

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
JULY 26, 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 – Present
James Homa – Present
Brian Kaminski – Present
Randy Roof (Alternate No. 1) – Excused
Stanley Kula (Alternate No. 2) – Excused
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 Workshop Meeting Held June 21, 2007:* A motion to approve was made by Robert Neubig and seconded by James Homa. Roll Call: Bill Hickerson – yes, Robert Schultz – yes, John Monell – yes, James Homa – yes. The motion carried.

Minutes of the Hardyston Township Planning Board Meeting Held June 28, 2007: A motion to approve was made by Robert Neubig and seconded by John Monell. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, John Monell – yes, James Homa – yes, Carl Miller – yes. The motion carried.

RESOLUTIONS:

PB-10-05-1 (a) Richter, Tillman A. & Gisela, Extension of Minor Subdivision Approval, Block 67, Lot 25.02: A motion to memorialize the resolution was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes, John Monell – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

PB-4-07-1A, Sussex National Development, Crystal Springs II, Master Plan Amendment II, Block 14 Lots 24.01, 20, 7, 22.01, 24.02; Block 16, Lots 6.01, 1.02, 6.02, 8.02, 14.01, 1.09, 1.10, 1.07, 8.03, 8.01, 3.03, 3.05, 3.06, 3.07, 30.03 and Block 17, Lots 1, 2, and 12.10: A motion to approve the resolution 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, Carl Miller – yes. The motion carried.

PB-4-07-2, Crystal Springs Builders, L.L.C., Preliminary and Final Subdivision; Preliminary and Final Site Plan, Crystal Springs North, Phase II, Block 14, Lots 22.01 and 22.04: A motion to approve the resolution 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, Carl Miller – yes. The motion carried.

PB-8-06-1, Mogavero, Gerard c/o Frank Mogavero, Minor Subdivision, C Variances,

Block 67 Lot 25.01: A motion to dismiss the matter without prejudice with the understanding that the Applicant must file new applications without fees provided the stormwater management information is submitted to Mr. Guerin was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

PB-12-06-3a, [Bifurcated] - AMARC Realty, L.L.C., Preliminary and Final Major Subdivision, Block 64, Lot 8.01: A motion to approve the resolution was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, John Monell – yes, James Homa –yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

APPLICATIONS:

PB-4-07-2a, Crystal Springs Builders, L.L.C., Final Subdivision, *Crystal Springs North, Phase II*, Block 14, Lots 22.01 and 22.04, [carried to September 27, 2007;] Chairman Miller confirmed that the matter was carried to September 27, 2007 without further notice.

PB-12-06-3a, AMENDED [added Final Site Plan] AMARC Realty, L.L.C., , Preliminary and Final Site Plan, Variance, Block 64, Lot 8.01: Mr. Roughgarden appeared on behalf of the Applicant. Thomas F. Graham, P.E., previously sworn, provided an overview of revisions provided to the Board. He stated the revisions addressed the comments made in the attached report of July 18, 2007 prepared by Mr. Guerin. He stated the Applicant would comply with Mr. Guerin's suggestions and confirmed that the Applicant is not looking for any variances. He stated the Applicant would conform to the ordinance requirements. He stated temporary storage is requested and it would be fenced. Mr. Graham noted that the site is isolated and there are wetlands located to the west, the nearest structure is several thousand feet away, and there is a wooded hillside to the east.

Mr. Roughgarden stated that tenant Reelcology is moving out of state. Mr. Citarella, Principal, confirmed that he had spoken with tenant Reelcology and the tenant is moving within six months to one year. Mr. Roughgarden confirmed that two years remain on the lease. Mr. Citarella confirmed that if the tenant does not move the remainder of the reels, he would deal with the clean-up. Mr. Roughgarden stated the Applicant does not want to have outside storage on the property and the reels would be gone before construction begins. Mr. Collins noted that compliance with the prior resolution and with the new resolution is required. Mr. Guerin recommended that no new building permits for buildings three and four be issued until the improvements on the existing lot are addressed. He stated that all the reels would need to be located within the fenced area.

With reference to the site's appearance, Mr. Citarella stated his objective is to make all the buildings look the same. Mr. Guerin stated he had no objection to the commencement of site work.

Mr. Collins noted that COAH compliance could be addressed via a Developer's Agreement with the Township Council.

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

Mr. Roughgarden presented that the Applicant has a time constraint and needs to move his business and start construction. He requested permission to start site work and construction. Mr. Guerin suggested limiting the Applicant to site improvements for the proposed and existing buildings simultaneously.

A motion was made to approve the preliminary and final site plan conditioned upon the discussion and the following conditions: no building permits will be issued until the outdoor storage is corrected and moved into the fenced area; no approval of the existing outdoor storage that was not consistent with the prior approval and the prior approval and its requirements are still applicable to Reelcology; it is expected that Reelcology will move from the site expeditiously and

Reelcology's storage must be corrected to comply with the prior approval and this approval; the Applicant will comply with Mr. Guerin's report of July 18, 2007 and once Reelcology leaves the site and/or corrects the storage, there will be no outdoor storage and any future outdoor storage will require a review and approval by the Board; once Reelcology leaves the site, the fence will be removed; the height of the storage must not exceed the height of the fence; the Applicant will enter into a Developer's Agreement with the Township Council regarding the growth share obligation; the standard conditions; and the approval is effective this evening. The motion was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Chairman Miller called a recess at 8:15 p.m. The meeting was called to order at 8:35 p.m.

PB-3-05-1b, CJS Investments, Inc., Preliminary and Final Major Subdivision,

“C” Variances, Block 63 Lots 26 and 27: Dennis Collins, Esq., appeared on behalf of the Applicant. Stuart Challoner, P.E., P.P., was sworn, qualified, and accepted by the Board as an expert. Board members reviewed requested waivers for completeness of preliminary subdivision checklist items 28, 39, 42, 43, 45, and final subdivision checklist items 20, 26, and 29.

Mr. Collins agreed to provide information as requested. Mr. Guerin recommended the granting of the waivers for completeness.

A motion to grant the waivers was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Robert Neubig – yes, Bill Hickerson – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Mr. Challoner submitted and identified the exhibits noted below as follows:

Exhibit A-1: Google Earth photograph with the proposed site entirely shown on one sheet titled *Major Subdivision Emerald Estates for Lots 26 and 27, Block 63, Hardyston Township*, dated June 8, 2007;

Exhibit A-2: enlarged rendering of the same Google Earth photograph showing half of the property, mainly of Lot 26, titled *Rendering Major Subdivision Emerald Estates*, dated June 8, 2007; and

Exhibit A-3: enlarged rendering of a Google Earth photograph with the proposed lots identified, mainly of Lot 27, titled *Rendering Major Subdivision Emerald Estates*, dated June 8, 2007.

Referencing Exhibit A-1, Mr. Challoner described the site location. He stated Lot 26 is owned by Barbara Woods and her dwelling is in the center of the property adjacent to Wheatsworth Road. He stated that the property fronts Wheatworth Road and backs up to a stream corridor in the rear of the property, which borders Hamburg. He stated Hamburg is to the easterly portion of the property. He stated the property slopes from Wheatsworth Road to the stream corridor in the back, which bifurcates the property. He stated there are several farm areas, the current use of Lot 26 is strictly a horse farm with two or three horses, and hunting takes place on the property in the fall. He stated Lot 27 was farmed in the past.

Mr. Challoner provided a history of the project. He stated the property consists of approximately 200 acres. He stated the Applicant proposes 29 new residential dwellings, an existing parcel for Barbara Wood's property, a large parcel dedicated to Barbara Wood's property, and one lot for a quad complex for COAH compliance. He explained six lots were designed with access to Wheatsworth Road and the remaining portion of Lot 27 would be dedicated to the Township. He noted that 76 acres of property in Lot 27 is being dedicated to the town and he stated that approximately 50% is usable.

Mr. Challoner identified wetlands on Lot 27. With reference to wetlands constraints, Mr. Challoner stated 150' buffers are required on the majority of the property with the exception of some ditches. He stated there is no disturbance to the wetlands or buffers proposed.

With reference to access roadways, Mr. Challoner stated a cul-de-sac design has been used to address access and site distance issues. Mr. Challoner stated the majority of new roadway would be 20' in width with no curbs or sidewalks. He stated that the proposed full-circle cul-de-sac would comply with RSIS. He noted large grass swales alongside the road would collect the runoff. Board members discussed the proposed road width and expressed concern about emergency access. Mr. Guerin explained that RSIS supercedes the ordinance and the Applicant is not required to go beyond 40' for the cul-de-sac. Board members discussed the width of the road. The Applicant stated they would have no objection to a larger roadway and cul-de-sac and would accept the Township engineer's recommendation. Mr. D. Collins confirmed the Applicant's intent to dedicate the roadways to the Township.

With reference to stormwater management, Mr. Challoner indicated that the increase in roads would result in a modification to the stormwater management plan. Mr. Guerin suggested sidewalks on one side due to the subdivision's location across from the park and the school. Mr. Challoner stated the Applicant would be fully compliant with the RSIS standards for low intensity with no curbs, sidewalks on one side of the street, sidewalks on the cul-de-sac, and a 28' roadway.

Mr. Challoner provided an overview of the stormwater management plan and noted there are three separate detention basins. He stated that in order to meet the best management practices for suspended solids removal, the Applicant is proposing manufactured filtering systems that pull out 80% of the suspended solids. He stated the use of the filtering systems permitted the design of dry basins that would not have wetland species growing within six months. He stated the filtering system allows the basin to dry out within 72 hours. He noted that the canisters are replaced periodically. Mr. D. Collins noted that the stormwater system would be maintained by the Homeowner's Association. Mr. Guerin asked about the scope of the homeowner's responsibility for the stormwater system. Mr. Challoner stated that generally the inlets within the public right-of-way are maintained by the municipality and inlets within easements or to and from the right-of-way to the detention basins are maintained by the Homeowners Association. He confirmed that the limit of the municipality's responsibility would be the area within the right-of-ways. The Board discussed piping from the park property and the school property. Mr. D. Collins confirmed the Applicant's granting of the right of discharge.

Board members asked about maintenance of the filters. Mr. Challoner stated this is dependent on the hydrologic loading. He stated there is a maintenance plan that includes the inspection schedule. He noted there is a button on the filters that identifies when they have to be replaced and the filters cost between \$1100 and \$1500 apiece. Mr. D. Collins stated the Township would be provided with a yearly report. He confirmed that there is no protection for the Township in the event the Homeowner's Association fails.

Referencing Exhibit A-2, Mr. Challoner identified the location of the three proposed stormwater basins, two of which are on their own lots. Mr. Challoner explained new DEP requirements and stated the Applicant is required to remove 80% of suspended solids before it discharges outside of the basin. He stated other methods create wet areas and ponded areas that create maintenance problems. He stated the property is perfect for the filters. He stated the filters are replaced approximately every 18 months. A Board member noted that there would be 28 filters. Board attorney Collins recommended that the basins be placed on municipal property so that the municipality has total control if anything is done to them. Board members suggested that alternatives be presented.

Mr. Challoner submitted Exhibit A-4, a letter from the New Jersey Department of Environmental Protection, dated May 29, 2007, addressed to Jim Lenhart, Chief Technology Officer for Stormwater Solutions, Inc.

With reference to the requested variances for lot disturbance, Mr. Challoner stated the zone requires the minimum lot size to be 40,000 sq. ft with a building area of 16,000 sq.ft. He stated the maximum, irregardless of how large the lot is, is 25,000 sq.ft. He stated because the property is so varied in slope, and to get usable yard areas without the need to install retaining wall systems on the property, grading plans were made to have the yards blend into the landscape. He stated that bulk requirements have been met and the setbacks exceed the 50' requirement. He stated the disturbed areas were expanded due to the varying slopes. Mr. Challoner stated the Applicant could comply with the ordinance if retaining systems and drops were included. He stated the

homes could be located closer to the roadway; however, the design allowed for increased parking. Mr. Challoner stated the houses were located to add off-street parking. He stated efforts were made to reduce the amount of disturbance. Chairman Miller suggested the Applicant review the plans and work with the Board engineer to reconsider the variance requests.

Referencing plan sheet 13 of 38, Mr. Challoner and the Board reviewed access to the lot designated for the Township. He explained the Township could apply for a general permit from the NJDEP to access the back of the property across the buffer.

Chairman Miller opened the meeting to the public. Ms. Theresa Zinck was sworn. Referencing plan sheet 14 of 38, she stated Lot 28 and Lot 29 are missing structures and a lot line between them. She stated her home, garage, and shed are located on Lot 29 and they are not depicted on the plan. She stated the stem is part of her property. Mr. Challoner stated the deed indicates that the stem belongs to CJS. Mr. Challoner stated he would update the plans to show her house. Ms. Zinck agreed to forward a survey to his office. Ms. Zinck also expressed concern about access to the rear of the property.

No other members of the public addressed the Board. Chairman Miller closed the meeting to the public.

The matter was carried to the meeting of August 23, 2007, at 7:30 p.m., without further notice.

BILLS: Board members reviewed the bills cited below. A motion to approve the bills was made by James Homa and seconded by John Monell. All were in favor. The motion carried.

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
JULY 26, 2007**

Vogel, Chait, Collins AND Schneider

Invoice 44104	Planning OE	\$ 60.00
Invoice 44098	Planning OE	11.64
Invoice 44099	PBC-6-03-1, Senyszyn. B.	90.00
Invoice 44100	PB-4-05-3, Crystal Springs Development, L.L.C., [Grand Cascades]	375.00
Invoice 44101	PB-11-05-3, Crystal Springs Builders, L.L.C., [Village Center Ordinance]	3975.00
Invoice 44102	PB-8-06-2, Mogavero, Frank.	105.00
Invoice 44103	PB-12-06-3, AMARC Realty, L.L.C.,	225.00

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
JULY 26, 2007
ADDENDUM**

Guerin & Vreeland Engineering, Inc.

Invoice WO546V	PB-1-06-2, Crystal Springs Builders, L.L.C., [Balmoral Estates III]	\$ 190.00
Invoice WO486U	MCS-01, Crystal Springs Builders, L.L.C., [The Bracken]	190.00

Invoice WO553U	PB-4-03-1, Crystal Springs Builders, L.L.C., [The Bramble]	315.00
Invoice WO626I	PBC-6-03-1, Senyszyn, B. [Brecia Farms]	190.00
Invoice WO600K	SPLIT: PB-3-05-1/ PB-3-05-1C: CJS Investments	1545.00 <u>2062.50</u>
Invoice WO600K	T: 3607.50
Invoice WO589P	MCS-01, Crystal Springs Builders, L.L.C., [The Cornwall]	570.00
Invoice WO704D	PB-8-06-1, Mogavero, G	475.00
Invoice WO604Y	PB-4-05-3, Crystal Springs Development, L.L.C., [Amended Grand Cascades]	295.00
Invoice WO530Y	MCS-01, Crystal Springs Builders, L.L.C., [The Inverness]	190.00
Invoice WO434M	MCS-01, Crystal Springs Builders, L.L.C., [The Tarn]	190.00
Invoice WO476U	MCS-01, Crystal Springs Builders, L.L.C., [The Tarryall]	190.00
Invoice WO477FF	MCS-01, Crystal Springs Builders, L.L.C., [The Craige]	190.00

Guerin & Vreeland Engineering, Inc., (cont.)

Invoice 742A	PB-7-07-1, Sussex National Development Corp., [General Development Plan]	\$ 1092.50
Invoice 742B	PB-7-07-1, Sussex National Development Corp., [General Development Plan]	380.00
Invoice WO720J	PB-12-06-2, Pottersville Properties, L.L.C., [Ridgefield Commons, Phase VI]	890.00
Invoice WO554T	MCS-01, Crystal Springs Builders, L.L.C., [The Wentworth]	190.00
Invoice WO723F	Planning OE	1092.50

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

Hardyston Township Planning Board
Correspondence List – July 26, 2007

1. NJ State Dept. of Environmental Protection, Division of Land Use
Re: Technical Support Center – Notice of New Center Assisting with Questions Concerning Land Use Regulations.
2. Thomas Micai, Director, NJ State Dept. of Environmental Protection
Re: Rules Concerning Land Use Regulation Applications To Be Accompanied By New LURP2 Application Form (March 1, 2007)

3. Antoinette Wasiewicz, Senior Planning Aid, Sussex County Dept. of Engineering and Planning
Re: Final Major Subdivision, SCPB#: 109A(FMS)IV 86/07, Applicant: HFH Development Corporation, , Forest Hill Way, Block 67.30 Lot 1, Hardyston Township (June 8, 2007)
4. Lou Cattuna, Section Chief, NJ State Dept. of Environmental Protection, Division of Land Use Regulations
Re: Highlands Preservation Area Approval-*Withdrawal*, No. SHR-HPAA-060001, Applicant: New Cingular Wireless Tower W-1097, Block 61 Lot 19 (June 6, 2007)
5. Wini Straub, District Manager, Sussex County Soil Conservation District
Re: Crystal Springs Builders' Re-certification of The Oaks East and Wentworth Soil Erosion & Sediment Control Plan #HY-203, Block 16.02 Lot 1 & 30; Block 16.22 Lot 1, Incorrect Filing Fee (June 7, 2007)
6. John Risko, Engineering Division Director, Sussex County Dept. of Engineering & Planning
Re: Sussex County Planning Board Development Review Committee: Sussex County Route 661, MM 07-08, SCPB #: 109(FMS)IV86/01, Intersection Forest Hills Way, Block 67.30, Lot 1, Hardyston Township (June 15, 2007)
7. David W. Grossmueller, Keyspan Services, Inc.
Re: Authorization to Conduct Work in Wetlands, Applicant: JCP&L, Properties in Franklin, Hardyston, Ogdensburg and Sparta (June 21, 2007)
8. Barry Fisher, Senior Planner, Sussex County Dept. of Engineering & Planning
Re: Planner's Report of HFH Development, "Indian Fields, Phase IV", CR 661, (MM 7-8), Block 67.30, Lot 1, Forest Hill Way (June 22, 2007)
9. William G. Dressel, Jr., Executive Director, NJ State League of Municipalities
Re: State Supreme Court Decision on Affordable Housing 3rd Round Application for Substantive Certification (June 26, 2007)
10. Lou Cattuna, Section Chief, NJ Dept. Environmental Protection
Re; Freshwater Wetlands Letter of Interpretation/Line Verification, Applicant: CJS Investments, Block 63 Lot 27 (June 29, 2007)
11. Jonathan Trayner, Engineering Tech, State of NJ Dept. of Transportation
Re: Request for Additional Documentation Required for Review of Application, Applicant: Amarc Realty, LLC, #S-23-N-0013-2007, Block 64 Lot 8.01 (July 2, 2007)
12. Barry Fisher, Senior Planner, Sussex County Dept. of Engineering & Planning
Re: Final Major Subdivision, Applicant: HFH Development, SCPB#: 109A(FMS)IV86/07, Forest Hill Way, Block 67.30, Lot 1, "Disapproved" Application (July 2, 2007)
13. Alice Brees, P.P., Sussex County Dept. of Engineering & Planning
Re: Final Major Subdivision, SCPB#: 46A(FMS)06/07, Robert & Colleen Siegel, Monroe Road, , Hardyston (Block 74, Lot 21) and Lafayette Townships (Block 31, Lot 1.01) (July 9, 2007)
14. Wini Straub, District Manager, Sussex County Soil Conservation District
Re: Soil Erosion & Sediment Control Plan #HY154C, Crystal Springs II – Soil Movement/Stockpiling, Notice of Expiration of Certified Plan, Block 14, Lot 22.01 (July 10, 2007)
15. Frederick Roughgarden, Esq.
Re: Issues Discussed at June 28, 2007 Planning Board Meeting in Preparation of Planning Board Appearance July 26, 2007, Applicant: Amarc Realty, 3627 Route 23, Block 64, Lot 8.01 (July 11, 2007)

16. Correspondence File: Hook & Senyszyn

17. Minutes: Hardyston Township Municipal Utilities Authority; May 9, 2007 and June 13, 2007

DISCUSSION: There were no comments.

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

ADJOURNMENT: A motion to adjourn was made by Leslie Hamilton and seconded by Robert Neubig. The meeting was adjourned at 10:10 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm