

MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING HELD MARCH 22, 2022

CALL TO ORDER: Chairman 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.

OATH OF ALLEGIANCE: Richard Briigliodoro, Esq., administered the oath to Board members Douglas Grayson (Full Member,) Eric Balinski, (Alternate 1,) and David Van Ginneken (Alternate 2.)

ROLL CALL:

Jim Homa – Present
Ellis Marples – Present
Jane L. Caiazzo – Present
Vally Cicerale – Present
Mary Ann Murphy – Present
Doug Grayson – Present
Eric Balinski – Present
David Van Ginneken – 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 February 22, 2022*, was made by Jim Homa and seconded by Vally Cicerale. Roll Call: Jim Homa – yes, Ellis Marples – yes, Jane L. Caiazzo – yes, Vally Cicerale – abstain, Doug Grayson – yes, Eric Balinski – yes, Mary Ann Murphy – yes. The motion carried.

APPROVAL OF RESOLUTIONS: A motion to adopt the RESOLUTION TOWNSHIP OF HARDYSTON ZONING BOARD OF ADJUSTMENT IN THE MATTER OF JOSEPH & VITA AMATO DECIDED ON FEBRUARY 22, 2022 MEMORIALIZED ON MARCH 22, 20022 APPLICATION NO. ZB-12-21-1 “C” VARIANCE RELIEF FOR ADDITION WITH A DECK TO AN EXISTING SINGLE-FAMILY DWELLING was made by Ellis Marples and seconded by Jim Homa. There was no discussion. Roll Call: Doug Grayson – yes, Ellis Marples – yes, Vally Cicerale – yes, Jim Homa – yes, Jane L. Caiazzo – yes, Mary Ann Murphy – yes. The motion carried.

A motion to adopt the RESOLUTION TOWNSHIP OF HARDYSTON ZONING BOARD OF ADJUSTMENT IN THE MATTER OF MINERALS RESORT AND SPA SPE, LLC AND WILD TURKEY GOLF CLUB SPE, LLC DECIDED ON FEBRUARY 22, 2022 MEMORIALIZED ON MARCH 22, 2022 APPLICATION NO. ZB – 1-22-2 PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH D (3) CONDITIONAL USE VARIANCE RELIEF TO PERMIT THE CONSTRUCTION OF A NEW EVENT BUILDING was made by Jim Homa and seconded by Jane L. Caiazzo. There was no discussion. Roll Call: Eric Balinski – yes, Ellis Marples – yes, Jim Homa – yes, Jane L. Caiazzo – yes, Mary Ann Murphy – yes. The motion carried.

APPLICATION: ZB – 1-22-2a, Minerals Resort and Spa SPE LLC/Wild Turkey Golf Club SPE LLC, *Proposed Accessory Structures for Grand Cascades*, Interpretation, “D” Variances, Preliminary and Final Site Plan, Block 16 Lots 1, 1.09, 6.02- Douglas Grayson and Vally Cicerale recused.

Bernd E. Hefe, Esq., appeared on behalf of the Applicant. He provided an overview of the application and clarified it also included a request to place the Leadbetter tent at the croquet field for a period of six months while the *New Event* building was being constructed. He presented that the proposed accessory structures had been up and running through COVID without incident.

William Polchinski, General Manager, was sworn. He detailed operations of the seasonal activity area referencing a report titled *Operations Overview for Special Events Site Plan Approval*. He described winter activities as taking place between the Friday after Thanksgiving and March. He identified the Glice Skating Rink, Axe Throwing Enclosure, Petting Zoo, Food and Beverage Concessions, and outdoor gathering areas as primary amenities in the seasonal activity area. It was noted that the location of the petting zoo depends on the season and a Pony Ride, which also runs in the seasonal activity area, is not open in the winter.

Mr. Polchinski stated 95% of the amenities are used by hotel guests. He confirmed they are open to the public and are not advertised to the public. He also clarified that farm animals are brought in for an event and then brought back to the vendor's farm. He presented events are generally held on weekends and during peak periods with participation managed by the Concierge. He noted that cash is not accepted.

Mr. Polchinski addressed outdoor dining options. He stated the resort offers private dining opportunities on the patio during the winter months. There are six greenhouses located there called "Champagne Chalets," which are rented out for two-hour periods. He confirmed the patio seats 28 people during the winter and can host over 200 people in the summer months.

Mr. Polchinski discussed the axe-throwing activity and presented it is like throwing darts. He stated the resort previously utilized a vendor for the activity and has recently invested in its own two-lane structure due to the popularity of the activity.

Mr. Polchinski addressed noise concerns stating there is an ordinance at the hotel that ends events at 11:00 p.m. He stated 99% of weddings end at this time.

