

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
MARCH 22, 2007**

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 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:

Leslie Hamilton – Present
Jim Armstrong – Excused
Robert Neubig – Present
Bill Hickerson – Present
Robert F. Schultz – Present
John Monell – Excused
James Homa – Present
Brian Kaminski – Present
Randy Roof (Alternate No. 1) – Excused
Stanley Kula (Alternate No. 2) – Present
Carl Miller – Present

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

APPROVAL OF MINUTES:

Minutes of the Hardyston Township Planning Board Special Reorganization Meeting Held January 18, 2007: A motion to approve was made by Robert Neubig and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Bill Hickerson – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried.

Minutes of the Hardyston Township Planning Board Special Meeting Held January 18, 2007: A motion to approve was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Bill Hickerson – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried.

Minutes of the Hardyston Township Planning Board Meeting Held January 25, 2007: A motion to approve was made by Robert Neubig and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Minutes of the Hardyston Township Planning Board Executive Session Held January 25, 2007: A motion to approve was made by Robert Neubig and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

RESOLUTIONS:

PB-12-06-2, Pottersville Properties Development, L.L.C., Ridgfield Commons, Phase VI, Final Subdivision and Final Site Plan, Block 67 Lot 2.01; Block 67.19, Lots 25-38; Block 67.25, Lots 1-6: A motion to adopt the memorializing resolution was made by Robert Neubig and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Bill Hickerson – abstain, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried.

PBCAP-1-07-1 - Sussex County Municipal Utilities Authority: Expansion and Upgrade of the Upper Wallkill Wastewater Treatment Facilities, Hardyston Township, New Jersey: A motion to adopt the memorializing resolution was made by James Homa and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

PB-9-05-1a, Christian Faith Fellowship Church, Extension of Minor Subdivision, Block 75, Lots 60, 61, and 62: A motion to adopt the memorializing resolution was made by Leslie Hamilton and seconded by Brian Kaminski. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

PB-12-06-4, Leidenfrost, R., a.k.a., Rosemary Leiden, Minor Subdivision, “C” Variance, Block 72, Lot 3.12: A motion to adopt the memorializing resolution was made by Robert Neubig and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

CAPITAL IMPROVEMENT PROGRAM REVIEW: PBCAP-1-07-2 – Hardyston Township Fire Department, Inc., Fire House #1, 7 Colson Terrace, Stockholm, New Jersey, Renovation and Expansion of Engine Bays and Second Level Office and Storage Area, Block 36, Lots 41, 42, 43: Leslie Hamilton and Bill Hickerson recused themselves. Thomas F. Graham, P.E., was sworn and accepted by the Board as a professional engineer. Ray Marion, Hardyston Township Fire Chief, and Edward Zinck of the Hardyston Township Fire Department were sworn. Mr. Collins advised the Board that their role was to give advice and that the matter would be open to the public for input but that the review was not considered to be a public hearing.

Mr. Graham stated the Applicant proposes an expansion to the existing firehouse located on Colson Terrace. He stated the existing property is approximately .84 acres in area and supports the existing firehouse that has four bays and a gravel parking area. He stated the property is within the Highlands Preservation Zone and that the Fire Department is seeking a Highland’s exemption to develop within 125% of the existing impervious footprint on the property. He stated the Highland’s application was deemed administratively complete and is pending further review. Mr. Collins stated that he believed that the Department should receive an exemption.

Referencing Exhibit A-1, a colored rendering of plan sheet 2 of 2, titled *Site Layout, Grading and Soil Erosion and Sediment Control Plan, Capital Improvement Plan, Hardyston Fire Department, Block 36, Lot 41, 42, and 43, Colson Terrace, Township of Hardyston, Sussex County, New Jersey*, dated 1/29/07, Mr. Graham noted that the proposed 1750 sq.ft addition would make the structure two stories. He stated the addition would permit the housing of a new ladder truck. He noted that the upper level would contain an office area and a larger open area. He stated there is a 50' front yard setback requirement and the existing setback is 19.6' for the front yard, 25' is required for the side yard and 19.5' exists, and the required rear yard is 25' and the existing rear yard is 22.7'. He stated there are 25 spaces allocated for parking but 42 spaces are required. He stated there is an agreement with the first aid squad across the street. He stated one paved and van-accessible handicapped parking space would be provided. Mr. Graham stated that the health department commented that the existing septic system could be brought up to code and that he did anticipate that an area might be needed for a future expansion of the septic. He stated that the disturbance that is to be approved by the Highlands Council is the disturbance they would work with.

Mr. Guerin stated that the parking as delineated is limited and that if parking is encroached upon to accommodate a modification to the septic system or a new septic system, the Fire Department should return to the Board to show plan changes.

With reference to the front setback, Mr. Graham stated that part of the existing building, which is being remodeled, is included in the expansion area. He stated this is what the architect provided. He stated the proposed expansion further violates the front yard setback but it meets the rear yard setback and accommodates the existing septic. Mr. Graham submitted an architectural plan sheet showing the front elevation titled *Existing Firehouse Proposed*

Modification and marked same as Exhibit A-2. He estimated the height of the building from the ground level to the peak of the roof as being approximately 32'. He stated it would look about one story higher than the existing structure.

Mr. Homa asked about HVAC systems and Mr. Graham stated that the Department has not gotten that far. He stated there is an area adjacent to the existing building of the pump building that would be out of view. Mr. Graham stated it is not the intent to place the systems on the roof at this time. Mr. Marion stated that the existing building has AC Units on the roof. Mr. Marion confirmed that there would be stairways inside the building as well as outside.

Referencing Exhibit A-3, titled *Lower Level Floor Plan*, Mr. Graham provided an overview of the floor plan. Mr. Zinck confirmed that the Department is adding one bay. Mr. Graham stated the application is just under 104% of the 125% footprint that is allowed. Mr. Graham noted that a generator would be located behind the proposed addition in the crook where the outside stairway is. Mr. Marion stated that the emergency generator is 10' x 4'. It was noted that the diesel gas tank would be located under the generator.

With reference to stormwater management, Mr. Graham stated the proposed run-off is negligible and the numbers would work out to show no increases in stormwater runoff. He explained that the Applicant is working within the existing areas.

Referencing Exhibit A-4, titled *Upper Level Floor Plan*, Mr. Graham explained the layout of the bathrooms, a dispatch room, and an open area. He confirmed that the building would be elevated.

Mr. Guerin stated he had no engineering issues to address.

Chairman Miller opened the meeting to the public. Ms. Leslie Hamilton was sworn. She stated that she is the owner of the adjoining property and would like a stockade fence along the back of her property to make the proposal more aesthetically pleasing. The Fire Department agreed to extend the existing fence. No other members of the public addressed the Board on the matter. Chairman Miller closed the meeting to the public.

A motion to approve the capital improvement plan of the Hardyston Township Fire Department as explained subject to the review comments that any generator and generator pad shall be located to the north end of the building and shall be shielded by the building; that the Fire Department will extend a stockade fence along the rear property line adjoining Lot 37 from the existing end of fence; and if the expansion of a septic system encroaches into the parking areas, the Fire Department will return to the Board was made by James Homa and seconded by Robert Neubig. Roll Call: Robert Neubig – yes, Robert Schultz – yes, James Homa – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried.

With regard to the commencement of construction, Mr. Collins stated that the safest thing for the Township and the Fire Department is to get the exemption letter from the Highlands.

APPLICATIONS:

PB-8-06-1, Mogavero, Gerard c/o Frank Mogavero, Minor Subdivision, C Variances, Block 67 Lot 25.01 (Request to Carry): A motion to grant the request to carry to the meeting of April 26, 2007 was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried. The matter was carried to the meeting of April 26, 2007. The Applicant was advised to notice.

PB-8-06-2, Mogavero, Frank, Minor Subdivision, C Variances, Block 71, Lot 7.01:

Mr. Collins identified a resolved notice issue stating the Applicant was able to obtain a *Waiver of Notice* from the Sussex County Planning Board. William Haggerty, Esq., appeared on behalf of the Applicant. He stated that the Applicant proposes a five-lot residential subdivision in the MIDD Zone and the minimum plot area is 40,000 sq.ft. He stated the tract is a little over 38 acres and the lot sizes range from 2.65 acres to 12 acres. It was noted that Mr. Frank Mogavero and Kenneth A. Wentink, P.E., were previously sworn. Mr. Wentink submitted

colored renderings of plan sheets four and five, titled *Minor Subdivision of Block 71, Lot 7.01 in the Township of Hardyston, Sussex County, N.J.*, with a revision date of 3/7/07. The renderings were marked as Exhibit A-1. Mr. Wentink stated that Lot 7.11, at the corner of Beaver Run Road and Bunn Road, containing 5.1 acres, stands alone with its own driveway and drainage. He stated the driveway is approximately 550' long off of Bunn Road and there is no access to the County road or drainage to the county road. He stated a drainage basin runs roughly parallel with Beaver Run road and it overflows into a wet-weather pond. He confirmed that the pond is an existing condition. Additionally, Mr. Wentink stated that proposed Lot 7.08 is 12.4 acres. He stated that Lot 7.09 contains 2.6 acres and Lot 7.10 contains 4.7 acres. He stated these lots require a common driveway, a common drainage detention basin, and water quality treatment for the state. He presented that the driveway will be opposite the driveway for Lot 25.03, which is across the street in Block 67.

With reference to Lot 7.08, Mr. Wentink stated that the adjoining property owner has expressed interest in the parcel. Mr. Wentink requested a request for a waiver of the no further subdivision requirement as the ordinance requires that if a lot is greater than 10 acres, there be no further division. He stated that the Applicant would like the ability to return to the Board after a year and possibly add to one or two of the lots. Mr. Collins stated that the Applicant needs agreement from the property owners. Mr. Haggerty clarified that a new lot would not be created but the changes would be to the lot lines.

Mr. Wentink stated that mother Lot 7.01 is being developed at present. He provided an overview of the detention facility and stated that the Applicant is working with the DEP on the transition areas. He stated that the Applicant has a type IV LOI and the transition area is 150'. Mr. Wentink stated that several permits are needed from the DEP including a general permit for driveways in a transition area. It was noted that the home being constructed on Lot 7.01 would be accessed via a common driveway. Mr. Wentink acknowledged that several easements are needed and they were not submitted pending the outcome of the matter.

Mr. Wentink provided an overview of septic locations and explained lot disturbance variance requests. He confirmed that the septic systems would be pump systems. Chairman Miller noted that some of the disturbance would be reseeded once the systems were installed. Mr. Haggerty noted the lots were large lots. Mr. Wentink explained that the septic locations and the driveways contributed to the degree of disturbance. Mr. Haggerty asked the Board consider the maximum permissible disturbance as shown on the plan or less than what is shown.

Mr. Hickerson asked about a flat area on the driveways. Mr. Wentink stated the driveway is in accordance with the ordinance. Mr. Guerin stated that some of the vertical curves could cause a bottoming out condition. Mr. Wentink noted that he could work the grades out with Mr. Guerin. Mr. Mogavero stated that a parallel driveway was considered and that the disturbance was an issue. He stated he preferred the parallel driveway. Mr. Mogavero stated that the current driveway has not been a problem and emergency vehicles have had no problem in the past. Mr. Guerin confirmed that the alignment of the driveway works as is shown on the plan. Mr. Collins noted that the common driveway must be built prior to recording the deeds of minor subdivision. Mr. Wentink clarified that the Applicant would be required to construct the common portions of the driveway only.

With reference to the detention basin on Lot 7.08 and Lot 7.09, Mr. Wentink noted it would serve Lots 7.08, 7.09, and 7.10 and that all three families would be responsible for the basin's maintenance. Mr. Haggerty stated three lots benefit from the basin and a common driveway. He stated the obligation would be addressed in the deeds and easements. He noted a maintenance manual would be recorded with the deeds. Mr. Guerin noted that the maintenance manual requires one person be named as the responsible party. Mr. Haggerty stated that a homeowner's association could be used. Following discussion, Mr. Wentink agreed to move lot lines and locate the basin on Lot 7.08.

Board members reviewed the attached report submitted by Robert P. Guerin, P.E., P.P., dated March 15, 2007. The Applicant acknowledged the comments and presented that they would comply with Mr. Guerin's requests. Mr. Haggerty noted that the Applicant would seek an approval for the maximum permissible disturbance adding that the Applicant would not exceed what is shown. Chairman Miller stated that the Board's goal is to make sure that created lots are buildable.

Mr. Schultz asked about run-off. Mr. Wentink explained the drainage plan. Mr. Guerin noted that should the driveway be constructed as shown, the run-off toward Bunn Road would be reduced. Mr. Wentink confirmed that the driveway would be made to conform to the ordinance.

Mr. James Garvin was sworn and confirmed that he is willing to work out a common driveway agreement and share the driveway with the Applicant.

Chairman Miller opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to approve the Minor Subdivision application for one year subject to the conditions noted below was made by Robert Neubig and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Robert Neubig – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried. The conditions noted include the conditions discussed above and as set forth in Mr. Guerin’s report of 3/15/07; the Applicant will include the common driveway maintenance agreement with the deeds of minor subdivision and same shall be subject to the review and approval of the Planning Board engineer and attorney; the Applicant shall coordinate the grades of the driveway with Robert P. Guerin, P.E., P.P., to make sure emergency vehicles can get into and up the driveways; the Applicant will revise the lot lines to make sure that the detention basin is on a revised Lot 7.08 and solely on that lot with drainage easements only from Lot 7.10 and Lot 7.09 - not common maintenance of the basin; the Applicant shall enter into a Developer’s Agreement with the Governing Body confirming compliance with the growth share ordinance; and the standard conditions.

The Board recessed at 8:15 p.m. Chairman Miller called the meeting to order at 8:30 p.m.

PB-12-06-3, AMARC Realty, L.L.C., Preliminary And Final Major Subdivision,

Preliminary Site Plan, Variance, Block 64, Lot 8.01: Board members reviewed a request to carry the matter to the April 26, 2007. Thomas F. Graham, P.E., stated that the Applicant had been to county and municipal court in efforts to resolve clean-up issues with the tenant and he confirmed that the Applicant consented to the extension of time. A motion to grant the request to carry without further notice to the meeting of April 26, 2007 at 7:30 p.m. was made by James Homa and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried.

PB-3-05-1a, CJS Investments, L.L.C., Emerald Estates, Preliminary Major Subdivision, C Variances, Block 63 Lot 26: Board members reviewed a request to carry and discussed the Applicant’s special meeting request. A motion to carry the matter to the next meeting and deny the request for a special meeting was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Stanley Kula yes, Carl Miller – yes. The motion carried.

BILLS: A motion to approve a recommendation to pay the bills noted below to the Township Council was made by James Homa and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Robert Neubig – yes, Robert Schultz – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried.

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
FEBRUARY 22, 2007
(Meeting Cancelled)**

The New Jersey Herald

Invoice 1032688	Legal Notice	\$	25.70
Invoice 1009125	Legal Notice		67.70
Invoice 1022307	Legal Notice		19.05

Vogel, Chait, Collins AND Schneider

Invoice 42312	Planning OE		2385.00
---------------	-------------	--	---------

Invoice 42319	Planning OE: Litigation	255.00
Invoice 42313	PB-12-06-1, Pottersville Properties, L.L.C., [Ridgefield Commons Phase V]	510.00
Invoice 42314	PBC-6-03-1...Hook, D. and B. Senyszyn	105.00
Invoice 42315	PB-4-05-3, Crystal Springs Development, L.L.C., [Amended Grand Cascades]	60.00
Invoice 42316	PB-11-05-3, Crystal Springs Builders, L.L.C., [Ordinance Amendment/Town Center]	2145.00
Invoice 42318	PB-10-06-4, Crystal Springs Builders, L.L.C., [Crystal Springs North Phase I]	540.00
Invoice 42317	PB-10-06-2, Metra Industries, Inc.	90.00

Guerin & Vreeland Engineering, Inc.

Invoice WO624H	PB-9-06-2, Crystal Springs Builders, L.L.C., [Shotmeyer]	237.50
Invoice WO707E	PB-10-06-4, Crystal Springs Builders, L.L.C., [Crystal Springs North Phase I]	1995.00
Invoice WO401QQ	MCS-01, Crystal Springs Builders, L.L.C., [General Escrow]	522.50

Guerin & Vreeland Engineering, Inc., (continued)

Invoice WO604U	PB-4-05-3, Crystal Springs Development, L.L.C., [Amended Grand Cascades]	\$ 142.50
Invoice WO723A	Planning OE	1282.50
Invoice WO719B	PB-12-06-3, Leidenfrost, R.	807.50
Invoice WO703C	PB-7-06-1, Geis Construction, Inc.	237.50
Invoice WO663E	PB-12-06-3, AMARC Realty, Inc.	855.00
Invoice WO720D	PB-12-06-1, Pottersville Properties, L.L.C., [Ridgefield Commons Phase V]	1100.00
Invoice WO720E	PB-12-06-1, Pottersville Properties, L.L.C. [Ridgefield Commons Phase V]	237.50
Invoice WO720F	PB-12-06-2, Pottersville Properties, L.L.C. [Ridgefield Commons Phase VI]	237.50
Invoice 710B	PB-10-06-1, Crex-Castello, L.L.C.,	142.50

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
FEBRUARY 22, 2007
ADDENDUM**

Heyer, Gruel & Associates

Invoice 26651	PB-11-05-3, Crystal Springs Builders, L.L.C.,	\$ 1030.00
Invoice 16650	Planning OE	825.00

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
MARCH 22, 2007**

Vogel, Chait, Collins AND Schneider

Invoice 42782	Planning OE: Litigation	\$ 60.00
Invoice 42775	Planning OE	555.00
Invoice 42777	PBC-6-03-1.PB.9.06.3, [Hook: Brescia Farms]	1084.80
Invoice 42778	PB-11-05-3, Crystal Springs Builders, L.L.C., [Ordinance Amendment: Town Center Concept]	465.00
Invoice 42779	PB-7-05-1, Siegel, R.	60.00
Invoice 42780	PB-12-07-3, AMARC Realty, L.L.C.,	105.00
Invoice 42781	PB-12-06-4, Leidenfrost, R.	300.00
Invoice 42783	PB-3-05-1A, CJS Investments, Inc., [Emerald Estates]	195.00

Guerin & Vreeland Engineering, Inc.

Invoice WO626F	PBC-6-03-1.PB.9.06.3, [Hook: Brescia Farms]	95.00
Invoice WO600G	PB-3-05-1A, CJS Investments, Inc., [Emerald Estates]	2422.50
Invoice WO379EE	MCS-01, Crystal Springs Builders, L.L.C., [General Escrow]	475.00
Invoice WO401RR	PB-11-05-3, Crystal Springs Builders, L.L.C., [Ordinance Amendment: Town Center Concept]	1045.00
Invoice WO705E	PB-8-0602, Mogavero, F.	380.00
Invoice WO723B	Planning OE	475.00
Invoice 568E	PBC-1-07-1, Worldwide Supply, L.L.C.,	285.00
Invoice WO703D	PB-7-06-1, Geis Construction, Inc.,	427.50
Invoice WO668G	PB-7-05-1, Siegel, Robert	\$ 475.00

Heyer, Gruel & Associates

Invoice 26743	Planning OE	3355.00
Invoice 26744	Crystal Springs Builders, L.L.C., [Ordinance Amendment: Town Center Concept]	630.00

CORRESPONDENCE: Board members received the correspondence noted below. There were no comments.

Hardyston Township Planning Board
February 22, 2007 Correspondence List
(February Meeting Cancelled)

1. Alice Brees, P.P., Sussex County Department of Engineering and Planning
Re: County Engineer's Report - Revised Stormwater Management Plans
Applicant: Geis Construction, Park Drive, Block 62, Lot 22.01, Hardyston Township
(January 29, 2007).
2. Terry Pilawski, Chief, State of New Jersey DEP, Division of Watershed Management

Re: Highlands Act Exemption, Applicant: Raymond J. Ganz, Jr. and Raymond Ganz III, Beaver Lake Auto Body, 3020 Route 23, Lot 19 Block 61, Hardyston Township (February 5, 2007)

3. M. Richard Valenti, Esq., Morris, Downing & Sherred, LLP
Re: Proposed Operation of Winery @ former Hayloft, Route 94, Hardyston Township (February 9, 2007).

Hardyston Township Planning Board
March 22, 2007 Hand-out List

1. New Jersey State League of Municipalities
Re: Time of Decision; & Curtailing Municipal Zoning Authority
2. Lisa P. Jackson, Commissioner, State of New Jersey, Dept. of Environmental Protection
Re: Department of Environmental Protection Conformation With The Highlands Council's Draft Master Plan
3. Minutes – Hardyston Township Municipal Utilities Authority: January 10, 2007

DISCUSSION:

Briar Crest Home Owners Association c/o Steven Appel: Request to remove the entrance island at Briar Crest in Crystal Springs: Board members reviewed a letter signed - Steven Appel, President, Briar Crest Homeowner's Association, dated February 5, 2007. Additionally, Mr. Appel addressed the Board and explained that there is not enough room to navigate the area with a truck and trucks drive over it. He stated the island is sprinklered. He stated there is also a safety issue as there are no sidewalks in the area and the trucks go up on the curbing. He stated he did not know if a fire truck could make the turn and Toll Brothers stated they would remove the island at no cost to the homeowners. Mr. Guerin explained that the situation is unique to this section of the Crystal Springs development and that from a safety and access point of view it may make sense to eliminate the island. He noted there would not be a drainage problem caused by removal of the island as the island is offset from the curb-line of the road and would not have an impact on Crystal Springs Boulevard per se. Crystal Springs Builder's representative, Ted Wunschuh, stated that the removal of the island would not impact Crystal Springs Builders. A motion to confirm Mr. Guerin's recommendation and opinion and to waive any site plan approval if needed to allow the removal of the island and paving of the same and to allow

Mr. Guerin to inform Toll Brothers, Inc., and Crystal Springs Builders, L.L.C., that the island can be removed and pavement installed was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Robert Neubig – yes, Robert Schultz – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried.

CORRESPONDENCE: Board members reviewed a request to begin site work consisting of soil erosion, clearing, stumping, earth movement, and construction of retaining walls in the matters of PB-9-06-1 and PB-9-06-2, Amended Preliminary and Final Subdivision and Amended Preliminary and Final Site Plan, Construction Plan, *The Shotmeyer*, Block 16, Lots 1.02, 6.01, and 6.02. Mr. Collins explained that it is not a major change to the approval but a matter of housekeeping and it is applying the meaning of the condition of the existing resolution.

M. Richard Valenti, Esq., appeared on behalf of the Applicant and confirmed that the Applicant would indemnify the Township with respect to any work done prior to receipt of other governmental approval. He stated that the Applicant acknowledges that any work done pending the approvals would be at their own risk. He stated the work to be done consists of two phases. He stated the Applicant has not yet applied for a water and sewer extension permit to the DEP. He stated the Applicant would like to do some clearing work before those applications are submitted. He stated after the applications are submitted to the DEP but before DEP action, the Applicant would like to perform site work including soil erosion, controlled clearing, construction of some retaining walls, and some storm drainage work.

Mr. Ted Wunschuh explained that the Applicant would be moving 70,000 yards of soil from a cut to a fill and that nothing would be leaving the site. He confirmed that there would be no construction of the sanitary sewer or potable water structures until the permits for those are obtained. Mr. Guerin stated that a portion of the site has been used as a staging area for the Grand Cascades hotel and is already disturbed. He stated that the consequences of allowing the site clearing and grading is less severe than it would be in other areas. He stated that he would suggest a stipulation that all of the other conditions of the approval resolution, other than stormwater matters, be addressed prior to starting. Mr. Collins stated that he had no problem with the concept.

A motion to confirm, as represented by the Applicant and the witness that the condition of the resolution is interpreted as allowing the proposed work described with no sanitary sewer work, potable water line construction or extensions, and no building permits for foundations was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Robert Neubig – yes, Robert Schultz – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried.

Chairman Miller carried a discussion of the annual zoning report to the next meeting. It was noted that the impact of the storm water management rules on subdivision design, particularly relative to individual lot disturbance issues, would also be reviewed. Mr. Guerin agreed to submit a report for the Board's consideration. Chairman Miller suggested a review of driveways and slopes. It was noted that the May workshop would be designated for planning issue review.

Mr. Collins recommended the Board have an attorney-client privilege session pursuant to §7a and §7b of the Open Public Meetings Act. A motion to enter executive session was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Robert Neubig – yes, Robert Schultz – yes, Bill Hickerson – yes, James Homa – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried. The Board entered executive session at 8:40 p.m.

The meeting resumed at 8:45 p.m.

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

ADJOURNMENT: A motion to adjourn was made by Robert Neubig. All were in favor. The meeting was adjourned at 9:00 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm