

**MINUTES OF THE HARDYSTON TOWNSHIP JOINT LAND USE BOARD MEETING
HELD MAY 8, 2023**

CALL THE MEETING TO ORDER: Chairman Hickerson called the meeting to order at 7:00 p.m., read the *Statement of Compliance* inserted below, 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 21 P.L. 1975, has been made to the New Jersey Herald and is also posted on the bulletin board at the Hardyston Township Municipal Building.

Richard Briigliodoro, Esq., administered the *Oath of Allegiance* to Carl Paladino.

ROLL CALL:

Brian Kaminski – Present
Carl Miller – Present
Jim Homa – Present
Sally Goodson – Present
Tony Alfano – Present
Carl Paladino – Present

Scott Lobban – Present
William Hickerson – Present
Vally Cicerale – Present
Ed Zinck – Present
James Caiazzo – Present
Savas Savidis – Present

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Joint Land Use Board Organization Meeting Held March 28, 2023:* A motion to approve was made by Jim Homa and seconded by Sally Goodson. There was no discussion. Roll Call: Jim Homa – yes, Sally Goodson – yes, Tony Alfano – yes, Scott Lobban – yes, Vally Cicerale – yes, Ed Zinck – yes – yes, James Caiazzo – yes, Savas Savidis – yes. The motion carried.

RESOLUTION: LB-2-23-1, Aandrei J. Investors, LLC, “C” Variance, Block 68 Lot 16.09 – A motion to adopt the resolution was made by Jim Homa and seconded by Tony Alfano. There was no discussion. Roll Call: Tony Alfano – yes, James Caiazzo – yes, Ed Zinck – yes, Vally Cicerale – yes, Scott Lobban – yes, Jim Homa – yes, Savas Savidis – yes. The motion carried.

HEARING: LB-5-23-1/aka/ZB-10-22-1. Borg, S. “C” Variances, Block 79 Lot 38 – Bernd E. Hefele, Esq., appeared on behalf of the Applicant. He provided an overview of the application stating the Applicant requests “c” bulk variance relief to allow the construction of a two-bedroom, single-family dwelling at 50 East Shore Trail within the Summit Lake community. He stated the lake front property is undersized and encumbered by wetlands. Mr. Hefele noted the Applicant was granted a Highlands Preservation Area exemption for the project and the Applicant is working with the DEP in order to attain an approval that is necessary for septic application requirements. He submitted a photo marked as Exhibit A-1, and identified the photo as a photo of the existing home reportedly taken a few days prior to the hearing. Mr. Hefele described the home as dilapidated.

Ms. Sherry Borg was sworn. Ms. Borg presented that she purchased the property in 2018 with a vision of building a home for her use. She noted the existing home was dilapidated when she bought it.

Thomas F. Graham, P.E., was sworn, qualified, and accepted as an expert witness. He submitted Exhibit A-2, a colorized plan sheet titled *LOT REDEVELOPMENT PLAN, BORG RESIDENCE, BLOCK 79, LOT 38, #50 EAST SHORE TRAIL, TOWNSHIP OF HARDYSTON, SUSSEX COUNTY, NEW JERSEY, Sheet 1 of 7, revision date 3/2/23*. Referencing the exhibit, he provided an overview of the project and the existing conditions. Mr. Graham stated the property is a 60 ft. x 130 ft. rectangle with the rear yard on East Shore Trail and front yard facing Summit Lake. He stated the closest structure is 65 ft. away. He stated the property is located within the flood hazard area and drainage area. Mr. Graham identified the requested variances for minimum lot area, minimum lot width, front yard setback, side yard setback single, side yard setback both, and maximum impervious coverage on the plan. He confirmed that the Applicant is still working on attaining Flood Hazard Area and Fresh Water Wetlands permitting from DEP; and he noted that the Applicant has made several applications for the project to the DEP. He noted the Applicant reduced the proposal by approximately 50% in an effort to get an approval. Mr. Graham testified

that the soils are good for the designed septic, and an application will be made to the Sussex County Health Department once DEP approvals are obtained.

Mr. Graham discussed the side-yard setback variance request noting 10' is required, and the proposed building is 2.9' from the property line. He stated the adjoining lot is vacant and approximately 50' wide. He opined the owner could mow and get around the house with the proposed setback. He stated the reason the structure is so close to the property line is to avoid the wetlands per the direction of the DEP. He stated the intent is to get as much of a wetlands buffer as possible. He noted the lot is the lowest in the area and is less than half the size it needs to be according to the zone, and the proposed home is approximately the same size as the existing home. He stated the Applicant is limiting disturbance to under 5,000 sf and doing their best to avoid environmental disturbance. Mr. Graham noted that the DEP also regulates landscaping and tree removal in the wetlands area, and the Applicant would comply with their directives as well as with the Board Engineer's input. He stated the goal is to maintain the viability of the property. Mr. Graham noted that the proposed relief is needed because of the shape, size, and environmental constraints of the property. It was noted that the open drainage system on the side of the property is owned by the Township.

Board members discussed the side yard setback and expressed concern about fire department access. The Applicant agreed to try to increase the setback to five feet and work with the DEP to get as much of an increase as possible. The Applicant confirmed that they have not talked with the adjoining lot owner regarding a potential easement.

Mr. Hefele noted the Applicant has made multiple trips to the DEP to achieve a developable plan. He stated the Applicant is down to a modest two-bedroom home. He confirmed it would be vinyl-sided and it would fit in with the community. He explained the lot size constraint was caused by a change in the ordinance. He opined that the dilapidated home had been in its current condition for many years, and the current plan would be a substantial improvement.

Michael G. Vreeland, P.E., P.P., stated the plan shows the proposed structure is 600 sf. It was noted the structure is two-stories. The Applicant considered a suggestion to turn the home 90 degrees. Mr. Graham noted the majority of the homes in the neighborhood have the front door facing the street and this orientation would not be consistent.

Chairman Hickerson 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 subject to the Applicant working with the NJDEP to improve the side-setback condition with the Board copied on the results of NJDEP review was made by Vally Cicerale and seconded by Sally Goodson. Mr. Caiazzo stated he believed the application was a detriment to the community. Roll Call: Brian Kaminski – yes, Carl Miller – yes, Jim Homa – no, Sally Goodson – yes, Scott Lobban – yes, Bill Hickerson – yes, Vally Cicerale – yes, Ed Zinck – yes, James Caiazzo – no. The motion carried.

PUBLIC COMMENT: The meeting was opened to the public. No members of the public addressed the Board. The meeting was closed to the public.

BILLS: Jim Homa reviewed the bills and recommended an approval to pay them. A motion to pay the bills was made by Jim Homa and seconded by Vally Cicerale. Roll Call: Brian Kaminski – yes, Carl Miller – yes, Jim Homa – yes, Sally Goodson – yes, Tony Alfano – yes, Scott Lobban – yes, Bill Hickerson – yes, Vally Cicerale – yes, Ed Zinck – yes, James Caiazzo – yes, Savas Savidas – yes. All were in favor. The motion carried.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Jim Homa. All were in favor. The meeting ended at 8:15 p.m.

Respectfully submitted by,
Anne-Marie Wilhelm
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Land Use Administrator