

**HARDWICK TOWNSHIP
PLANNING/LAND USE BOARD MINUTES
September 14, 2023**

Meeting was called to order by Chairman McKim at 7:00 pm.
The Flag Salute was held.

Chairman McKim asked the public and board members to remain standing to observe a moment of silence for Former Committee member and Mayor Jim Perry.

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 township website and on the bulletin board of the municipal building at 40 Spring Valley Road”.

SWEARING IN OF BOARD MEMBERS:

Attorney Gavan swore in new members Ty Coronato -Alternate #2 and John Liegner Alternate #1

Those present were.

Fred Butcher, Cynthia Caffery, Ty Coronato, Paul Horsey, Bill Hughes, John Liegner, Nichole Meuse, Christina Suyker, Mayor Jacksic and Chairman McKim.

Also, present were Township Engineer Stefanie Williams, Board Attorney Gavan, and Board Secretary Kristin Shipps.

Lori Gold was absent.

APPROVAL OF MINUTES:

August 10, 2023, Board Meeting Minutes

Motion made by Meuse, second by Horsey and approved by roll call vote: Butcher—yes, Horsey—yes Meuse—yes, Suyker—yes, McKim—yes, the August 10, 2023, Board Meeting Minutes. Caffrey, Hughes and Jacksic were not present for this meeting.

UNFINISHED BUSINESS:

Mayor Jacksic and Deputy Mayor Meuse stepped out of the room for both the Rush Public Hearing and the Hardwick House Public hearing.

#23-001 Rush Block 502, Lot 14-Public Hearing

Board Attorney Gavan swore in Charles T. Rush. Mr. Rush provided an overview regarding the property that he and his wife have owned since 2008. Mr. Rush stated that they would like to build a second home on the property without decommissioning the original home and making that an accessory use building. Mr. Rush provided pictures of the house which was entered as exhibits.

Matt Fox from Canger Engineering was sworn in by Board Attorney Gavan.

Mr. Fox stated that the property is located at lot 14 block 502 on Hardwick Road. The property is 34 acres, that fronts on Hardwick Road with an existing stream along the entire frontage of the property. There was an environmental study done to decide where the

developable area could be on this lot. Mr. Fox did investigate the possibility of a subdivision, however in order to subdivide, the property would have to be divided in half, a variance would be needed and there would be no room to build on the lot in the front which would be within the buffer areas. Mr. Fox stated that converting the primary structure to a non-conforming is the best solution. A design waiver form may be needed, so the condition of the house would not get any closer to the property lines and would stay in the same location. Mr. Fox explained that the driveway will be extended just outside the wetlands buffers to build the house. They will apply for a permit with the Warren County Health Department to construct an individual sewage disposal system on site. Board Engineer Williams asked if minor road crossing permits were applied for. Mr. Fox stated that they were waiting for the board's approval and then they would apply for the permits. Engineer Williams stated that new regulations had passed over the summer and questioned if this would affect the location of the house. Mr. Fox stated it would not.

Elizabeth Rush, a Professional Architect was sworn in by Board Attorney Gavan. Mrs. Rush explained the plans showing the views of the property from the home. Mrs. Rush explained that the two-car garage is the same level as the first floor. The first floor consists of a mudroom, laundry room, main living area, dining room and kitchen. The first floor also has a screened in porch with a dining area and off that will be a smaller room. First floor will have a ½ bath as well as the master bedroom. The First floor is 1,975 square feet. Mrs. Rush continued that the second floor is 900 square feet which will have an open loft and two bedrooms. Mrs. Rush stated that they are looking to finish the 500 square foot basement to potentially be a walkout basement.

Mrs. Rush stated that currently the house is in disrepair and if left vacant it would fall apart. Mrs. Rush continued that although the house is not registered as an historic house the house indeed is historic.

Motion made by Hughes, second by Caffrey and carried to open the hearing to the public.

Christopher Jolliffe asked if any study had been done on the existing driveway with construction vehicles going over it. Mr. Fox stated that it is an existing stone bridge and does not see an issue, but no study has been done. Mr. Joliffe also asked if there were concerns about the runoff from the construction area. Mr. Fox stated that they have not gotten to the point of stormwater management but when they do everything will be done in compliance with the municipal storm water management.

