

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING HELD MAY 6, 2010**

CALL TO ORDER: Chairman Murphy called the meeting to order at 7:40 p.m. and read the following Statement of Compliance

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 a copy is posted on the Bulletin Board at the Hardyston Township Municipal Building.

ROLL CALL:

William Walsh	Present
Santo Verrilli	Present
Gerald Laughlin	Excused
Candace Leatham	Present
Roger Kabbash	Excused
Hugh Krone (Alt. 2)	Present
Mary Ann Murphy	Present

OTHERS PRESENT: Richard Brigladoro, Esq., Michael Vreeland, P.E., P.P., and Anne-Marie Wilhelm, Secretary.

APPROVAL OF MINUTES:

A motion to approve the *Minutes of the Hardyston Township Zoning Board of Adjustment Meeting Held April 1, 2010* was made by Hugh Krone and seconded by William Walsh. Roll Call: William Walsh – yes; Santo Verrilli – yes; Candace Leatham – yes; Mary Ann Murphy – yes. The motion carried.

APPROVAL OF RESOLUTION(S): There were no resolutions scheduled.

APPLICATIONS:

Extension Request in the matter of ZB-9-09-1a, Edgewater Associates, Minor Subdivision, C Variance, Preliminary Site Plan, Block 67, Lot 2: Debra Nicholson, Esq., appeared on behalf of the Applicant. She stated the Applicant is waiting for NJDEP approval and this is the issue preventing the perfection of the subdivision. Board consultant Richard Brigladoro, Esq., stated the minor subdivision approval granted on November 5, 2009 will expire on May 14, 2010. He also noted that the variance would expire on August 2, 2010. Mr. Brigladoro stated the Board could grant an extension of the minor subdivision for one year — to May 14, 2011; and the variance could be run concurrent to the preliminary site plan approval — to November 5, 2012. Mr. Brigladoro informed the Board that the Applicant has submitted deeds for review.

There was no discussion.

Mr. Brigladoro composed the motions of approval as noted below:

- A motion to extend the minor subdivision for a period of one year as permitted by the Municipal Land Use Law so that the minor subdivision would be extended to May 14, 2011 was made by Santo Verrilli and seconded by William Walsh. Roll Call: William Walsh – yes; Santo Verrilli – yes; Candace Leatham – yes; Hugh Krone – yes; Mary Ann Murphy – yes. The motion carried.
- A motion to extend the variances granted in the application to run concurrently with the granting of preliminary site plan approval to November 5, 2012 was made by Candace

Leatham and seconded by Hugh Krone. Roll Call: William Walsh – yes; Santo Verrilli – yes; Hugh Krone – yes; Mary Ann Murphy – yes. The motion carried.

ZB-4-10-1, Crystal Springs Builders, L.L.C., “D” Variance, “C” Variances, Preliminary and Final Site Plan, Block 16.31, Lot 1.

John Fetterly, Esq., appeared on behalf of the Applicant. He stated the Applicant proposes the construction of an automated parking structure that will serve the Grand Cascades Lodge at Crystal Springs. He stated the Applicant requests a “D” Variance as structured parking is not permitted in the CR-Zone; three “C” Variances — front-yard setback, minimum size of the parking stalls, and minimum aisle width; and preliminary and final site plan approval. Richard Brigladoro, Esq., advised that a full complement of Board members was not present and that if there were one vote to deny, the application would be denied. He advised the Applicant on procedure.

Thomas F. Graham, P.E., was sworn, qualified, and accepted by the Board as an expert witness. Referencing the attached report dated April 27, 2010, prepared by Board consultant Michael Vreeland, P.E., P.P., Mr. Graham discussed completeness issues and waiver requests. Mr. Graham stated the Applicant proposes to put the structure in an existing parking lot in an area that is developed by a golf course, the Grand Cascades Lodge, and Wild Turkey Way. He stated the existing parking lot was approved as part of the Grand Cascades project. He stated environmental impact studies were addressed at that time. He stated there is no environmental impact from the project. He confirmed there are no wetlands or transition areas adjacent to the site that impact the development. Mr. Fetterly noted there are no deed restrictions or protective covenants that apply to the subject property. Mr. Graham noted that once the project is completed, the Applicant would provide an as built and the affidavit of compliance. Michael Vreeland, P.E., P.P., stated he had no objections to the waiver requests.

Andrew Mulvihill was sworn. Referencing Exhibit A-1, he stated the Applicant proposes an enclosed automated parking garage to be located at a parking lot next to the Grand Cascades Lodge. He explained the lot is primarily utilized by employees at present. Mr. Graham marked and entered Exhibit A-1, a colorized rendering titled *Site Layout Plan Exhibit, Use Variance, Construction and Final Site Plan, Boomerang Parking Systems*, Block 16.31, Lot 1, Wild Turkey Way, Coventry Road & Devon Court, Township of Hardyston, Sussex County, New Jersey, Sheet 1 of 1, Thomas F. Graham, P.E., dated 5/5/10.

Mr. Andrew Mulvihill stated the two-level garage has a 38-car capacity and will occupy a third of the lot. He noted 67 outdoor spaces would remain. He stated the operation of the structure requires no attendants. Aesthetically, he stated the façade might be constructed utilizing the same type of materials that were used in the hotel’s construction – green clapboard siding of the building and stone on the pillars. He noted there will be louvers on the sides, which will allow a free flow of air within the structure and prevent snow and rain from coming in.

With reference to landscaping, Mr. A. Mulvihill stated it will be heavily landscaped but not hidden. He provided an overview of the view shed from the Cascade’s decks identifying the six hotel units whose occupants may see the garage. He stated those unit holders could look at the long view of the valley. He stated that he did not think there would be a negative impact to those individuals using the units. He stated the view from the lowest level unit of the hotel would look over the structure. He stated the proposed location would minimize impact. He stated on occasion, regular patrons might utilize the structure. Mr. Graham confirmed that there are 112 surface parking spaces in the lot. He confirmed that there is parking space for 38 cars in the proposed garage.

Mr. Graham stated the reason for the structure is to accommodate needs for additional parking. He stated the reserve lot, required by the Planning Board if it is determined that it is needed, is in the location of the golf school. He stated that constructing that reserve lot would take out the school and part of the driving range. He stated the subject proposal solves the problems. He stated the proposal also allows for covered parking. He stated this might provide the Applicant with an opportunity to accommodate patrons in the winter.

Mr. A. Mulvihill further explained that parking is at a premium in the village center. He stated this is a test to allow a review of how automated parking will fit in the resort and work in the center. He noted this would be a demonstration area for Boomerang Systems, which would provide the only automated parking garage model in the northeast. He stated the price is right. He stated if it works well, they might utilize it in the village. He noted the net increase in parking would be approximately eight spaces.

With reference to construction, he stated the building would be a poured concrete system with a flat roof. He stated the structure will contain two elevated lifts. He commented on the fire department letter and stated the International Building Code does not require sprinklers because the garage will be open. He stated Mr. Graham added another fire hydrant to the plan. He stated there are no people in the garage. Mr. Walsh noted if there were a fire, firemen would be in there. He asked how they would maneuver with the smaller stalls.

Mr. Vreeland inquired about future housing on Devon Court. Mr. A. Mulvihill stated there are no sales or occupancy in any of those units. He stated the structure would be built before anyone would contemplate buying a unit there.

Chris Mulvihill, President of Boomerang Systems, was sworn. Mr. Chris Mulvihill stated the proposed parking system is common in Europe and Asia, and they take half the space of conventional parking due to the elimination of ramps and wider drive aisles. He identified the following benefits to the user/consumer: the user does not go into the facility and the car is safe from vandalism and theft. He stated everyone gets the Chairman's space. He stated the environmental impact is significantly less. He explained there are less CO2 emissions with less driving within the facility and fewer materials utilized in the construction of it. He stated Boomerang Systems is a spin-off of a larger company, S & S Global, which is the world's largest manufacturer of thrill rides. He stated the company built the tallest ride and the world's fastest roller coaster. He stated the company has a deep background with automation and doing things with machinery in a precise way. He stated this business provides a large opportunity in both automated parking and automated self-storage.

