

**MINUTES OF THE HARDYSTON TOWNSHIP JOINT LAND USE BOARD MEETING
HELD JUNE 12, 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.

ROLL CALL:

Brian Kaminski – Present
Carl Miller – Present
Jim Homa – Absent
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 @ 7:10 p.m.

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Joint Land Use Board Organization Meeting Held May 8, 2023* was made by Brian Kaminski and seconded by Vally Cicerale. There was no discussion. Roll Call: Brian Kaminski – yes, Carl Miller – yes, Sally Goodson – yes, Tony Alfano – yes, Carl Paladino – yes, Scott Lobban – yes, Bill Hickerson – yes, Vally Cicerale – yes, Ed Zinck – yes – yes, James Caiazzo – yes. The motion carried.

RESOLUTION: LB-5-23-1/aka/ZB-10-22-1. Borg, S. “C” Variances, Block 79 Lot 38 – A motion to memorialize the resolution as presented was made by Brian Kaminski and seconded by Sally Goodson. Roll Call: Brian Kaminski – yes, Carl Miller – yes, Sally Goodson – yes, Scott Lobban – yes, Bill Hickerson – yes, Vally Cicerale – yes, Ed Zinck – yes. The motion carried.

HEARING: LB-5-23-3, Sieber, Christopher. “c” Variances, Block 101 Lot 47. Daniel A. Benkendorf, Esq., appeared on behalf of the Applicant and provided an overview of the matter. He stated the Applicant has a seasonal cottage on a small 8300 sq.ft. lot that he would like to convert to a full-time living space. Mr. Benkendorf noted four preexisting nonconforming conditions apply to lot area, lot width, front yard setback, and impervious coverage. Following discussion, the impervious coverage condition was identified as conforming, as it was agreed a deck would be excluded from the calculation.

Mr. Benkendorf confirmed the lake front parcel is in the R-3 Zone.

Jason Dunn, P.P., LLA was sworn, qualified, and accepted as an expert witness. Mr. Dunn submitted and identified Exhibit A-1, a marked up plan titled *Variance Plan for House Renovation and Addition*, Sheet 1 of 1, dated 4/25/23 prepared by Dykstra Associates, PC, Douwe Dykstra, P.E., P.P., L.S. Mr. Dunn explained the lot is undersized and measures 8,307 sq. ft. He stated the c-1 hardship criteria are met, as the lot is undersized. He presented the proposed footprint expansion totals 259 sq. ft. bringing the 917 sq. footprint to 1176 sq. ft. The increase in footprint creates a front yard setback of 21.4 feet. It was noted that the property has a two-bedroom septic. Mr. Dunn opined that the addition would have no substantial impact on views or the character of the neighborhood.

John Babula, R.A., was sworn, qualified, and accepted as an expert witness. He submitted and identified Exhibit A-2, as revised architectural plans dated 6/12/23. He also submitted Exhibit A-3, a colored rendering of the structure looking at the front of the home; and he submitted Exhibit A-4, a colored rendering angled to show the front and side view of the home. He confirmed the chimney would be raised, and the height of the structure would not require a variance. Mr. Babula stated the second story design includes dormers, which reduce the scale. He noted the proposed color scheme is a blueish green with white trim accents. He presented the front addition totals eight feet to allow for a foyer off of the new front porch. Mr. Babula added that the existing square footage of the structure totals 917 sq.ft., and the proposed structure would increase the square footage to 2,211 sq.ft.

Christopher Sieber was sworn. He explained he is a Broadway actor and that the second floor addition would be used as a gym, rehearsal space, and as an area for voiceover work. He stated the voiceover work is done on the computer, and he did not anticipate the use of the space would have any adverse noise impact on neighbors. He acknowledged that the home is a two-bedroom home.

Chairman Hickerson opened the meeting to the public. Nancy Stiansen was sworn. She stated she is a resident of Lake Tamarack and is concerned about the proposed change. Ms. Stiansen stated that she did not agree with expanding boundaries nor did she agree that the lot was too small as it was designed that way. She explained that she loves the quaintness of the community and expressed concern about affordability.

Corinne Wright was sworn. She stated she is a resident of Lake Tamarack and feels that the addition would make the neighborhood more beautiful.

Jennifer Diamond was sworn. She stated she is a resident of Lake Tamarack and feels that the Applicant is adding to the community.

Vernonica Worman was sworn. She stated she is a resident of Lake Tamarack and feels that the scenery in the lake is changing from small bungalows to larger homes. She stated the proposal would make the lake more appealing.

Ed Blahut was sworn. He stated he feels the change is for the better.

Mr. and Mrs. Kristiansen were sworn. Each stated they were opposed to the application, as the size of the home would impact the nature and character of the neighborhood. Mr. Kristiansen stated he did not believe the small lot created a hardship. He stated a smaller home is a lifestyle choice. He stated most homes in the lake are smaller than the proposal. He opined the home was inappropriate and did not fit in. He also asked how a deed restriction would be enforced. He suggested a reading of Lake Tamarack's history.

Ward Bilisen was sworn and stated he is a resident of Lake Tamarack. He stated he believes the home is going to be beautiful and great.

Matt Califano was sworn and stated he is a resident of Lake Tamarack. He stated there are approximately 75 two-story homes in Lake Tamarack. He stated having an option is good as people can choose a larger home if they want.

Cynthia Hannenberg was sworn and stated she is a resident of Lake Tamarack. She stated she supported the Applicant and noted that the smaller homes were built when the lake was primarily a summer community.

Laurie Engle was sworn and stated she is a resident of Lake Tamarack. She stated she was in favor of the application.

Nancy Scions was sworn. She asked about the definition of footprint, which was then explained.

No other members of the public addressed the Board, and the meeting was closed to the public.

Board members reviewed Mr. Vreeland's report dated June 3, 2023. It was noted that a grading and Stormwater Management plan would need to be submitted and approved by the Board Engineer.

Mr. Benkendorf summarized the matter stating three variances are required. Mr. Sieber confirmed that there were no HOA reviews required. He also stated the septic was replaced two years ago and the home is going to be his primary residence. He stated he would not rent it out, and he agreed to a two-bedroom deed restriction.

A motion to approve the application was made by Tony Alfano and seconded by Sally Goodson. Roll Call: Brian Kaminski – yes, Carl Miller – yes, Sally Goodson – yes, Tony Alfano – yes, Scott Lobban – yes, Bill Hickerson – yes, Vally Cicerale – yes, Ed Zinck – yes, James Caiazzo – yes. The motion carried. The approval was subject to compliance with the terms and conditions set forth in the Board Engineers report dated June 3, 2023; provision of an As-Built survey prior

to the issuance of a Certificate of Occupancy; the recording a deed restriction establishing the dwelling will remain a two bedroom dwelling; and the standard conditions.

REDEVELOPMENT: LBRD-6-23-1, Hearing to determine if the study area – Block 75 Lots 53, 72.01, and 72.02 – qualifies for designation as a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5.

Joseph H. Burgis, P.P., A.I.C.P, and Allison Fahey, P.P., A.I, C.P, were sworn, qualified, and accepted as experts. They reviewed their report titled “Non-Condensation Area in Need of Redevelopment Analysis, Preliminary Investigation Report, Block 75, Lots 53, 72.01 & 72.02, Township of Hardyston, Sussex County, New Jersey.” The team provided an analysis of the property noting it is 265 acres in area, is located at the easterly terminus of Lasinski Road east of Route 94, has 33ft. of frontage on Lasinski Road, a depth of 2, 2000 ft., a north-south dimension of approximately 6,025 ft., and 760 ft. of frontage on Old Prospect School Road at the site’s western boundary. They described the majority of the site as vacant. Ms. Fahey stated there are two structures and one single-family dwelling on Lot 53, a residential dwelling and barn on Lot 72.02, and a shed on Lot 72.01.

The experts reviewed the Master Plan and stated the properties are zoned industrial. They noted the land is primarily farmland and has been used as a pasture and for the growing of hay. They presented Lot 53 includes a kennel business and is operated as a hunting preserve for training hunting dogs. They noted the study area has remained largely unimproved for a period of 33 years, the soil types are not the best for farming, the property has wetlands, and some areas are extremely stony with steep slopes. Further, it was presented that less than 12 acres can be considered prime farmland. The study also noted that there is a rail line along the western edge of the study area that could limit the property’s development potential.

The experts opined that the site qualifies as a non-condemnation area in need of redevelopment under criteria c. The Board discussed the matter and considered the criteria. Chairman Hickerson opened the meeting to the public and no members of the public addressed the Board.

A motion to determine that the study area meets the criteria as a non-condemnation area in need of redevelopment was made by Brian Kaminski and seconded by Tony Alfano. Roll Call: Brian Kaminski – yes, Carl Miller – yes, Sally Goodson – yes, Tony Alfano – yes, Scott Lobban – yes, Bill Hickerson – yes, Vally Cicerale – yes, Ed Zinck – yes, James Caiazzo – yes. 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: A motion to pay the bills on the June 12, 2023 bill list was made by Brian Kaminski and seconded by Sally Goodson. All were in favor. The motion carried.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Ed Zinck. All were in favor. The meeting concluded at 9:15 p.m.

Respectfully submitted by,

Anne-Marie Wilhelm

Anne-Marie Wilhelm
Land Use Administrator