Antoinette Pacione questioned how you can put a house on a lot that already has a house. Attorney Gavan said that is why the applicants were before the Board. Ms. Pacione also voiced concern about construction and an added septic causing water issues at her house as well as concerns about construction vehicles going over the stone bridge. Board attorney Gavan stated that the Rush family have every right to tear down the current house and rebuild without the board's permission.

Engineer Williams said the construction proposal regarding the soil will require involvement of the township's engineering firm and the Delaware Soil Conservation. Mr. Williams also explained the requirements the applicants must make once a permit is issued, which would include installation of silt fencing. If there are any issues or concerns

with the bridge the New Jersey Department of Environmental (NJDEP) can be contacted and inspection requested.

Architecture Rush stated that this is just the first of many steps before anything can happen. There needs to be zoning approval, environmental, and construction permits need to be applied for as well as septic permits just to name a few.

Motion made by Hughes, second by Suyker and carried to close the public hearing.

Attorney Gavan addressed the Rush family questioning if they have a problem with the resolution stating that renting, or short-term rental would not be allowed at the second home and that the stove would be removed and any cooking restricted. The applicants had no issues with the conditions. Attorney Gavan also stated that the resolution will be filed along with the deed restrictions.

Chairman McKim opened any questions to the board. Mr. Horsey stated that he had a concern that the older house could be rented out but agreed that the conditions of the resolution and the deed restrictions will address those concerns. Mr. Huges stated that he is happy to see that the historic house will be saved. Chairman McKim stated, and the applicants have agreed to restrictions as addressed. Historically this board has denied two residences on a single parcel, but this is an exceptional case and Attorney Gavan has provided a number of safeguards for future owners.

Board Engineer Williams went through some of the comments that she had listed in her completeness review.

Comment 3. Section 8-2.2 – Numbering of Building and Lots – This section of the Land Development Ordinance (LDO) requires that all residences be properly identified, especially for reasons of expediency in response to fire, police, and medical emergencies. It is recommended that the applicant seek assigned numbers from the tax assessor’s office. Mr. Fox stated that there were no plans as of now to do that.

Comment 4. Section 10-7 – Driveway Entrances Fronting Township Roadways – The parcel currently has an existing gravel driveway connection on to Hardwick Road. Comment 4a – Section 10-7.6.m. – This section of the LDO requires that the driveway for a single-family dwelling within the first 25 feet from the edge of pavement of the road shall be constructed of not less than six inches when compacted of gravel, Type II, Class B, and a wearing surface of bituminous concrete two inches thick FABC-1 constructed on the gravel base. It is recommended that the board require the applicant to pave the first 25 feet to reduce gravel impact on the existing roadway. Mr. Fox stated that 25 feet will put them in the middle of the stone driveway so they will extend it 35 feet to cover the entire bridge.

Comment 4b. – It is recommended that an emergency vehicle turnaround, such as a k-turn or circular turnaround be installed should the driveway exceed 300 feet from the edge of the roadway. Mr. Fox said a stone turnaround can be provided.

Comment 5. Section 13-32.b – This section of the LDO requires the location of an accessory structure to be located behind the front building line. Applicant shall provide information indicating the location of the proposed barn does not require a waiver. This was mentioned in the testimony of Engineer Fox.

Board member Hughes requested to hear the deed restrictions before making any motions. Attorney Gavan stated the following. There will be deed restrictions that the property may not be further subdivided, new accessory structure would not be used for any commercial purposes or for rentals, the cooking equipment stove and range top will be removed, the first 35 feet of the driveway paved, a turnaround will be provided for emergency access, and the front accessory house will be used for sleeping quarters only.

Board member asked what type of driveway will be going to the cottage for emergency access. Mr. Fox stated that the current driveway goes to the cottage and that the current driveway is going to be extended to the new house.

Board member asked about the current septic system and the new septic system. Mr. Fox stated the new septic will be in accordance with the state code. There are no records that are available on where the location of the current septic system is and since it's a preexisting conditioning there is no need to be concerned.

Motion made by Hughes, second by Suyker and approved by roll call vote:
Butcher—yes, Caffrey—yes, Horsey—yes, Hughes—yes, Suyker—yes, McKim—yes, Liegner—yes, Coronato—yes application #23-001 Rush Block 502, Lot 14a with restrictions and conditions as stated.

#23-003 Hardwick House- Block 902, Lot 7.06- 47 Spring Valley Rd. Public Hearing

Anthony J. Sposaro, Esq. appeared as attorney of record representing Krave Café and Catering LLC. Mr. Sposaro stated that the applicant is looking to restore the Old Hardwick House as an eatery. Mr. Sposaro stated that this board had adopted a resolution and issued a certificate of nonconforming use as a restaurant and food service establishment.

Attorney Gavan sworn in Mrs. Hashway. Mrs. Hashway provided the board with her background in the food service industry along with her business partner Rich Hashway. The Hashway plans for the Hardwick House will be hosting public events with prefixed menus and private events. The hours of operation will be dependent on the events and will be Wednesday through Sunday from Noon to 10 pm and are looking to host 80-100 events per year.

Mr. Sposaro and Mrs. Hashway went over the architect of the building which will include office space, storage space, kitchen and dining hall with a small space that can be used for a cocktail hour. There is a proposal for a mezzanine which will be office space. There will be a lounging area outside of the building. The old barn that still stands on the property will remain and be used for storage.

Mr. Sposaro stated that in the engineer's report there were questions regarding the exterior of the property and events that may cause concerns about noise carryover and outdoor activities.

Mrs. Hashway stated that the outside music will be acoustic and will work with any noise ordinances. Fireworks would not be allowed on the property.

Mr. Sposaro questioned the parking spaces and if there are enough, especially for a wedding. Mrs. Hashway said that at most weddings today guests stay at a hotel and are shuttled to the location so there is no concern. There will also be valet service for big events. Mr. Sposaro stated that there is a limit imposed on the number of meals considered per day because of the septic system that limit is 127 per day.

Mrs. Hashway thanked the board for their time.

Mr. Sposaro called Engineer Robert M. Cunningham who prepared the plans. Mr. Cunningham was sworn in by Board Attorney Gavan.

Mr. Cunningham went over several proposals in his testimony.

One proposal is to remove 2600 square feet of the driveway. There is also another 3244 square feet of pavement that will be removed from the side of the barn to the back of the restaurant. The drainage on the lot was explained to the board which will not change. Mr. Cunningham addressed where the addition will be from the proposed building which is on the northeast end of the building. The proposal for the dumpster area will include a hammerhead driveway for the dump truck to get in and out easily. A slight increase to the parking area to allow three handicap parking spaces and a bullnose island in the parking lot. The rest of the configuration of the parking lot will not change. There will be a total of 54 parking spots if it is self-parking and if there is valet parking there will be tandem parking area which will allow two cars adding 14 cars to the parking lot.

The septic system permit has lapsed the applicant will be able to apply for a permit in October. Mr. Sposaro stated that there is a comment in the engineer's report **Comment 17. Applicant shall provide a letter from the Warren Health Department indicating if an upgrade or expansion is required of the septic system.** Mr. Cunningham stated that the New Jersey Department of Environment is the agency the applicant needs to go to for permits.

The applicant is proposing an additional 30 X 50 1 floor storage building with only lights. Mr. Sposaro stated that there are comments in the engineer's report regarding lighting. **Comment 7. Applicant shall provide testimony on the lights. Comment 7a. The applicant shall provide information if the proposed buildings and barn will have any building lights. Comment 7b. Testimony on the lights shall include intensity, foot candles, hours of operation, lumens, and height. Comment 7c. It is recommended that the applicant consider dark sky compliant lighting.**

Mr. Cunningham stated there is a proposal for traditional light fixtures which are dark sign compliant fixtures, and the pole will stand about 16 ½ feet. There will be one light mounted on the corner of the building. There will be lighting at all entrances of the building and barn. The hours of operation of lighting will be turned off manual after a function with a shut down time of 15 minutes. There is a backup timer set to automatically go off after a fixed time.

Comment 8. of the engineer's report.

In accordance with Section 13-37.2 of the LDO,” One (1) sign, with a maximum area of two (2) square feet indicating the name and address of the occupant of any dwelling.” The applicant is proposing an 8-foot by 8-foot sign, a total of 64 square feet, which includes the molding and frame. A design waiver is required. Mr. Cunningham stated the applicant is looking to build an 8 x 8-foot sign without a roof structure instead a flat top to hold lighting. It is a wood post with a wood frame very simple sign that will say “The Hardwick House.” The lights for the sign will go off with the other lights in the building.

Comment 6. of the engineer’s report.

It is recommended that the board consider installation of “No Parking” signs and/or stripping in coordination with local fire department to ensure proper access of the building. Mr. Cunningham stated the applicant agrees to the condition.

Comment 9. Applicants should consider some form of fall protection along the proposed wall on the north side of the building. Mr. Cunningham showed the board where the existing wall is located. The wall is going to be removed and a walkway to the parking lot will be installed. Mr. Cunningham stated that they can put fencing or dense planting along the top of the wall to achieve fall protection. Mr. Cunningham agreed to work with the board engineer to come up with a solution.

Comment 18. of the engineer’s report.

This office is calculating 80,121 sf in total for the proposed improved coverage summary and 76,493 sf in existing coverage. Applicant shall confirm and revise, as necessary. Engineer Williams asked if Mr. Cunningham’s calculation included the restaurant, pump house, barn, and storage building. Mr. Cunningham stated he did not include the pump house and agreed to work with the board engineer to come up with the correct calculation.

Comment 19. of the engineer report.

Applicant shall confirm if the proposal is a major development. Mr. Cunningham replied it was not.

Comment 20. of the engineer report.

Applicant shall provide a limit of disturbance and provide the calculated area on the soil erosion and sediment control plan. Should the limit of disturbance be greater than 1 acre, the project would be considered a major development. Mr. Cunningham state that the disturbance is less than an acre.

Comment 21 of the engineer’s report.

It is recommended that the applicant provide a split rail fence or landscaping to prevent cars from parking past the designated parking area. Mr. Cunningham will work with the board engineer to come up with a suitable landscaping buffer.

Comment 22. Of the engineer’s report

In accordance section 13-44.3, Landscapes Plan: General Standards, of the land development ordinance (LDO), Trees with calipers over eight (8) inches in diameter shall be preserved, whenever possible. The applicant is proposing to remove 5

spruces (ranging from 14” to 28”), a 48” maple, and an 18” Hemlock. Applicant shall provide testimony as to why these trees are proposed to be removed.

It was stated that the applicant will generate a report to present to the engineer and if there are safety concerns regarding the age or condition of the trees the applicant will defer to the board engineer or come back to the board for additional instructions.

Board Engineer Williams asked what the temperature for the lighting levels is? Mr. Cunningham stated that they are 2700k.

Board member Caffrey questioned if the township had a noise ordinance. Attorney Gavan stated that he is going to propose as a condition that there should be non-amplified music outdoors at any time.

Board member Horsey asked why the applicants are keeping the same name when it is going to be more of a catering hall. Mrs. Hashway stated that she sees it as a food and beverage establishment and feels that most restaurants are now hosting events in their space. Mr. Sposaro stated that keeping the name is a nod to historic significance.

Board member Coronato stated that people who live in the area think that they are reopening the restaurant since they are keeping the original name.

Motion made by Hughes, second by Suyker and carried to open to the public comment.

Mia Olsen questioned the applicants’ comment about shuttling to the restaurant. Mrs. Hashway stated that if there is a wedding guests may choose to get a shuttle from a hotel instead of driving.

Motion made by Suyker, second by Caffrey and carried to close public comment.

Attorney Gavan stated that it would be appropriate for a motion to approve the application as presented meeting all the terms and conditions including all the engineering comments.

Motion made by Suyker, second by Hughes and approved by roll call vote: Butcher—yes, Caffrey—yes, Gold—absent, Horsey—yes, Hughes—yes, Jacksic—recused, Meuse—recused, Suyker—yes, McKim—yes, Coronato—yes, Liegner—yes to approve the application with conditions.

MEMORIALIZING RESOLUTIONS:

In the Matter of Blackburn Minor Subdivision Application Block 502, Lot 14 Application No. 2023-02

Motion made by Jacksic, second by Meuse and approved by roll call Buther—yes, Caffrey—abstain, Gold—absent, Horsey—yes, Hughes—yes, Suyker—yes, Jacksic—yes, McKim—yes.

PUBLIC SESSION:

No public comment

CORRESPONDENCE:

PAYMENT OF BILLS:

ADJOURNMENT:

Motion made by Hughes, second by Meuse and carried to adjourn tonight's meeting at 9:30 pm.

Respectfully submitted by

Kristin Shipps, LUB Secretary.