Mr. C. Mulvihill played a video, identified as Exhibit 2, which demonstrated how the Boomerang system works. He provided an overview of the system's operation. He stated robots transport the vehicle and the retrieval of a vehicle takes a minute. He stated a study was conducted of retrieval time on Easter weekend and one loading bay processes a vehicle in 1.5 minutes. He stated there is cuing for four spaces not counting the loading space. Mr. A. Mulvihill stated if everyone were to leave at one time, it would be the same situation if it were run utilizing a valet system. A Board member inquired if there was a waiting area. Mr. Andrew Mulvihill stated valets could run the cars to the hotel during higher-end events, keeping the customers under the Cascade's awnings. He confirmed that patrons could use the garage if they were willing to pay.

Kenneth Dykstra, P.E., L.S., P.P., was sworn, qualified, and accepted by the Board as an expert witness. With reference to the positive criteria, he stated the lot has a parking lot and Hole 9 of the Cascades Golf course on it. He stated the property is used primarily for the Cascades Lodge. He stated the parking lot structure is 120' x 60' and is approximately 20' high. He stated the attractive landscaped structure would be an improved visual over the surface parking lot. He stated the site is suitable for parking and there is no detriment. He stated the stacked parking reduces impervious coverage and allows the Glenz Golf Academy to continue. He stated the location does not impact units at the end of the hotel. Mr. Dykstra stated the future homeowner's would not be impacted as the structure would be up already. He stated there is no negative impact to the public, and the proposal is consistent with the zone plan. He stated the lot is related to the conference center, and there is no detriment whatsoever to the zone plan or ordinances.

With reference to the "C" variance for setback, he noted that per the ordinance, the principal structure requires 100' and 50' is proposed. He noted the structure is over 181' from the Cascades Lodge itself. He stated the proposal conforms to the setback for a parking lot but not a structure.

With reference to the variances for stall size and aisle width, he stated the automation system negates the relevancy of stall size and aisle width. Mr. Vreeland noted that Wild Turkey Way separates the structure from the hotel, and because of that, the structure - which is accessory

to the lodge, becomes a principal structure. He noted the ordinance does not permit a parking garage as a permitted use. He explained that the ordinance did contemplate parking on other lots but did not contemplate a parking structure on its own lot.

Mr. Graham continued the review of Mr. Vreeland's report. He stated one storm drain must be rerouted. He stated it is a 400' - 500' walk from the hotel's entrance and a striped crosswalk access will be provided. He noted the amount of impervious coverage would be the same. He noted the site will have three lights and a curbing lane would be added so that people that want to use the garage can get out of the main access drive through the parking lot and be able to, if the bay is full, stay and not impede others from using the surface lot. He confirmed that the addition of the lane would not reduce parking in the surface parking lot. He stated the total area of disturbance is 1/3 of an acre. He stated the Applicant would comply with all comments noted in Mr. Vreeland's report. He further noted that the manual of Uniform Traffic Control Devices sets specific striping patterns and pavement markings. He stated that the plan would be consistent with standards.

With respect to grading and the potential for ponding, Mr. Graham stated a detail would be provided showing more spot elevations to show that the area adequately drains and would not pond. He stated a stop sign and bar would be provided before the exit onto Wild Turkey Way.

With reference to the generator, Mr. Andrew Mulvihill stated back-up power would be provided by either a generator or service.

Mr. Graham stated the storm water plan and maintenance manual would be provided.

With reference to other agency approvals, Mr. Graham stated they have been obtained.

Mr. Graham identified the area where the additional fire hydrant would be placed as being along the access drive to the structure.

With reference to maneuverability inside the garage in the event of an emergency,

Mr. A. Mulvihill stated that the interior dimensions on this model are 8.5' x 19' for standard bays and with some being 21' long. He stated that typical parking is 8' to 8.5' wide. He stated there would be approximately a foot between cars. He stated that the distance from aisle to aisle will be two feet. He stated firemen will be able to walk in the garage.

Darryl Alvarez, P.E., Architect, was sworn, qualified, and accepted by the Board as an expert. He described the building layout. He stated the open structure features first floor surface parking with two elevator pits; two loading areas; a center aisle that is generally clear for maneuvering; and a small lobby area between the loading areas for patrons, which will fit up to ten people easily. He stated the lobby would feature a glass wall to allow patrons the ability to see how the facility works. He stated there are two perimeter storage areas. Kenneth Dykstra, P.E., L.S., P.P., stated there is sufficient egress and clear circulation to cross the building. Mr. Alvarez stated there is ample space between the parked cars to allow access throughout the garage. He explained access to the second floor is via an exterior stairwell. He stated the façade could be built with the same material, same clapboard, and cultured stone veneer as used in the Cascades Lodge. He stated the louvers will be kept open as much as possible and the building would not be lit but for emergency lighting. He stated there might be façade lighting to highlight the landscaping.

Mr. Alvarez confirmed that the seating area within the garage does not permit access to the garage. He discussed all the materials in the building would be noncombustible. He stated that by code, an open parking garage does not require a sprinkler system. He noted the building would be alarmed.

Mr. Graham identified the location of the fire hydrant. Mr. Alvarez noted the building is accessible and the fire hydrant would be 80' away from the building.

Mr. Walsh stated that he did not see the garage's benefit to the hotel. He stated it appeared as if the Applicant needed a space to put the garage to sell it. Mr. Krone and Mr. Verrilli

agreed that they would prefer to see a building than a mass of parking. Mr. A. Mulvihill confirmed that that if it worked, a bigger one could be built in the center.

Chairman Murphy opened the meeting to the public. A member of the public stated they were happy with what they have seen. No other comments were made. The meeting was closed to the public.

A motion to approve was made by Candace Leatham and seconded by Santo Verrilli. Roll Call: William Walsh – yes; Santo Verrilli – yes; Candace Leatham – yes; Hugh Krone – yes; Mary Ann Murphy – yes. The motion carried.

Mr. Fetterly requested the Board to waive the reading of the resolution and instruct the appropriate officials to accept permit applications. The Board granted the request and directed Mr. Brigliadoro to forward a letter to the officials indicating that the Board has approved the matter and that the Applicant wishes to proceed at their own risk.

PUBLIC PARTICIPATION: Chairman Murphy opened the meeting to the public. There were no public participants. The meeting was closed to the public.

DISCUSSION: There was no general discussion.

BILLS: Chairman Murphy recused herself. Following a review of the bills cited below, a motion to recommend payment of the bills to the Township Council was made by Santo Verrilli and seconded by William Walsh. Roll Call: William Walsh – yes; Santo Verrilli – yes; Candace Leatham – yes; Hugh Krone – yes. The motion carried.

**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW REPORT
MAY 6, 2010**

WEINER LESNIAK LLP

Invoice 133845	PB-9-08-3, Edgewater Associates	\$ 180.00
Invoice 133844	ZB-2-09-1, Crystal Springs Builders, L.L.C., [Soil Removal Operation]	465.00
Invoice 133843	SND-01, Sussex National Development Corp., [Crystal Springs Master Plan Review/ Boomerang Parking Garage]	525.00
Invoice 133842	Zoning OE	300.00

**HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW REPORT
MAY 6, 2010
ADDENDUM**

Guerin & Vreeland Engineering, Inc.

Invoice 706L	ZB-3-07-1, Schappert, C.	\$ 262.50
Invoice 837A	ZB-4-10-1, Crystal Springs Builders, L.L.C., 1575.00 [Boomerang Parking Garage]	
Invoice WO826C	Zoning OE	210.00

New Jersey Herald

Invoice 2979171

Legal Notice

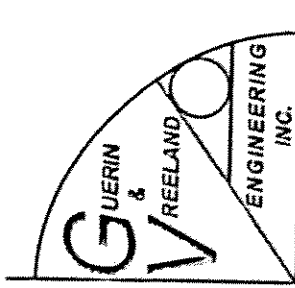
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CORRESPONDENCE: There was no correspondence.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Santo Verrilli. All were in favor. The motion carried. The meeting was adjourned at 9:10 p.m.

Minutes respectfully submitted by:
/s/ Anne-Marie Wilhelm

Anne-Marie Wilhelm
Land Use Administrator



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April 27, 2010

Hardyston Township Board of Adjustment
Municipal Building
149 Wheatsworth Road, Suite A
Hardyston, New Jersey 07419

Re: Variance, Preliminary and Final Site Plan
Boomerang Parking Systems
Grade Cascades Lodge
Block 16.31, Lot 1
(Our Project No. 1002)

Dear Board Members:

We are in receipt of the following information concerning the above referenced application:

- Site plan consisting of 8 sheets entitled "Variance, Construction Plan & Final Site Plan, For Boomerang, Parking Systems, Grand Cascades Lodge at Crystal Springs, Hotel and Conference Center, Block 16.31 Lot 1, Wild Turkey Way, Coventry Road and Devon Court, Township of Hardyston, Sussex County, New Jersey". This site plan, prepared by Dykstra Walker Design Group, P.A. is dated April 2, 2010 with no revision date.
- Architectural plan consisting of 4 sheets entitled "Variance, Construction Plan & Final Site Plan For: Boomerang, Parking Systems, Grand Cascades Lodge at Crystal Springs, Hotel and Conference Center, Block: 16.31 - Lot 1, Wild Turkey Way, Coventry Road and Devon Court, Township of Hardyston, Sussex County, New Jersey". This architectural plan, prepared by Comito Associates, P.C., is dated April 1, 2010 with no revision date.
- Application for Variance, Preliminary and Final Site with associated attachments
- Schedule "A" Checklists for "C" Variance, "D" Variance, Preliminary Site Plan and Final Site Plan
- Listing of Variance, Design Waivers and Checklist Waiver Requests

- Description of area, description of alternatives that were considered, and statement clarifying why the variance can be granted

The subject property is currently developed with a parking lot that services the Grand Cascades Hotel and Conference Center as well as hole No. 9 of the Cascades Nine Golf Course. This application proposes to construct a 2-story automated parking garage. The proposed facility will replace a portion of the existing parking lot and will result in a net increase of 9 parking bays. The subject property is located within the Township of Hardyston's Commercial Recreational District (C-R).

We have reviewed the aforementioned information and offer the following comments concerning this application for the Board's consideration:

1.0 Zoning

- 1.1 We have reviewed this application in accordance with the "Code of the Township of Hardyston, New Jersey". Based on our review of these requirements parking facilities are not listed as a permitted principal use in the C-R District (Section 185-44). As such, we believe action by the Board is required.

The applicant has requested a use variance in conjunction with the preliminary and final site plan applications. The applicant's qualified professionals will need to present testimony concerning why the requested relief should be granted and the positive and negative elements pertaining to the subject proposal.

- 1.2 The zone table on the Site Plan Title Sheet indicates the size of the parking stalls and width of the aisle within the proposed garage do not conform with the design standards outlined in Section 185-79. The applicant's qualified professionals should present testimony concerning the requested relief as well as the adequacy of the proposed stalls and aisles.
- 1.3 Specific zoning requirements for this proposal are not enumerated within the code since the use (as proposed) is not permitted in the zone. Nevertheless, the zone table and plans compare the subject application to several of the bulk requirements associated with conditionally permitted conference centers (Section 185-58 T). The applicant's qualified professionals should present testimony concerning why these standards would be reasonable for the subject proposal.

2.0 Completeness & Waivers

We have reviewed this application for technical completeness in accordance with the Variance Schedule "A" Checklist, Preliminary Site Plan Checklist and Final Site Plan Checklist. Based on this review, we believe the applicant has addressed each of the applicable technical items listed and is requesting the following waivers:

2.1 Preliminary Site Plan Checklist

Item 23 Wetlands Areas

Comment: The checklist indicates this information was previously submitted as part of the prior application and that this proposal will be located within an existing parking lot. Based on the information submitted and the nature of the site's existing use a formal delineation may not be necessary for the scope of this application. Nevertheless, we recommend that the applicant's qualified professional provide testimony confirming that the proposed project will not be located within regulated areas. Should the applicant be amenable to providing testimony during the hearing regarding this issue, we would have no engineering objection to granting a waiver request for this item.

Item 37 Copy of Existing and Proposed Protective Covenants or Deed Restrictions

Comment: The checklist indicates this information was previously submitted as part of the Crystal Springs II application. We recommend that the applicant's qualified professional provide testimony confirming that the proposed project will not conflict with any existing and proposed restrictions. Should the applicant be amenable to providing testimony during the hearing regarding this issue, we would have no engineering objection to granting a waiver request for this item.

Item 39 Environmental Impact Assessment

Comment: The checklist indicates that an EIA was provided in conjunction with the Crystal Springs II application and that the proposed structure will be located within the footprint of an existing parking lot. Due to the characteristics of the subject site, the nature of its existing use, the scope of the proposed application and the information provided we have no engineering objection to granting a waiver request for this item at this time.

2.2 Final Site Plan Checklist

Item 16 Wetlands Areas and Item 24 Copy of Protective Covenants or Deed Restriction **See comments above.**

Item 21 As built Plan, Item 28 Affidavit Verifying Compliance with Terms and Conditions of Approval, and Item 29 Affidavit Verifying Final Site is Identical to Preliminary Plan.

Comment: The completed checklist requests temporary waivers for these items and indicates this information will be provided at completion of construction. Since the proposed improvements have not been constructed we have no engineering objection regarding granting a waiver request for these items at this time. However, should the Board be amenable to this proposal, we recommend the Board require submission and approval of these items prior to the release of a certification of occupancy for this building.

3.0 In order to minimize potential conflicts between pedestrians utilizing the parking facility and motor vehicles traveling along Wild Turkey Way, we recommend that an access route with a single designate pedestrian crossing point be provided (in accordance with the MUTCD. The existing and proposed sidewalks should be modified accordingly.

4.0 The applicant's engineer should provide information regarding the adequacy and use of the proposed queuing lane. In addition, since this lane is being established for a special use, we recommend that appropriate preferential lane markings be provided in accordance with the MUTCD.

5.0 We are concerned that storm water may pond in the vicinity of the proposed stop sign. We would request that the applicant engineer review the drainage in this area and modify it accordingly.

6.0 We recommend that a stop sign and bar be provided at the intersection of the parking lot and Wild Turkey Way.

7.0 Based on our review of the plans, it does not appear that a generator will be provided. However, we recommend that applicant's professionals confirm this observation.

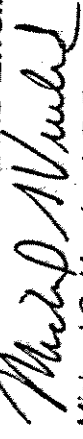
Page No. 5
Variance, Preliminary and Final Site Plan
Boomerang Parking Systems
Grade Cascades Lodge
April 27, 2010

- 8.0 We recommend that the location of the proposed fire hydrant be reviewed and approved by the township fire department.
- 9.0 Should the Board be amenable to this proposal, we recommend the Board require that the development's storm water maintenance plan and manual be updated to include this project.
- 10.0 At this time, we believe other agency approvals that may be required for this project include, but may not be limited to:

• Sussex County Soil Conservation District

Very truly yours,

GUERIN & VREELAND ENGINEERING, INC.


Michael G. Vreeland, P.E., P.P.
Board Engineer and Planner
For the Firm

cc: Richard Brigliadoro
Thomas Graham
John Fetterly
Dale Pierson

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