

**HARDWICK TOWNSHIP
PLANNING/LAND USE BOARD MINUTES
July 11, 2024**

Meeting was called to order by Chairman McKim at 7:00 pm.

FLAG SALUTE:

Chairman McKim Read the following statement: “Adequate notice of this meeting has been provided in accordance with the Open Public Meeting Act, P.L. 1975, Notice of this meeting was posted on the township website and on the bulletin board of the municipal building at 40 Spring Valley Road”.

ROLL CALL:

Fred Butcher, Cynthia Caffrey, Christine Suyker, John Liegner, Mayor Jacksic and Jim McKim were present. Also, present were Board Secretary Kristin Shipps, and Board Attorney Glenn Gavan. Lori, Gold, William Hughes, Nichole Meuse, and Ty Coronato were absent.

APPROVAL OF MINUTES:

Motion made by Jacksic, second by Liegner and approved by roll call vote: Butcher—yes, Caffrey—abstain, Gold-absent, Hughes—absent, Meuse—absent, Suyker—yes, Liegner—yes, Coronato—absent, Jacksic—yes, McKim—yes, for the approval of June 13, 2024, Meeting Minutes.

UNFINISHED BUSINESS:

2024-01 12 East Crisman Block 1102, Lot 13-Public Hearing

Attorney David Brady represented resident Joe McEvoy of 12 East Crisman Road. A fire had destroyed Mr. McEvoy’s home. The remnants of the home as well as the foundation have been removed from the property. The new plan is for a four-bedroom house with a two-car garage and a deck. The variance needed is for the setback. The old house was approximately 68 feet back from the front line, and the new house will be 72 feet.

Attorney Brady called Mr. McEvoy as a witness. The board Attorney Gavan swore him in. Mr. McEvoy testified that he has owned the property since the fall of 1992, which housed a two-story colonial. Mr. McEvoy stated he had added an addition making it a 3-bedroom home. There was a barn on the property which is no longer there. Mr. McEvoy explained to the board that his house burnt down over 2 years ago, and he is currently living in a hotel. Mr. McEvoy is proposing a 4-bedroom home with a two-car garage. Mr. McEvoy is requesting to have the home in the same location due to the grading on the property.

Attorney Brady stated to the board that a barn on the property that was mentioned in the notice had burned down. Attorney Brady stated the applicant would like the board to approve rebuilding the barn in the original location. Board Attorney Gavan stated that the application is for the house and not the barn. Attorney Gavan advised the two matters should be separate and to move forward with the hearing for just the house.

Attorney Brady thanked Mr. McEvoy. The board had no questions.

Fred Stewart -professional engineer was sworn in as the next witness. Mr. Stewart provided to the board his academic and professional background. Mr. Stewart described the variance map that was revised on 5/30/2024 and provided to the board prior to the meeting. Mr. Stewart stated the map shows the position of the driveway, septic and well, as well as the position of the former home. Mr. Stewart explained that the topography is flat along East Crisman Road and slopes upwards toward the rear of the property.

Mr. Stewart continued that the home will be built into the hill which will eliminate grading into the property. Attorney Brady asked if the home could be pushed back to meet the 100-foot setback. Mr. Stewart stated that it would be detrimental to the property. Attorney Brady asked what the prior set back of the home was and what the current one will be at. Mr. Stewart answered that the existing home was 69.7 feet from the right of way line of East Crisman and the proposed home is 70.8 with the garage corner at 68.6 feet.

Township Engineer Williams went through her report.

Comment 1. In accordance with section 13-12.2d. of the LDO, the “minimum setback for principal or accessory building or structure from a front lot line is [sic] 100 feet.”. The applicant is seeking a variance for 68.6 feet.

Mr. Stewart stated that is correct.

Comment 2. In accordance with section 13-12.2h. of the LDO, “wooded lots shall maintain an undisturbed buffer of at least 50 feet between the building line and the street line”. It is recommended that the applicant provide a limit of disturbance demonstrating that efforts will be made to maintain the existing wooded area between the building and the street line.

Mr. Stewart stated that there is no modification in the front lawn and that the septic sits in the front lawn. Attorney Brady asked if trees were permitted near the septic. Mr. Stewart stated that the trees need to be at least 10 feet from the septic.

Engineer Williams asked if the construction fence could be moved so the septic field can be protected and that no construction vehicles be allowed on the field.

Comment 3. In accordance with section 13-12.2i. of the LDO, the “maximum disturbance during construction and prior to the issuance of certificates of occupancy shall not exceed 30,000 square feet for each lot. Disturbance shall be defined as removal of trees in excess of four-inch diameter or regrading in excess of one foot depth. The disturbance regulation shall not apply to agricultural uses or to driveways.”

