

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING HELD DECEMBER 2, 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 Present
Roger Kabbash Present
Hugh Krone Present
Mary Ann Murphy Present
James Homa Present

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

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held November 4, 2010* was made by Candace Leatham and seconded by Gerald Laughlin. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Candace Leatham – yes; Roger Kabbash – yes; James Homa – yes; Mary Ann Murphy – yes. The motion carried.

APPROVAL OF RESOLUTION(S): **ZB-11-10-1, Edgewater Commons Office Park, L.L.C., Final Site Plan, Block 67.17 Lot 2.01:** A motion to approve was made by William Walsh and seconded by Santo Verrilli. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Candace Leatham – yes; Roger Kabbash – yes; James Homa – yes; Mary Ann Murphy – yes. The motion carried.

APPLICATIONS: There were no applications scheduled.

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 Gerald Laughlin and seconded by Roger Kabbash. Roll Call: William Walsh – yes; Santo Verrilli – yes; Gerald Laughlin – yes; Candace Leatham – yes; Roger Kabbash – yes; Hugh Krone – yes; Mary Ann Murphy – yes. The motion carried.

**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW REPORT
DECEMBER 2, 2010**

WEINER LESNIAK LLP

Invoice 139095	ZB-9-09-1/PB-9-08-3, Edgewater Associates,	\$825.00
Invoice 139093	Zoning OE	1350.00

Invoice 139094	ZB-8-08-1, SJZ, Inc.,	600.00
Invoice 139096	ZB-5-10-1, Uryniak, R.	75.00
Invoice 139097	ZB-3-07-1, Schappert, Christopher	120.00
Invoice 139098	PBJR-9-10-1, Biscak Brothers Realty, LLC,	480.00
Invoice 139099	ZB-11-10-2, J&A Rental Properties, LLC,	180.00

GUERIN & VREELAND ENGINEERING, INC.

Invoice 781L PB-9-08-3, Edgewater Associates, Inc., 892.50

NEW JERSEY HERALD

Invoice 3387246 Zoning OE 19.05

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ADDENDUM

GUERIN & VREELAND ENGINEERING, INC.

Invoice WO826G	Zoning OE	\$ 472.50
Invoice WO688G	PB-1-06-4, SECTV	367.50
Invoice WO838C	ZB-5-10-1, Uryniak, R.	105.00

DISCUSSION: There was no discussion.

CORRESPONDENCE: There was no correspondence.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Candace Leatham and seconded by Gerald Laughlin. All were in favor. The meeting adjourned at 7:40 p.m.

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

**RESOLUTION
TOWNSHIP OF HARDYSTON
ZONING BOARD OF ADJUSTMENT
IN THE MATTER OF EDGEWATER COMMONS OFFICE PARK, L.L.C.
APPLICATION NUMBER ZB-11-10-1
DECIDED ON NOVEMBER 4, 2010
MEMORIALIZED ON DECEMBER 2, 2010
FINAL SITE PLAN APPROVAL FOR PHASE I**

WHEREAS, Edgewater Commons Office Park, L.L.C., (hereinafter "Edgewater" or "Applicant") has made application to the Township of Hardyston Zoning Board of Adjustment (hereinafter "Zoning Board") for final site plan approval of Phase 1 for property known and designated as Tax Block 67.17 Lot 2.01 as shown on the Tax Map of the Township of Hardyston, located at 3331 Route 94 South, Hardyston, New Jersey in the B-1 Neighborhood Business Zone District (hereinafter "B-1 Zone"); and

WHEREAS, a public hearing was held on November 4, 2010 after the Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Debra Lynn Nicholson (hereinafter "Nicholson") an attorney at law of the State of New Jersey; and

WHEREAS, minor subdivision approval and preliminary site plan approval with ancillary "c" variance relief was granted to the Applicant by Resolution of the Board in the matter of Edgewater Associates, Application No. ZB-9-09-1 decided on October 1, 2009 and memorialized on November 3, 2009; and

WHEREAS, an extension of that approval was granted by Resolution of the Board in the matter of Edgewater Associates, Application No. ZB-9-09-1 and decided on May 6, 2010 and memorialized on June 3, 2010.

NOW, THEREFORE, the Zoning Board makes the following findings of fact, based on evidence presented at its public hearing, at which time a record was made.

The application before the Board is a request for final site plan approval for property known and designated as Lot 2.01 Block 67.17 as shown on the current Tax Map of the Township of Hardyston and commonly known as 3331 Route 94 South, Hardyston, New Jersey in the B-1 Zone.

