – yes; Ellis Marples – yes; Jane Caiazzo – yes; John Bazelewich – yes; Mary Ann Murphy – yes. The motion carried. The Board waived the reading of the resolution. The Board agreed the Applicant could apply for a Zoning Permit prior to the installation of landscaping.

BILLS: A motion to recommend payment of the bills on the *April 7, 2016 Bill List* was made by William Walsh and seconded by Jane Caiazzo. Roll Call: William Walsh – yes; Candace Leatham – yes; James Homa – yes; Ellis Marples – yes; Jane Caiazzo – yes; John Bazelewich – yes; Mary Ann Murphy – yes. The motion carried.

CORRESPONDENCE: There was no correspondence scheduled for review.

ADJOURNMENT: A motion to adjourn was made by Candace Leatham. All were in favor. The meeting concluded at 8:45 p.m.

Minutes respectfully submitted by:

/s/Anne-Marie Wilhelm
Anne-Marie Wilhelm
Land Use Administrator