

MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING HELD MAY 24, 2022

CALL TO ORDER: Acting Chairman Homa 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 Savas Savidis.

ROLL CALL:

Jim Homa – Present
Ellis Marples – Present
Vally Cicerale – Present
Mary Ann Murphy – Absent
Doug Grayson – Present
Eric Balinski – Absent
David Van Ginneken – Present
Savas Savidis – 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 April 26, 2022* was made by Vally Cicerale and seconded by Ellis Marples. There was no discussion. Roll Call: Jim Homa – yes, Ellis Marples – yes, Vally Cicerale – yes, Doug Grayson – yes, David Van Ginneken – yes. The motion carried.

APPROVAL OF RESOLUTION: ZB-1-22-1, 2700 Route 23, LLC, “D” Variance, Preliminary and Final Site Plan, “C” Variances, Block 41 Lot 18.01 — A motion to adopt and memorialize the resolution was made by Vally Cicerale and seconded by Ellis Marples. There was no discussion. Roll Call: Jim Homa – yes, Ellis Marples – yes, Doug Grayson – yes, Vally Cicerale – yes, Doug Grayson – yes. The motion carried.

APPLICATION: ZB-5-22-1, Farrell, William and Susan. “C” Variance, Block 52 Lot 1 — Ellis Marples recused. Daniel A. Benkendorf, Esq., appeared on behalf of the Applicant. He provided an overview of the application stating the subject property, located at 23 Fernwood Avenue, is a corner lot in the R3 Zone district. Mr. Benkendorf noted that the lot had frontage on Fairview Avenue with the house oriented toward Fernwood Ave.

Mr. Benkendorf presented the Applicant requests a c-variance to permit construction of an 11' x 7' entryway on the front of their home. He explained this 77 sq.ft. addition would increase impervious coverage by 1.4%, contrary to what is permitted in the zone. He noted the Hardyston ordinance permits 20% impervious coverage in the R-3 Zone, the existing coverage is 24%, and the addition will bring the impervious coverage to 26%.

Mr. Benkendorf described the property as an undersized corner lot that is half the size it is required to be. He stated the impervious coverage requirements are difficult to meet and the size of the lot presents a hardship. Mr. Benkendorf opined that the project satisfies the purposes of Hardyston Township Code §182-2, and he identified the specific purposes as noted below: A. To plan and guide the appropriate use or development of all land, in a manner which will promote the public health, safety, morals and general welfare; E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, maintenance of the character of neighborhoods, preservation of the environment and quality of life; I. To promote a desirable visual environment through creative development techniques and good civic design and arrangements; O. To regulate alterations of existing buildings; to prevent such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder; and P. To conserve the value of land and buildings throughout the Township.

Applicant’s witness John Babula, RA, was sworn, qualified, and accepted as an expert. Mr. Babula reviewed the architectural plans submitted with the application. He stated that in addition to enhancing the floor plan, value, and aesthetic of the structure; the improvements are intended to eliminate problematic water damage and icing at the uncovered front door. He stated the project would bring the structure to code creating a safer structure. Specifically, Mr. Babula stated the proposed entrance would be 11' wide and extend out an additional seven feet. The existing stairs would be replaced and brought to current code standards. He noted this would provide better access to the basement. Further, Mr. Babula stated that

improvements to the walkway would correct a grading pitch that directs water to the basement. He confirmed that drainage would be directed to the inlet in front of the property, and he agreed that downspouts and a basement sump pump would also be directed to the inlet. Additionally, he stated the Applicant's intent is to reside in the home.

Three photos of the existing structure, which were included with the submission, were distributed for the Board's review and identified as follows: Exhibit A is a photo of the basement door; Exhibit B is a photo of the existing porch and staircase serving the front entranceway; and Exhibit C is a photo of the existing porch, staircase, and basement door that are all within the scope of the proposed project. Mr. Babula opined that the proposed improvements would improve neighborhood aesthetics and promote a desirable visual environment.

Further, Board members discussed Board Engineer Vreeland's report dated May 12, 2022. Mr. Vreeland opined that the application was not obtrusive. The non-conforming conditions reviewed and listed in his report are noted below.

Non-Conforming Conditions 3.1.1. §185-31A Lot Area

Comment: The existing lot area is $\pm 8,762$ sf less than the required 20,000 sf corner lot. The subject application does not appear to alter this condition.

3.1.2. §185-31B Lot Width

Comment: The existing lot frontage along Fernwood Avenue is 50 ft. less than the required 125 ft. corner lot frontage. The subject application does not appear to alter this condition.

3.1.3. §185-31C. (1) Front Yard

Comment: The existing building encroaches ± 21.7 ft. into the required 30 ft. front yard setback (Fairview Avenue). The subject application does not appear to alter this condition.

3.1.4. §185-31C. (2) Side Yard (Each)

Comment: The existing building encroaches ± 4.0 ft. into the required 10 ft. side yard setback. The subject application does not appear to alter this condition.

3.1.5. §185-31C. (3) Side Yard (Combined)

Comment: The existing building encroaches ± 24.0 ft. into the required 30 ft. combined side yard setback. The subject application does not appear to alter this condition.

3.1.6. §185-31D. Impervious Coverage

Comment: The existing impervious coverage exceeds the 20% permitted coverage by $\pm 4.4\%$. The proposal increases impervious coverage and would exceed the permitted coverage by $\pm 6\%$.

In response to Mr. Vreeland's report comments, the Applicant confirmed the proposal would not encroach on the septic system or other utilities. They confirmed no trees were planned to be taken down and exterior lighting would be limited to a sconce light. The Applicant also confirmed the home would be resided, new roof shingles would be installed, downspouts would be added, and they agreed to place gutters along the new roofline.

Chairman Homa 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 "c" variance relief for maximum impervious coverage as well as "c" variance relief for the existing nonconformities identified by Michael G. Vreeland, P.E., P.P., was made by Doug Grayson and seconded by David Van Ginneken. Roll Call: Jim Homa – yes, Doug Grayson – yes, Vally Cicerale – yes, Savas Savidis – yes, David Van Ginneken – yes. The motion carried.

CORRESPONDENCE: There was no correspondence.

OPEN TO THE PUBLIC: No members of the public addressed the Board.

BILLS: A motion to pay the bills was made by Jim Homa. All were in favor. The motion carried.

DISCUSSION: There was no discussion.

ADJOURNMENT: A motion to adjourn was made by Vally Cicerale and seconded by Doug Grayson. The meeting adjourned at 7:35 p.m.

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