Nicholson appeared before the Board and indicated that the Applicant had previously received preliminary site plan approval, minor subdivision approval and ancillary "c" variance relief from the Hardyston Township Zoning Board of Adjustment in

order to permit the construction of two commercial buildings for commercial and retail office use. Each building would contain 6,600 square feet of gross floor area. A new common parking lot was proposed to service the two new buildings. The Applicant she noted was granted minor subdivision approval and ancillary "c" variance relief and preliminary site plan approval on October 1, 2009 which approval was memorialized in a Resolution adopted by the Zoning Board on November 5, 2009. She noted that a subsequent extension of that approval was granted by the Board by Resolution of the Board on May 6, 2010 and memorialized on June 3, 2010. The Applicant she noted was now before the Board to request final site plan approval with respect to Phase 1 of the two Phase project.

Nicholson then indicated that she had with her Anthony G. Gallerano, P.E., a licensed professional engineer of the State of New Jersey, who was the project engineer for the Applicant and was present for the purposes of testifying with respect to the details of the final site plan applied for by the applicant.

The Board's Engineer and Planner, Michael G. Vreeland, P.E., P.P., then reviewed his report dated October 22, 2010, the terms of which are incorporated herein by reference. He noted that the Applicant had submitted plans and affidavits in response to his report and in support of the granting of final site plan approval. With respect to item no. (1) of his October 22, 2010 report, the Board engineer noted that a light pole along the entrance drive had not been installed on its base and a sign had not been installed and inquired as to when these items would be completed.

Gallerano responded that the light pole was on site, but had not been installed as a result of certain mounting hardware not being provided at the time of the delivery. The pole, he noted was scheduled to be installed shortly. The Board Engineer, at the time of the hearing, confirmed that the light pole has been installed.

With respect to his item no. (2) of his October 22, 2010 report, the Board engineer noted that the approved YMCA sign had still not been installed and inquired as to the status of that installation. It was explained that the YMCA was awaiting art work from its national office in order to comply with and put up a current sign reflecting new artwork for the YMCA.

With respect to item no. (3) of his October 22, 2010 report, the Board engineer noted that the building sanitary sewer connection might not be illustrated on the plan and requested that the applicant's surveyor check this information with the contractor and amend the plan as required. Gallerano responded that the building sanitary sewer connection had been verified in the field and the plan had been amended accordingly.

With respect to item no. (4) of his October 22, 2010 report, the Board engineer noted that a description noted on the plan as well as general notes 4 and 8 needed to be reflected to change the correct lot numbers as well as the wetlands delineation and set property corners. Gallerano responded that the general notes had been removed and the description had been revised to reflect the correct lot and block numbers.

With respect to item no. (5) of his October 22, 2010 report, the Board engineer noted that standing water was observed within the scour hole on the subject property. While he noted that this feature would be eliminated as part of Phase II of the development, the Board expressed its concerns that the standing water could create a mosquito issue should warmer weather return before construction commenced on the remainder of the project. Gallerano responded that any standing water in the scour hole that did not infiltrate within 72 hours would be treated for mosquito breeding as needed. He noted that the Applicant would make this part of its regular maintenance of its property to ensure that mosquitoes would not become a nuisance as a result of the development of the property.

With respect to item no. (6) of the October 22, 2010 report, the Board Engineer noted that the Applicant should insert the word "perforated" to the labels of the pipes that are perforated in the plans submitted. This would avoid confusion of the types of pipes to be installed. The applicant's engineer needed to provide a certification that the subsurface drainage system had been installed as designed. Gallerano responded that the plan had been revised as requested by the Board Engineer. Gallerano confirmed that he was satisfied that the stormwater system was installed in accordance with the design plans.

At item no. (7) on his October 22, 2010 report, the Board engineer noted that the Applicant should provide written confirmation of the Walkkill water and sewer that their utilities have been properly constructed and tested. Gallerano responded that written

confirmation that the water and sewer lines have been properly constructed and tested was provided by the Walkill Water Company and the Walkill Sewer Company.

At item no. (8) of this October 22, 2010 report, the Board engineer noted that the Applicant should provide an affidavit verifying compliance with all terms and conditions of the preliminary approval. Gallerano responded that he had provided such an affidavit which was dated October 25, 2010 and submitted to the Board as part of the application.

Lastly, the Board engineer at item no. (9) of his report indicated that the Applicant should provide an affidavit indicating that the final site plan was identical to the preliminary plan and where it was not, the Applicant should provide a list of specific changes with respect to any deviations.