Mr. Hefele offered that there have been no incidents related to the activities. He also stated that the Governor extended permission for outdoor dining to November. The Applicant confirmed that the croquet field is not used for croquet. Mr. Hefele stated the Applicant would like to move the Leadbetter Tent to the croquet field for a period of six months while the new event building is constructed. He stated the Applicant would like permission to leave it up during this time. Mr. Hefele acknowledged Fire Marshall Stahl's report and stated the Applicant had no issue with permitting requirements. He stated the application presents less intensity than what has been done previously.

Thomas F. Graham, P.E., was sworn, qualified, and accepted as an expert witness. Mr. Graham submitted Exhibit A. He identified it as an aerial photograph highlighting activity locations and dimensional details titled *Site Activity Exhibit* and dated 2/21/22. He stated no grading is needed and the proposed structures do not require water or sewer. Mr. Graham also stated that each event has a tent that was approved by the Planning Board in 2019. Mr. Hefele stated those tents could be utilized six times a year and could be up for four days at a time. The Applicant confirmed that spring activities would utilize four tents and the greenhouses.

Board members reviewed the engineering report prepared by Michael G. Vreeland, P.E., P.P., dated February 8, 2022. The Applicant presented no issues with Mr. Vreeland's commentary. Mr. Graham confirmed the plan's cover sheet notes were carryovers from the 2019 application and that notes 11 through 19 were applicable to the subject application. Mr. Graham stated the Applicant would adhere to the notes.

Michael G. Vreeland, P.E., P.P., inquired about outdoor lighting. Mr. Polchinski confirmed the Applicant would follow the design shown on the plans.

John McDonough, P.P., A.I.C.P., was sworn, qualified, and accepted as an expert witness. He submitted two photographs titled *Aerial Drone View of Subject Site Looking North (Taken By John McDonough Associates on March 17, 2022)* and *Aerial Drone View of Subject Site Looking East (Taken By John McDonough Associates on March 17, 2022)*. The pair of photos was marked as Exhibit A-2. Mr. McDonough opined that the proposed uses were subsidiary and customarily incidental to the resort. He stated they add to the ambiance, sense of place, and value. Mr. McDonough presented the uses are well framed and protected from the distant dwellings. He explained they are internal to the parking lot, integrate well within the space that is already there, and fulfill the purposes of planning. He stated special events are common now and are used to create a sense of place. He stated the site is suitable for them.

Mr. McDonough acknowledged the Applicant is seeking an interpretation to determine if the accessory uses would be permitted. He stated that if the decision is in the negative, the test is met for a D1 use Variance. He noted the purposes of zoning are met as the uses promote the general welfare and establish anchor in the community. He stated the venue is a magnet, a regional destination, and a place where people come to have fun and get away. He stated the proposed uses are in appropriate locations that represent an efficient use of space. He stated the site is well suited for the uses. Mr. McDonough opined M.L.U.L. planning purposes (a), (m), and (g) are met; and the proposal does not impair the integrity or intent of the zone plan and ordinance.

Richard Briigliodoro, Esq., provided the Board with a review of the Hardyston Township Ordinance and case law relative to uses and the definition of accessory structures. He cited *Charlie Brown of Chatham, Inc., A New Jersey Corporation, Plaintiff – Appellant, v. Board of Adjustment For the Township of Chatham, Defendant- Respondent*, 202 N.J. Super. 312 (1985.)

Chairman 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 find the proposed uses to be permitted accessory uses was made by Mary Ann Murphy and seconded by Ellis Marples. There was no discussion. Roll Call: Jim Homa – yes, Ellis Marples – yes, Jane L. Caiazzo – no, Eric Balinski – yes, David Van Ginneken – yes, Mary Ann Murphy – yes. The motion carried.

A motion to approve the Preliminary and Final Site Plan, “c” Variances was made by Ellis Marples and seconded by Jim Homa. There was no discussion. Roll Call: Jim Homa – yes, Ellis Marples – yes, Jane L. Caiazzo – no, Eric Balinski – yes, David Van Gineken – yes, Mary Ann Murphy – yes. The motion carried.

CORRESPONDENCE: There was no correspondence.

BILLS: Mary Ann Murphy recused. A motion to pay the bills noted on the 3/22/22 bill list was made by Jim Homa and seconded by Vally Cicerale. There was no discussion. All were in favor. The motion carried.

DISCUSSION: Secretary Wilhelm advised the discussion of a change of hearing dates to the second Monday of the month was tabled. Board members were reminded to calendar April 21, 2022 for a training session.

ADJOURNMENT: A motion to adjourn was made by Jim Homa and seconded by Eric Balinski. All were in favor. The motion carried. The meeting concluded at 8:35 p.m.

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