

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING HELD JULY 17, 2014**

CALL TO ORDER: Chairman Murphy called the meeting to order at 7:40 p.m., led the flag salute, 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:

William Walsh – Excused
Gerald Laughlin – Present
Candace Leatham – Present
James Homa – Present
Ellis Marples – Present
Jane L. Caiazzo – Present
John Bazelewich – Present
Mary Ann Murphy – Present

OTHERS PRESENT: Michael G. Vreeland, P.E., P.P.; Robert P. Guerin, P.E., P.P.

APPROVAL OF MINUTES: There were no minutes scheduled for review.

APPROVAL OF RESOLUTIONS: There were no resolutions scheduled for review.

APPLICATIONS: ZB-6-14-1, Kim, Jean. “C” Variances, Block 17 Lot 10.06 – Richard Brigliadoro, Esq., confirmed notice was proper and the Board had jurisdiction. Elizabeth M. Durkin, Esq., appeared on behalf of the Applicant. She presented an overview of the application stating the Applicant requests variance relief in order to construct a pool, fence, and spa on the subject property located in the MIDD-3 Zone. She noted the subject property is a corner lot that contains the Applicant’s single-family home. The following photo exhibits were submitted by Ms. Durkin, distributed to the Board, and entered into the record: Exhibit A-1: Ms. Durkin identified the exhibit as a 8" x 14" design photograph of a pool, patio, fence enclosure, landscaping, and patio furniture that would serve as an example of what the Applicant would like to create; Exhibit A-2: Ms. Durkin identified the exhibit as an additional 8" x 14" design photograph of the pool, patio, fence enclosure, landscaping, and patio furniture shown in Exhibit A-1 shot from a different angle; and Exhibit A-3: Ms. Durkin identified the two-page exhibit as photographs of a custom wood fence that the Applicant would like to have built for the project.

Further, Ms. Durkin listed the specific variance requests as follows: 1. Variance from §185-23(K) and (O) to permit a portion of the requested fencing, pool, and spa to be located outside the building envelope; 2. Variance from §185-54 that requires pools be located at least 15' from any lot line measured from the pool apron; and 3. Variance from §185-56 – a portion of the proposed fence and patio will be located in the front-yard, the height of the proposed fence is greater than 4', and the fence is only permitted in the rear building line of the principal structure.

Applicant’s witness William J. Darmstatter, P.E, L.S., was sworn, qualified, and accepted by the Board as an expert. Referencing *Pool Site Plan for Kim/Blu-Sol Pools, Township of Hardyston, Sussex County, New Jersey* prepared by Darmstatter, Inc., and dated April 1, 2014, Mr. Darmstatter reviewed Board Engineer Vreeland’s June 19, 2014 report. He identified the locations of the well, septic, and play set. Ms. Durkin noted the play set would be removed or relocated to conform to the ordinance. Mr. Darmstatter discussed the variance requests and addressed the site’s topography. He stated that the property to the rear of the home presented a gentle slope, and proposed excavation will decrease this slope. He entertained placement alternatives. He discussed placement of the pool noting it is typical to place a pool in line with the rear of a home, and in this case, an alternative placement of the pool on either side of the home would require more grading. He explained that the pool was tucked in closer to the home to minimize impact. Mr. Darmstatter noted the fence would be located approximately ½ ft. from the property line. Robert P. Guerin, P.E., P.P., stated the proposed locations of the pool and fence are appropriate.

Applicant’s witness John McDonough, L.A., P.P., A.I.C.P., was sworn, qualified, and accepted by the Board as an expert. He submitted a three-page 11" x 17" photo exhibit consisting of the following

photographs: Page 1 – full sheet aerial photo identification depicting the location of the proposed pool; Page 2- Photographs titled as follows: 1. *View of front of subject dwelling (pool area not visible.)* 2. *View of front of subject dwelling (pool area not visible.)* 3. *View of rear of subject dwelling (pool area in foreground.)* 4. *View of rear of subject dwelling (pool area in foreground.)* Page 3 – Photo 5. *View of pool area (lawn left of dwelling) and woodland beyond.* Photo 6. *View of extent of yard area to Exeter Lane.* Photo 7. *View of Exeter Lane from subject property.* Photo 8. *View of subject property from Exeter Lane.* Mr. McDonough reviewed each planning exhibit with the Board. He stated that the proposed location would have no visual impact on the streetscape, and the proposed location was on par with other pool locations in the neighborhood. He noted that placement of the pool behind the home in proximity to the deck increased safety by allowing additional parental viewing opportunities from the existing deck. He noted that the existing trees and proposed landscaping would reduce visual impact.

Mr. McDonough discussed the proposed fencing with the Board. It was noted the landscaping would be placed within the fenced area and the custom wood frame would encase tight wire meshing.

With reference to lighting and the proposed spa, it was noted that the spa would feature interior lighting. The Applicant confirmed that the pool would not have exterior lighting.

Referencing the Municipal Land Use Law, Mr. McDonough presented that approval of the proposed plan and requested relief would result in a better zoning alternative to a conforming proposal. He stated that C-1 statutory criteria for the granting of relief have been satisfied as the unique attributes of the corner lot location and shape of the property present practical difficulties and a hardship.

Mr. McDonough stated that C-2 criteria have also been satisfied citing N.J.S. 40:55D-2 a, i, g, and m. He confirmed the negative criteria were satisfied as there would be no negative impact to the zone plan or detriment to the public good.

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

A motion to approve the application subject to the relocation of the play set to a conforming location or the removal of the play set was made by Gerald Laughlin and seconded by Ellis Marples. There was no discussion. Roll Call: Gerald Laughlin – yes; Candace Leatham – yes; James Homa – yes; Ellis Marples – yes; Jane Caiazza – yes; John Bazelewich – yes; Mary Ann Murphy – yes. The motion carried.

The Board waived the reading of the resolution to permit the Applicant to proceed at their own risk.

PUBLIC PARTICIPATION: Chairman Murphy opened the meeting to the public for general questions and comments. No members of the public addressed the Board. The meeting was closed to the public.

DISCUSSION: Chairman Murphy confirmed the 8/7/14 and 9/4/14 meeting dates.

BILLS: There were no bills scheduled for review.

CORRESPONDENCE: There was no correspondence scheduled for review.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Gerald Laughlin. All were in favor. The meeting adjourned at 8:45 p.m.

Minutes respectfully submitted by:

/s/Anne-Marie Wilhelm
Anne-Marie Wilhelm
Land Use Administrator