

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING
HELD OCTOBER 26, 2021**

CALL TO ORDER: Chairwoman Murphy called the meeting to order at 7:05 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.

ROLL CALL:

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

OTHERS PRESENT: Richard Briigliodoro, 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 June 22, 2021*, was made by Jim Homa and seconded by Vally Cicerale. There was no discussion. Roll Call: Jim Homa – yes, Ellis Marples – yes, John Bazelewich – yes, Mary Ann Murphy – yes, Vally Cicerale – yes, Doug Grayson – yes. The motion carried.

APPROVAL OF RESOLUTIONS: There were no resolutions scheduled.

APPLICATION: ZB-9-21-1, LSC Properties, LLC, “D” Variance, Block 75 Lots 24, 22, and 23. William T. Haggerty, Esq., appeared on behalf of the Applicant. He provided an overview of the application stating that the subject property is located in the B-1 Zone, which historically hosted uses such as a medical billing office business and chiropractor’s office. He stated the property has sat vacant due to the lack of a market for commercial uses. Mr. Haggerty presented that his client spent significant sums of money maintaining and upgrading the site. He opined that the site does not accommodate the uses permitted in the zone. He asked the Board to consider allowing a residential use. Mr. Vreeland noted that the site is not located in the sewer service area.

Witnesses Lynette Contreni and Craig Bernier, residing at 201 Edgewater Place, Highland Lakes, New Jersey were sworn. Ms. Contreni confirmed the difficulty she experienced trying to sell or rent the building over a period of several years. She stated the bank was offered a Deed in lieu of foreclosure and the bank declined. Additionally, she noted the building was listed in 2014, 2015, and 2016 with various realtors and the last potential buyer, who had rented space in the building, opted to purchase another site along Rt. 23. Ms. Contreni stated her last tenant was shut down by the FBI in May of 2021. She told the Board that she has utilized \$40,000 of her money to pay the mortgage and maintain the site.

The Applicant presented information about the site’s infrastructure. Mr. Bernier confirmed there were two separate septic systems and a well. The Applicant confirmed that details about the site’s water and septic capacity were not ready for presentation. Mr. Haggerty confirmed that the Applicant wanted to bifurcate and review the use issue before spending additional sums to prepare a site plan.

With reference to the structure on site, the Applicant presented there are two commercial buildings connected by a breezeway. Each unit has an entrance and separate utilities. Ms. Contreni confirmed the Applicant would seek a maximum of four residential uses.

Mr. Haggerty presented that there is a mixed land use pattern in the vicinity of the site and a residential use is not out of character with what is permitted. It was noted that the B-1 Zone allows residential used to be located in the same building housing a business use. He stated that a conversion to a residential use would decrease the number of parking spaces required with a potential to reduce impervious coverage. He noted

the property is close to wetlands areas. He opined that the granting of the variance would not pose a detriment to the zone plan or zone ordinance.

Chairperson Murphy opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to approve the application for a use variance contingent upon site plan approval was made by Jim Homa and seconded by Ellis Marples. Roll Call: Jim Homa – yes, Ellis Marples – yes, John Bazelewich – yes, Vally Cicerale – yes, Doug Grayson – yes, Mary Ann Murphy – yes. The motion carried.

The Applicant was informed that the Hardyston Township Code code limits the time of variance approval and sets an expiration timeframe.

CORRESPONDENCE: There was no correspondence.

BILLS: A motion to pay the bills noted on the 10/26/21 bill list was made by Jim Homa and seconded by Vally Cicerale. There was no discussion. All were in favor. The motion carried.

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 7:05 p.m.

Minutes respectfully submitted by:

/s/Anne-Marie Wilhelm

Anne-Marie Wilhelm

Land Use Administrator