

MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING HELD JANUARY 28, 2020

CALL TO ORDER: Chairwoman Murphy called the meeting to order at 7:15 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
Mary Ann Murphy – Present
Vally Cicerale – Present
Doug Grayson – Present

OTHERS PRESENT: Richard Briigliodoro, Esq., and Robert P. Guerin, P.E., P.P.

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held July 23, 2019* was made by Candace Leatham and seconded by Jim Homa. There was no discussion. All were in favor. The motion carried.

APPROVAL OF RESOLUTIONS: There were no resolutions scheduled.

APPLICATION: ZB-2-19-1, Caruso, R. “D: Variance, Preliminary and Final Site Plan, Block 75 Lot 25 – The matter was carried to the February 25, 2020 meeting without further notice at the Applicant’s request.

ZB-12-19-1, Pingle B. “D” Variance, “C” Variance, Amended Preliminary and Final Site Plan, Block 72 Lot 5.02 – William T. Haggerty, Esq., appeared on behalf of the Applicant and provided an overview of the matter. He stated the Applicant proposes to extend the building toward the rear of the property and add storage space for both the Applicant and tenant. He noted the peak hours of the existing business operations differ, and he opined the expansion would not present an intensification of onsite activity. He stated there are no architectural or site plan changes proposed.

Applicant Bhagawan R. Pingle was sworn. Mr. Pingle explained he needed additional storage area to financially optimize his purchases and remain competitive. He confirmed hours of operations for tenant Woodstock Vibes as 10:00 a.m. – 6:00 p.m.; and hours of operation as 10:00 a.m. – 9:00 p.m., Monday – Saturday and 10:00 – 6:00 p.m. on Sunday for the liquor store.

Jason Dunn, PP, LLA, RLA, was sworn, qualified, and accepted as an expert witness. Mr. Dunn identified and submitted the exhibits noted below as follows:

- Exhibit A-1 – *Presentation Plan, Pingle, Use Variance and Amended Site Plan, Block 72 Lot 5.02, Hardyston Township, Sussex County, N.J.*, prepared by Douwe Dykstra, PE, LS, dated January 28, 2020;
- Exhibit A-2 – *A Septic Flow Analysis for Commercial Building After Proposed Rear Addition/extended Upper Level* prepared by Douwe Dykstra, PE, LS, dated October 15, 2019; and
- Exhibit A-3 – *Drawing A-1, Endwall Addition to Sussex County Discount Wine & Liquor, Hardyston, NJ, Floor Plans & Elevations*, prepared by Frank M. Warr, AIA, PP, CID.

Referencing Exhibit A-1, Mr. Dunn stated the plan was amended to include five additional parking spaces at the west side of the building for a total of 32 parking spaces with seven banked parking spaces located at the rear of the building; the addition of a 20,000 gallon fire suppression and fire lane; placement of a loading area on the west side of the building; placement of a dumpster enclosure on the easterly side at the rear of the building addition; and the modification of the eastern entrance to a one-way only access. Mr. Dunn confirmed the access circulation pattern would be marked with signage near the stems of the

driveways, and the western entrance would remain two-way. It was noted that the addition of five parking spaces triggered a “c” variance requirement.

The Applicant addressed a memorandum prepared by Robert P. Guerin, P.E. P.P., dated December 11, 2019. Mr. Dunn continued review of site plan elements and discussed Exhibits A-2 and A-3 with the Board. He confirmed site septic capacity is adequate. With reference to the building design, Mr. Dunn stated the first level would be extended 504 sq.ft., and the second level would be extended 1,034 sq.ft. He stated the addition would be built on existing impervious area. Mr. Dunn addressed existing lighting added since the first approval and stated it was approved by the Zoning Officer. Mr. Pingle noted the lighting helps the building stand out and is only on until 9:00 p.m. Mr. Haggerty specified lighting was placed around the wall-mounted signs. He stated no additional lighting is proposed other than an entry-door fixture and a request for Board approval relative to the existing lighting was presented. Board members discussed ADA parking and Jane Caizzo objected to Mr. Guerin’s suggestion to reduce ADA parking by one space. The Applicant agreed to provide an as-built plan and supply revisions as needed during the development process.

Further, Mr. Dunn testified that the proposal would have minimal impact. He stated the site is suitable to accommodate the use. He noted there is a landscape buffer that reduces visual impact. He stated the use is similar to other retail uses in the neighborhood. He cited the propane and shed dealers as examples. He stated there would be no increase in traffic or intensification of the use. He stated the proposal increases the Applicant’s ability to function and there is no impact to the zone plan or public good. Mr. Dunn opined an approval would encourage economic growth in the RC Zone in accordance with Hardyston Township Master Plan objectives.

Chairman Murphy opened the meeting to the public. Mr. Brian Gordon was sworn. He stated the Applicant is a great neighbor and the lighting does not shine into his property. He presented a concern about run-off that goes onto his neighbor’s property and makes it way to his. He asked if water could be diverted to a swale. Mr. Guerin noted that the east side of the property is wetlands. He stated the matter could be discussed in the field to possibly create a stone swale to minimize the problem. Mr. Pingle agreed to work with Mr. Guerin to rectify drainage issues.

Mr. Victor Santa Maria was sworn. He stated that Mr. Pingle is a good neighbor, no trouble, and cooperative. No other members of the public addressed the Board. The meeting was closed to the public.

A motion to approve the application was made subject to the standard conditions, compliance with the terms and conditions noted in Mr. Guerin’s report dated December 11, 2019, and subject to the Applicant working with Mr. Guerin to address drainage issues. The motion was made by Jim Homa and seconded by Jane L. Caiazzo. There was no further discussion. Roll Call: Jim Homa – yes, Ellis Marples – yes, Jane L. Caiazzo – yes, John Bazelewich – yes, Candace Leatham – yes, Mary Ann Murphy – yes. The motion carried.

The Applicant requested a waiver of the reading of the resolution. A motion to approve the waiver request was made by Ellis Marples and seconded by Jane L. Caiazzo. All were in favor. The motion carried.

BILLS: A motion to recommend payment of the bill noted on the 1/28/20 bill list was made by Jim Homa and seconded by Ellis Marples. All were in favor. The motion carried.

CORRESPONDENCE: There was no correspondence.

DISCUSSION: There was no discussion.

ADJOURNMENT: A motion to adjourn was made by Candace Leatham seconded by Jim Homa. All were in favor. The motion carried. The meeting concluded at 8:00 p.m.

Minutes respectfully submitted by:

s. Anne-Marie Wilhelm

Anne-Marie Wilhelm

Land Use Administrator