Engineer Williams requested the plans be revised to reflect the disturbance per the definition.

Comment 4. In accordance with section 13-36.1. a of the LDO, "No motor vehicle shall be permitted to be stored or repaired, (including, but not limited to, removal of wheels) outside of a garage so as to cause the same, at any time, to be in any disassembled or disabled condition, or be lacking a valid motor vehicle registration for the current year. This should not be construed as prohibiting an owner from working on a personal, registered vehicle for a reasonable time not in excess of thirty (30) days. This provision shall not apply to the outdoor storage of farm machinery and the products of commercial agriculture on a farm as defined in this chapter which is located in any residential zone." An aerial view of the property from March 1, 2024, indicates that there might be outdoor storage in conflict with the LDO, applicant shall provide testimony.

Attorney Brady asked Mr. McEvoy if there were currently items stored outside. Mr. McEvoy replied that there were two pickup trucks which are registered and insured, a utility body from a truck which is sitting on wood blocks, an aluminum boat, concrete blocks, and some plywood.

Comment 5. The applicant is proposing to modify the existing driveway. This office has reviewed the driveway and has found it is consistent with the Hardwick Township Driveway Ordinance.

Comment 6. The architectural and the engineers' plans have conflicting first floor elevations. Plans shall be revised to show consistency. This office is concerned that the first-floor elevation may require the proposed retaining walls to exceed 4 feet. Should the walls exceed greater than 4 feet, the applicant shall provide retaining wall plans for review to this office prior to construction.

Township Engineer Williams stated that the applicant has provided an updated plan that is in compliance with comment 6.

Comment 7. The applicant shall provide a letter from the Warren County Health Department stating the adequacy of the existing septic system for the proposed improvements.

Township Engineer Williams stated that the applicant addressed this comment and will obtain a letter from the Warren County Health Department.

Comment 8. We reserve the right to provide further comments subject to testimony and submission of the last site plan for this office to review. Should you have any questions please do not hesitate to contact me.

Chairman McKim asked if the board had any questions. Board member Liegner questioned the stability of the cliffs. Engineer Stewart did not have an answer for Board member Liegner but advised the cliffs will be stabilized before any construction takes place.

Board Attorney Gavan asked the board members if they needed to hear any further testimony to render a decision.

Motion made by Suyker, second by Liegner and carried to open for public comment.

Kathy Kemmerer who lives at 18 East Crisman Rd. Ms. Kemmerer stated that she is concerned about the amount of "junk" that he has on his property. Ms. Kemmerer felt this was a hardship to the surrounding residents and that they "junk" was there prior to the fire. Board Attorney Gavan stated that these issues should be addressed with the township committee.

Motion made by Jacksic, second by Buther and carried to close public comment.

Board Attorney Gavan stated that a motion to approve construction for a 4-bedroom house with a two-car garage at 68.6 feet at its closest point where 100 feet is required should contain the following conditions; revision of the disturbance of sediment control plan providing the appropriate language as requested by the township engineer, septic certification from the Warren County Health department, moving the construction fence to enclose the entire septic field, and no construction vehicle to be parked on the septic.

Motion made by Butcher, second by Suyker and approved by roll call vote; Butcher—yes, Caffrey—yes, Gold-absent, Hughes—absent, Meuse—absent, Suyker—yes, Liegner—yes, Coronato—absent, Jacksic—yes, McKim—yes, for the approval of 2024-01 12 East Crisman Block 1102, Lot 13 with conditions mentioned.

NEW BUSINESS:

No new business at this time.

MEMORIALIZING RESOLUTIONS:

No resolution at this time.

OTHER BUSINESS:

Liaison Update-General Township Matters.

Mayor Jacksic stated that Spring Valley is out for bid.

Chairman McKim asked board members to review the New Jersey Conservation white paper which was provided to the board members.

PUBLIC SESSION:

No public comment

CORRESPONDENCE:

No correspondence

PAYMENT OF BILLS:

Motion made by Caffrey, second by Suyker and approved by roll call vote: Butcher—yes, Caffrey—yes, Gold-absent, Hughes—absent, Meuse—absent, Suyker—yes, Liegner—yes, Coronato—absent, Jacksic—yes, McKim—yes, for the approval of payment of bills.

ADJOURNMENT:

Motion made by Jacksic, second by Suyker and carried to adjourn the meeting at 7:45 pm.

Respectfully submitted,

Kristin Shipps, LUB Secretary