

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING  
HELD JANUARY 23, 2018**

**CALL TO ORDER:** Chairman Murphy called the meeting to order at 7:00 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:**

Candace Leatham – Present  
Jim Homa – Present  
Ellis Marples – Present  
Jane L. Caiazzo – Present  
John Bazelewich – Present  
Richard Kell – Present  
Mary Ann Murphy – Present  
Vally Cicerale – Present  
Doug Grayson – Present

**FLAG SALUTE:** Chairman Murphy led the flag salute.

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

**APPROVAL OF MINUTES:** *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held December 7, 2017:* A motion to approve was made by Jane L. Caiazzo seconded by Ellis Marples. There was no discussion. Roll Call: Ellis Marples – yes, Jane L. Caiazzo – yes, John Bazelewich – yes, Mary Ann Murphy – yes. The motion carried.

**APPROVAL OF RESOLUTIONS:** 2017 Annual Report: A motion to adopt the *RESOLUTION Township of Hardyston Zoning Board Report on Variance Applications and Amendment Recommendations* was made by Candace Leatham seconded by Jim Homa. There was no discussion. Roll Call: Candace Leatham – yes, Jim Homa – yes, Ellis Marples – yes, Jane L. Caiazzo – yes, John Bazelewich – yes, Mary Ann Murphy – yes. The motion carried.

**APPLICATION: ZB-1-18-1, Edgewater Professional Associates, LLC, Preliminary Site Plan, Block 67.17 Lots 2.01 and 2.01** – Vally Cicerale recused. Debra Lynn Nicholson, Esq., appeared on behalf of the Applicant. Anthony Gallerano, P.E., was sworn, qualified, and accepted as an expert witness. Vincent Scordo was sworn. Ms. Nicholson provided an overview of the application noting the project obtained preliminary and final site plan approval in 2009 for a phased development of two commercial buildings with a common parking lot. She presented the projects history identifying the economic downturn and NJDEP permitting requirements as former impediments to the build-out's completion. She presented Phase I is now a vital commercial center. Ms. Nicholson stated NJDEP requirements have imposed plan revision mandates, which together with MLUL timing and the approval "clock," create a need to start the matter over with a new application. She confirmed the Applicant seeks preliminary approval only. Michael G. Vreeland, P.E., P.P., affirmed the presented history of the project and summarized his 1/12/18 report.

Mr. Gallerano submitted Exhibit 1, a colored rendering titled *Preliminary Site Plan & Minor Subdivision Exhibit Rendering Edgewater Commons Block 67.17 Lot 2, Hardyston Township, County of Sussex, New Jersey*, revised 4/27/09 and prepared by Harbor consultants, Inc. Referencing the exhibit, he presented additional project history and detailed NJDEP permitting requirements of the project, which include the removal of two parking spaces for 63 parking spaces and a 15' shift of the driveway away from the stormwater basin that has turned into a wetland. Mr. Gallerano noted that an effort was made to maintain as much green area as possible between the wetlands and the building. He confirmed the location of the driveway would be 100' from Witts End Road.

Further, Mr. Gallerano discussed a colored detail of the plan sheet titled *Edgewater Commons Phase 2, Block 67.17 Lots 2.01 & 2.02*, dated January 23, 2018 prepared by Harbor Consultants, Inc.

He submitted Exhibit 2 – a photograph of the existing building, Exhibit 3 – photos of rain gardens, and architectural renderings submitted for the first building in the prior matter. The architectural plan sheets submitted were prepared by Charles A. Maillet, AIA, and identified as Sheets 1, 2, and 4 of six with respective revision dates of 2/2/10, 2/2/10, and 1/5/10. Mr. Gallerano stated the proposed building would look identical to the first building. He identified the shared parking area, ADA parking spaces located in front of the buildings, the location of utilities, the common facility for loading, and the common refuse management area located between buildings. Mr. Gallerano also noted the existing NJDOT permit needed to be modified. He opined that the plan changes would not impact the circulation plan.

Referencing Mr. Vreeland's report, the Applicant discussed landscaping and stormwater management. Mr. Gallerano noted that stormwater management requirements and the NJDEP specify the types of species planted in the vicinity of wetlands. He explained that the proposed rain gardens, required by NJDEP, would encompass the majority of the landscaping onsite. He noted the plantings would be deer resistant, grassy, and thorny. Additionally, the Applicant agreed to plant an evergreen buffer at the rear of both buildings subject to the approval of the Board Engineer.

With regard to the Applicant's request for a setback design waiver, it was noted the parking area setback was part of the original subdivision design incorporating shared parking. The present setback issue was created by the subdivision line bisecting the property. With regard to the request for "c" variance relief, a 0' setback is required to allow the refuse enclosure to straddle the common property. Mr. Gallerano stated an approval of the waiver and variance request would pose no detriment. Ms. Nicholson confirmed that the Applicant would file a deed to amend the cross easements to incorporate a reference to any current approval.

With regard to other agency approvals required, Mr. Vreeland noted that Sussex County Soil Conservation and Agua would need to approve the project in addition to the NJDOT and NJDEP. Chairman Murphy confirmed receipt of the Hardyston Township Fire Department's approval of the plan.

With regard to phasing, the Applicant confirmed that the existing office building would be demolished. Mr. Gallerano presented a development timeline stating that he expected to obtain a NJDOT permit and SCC approval within the next six to twelve months, which would be required for final approval.

Chairman Murphy opened the meeting to the public. No members of the public addressed the Board on the matter.

A motion to approve the application was made by Ellis Marples seconded by John Bazelewich. Roll Call: Candace Leatham – yes, Jim Homa – yes, Ellis Marples – yes, Jane L. Caiazzo – yes, John Bazelewich – yes, Richard Kell – yes, Mary Ann Murphy – yes. The motion carried.

**BILLS:** A motion to recommend the Township Council's payment of the bills presented on the December 7, 2017 Bill List was made by Jim Homa seconded by Ellis Marples. There was no discussion. Roll Call: Candace Leatham – yes, Jim Homa – yes, Ellis Marples – yes, Jane L. Caiazzo – yes, John Bazelewich – yes, Richard Kell – yes, Mary Ann Murphy – yes. The motion carried.

**CORRESPONDENCE:** There was no correspondence scheduled for review.

**DISCUSSION:** There was no discussion.

**ADJOURNMENT:** A motion to adjourn was made by Candace Leatham seconded by Jane L. Caiazzo. All were in favor. The motion carried.

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