

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING HELD AUGUST 5, 2010**

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 Meetings 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
Santo Verrilli	Present
Gerald Laughlin	Present
Candace Leatham	Excused
Roger Kabbash	Excused
Hugh Krone	Present
Mary Ann Murphy	Present
James Homa	Present

OTHERS PRESENT: Richard Briigliodoro, Esq., Michael Vreeland, P.E., P.P., and Anne-Marie Wilhelm, Secretary.

APPROVAL OF MINUTES:

A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held June 3, 2010* was made by Santo Verrilli and seconded by William Walsh. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Hugh Krone – yes; James Homa – yes; Mary Ann Murphy – yes. The motion carried.

APPROVAL OF RESOLUTION(S): ZB-3-07-1A.1, Schappert, Christopher, Extension Request, “D” Variance, Minor Subdivision, “C” Variance, Block 17 Lot 12.08: A motion to adopt the memorializing resolution was made by Gerald Laughlin and seconded by Hugh Krone. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Hugh Krone – yes; Mary Ann Murphy – yes. The motion carried.

APPLICATIONS: ZB-5-10-1, Uryniak, Ronald and Linda. Completeness Review – Conditional Use Variance, Minor Subdivision, Block 36 Lot 11.01: Ronald Uryniak was sworn. Richard Briigliodoro, Esq., confirmed that five affirmative votes are required to grant a conditional use variance. He advised Mr. Uryniak of voting options and procedures.

Mr. Uryniak proposed a subdivision of his 25-acre parcel that will create two lots — one 15-acre parcel containing the current residence and one 10-acre parcel containing the existing cell tower. He noted that this minor subdivision would eliminate an existing variance condition by reducing the uses on the existing property from two uses to one. Mr. Uryniak stated each lot would become more conforming and no new development would take place on the new lots. He stated there is no new development or physical changes to the property proposed, and there would be no additional traffic created by the subdivision. He stated the cell tower is a needed use for the community and the proposal would set aside land for environmental protection.

Michael Vreeland, P.E., P.P., provided a review of the waivers granted during the completeness review process. He stated that it was understood there would be no additional construction on the property. Mr. Vreeland stated that the Applicant needed conditional use variance relief because the cell tower ordinance requires that a cell tower be on government owned land. Mr. Uryniak stated that the cell tower predates the ordinance and is a

preexisting nonconforming use. Mr. Vreeland noted that the submitted map would need to be revised.

Richard Briigliodoro, Esq., confirmed that the Applicant meets all the bulk requirements of the MIDD-10 Zone. He explained that the cell tower is conditionally permitted in the zone and has been on the property since 1998. He stated that as far as anyone knows, there have been no negative detriments to anyone. Mr. Briigliodoro stated the tower has stood the test of time. Mr. Walsh noted that there are police and fire antennae on the tower that have helped the township cover dead spots.

Chairman Murphy opened the meeting to the public. Ms. Karen McCormack was sworn. She asked if the township would purchase the 10-acre property. Mr. Briigliodoro stated that the question was not a question for the land use board but a question for the governing body. Mr. Uryniak stated that he does not intend to sell the parcel. No other members of the public addressed the Board on the matter. Chairman Murphy closed the matter to the public.

A motion to approve the application was made by William Walsh. The specific conditions of approval were stated by Mr. Vreeland as follows: the Applicant's surveyor must address the June 29, 2010 memo forwarded by Mr. Vreeland and revise the map if necessary; there will be no additional construction on the cell tower lot; and the subdivision deeds are subject to the review and approval of the Board's attorney and engineer. With reference to the cell tower lot, Mr. Briigliodoro stated the Board's intent is that the lot would not be developed for any commercial or residential purposes. The motion was seconded by Santo Verrilli. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Hugh Krone – yes; James Homa – yes; Mary Ann Murphy – yes. The motion carried.

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

DISCUSSION: There was no general discussion.

BILLS: Following a review of the bills cited below, a motion to recommend payment of the bills to the Township Council was made by Santo Verrilli and seconded by William Walsh. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Hugh Krone – yes; James Homa – yes. The motion carried.

**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW REPORT
AUGUST 5, 2010**

Guerin & Vreeland Engineering, Inc.

Invoice 781L	PB-9-08-3, Edgewater Associates,	\$ 2152.50
Invoice 706M	ZB-3-07-1, Schappert, C.	21.00
Invoice WO826D	Zoning OE	892.50
Invoice 796F	ZB-2-09-1, Crystal Springs Builders, L.L.C.,	630.00
Invoice 837B	ZB-4-10-1, Crystal Springs Builders, L.L.C.,	157.50

New Jersey Herald

Invoice 3093707	Legal Notice	21.85
-----------------	--------------	-------

Weiner Lesiniak LLP

Invoice 135236	PB-9-08-3, Edgewater Associates	1042.32
Invoice 135238	ZB-5-10-1, Uryniak, R.	60.00
Invoice 135234	Zoning OE	300.00
Invoice 135581	ZB-4-10-1, Crystal Springs Builders, L.L.C.,	1785.00

**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW REPORT
AUGUST 5, 2010
ADDENDUM**

WEINER LESNIAK LLP

Invoice 135918	ZB-9-09-1/PB-9-08-3, Edgewater Associates	\$ 510.00
Invoice 135919	ZB-4-10-1, Crystal Springs Builders, L.L.C., [Boomerang Parking Garage]	110.59
Invoice 135917	Zoning OE	303.22
Invoice 135920	ZB-5-10-1, Uryniak, R.	180.00

GUERIN & VREELAND ENGINEERING, INC.

Invoice WO838a	ZB-5-10-1, Uryniak, R	682.50
Invoice 842A	ZBC-7-10-1, Caruso, Robert and Aileen	105.00

CORRESPONDENCE: There was no correspondence.

ADJOURNMENT: Having no further business, a motion to adjourn was made by William Walsh and seconded by Gerald Laughlin. All were in favor. The motion carried. The meeting was adjourned at 8:10 p.m.

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