

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING HELD MAY 25, 2021**

**CALL TO ORDER:** Chairwoman Murphy called the meeting to order at 7:00 p.m., read the Statement of Compliance, and led the Flag Salute.

**STATEMENT OF COMPLIANCE:** Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975, adequate notice as defined in Section 3D of Chapter 231, P.L. 1975 has been made to the New Jersey Herald and is posted on the bulletin board at the Hardyston Township Municipal Building.

The Hardyston Township Zoning Board of Adjustment is also providing meeting access to the public electronically via ZOOM and/or telephone. Opportunity for electronic or telephonic public comment will be provided via the ZOOM chat function or via telephone. Said opportunity will be moderated by the Board.

**APPOINTMENTS:** Richard Briigliodoro, Esq., administered the *Oath of Allegiance* to Vally Cicerale and Douglas Grayson.

**ROLL CALL:**

Candace Leatham – Present  
Jim Homa – Present  
Ellis Marples – Present  
Jane L. Caiazzo – Absent  
John Bazelewich – Absent  
Mary Ann Murphy – Present  
Vally Cicerale – Present  
Doug Grayson – Present  
Eric Balinski - Absent

**OTHERS PRESENT:** Richard Briigliodoro, Esq., via ZOOM, 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 Reorganization Meeting Held February 23, 2021* and the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held February 23, 2021*, was made by Candace Leatham and seconded by Vally Cicerale. There was no discussion. Roll Call: Candace Leatham – yes, Vally Cicerale – yes, Mary Ann Murphy – yes. The motion carried.

**APPROVAL OF RESOLUTIONS:** There were no matters scheduled.

**APPLICATION:** ZB-4-21-1, 23 Sussex NJ, Inc., Appeal, Block 75 Lot 46.02. Lawrence A. Calli, Esq., appeared on behalf of the Applicant stating the filing is an A-1 Appeal of the Zoning Officer's 3/20/21 decision to revoke the Zoning Permit issued on 1/6/21. Mr. Calli stated the Applicant has leased 2000 sq. of space in the B-2 Zone to operate as a non-profit social club, which is an institutional use. He stated he did not know why the Zoning Permit was revoked, as the matter is nothing more than a change in occupancy, there is no change in use, and there have been no incidents at the site. He stated the *change in use* is a UCC category that does not apply to zoning analysis. He confirmed the appeal was filed in accordance with Municipal Land Use Law requirements, and he confirmed no variances are needed.

Applicant Steven Vallellanes was sworn. Mr. Calli submitted a redacted Lease Agreement made the 1<sup>st</sup> day of January 2021 between the Applicant and Campagna Holdings, LLC, which was marked as Exhibit A-1. He noted the lease identified the use as a Social Club. Mr. Calli referenced §185-4 and opined the institutional use is permitted. Mr. Calli further stated the company is a state certified 501C7 nonprofit comprised of "gentlemen who raise money for people." He read the company's nonprofit mission statement to raise money for charitable purposes, most prominently, those who support veterans and the armed forces. He confirmed the club is newly formed and is funded by members. He stated the membership has been donating to charities in the months preceding the decision to organize as a nonprofit at the end of 2020. He stated there are 14-16 members in the small club who are also members of the community. Mr. Vallellanes presented that the club would not have formal hours of operation. He stated the club, at minimum, would meet once during the week for an evening meeting and a 12:00 a.m. closure would be considered late.

With reference to the indoor space, Mr. Calli stated the interior is typical of a social club like found at a firehouse. He stated it is a recreational space with a pool table, TV, and sitting area. Mr. Calli further opined that parking was not part of the application stating parking is based on the building net floor area. Mr. Vreeland noted the ordinance requires site plan review for a change of use. Mr. Calli stated he believed the Applicant is exempt. He stated the property had a site plan when it was constructed. Mr. Vreeland noted the ordinance requires site plan review for a change of use.

Jeff Stabile, Zoning Officer, was sworn. Mr. Stabile presented that following discussion with the Hardyston Township Construction Official, he determined the use was an assembly use. He also noted a change of use triggers a requirement for site plan, and he confirmed there is no site plan on file. The writer also confirmed there is no site plan on file. Mr. Calli stated the UCC definitions do not apply to a zoning analysis.

Chairman Murphy opened the meeting to the public. Mr. Kyle Ali was sworn. He stated he is the Vice President of the club and is familiar with the site. He noted other businesses are there at different times, and the club's hours of operation are compatible with the other businesses. He noted the Painted Grape space was previously occupied by a candy store. He stated the space is now a sip and paint and does not sell goods. He stated the Applicant occupies the building in the same way as the other tenants. He questioned why the Club would need to do a site plan. Board members discussed potential impacts to businesses located on site as well as the state of businesses post pandemic.

No other members of the public addressed the Board. The meeting was closed to the public.

Mr. Calli summarized the Applicant's case. He stated that a vote to require site plan would shut the entire site down. He stated he would not apply for site plan, and he questioned why no other tenant has not been required to obtain a site plan.

Mr. Briigliodoro identified two questions for the Board to consider. A motion to determine if the Zoning Officer was correct in revoking the permit based on the definition of institutional use and the testimony was made. Roll Call: Candace Leatham – disagree, Jim Homa – disagree, Ellis Marples – disagree, Mary Ann Murphy – agree, Vally Cicerale –disagree, Doug Grayson – disagree. The majority disagreed with the Zoning Officer.

The second question was to assess whether the Zoning Officer's revocation of the Zoning Permit due to the lack of site plan approval was correct. Roll Call: Candace Leatham – no; Jim Homa – no; Ellis Marples –no; Vally Cicerale – yes; Doug Grayson- yes; Mary Ann Murphy – yes. Following legal review, the tie vote was found to be a "no decision" result. Consequently, the Board then considered whether the Zoning Officer revoked the Zoning Permit in error requiring a restoration of the permit. A motion to find that the Zoning Officer acted in good faith and revoked the Zoning Permit in error requiring said permits restoration was made by Ellis Marples and seconded by Candace Leatham. Roll Call: Candace Leatham – yes, Jim Homa – yes, Ellis Marples – yes, Vally Cicerale – yes, Doug Grayson – yes, Mary Ann Murphy – no. The motion carried.

**CORRESPONDENCE:** There was no correspondence.

**DISCUSSION:** There was no discussion.

**ADJOURNMENT:** A motion to adjourn was made by Candace Leatham and seconded by Jim Homa. All were in favor. The motion carried. The meeting concluded at 8:55 p.m.

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