Gallerano responded that he had provided a certification to the Board indicating the deviations from the plan. This affidavit was dated October 27, 2010. In this regard, he noted that: (1) concrete sidewalks in front of the building have been replaced with permeable pavers; (2) the entire sidewalk in the rear has been replaced with permeable paver walkouts in each doorway and the entire sidewalk had been deferred until Phase II; (3) the installation of the sidewalk along the right side of the building had been deferred until Phase II; (4) the light pole proposed between building numbers 1 and 2 have been relocated from the right side to the left side of the loading area; (5) the water main extension along Wits End Road have been relocated from within the paved area to the grass area adjacent to the roadway; (6) the temporary light pole located between Phase I and Phase II to service the existing parking area had been replaced with lights mounted on the existing building; (7) the project identification sign will be installed prior to occupancy by the first lessee. The Board Engineer represented on the record that there were no objections to these revisions as they were deemed to be de minimis.

The Board engineer then indicated that the Applicant would have to have the maps signed rather than Deeds. The Applicant had no objection to this request. Also the Board engineer requested and the Applicant provided an Auto Cad copy of the plans on compact disks. The Board Engineer stated he would have no objections to having the maps signed and the matter approved.

The Board then opened the meeting to the public with respect to this application. With no members of the public coming forth to express an interest in this application, the Board closed the public comment portion of this hearing.

NOW THEREFORE, the Zoning Board makes the following conclusions of law based on the foregoing findings of fact.

The Applicant previously received preliminary site plan approval, minor subdivision approval and ancillary "c" variance relief from the Hardyston Township Zoning Board of Adjustment in order to permit the construction of two commercial buildings for retail and office use. Each building proposed will contain 6,600 square feet of gross floor area. A new common parking lot is proposed to service the two new buildings. The Applicant was granted minor subdivision approval, ancillary "c" variance relief and preliminary site plan approval on October 1, 2009 which was memorialized by a Resolution adopted by the Zoning Board on November 5, 2009. The Applicant subsequently had that approval extended by Resolution of the Board decided on May 6, 2010 which was memorialized on June 3, 2010. The Applicant is before the Board seeking final site plan approval with respect to Phase I of the project which would construct a building on Lot 2.01 which is one of the two lots created by the prior minor subdivision approval granted. The Applicant has provided plans and affidavits sufficient for the Board to verify that the final site plan for Phase I is consistent with the preliminary site plan approval issued on October 1, 2009 and memorialized on November 5, 2009. Consequently, the Board is satisfied that the Applicant has satisfied all terms and conditions of the preliminary approval with respect to Phase I of the development of the property such that relief can be granted pursuant to N.J.S.A. 40:55D-50.

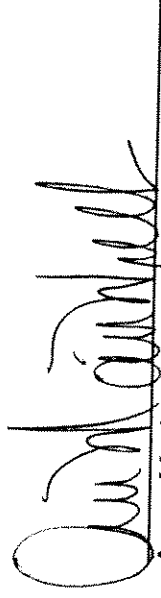
NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Hardyston that the application of Edgewater Commons Office Park, L.L.C. bearing Application no. ZB-11-10-1 requesting final site plan approval for Phase I in Block 67.17 Lot 2.01 is granted by the Zoning Board subject to the following terms and conditions:

1. The Applicant represents that all of its representations and stipulations made either by the Applicant or on its behalf to the Township of Hardyston Zoning

Board are true and accurate, and acknowledges that the Zoning Board specifically relied upon said stipulations in the Board's granting of approval. If said representations and stipulations are false, this approval is subject to revocation.

2. All terms and conditions of the Board's previous resolutions shall remain in full force and effect except as modified by this resolution and more specifically set forth herein.
3. Payment of all fees, costs and escrows due or to become due, any monies are to be paid by the Applicant within twenty days of said requests by the Board's secretary.
4. This approval is granted strictly in accordance with any recommendations set forth on the record by the Zoning Board at the time of the hearing on November 4, 2010.
5. Certification that taxes are paid to date of approval.
6. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Hardyston, County of Sussex, State of New Jersey, or any other agency or entity having jurisdiction thereunder.

The undersigned secretary certifies that the within Resolution was adopted by the Board of Adjustment on November 4, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on December 2, 2010.


Anne-Marie Wilhelm
Land Use Administrator and
Board Secretary

IN FAVOR: 7

AGAINST: 0

ABSTAINED: 0

BOARD MEMBERS ELIGIBLE TO VOTE: William Walsh, Santo Verrilli, Gerald Laughlin, Candace Leatham, Roger Kabbash, James Homa, Mary Ann Murphy