

**MINUTES OF THE JOINT MEETING OF THE HARDYSTON TOWNSHIP COUNCIL
AND THE HARDYSTON TOWNSHIP PLANNING BOARD HELD
OCTOBER 20, 2005**

CALL THE MEETING TO ORDER: The Honorable Mayor Kievit 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:

Hardyston Township Council

Leslie Hamilton – Present
Jim Armstrong – Excused
Wayne Ross – Excused
Bill Lasinski – Present
Ken Kievit – Present

Hardyston Township Planning Board

Leslie Hamilton – Present
Jim Armstrong – Excused
Randy Roof – Present
Robert Neubig – Present
Ed Zinck – Excused
John Monell – Excused
James Homa (Alt. #1) – Present
Brian Kaminski (Alt. #2) – Present
Carl Miller – Present

OTHERS PRESENT: Marianne Smith, Township Manager; Robert P. Guerin, P.E., P.P., Arnold H. Chait, Esq., Colleen Fitzgerald, P.P., and Anne-Marie Wilhelm, Land Use Administrator

DISCUSSION: Attendees reviewed a draft 2005 Housing Element and Fair Share Plan prepared by Heyer, Gruel, & Associates. Colleen Fitzgerald, P.P., submitted revisions via a memo dated October 20, 2005. Additional corrections to the plan were submitted by Mr. Guerin and Planning Board Chairman Miller.

Board and Council members discussed the plan and acknowledged the necessity of meeting a December 20, 2005, deadline for submitting a plan to COAH. It was agreed that the Land Use Element of the plan would be amended at a later date and that a Master Plan Reexamination report would be drafted.

Colleen Fitzgerald, P.P., presented that the revised calculated obligation totals 239 units. She acknowledged the Township's interest in a potential high density center along Route 94 and a twenty percent set-aside in this location. Ms. Fitzgerald stated that the plan could be amended in the future.

With reference to credits for open space, Ms. Fitzgerald informed the group that COAH no longer awarded credits for open space. She explained that Round Three is based on growth and the preserved land would not produce an obligation. She clarified that the issuance of a CO triggers the growth share obligation and that the number of employees is calculated using the square footage of the building. She stated that COAH will monitor the Township's compliance at three-year intervals and failure to comply may result in the Township's loss of substantive certification.

Planning Board Chairman Miller acknowledged that the figures were projections. He asked about anticipated nonresidential development. He asked if there are legal implications by projecting development that may require a variance approval and including it in the calculations. It was agreed that developments that do not have approvals should not be included in the chart. Colleen Fitzgerald, P.P., explained that *anticipated development* includes approved, pending approved, and anticipated to be approved. Mr. Chait presented that there is a distinction between a permitted development plan and a "D" Variance application where there is no legal right to the development and there are

implications if the Township goes on the official record anticipating that the approval would be granted. Ms. Fitzgerald stated that she had no objection to taking properties that may require the "D" Variance out of the projections.

Marianne Smith, Township Manager, presented that Crystal Springs has purchased additional properties over the last several years and they are interested in appearing before the Planning Board with a concept that entails the creation of a town center within Crystal Springs. She stated that Crystal Springs would need more sewer and water allocation. She stated that they have filed an application to obtain a water allocation permit and that they are reviewing the measures that would need to be taken to get additional sewer allocation using a beneficial reuse plan. Mrs. Smith stated that such a plan would involve the developer's payment for an upgrade of the municipal sewer plant. She stated that treated effluent would be fed to a septic field in the winter months and in the summer, the treated effluent would be used to irrigate the golf courses.

It was noted that such a plan would require a Wastewater Management Plan Amendment by the county and the municipality in addition to permitting at the plant. Mrs. Smith also explained that development of additional units already approved at Crystal Springs would take a considerable amount of effort. She stated that when changes to the ordinance are proposed, the Board has the opportunity to assess the developer at a higher rate to satisfy COAH obligation. A 20% set-aside would satisfy the minimum COAH obligation. It was noted that the 20% could be built off-site but in town. It was acknowledged that COAH units must be affirmatively marketed. It was further noted that the 20% set-aside could be reexamined in the future.

With reference to the Master Plan Reexamination Report, Marianne Smith explained that the report would acknowledge the need to amend the Housing Plan Element and Fair Share Plan as well as acknowledge the need to further examine the Master Plan to include language that would allow a town center with higher density and a 20% set-aside. Marianne Smith stated that a Land Use Plan Element that defines the boundaries of the new town center could be done eventually. Leslie Hamilton suggested an overall review of the Master Plan in the future.

Attendees discussed strategy to satisfy the COAH submission requirements. A joint motion to authorize the scheduling of a joint public hearing on the 2005 Master Plan Housing Element and Fair Share Plan, the Master Plan Reexamination Report, and consideration by the Governing Body of a resolution approving and adopting a *Petition for Substantive Certification* to COAH with a waiver, with the meeting taking place on November 10, 2005, at 7:30 p.m., at the Hardyston Township Municipal Building and Police Station Complex, 149 Wheatsworth Road, Hamburg, New Jersey, was made by Carl Miller and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Bill Lasinski – yes, Ken Kievit – yes, Randy Roof – yes, Robert Neubig – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

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

ADJOURNMENT: A motion to adjourn was made by Bill Lasinski and seconded by Carl Miller. All were in favor. The motion carried. The meeting was adjourned at 8:40 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm