

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
FEBRUARY 23, 2006**

CALL THE MEETING TO ORDER: Chairman Miller called the meeting to order at 7:30 p.m. and read the Statement of Compliance.

STATEMENT OF COMPLIANCE: Pursuant to the Open Public Meetings Act, Chapter 23 1, 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:

Leslie G. Hamilton – Present
Jim Armstrong – Excused
Randy Roof – Present
Robert Neubig – Excused
Ed Zinck – Present
John Monell – Present
James Homa – Present
Brian Kaminski (Alternate No. 2) – Present
Carl Miller – Present

OTHERS PRESENT: Robert P. Guerin, P.E., P.P., Thomas F. Collins, Esq., and Anne-Marie Wilhelm, Land Use Administrator

APPROVAL OF MINUTES:

Minutes of the Hardyston Township Planning Board Special Reorganization Meeting Held January 26, 2006: A motion to approve was made by Leslie Hamilton and seconded by John Monell. Roll Call: Leslie Hamilton – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Minutes of the Hardyston Township Planning Board Special Meeting Held January 26, 2006: A motion to approve was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Minutes of the Hardyston Township Planning Board Workshop Meeting Held February 16, 2006: A motion to approve was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Randy Roof – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

RESOLUTIONS:

PB-1-06-2, Crystal Springs Builders, L.L.C., Final Subdivision, Balmoral Estates @ Crystal Springs, Phase III, Block 17, Lots 6.01 and 10: A motion to adopt the memorializing resolution was made by Leslie Hamilton and seconded by John Monell. Roll Call: Leslie Hamilton – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

PB-1-06-3, Crystal Springs Builders, L.L.C., Crystal Springs North, Resubmission of Minor Subdivision, Block 14, Lots 22.01 and 24.01: A motion to adopt the memorializing resolution with corrections was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

PB-5-05-2A, Bogatch Consulting, Inc., Preliminary Major Subdivision, Block 77, Lot 13.01, Lot 12.02, and Lot 12.03: A motion to adopt the memorializing resolution with corrections was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

APPLICATIONS:

PB-5-05-1 [PB-1-05-1,] High Ridge Properties, L.L.C., Extension of Minor Subdivision, Block 63, Lot 1.01 and Lot 1.02: Board members reviewed the Applicant's request to extend, which would provide additional time to complete the deeds. A motion to approve a 180-day extension was made by Randy Roof and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Randy Roof – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

PB-7-05-1A, Siegel, Robert & Colleen, Resubmission of Minor Subdivision, Block 74, Lot 21, [Block 21, Lot 1.01, Lafayette Township;] Board members reviewed a letter request to carry dated February 23, 2006, sent by Thomas J. Germanario, Esq., on behalf of the Applicant. A motion to carry to the meeting of March 23, 2006, was made by James Homa and seconded by Randy Roof. Roll Call: Leslie Hamilton – yes, Randy Roof – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

BILLS: A motion to approve the bills, incorporating corrections to the bill list as noted below was made by James Homa and seconded by Ed Zinck. Roll Call: Leslie Hamilton – yes, Randy Roof – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
FEBRUARY 23, 2006**

Vogel, Chait, Collins AND Schneider

Invoice 38514	PB-5-05-1 [PB 9-04-1] Bogatch Consulting, Inc., [Major Subdivision]	\$ 300.00
Invoice 38516	PB-1-05-1, High Ridge Properties, L.L.C., [Minor Subdivision]	225.00
Invoice 38517	PB-7-05-1, Siegel, B. [Minor Subdivision]	345.00
Invoice 38140	PB-7-03-7, Christian Faith Fellowship [Minor Subdivision]	50.00
Invoice 38513	CJS Investments. Concepts	135.00
Invoice 38136	CJS Investments. Concepts	62.50
Invoice 38135	PB-4-04-2, Billups, J. [Minor Subdivision]	13.45
Invoice 38510	WV-02, Govel, Polizzi, Walden: General Escrow	720.00
Invoice 38133	WV-02, Govel, Polizzi, Walden: General Escrow	1062.50
Invoice 38508	PB-3-05-3, HFH Development/Signature Properties [Indian Fields Phase V]	75.00

Invoice 38179	PB-5-05-4, Crystal Springs Builders, L.L.C., [CSII Master Plan Amendment]	250.00
Invoice 38134	PB-4-05-3, Crystal Springs Development [Grand Cascades]	\$ 225.00
Invoice 38178	PB-11-05-3, Crystal Springs Builders, L.L.C., [Ordinance Amendment]	550.00
Invoice 38138	PB-9-04-3, Crystal Springs Builders, L.L.C., [The Shotmeyer]	125.00
Invoice 38139	MCS-01, Crystal Springs Builders, L.L.C., [General Escrow]	350.00
Invoice 38511	PB-4-05-3, Crystal Springs Development, L.L.C., [Grand Cascades]	585.00
Invoice 38509	PB-11-05-4, Crystal Springs Builders, L.L.C., [Crystal Springs North – Minor Subdivision]	750.00
Invoice 38512	PB-1-06-2, Crystal Springs Builders, L.L.C., [Balmoral Estates]	300.00
Invoice 38515	SPLIT: PBC-10-04-8, Concept, Village Center	1907.50
Invoice 38515	PB-11-05-3, Crystal Springs Builders, L.L.C., [Village Center]	<u>507.50</u>
Invoice 38515	TOTAL:	2415.00
Invoice 38507	Planning OE	1530.00
Invoice 38131	Planning OE	537.50
Invoice 38132	Planning OE	375.00

Guerin & Vreeland Engineering, Inc.

Invoice WO440QQ	WV-02, Govel, Polizzi, Walden: General Escrow	2410.00
Invoice 631E	PB-11-04-1, All County Fuel Oil [Preliminary and Final Site Plan]	380.00
Invoice WO622C	PB-05-05-1[PB-9-04-1,] Bogatch Consulting, Inc. [Preliminary Major Subdivision]	1045.00
Invoice 637C	PB-1-05-1, High Ridge Properties, L.L.C., [Minor Subdivision]	427.50
Invoice WO493F	PBC-1-06-1C, High Ridge Properties, L.L.C., [Concept]	902.50
Invoice WO688B	PB-1-06-4, SECTV	190.00

Invoice WO526C	North Church Technical Center	665.00
Invoice WO401II	PB-11-05-3, Crystal Springs Builders, L.L.C., [Ordinance Amendment]	2042.50
Invoice WO604M	PB-4-05-3, Crystal Springs Development, L.L.C., [Amended Grand Cascades]	270.00
Invoice WO589H	MCS-01, Crystal Springs Builders, L.L.C., [Crystal Springs General Escrow]	142.50
Invoice WO530U	MCS-01, Crystal Springs Builders, L.L.C., [Crystal Springs General Escrow]	450.00

Note: Billing calculation error noted – bill changed from 425.00 to 450.00

Invoice WO477BB	MCS-01, Crystal Springs Builders, L.L.C., [Crystal Springs General Escrow]	250.00
Invoice WO546U	PB-1-06-2, Crystal Springs Builders, L.L.C., [Balmoral Estates]	95.00

Note: Escrow report summary corrected to reflect charge to case account vs. Applicant's General Escrow

Invoice 681A	Planning OE	3752.50
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Heyer, Gruel & Associates

Invoice 25042	Planning OE	1059.82
Invoice 25043	Planning OE	220.00
Invoice 25044	PB-11-05-3, Crystal Springs Builders, L.L.C., [Ordinance Amendment]	2142.13

The New Jersey Herald

Invoice 81245	Legal Notice	27.10
Invoice 83204	Legal Notice	35.50
Invoice 83193	Legal Notice	91.50
Invoice 82657	Legal Notice	35.50
Invoice 82658	Legal Notice	32.20
Invoice 82139	Legal Notice	97.10

Philip A. Fishman, Court Reporting Agency

Invoice 993843	Planning OE: 12/6/05 Transcript	975.20
Invoice 993842	Planning OE: 11/10/05 Transcript	769.35
Invoice 993848	MCS-01, Crystal Springs Builders, L.L.C. [12/8/05 Transcript]	1002.05

DISCUSSION:

Land Development Ordinance Issues: Robert P. Guerin, P.E., P.P., Memorandum of 11/9/05:
Draft Revision Review: Board members reviewed a draft of an *ORDINANCE OF THE TOWNSHIP OF HARDYSTON AMENDING CHAPTER 185 ENTITLED ZONING TO ADDRESS MISCELLANEOUS CORRECTIONS, TO ADD A HEIGHT PROVISION FOR ACCESSORY STRUCTURES IN THE MIDD DISTRICTS AND TO PERMIT HORSES AS AN ACCESSORY USE IN THE MIDD DISTRICTS*. A motion to recommend the ordinance below to the Township Council was made by James Homa and seconded by Brian Kaminski. Roll Call: Leslie Hamilton – yes, Randy Roof – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON
AMENDING CHAPTER 185 ENTITLED ZONING
TO ADDRESS MISCELLANEOUS CORRECTIONS,
TO ADD A HEIGHT PROVISION FOR ACCESSORY STRUCTURES
IN THE MIDD DISTRICTS AND TO PERMIT HORSES
AS AN ACCESSORY USE IN THE MIDD DISTRICTS**

NOW THEREFORE be it ordained by the Township Council of the Township of Hardyston that Section 185 of the municipal ordinances is amended as follows:

Section 185-22. relating to zoning requirements in the MIDD-10 District is amended in part to read:

B. Permitted Accessory Uses. The following accessory uses shall be permitted in the MIDD-10 District:

Section 185-22.B. relating to permitted accessory uses in the MIDD-10 district is amended to add the following:

Section 185-22.B.(7) Horses and/or ponies for riding purposes in connection with single family residential use where such use is the principal use of the property and the horse and/or pony is owned by a member of the family occupying such single family dwelling unit. For one horse, the property shall contain a minimum of two (2) acres. Additional horses/ponies shall be permitted based on a ratio of one additional horse/pony for each additional acre beyond the two acre minimum. All horses/ponies shall be kept in a fenced area and/or structure which shall not be located in the front yard and shall be located a minimum of 50 feet from any other property line.

Section 185-23.O. Accessory structures and buildings is amended to add the following:

- (4) Maximum Height: 15 Feet
- (5) The maximum height of barns shall be 50 feet if said barn is for use in conjunction with a farming activity, is located on a parcel 10 acres or greater and provided the barn is located a minimum of 100 feet from all property lines.

Section 185-33.C. entitled Yards is amended to read:

Section 185-33.C.(1) Detached single-family dwellings and semi-detached single family dwellings shall meet all yard requirements applicable to the MIDD-10 District if served by private septic systems and R-3 District requirements if served by public sewers.

Section 185-33.C.(2) Attached single-family dwellings, garden apartments and zero lot-line detached dwellings shall meet the requirements of § 185-52.

Section 185-58.Z. Towers and Antennas is amended to read:

Section 185-58.Z.(1) Towers and antennas shall be permitted in any MIDD District and in the Commercial Recreation (CR) District, subject to the following conditions:

Section 185-96 relating to Design Standards in the MIDD-3 District is amended to read:

§185-96. Design Standards The design standards set forth in § 185-23 in the MIDD-10 District shall apply to the MIDD-3 District.

Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

DATED: _____, 2006

ADOPTED: **HARDYSTON TOWNSHIP**

MAYOR

Chairman Miller provided an overview of a subcommittee meeting in the matter of Crystal Springs Builders, L.L.C., Town Center Concept. He stated that Crystal Springs agreed to provide a more concrete proposal in upcoming meetings.

CORRESPONDENCE: Board members reviewed the correspondence list cited below. No comments were made.

**Hardyston Township Planning Board
February 23, 2006 Correspondence List**

1. Thomas Ambrosino, New Cingular Wireless PCS, LLC,
Re: Highlands Preservation Area Approval & Highlands Open Water Review Permits
3020 Route 23, Block 61 Lot 19, Hardyston Township, Sussex County
(January 20, 2006)
2. Matrix New World Engineering, Inc.
Re: Freshwater Wetlands Line Verification Letter of Interpretation, Application Submitted By
Crystal Springs Builders, LLC, Block 16 Lot 1.02 & 6.01, Hardyston Township; Block 270
Lots 11 & 26, Vernon Township, Sussex County (January 13, 2006)
3. High Ridge Properties
Re: Freshwater Wetlands Application Checklist-Notice to Neighboring Landowners, Route
94, Block 63 Lot 1.01, Hardyston Township, Sussex County (January 30,
2006)
4. Winnie Straub, District Manager, Sussex County Soil Conservation District,
Re: Soil Erosion & Sediment Control Plan #HY144, Project Name: Timberline Manor -
Roadways & Drainage, Block 75, Lot 9, Hardyston Township
(January 30, 2006)
5. Elaine A. Morgan, Clerk of the Board of Chosen Freeholders
Re: Final Adoption, Ordinance Providing Amendment of Land Development Fee Standards in
and for County of Sussex: N.J.S.A. 40:27-1 ET SEQ. (January 26, 2006)
6. Diane S. Eakman, Deputy Clerk of the Board of Chosen Freeholders
Re: Introduction & Passage of First Reading, Ordinance Providing Amendment of Land
Development Fee Standards in and for County of Sussex: N.J.S.A. 40:27-1 ET SEQ.
(January 12, 2006)
7. Antoinette Wasiewicz, Senior Planning Aide, Sussex County Department of Engineering and
Planning
Re: Incomplete Application: Crystal Springs Builders, Minor Subdivision,
State Route 94, Block 14 Lots 22.01 and 24.01, Hardyston Township
(January 11, 2006)
8. Winnie Straub, District Manager, Sussex County Soil Conservation District,

Re: Soil Erosion & Sediment Control Plan #HY094B, Project Name: The Oaks @ Crystal Springs (Oaks South), Block 16.02 Lot 12 Only. Hardyston Township (January 27, 2006)

9. Antoinette Wasiewicz, Senior Planning Aide, Sussex County Department of Engineering and Planning
Re: Application: Crystal Springs Builders, Minor Subdivision, State Route 94, Block 14 Lots 22.01 and 24.01, Hardyston Township (January 23, 2006)
10. Antoinette Wasiewicz, Senior Planning Aide, Sussex County Department of Engineering and Planning
Re: Application: Crystal Springs Builders, Final Major Subdivision, Block 16 Lot 1, Crystal Springs Road, Hardyston Township (January 10, 2006)
11. Antoinette Wasiewicz, Senior Planning Aide, Sussex County Department of Engineering and Planning
Re: Incomplete Application: SECTV of NJ, Minor Site Plan, County Route 517 (MM 43-44) Block 20 Lot 16.01, Hardyston Township (January 11, 2006)
12. Antoinette Wasiewicz, Senior Planning Aide, Sussex County Department of Engineering and Planning
Re: Application: SECTV of NJ, Minor Site Plan, County Route 517 (MM 43-44) Block 20 Lot 16.01, Hardyston Township (January 26, 2006)
13. Frank Mogavero / Gerard C. Mogavero
Re: Freshwater Wetlands Application Checklist-Notice to Neighboring Landowners, 87 Bunn Road, Block 71 Lot 7.01 / 96-120 Bunn Road, Block 67 Lot 25.01, Hardyston Township (November 24, 2005)
14. Antoinette Wasiewicz, Senior Planning Aide, Sussex County Department of Engineering and Planning
Re: Application: Crystal Springs Builders, Final Major Subdivision, County Route 517 (MM 44-45), Block 17 Lots 6.01 and 10, Hardyston Township (January 10, 2006)
15. Antoinette Wasiewicz, Senior Planning Aide, Sussex County Department of Engineering and Planning
Re: Application: Crystal Springs Builders, Minor Subdivision, State Route 94, Block 14 Lots 22.01 and 24.01, Hardyston Township (January 23, 2006)

With reference to a correspondence review held over from the January 26, 2006 meeting in the matter of *Robert P. Guerin, Guerin & Vreeland Engineering, Re: Sugar Maple Lane Access, Cut-Through from Quarry Road to Sugar Maple Lane Unauthorized Access, Andrew Mulvihill, Crystal Springs, L.L.C., (December 30, 2005,)* Mr. Guerin reported that Mr. A. J. Mulvihill reached an agreement with the Bluff's Association regarding access to Sugar Maple Lane.

PUBLIC PARTICIPATION: No members of the public addressed the Board.

ADJOURNMENT: A motion to adjourn was made by Leslie Hamilton and seconded by James Homa. All were in favor. The meeting was adjourned at 8:15 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm