

MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD SPECIAL MEETING HELD DECEMBER 22, 2005

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 – Excused
Jim Armstrong – Excused
Randy Roof – Excused
Robert Neubig – Present
Ed Zinck – Present
John Monell – Present
James Homa (Alternate No. 1) – Present
Brian Kaminski (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 Meeting Held November 10, 2005;

Minutes of the Hardyston Township Joint Meeting of the Hardyston Township Council and the Hardyston Township Planning Board Held December 6, 2005; and

Minutes of the Hardyston Township Planning Board Special Meeting Held December 8, 2005.

Approval of the above noted minutes was carried to January 26, 2006.

Chairman Miller amended the order of the Agenda to hear the presentation of the Hardyston Township Board of Education in the matter of the Hardyston Township School Long Range Facility Plan for the 2005 – 2010 school years.

William Stepka, Business Administrator and Board of Education Secretary, appeared on behalf of the Hardyston Township Board of Education. He stated that every school is required to prepare a long range facilities plan and Hardyston Township Board of Education filed an updated plan with the state on October 3, 2005. He stated that the Hardyston Township Board of Education currently has enough land and facilities to maintain the present footprint of its facilities. He stated that a review of a proposal to consolidate the two schools by selling the elementary school and adding onto the middle school concluded that sewer capacity is limited. He stated that the facilities plan would not impact the Township and that previous enrollment predictions did not materialize.

Thomas F. Collins, Jr., Esq., explained the Planning Board's role in the review process. He suggested that the Board of Education obtain a copy of the Township's Master Plan and Land Use Plan Element. He also noted the potential impact of the Highlands Act on growth.

Chairman Miller opened the meeting to the public for questions and comments on the matter. There were no participants. Chairman Miller closed the meeting to the public.

A motion to prepare and adopt a resolution advising the Board of Education of the comments made and informing them, particularly through the Housing Element, of the population and development projects that are expected in the future and commenting on the Highlands Preservation area and the State Plan Amendments that are likely to apply outside of the growth area was made by Robert Neubig and seconded by Ed Zinck. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

RESOLUTIONS:

PB-7-95-1a, HFH Development Corporation, Extension of the Statutory Protection Period for the Preliminary Major Subdivision and Site Plan, Block 67, Lot 16.01: A motion to adopt the memorializing resolution was made by John Monell and seconded by Robert Neubig. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Carl Miller – yes. The motion carried.

PB-2-05-3, HFH Dev. Corp. c/o Signature Properties, LLC, Indian Field Phase 4, Amended Preliminary and Final Subdivision, Amended Preliminary and Final Site Plan, Master Plan Update, Block 67.30 Lot 1: A motion to adopt the memorializing resolution was made by Robert Neubig and seconded by John Monell. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Carl Miller – yes. The motion carried.

PB-7-03-7, Christian Faith Fellowship Church, Minor Subdivision Reapproval Request, Block 75, Lot 62: A motion to adopt the memorializing resolution was made by Robert Neubig and seconded by James Homa. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – abstain, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

PB-9-05-1, Christian Faith Fellowship Church, Amended Preliminary & Final Site Plan, Block 75, Lots 60, 61, & 62: A motion to adopt the memorializing resolution was made by Robert Neubig and seconded by John Monell. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – abstain, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

APPLICATIONS:

PB-11-05-1, Pottersville Properties, L.L.C., Ridgefield Commons, Phase III, Final Subdivision and Final Site Plan, Block 67, Lot 2.01 and Block 67.18, Lots 97-118; James P. Bruno, Esq., appeared on behalf of the Applicant. Board members reviewed completeness issues. Robert P. Guerin, P.E., P.P., presented no engineering objections to waiver requests for the scale of the drawing, for showing setback lines, for the omission of the zone data box, for the provision of organizational documents, and for providing as-builts. Mr. Guerin reminded the developer of the agreement that includes a specific timetable when plans must be provided. A motion to grant waivers for completeness purposes only, deem the application complete, and begin the public hearing was made by Robert Neubig and seconded by Brian Kaminski. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Kenneth Dykstra, L.S., P.E., P.P., was sworn and accepted by the Board as an expert witness. He explained that the proposal encompasses the third phase of a 287-unit townhouse development. Referencing sheet one of two of the *Final Subdivision Plat, Ridgefield Commons – Phase 3, Block 67, Lot 2.01, Block 67.19, Lots 1-18, Block 67.24, Lots 19-28, Ridgefield Road, Winding Way, and Kristen Court, Township of Hardyston, Sussex County, New Jersey*, dated 3/29/05, prepared by Kenneth D. Dykstra, L.S., P.E., P.P., and marked as Exhibit A-1,

Mr. Dykstra explained that most of the units along Ferndale Lane are under construction.

Mr. Guerin confirmed that the site plan meets RSIS standards with respect to the cul-de-sac radius. Becky Boston, Project Manager, was sworn. She stated that there are five buildings on Ferndale with

five three-bedroom units. She stated that the remainder of the units would contain two bedrooms. Ms. Boston confirmed that she believed the parking areas were sufficient.

Mr. Guerin stated that parking space counts should be considered in view of the overall project. He explained that additional parking spaces are located throughout the development but this road's topography prohibited extra spaces being added. He stated that the overall parking space count exceeds RSIS standards.

Board members reviewed the attached report submitted by Robert P. Guerin, P.E., P.P., dated November 18, 2005. Kenneth D. Dykstra, L.S., P.E., P.P., agreed to provide all the requested information and comply with the recommendations noted. Chairman Miller requested that his name be spelled correctly.

With reference to the *Performance Bond Estimate*, Mr. Guerin stated that modifications would be made to the estimate that would address the fire suppression system and other matters. He recommended that a condition of approval stipulate that the estimate be finalized prior to the filing of the final plat.

Having no other items for discussion, Chairman Miller opened the meeting to the public.

Mr. Nick Carrato was sworn. He asked if the project would connect to Bunn Road. Mr. Dykstra stated that there is no proposed connection to Bunn Road. Mr. Carrato asked if, in the future for emergency purposes, the project would connect to Bunn Road. Mr. Dykstra confirmed that there is no proposed connection to Bunn Road at this time. Mr. Carrato stated that they cleared the trees completely to the road, which made everybody believe that the developer would cut into it.

Mr. Carrato stated that he is a builder and has never seen anything like the clearing. Mr. Zinck asked why the site was cleared in the manner it was. Mr. Dykstra explained that the area cleared was cleared for the grading purposes of a future section, which was previously approved.

Chairman Miller explained that it is not a policy of the Board to endorse removal of all trees.

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

Mr. Zinck asked about landscaping on Ferndale. Mr. Guerin stated that the preliminary approval included typical landscaping around the building and there is a \$1500 per unit landscaping line included in the Performance Bond Estimate.

A motion to approve the Final Major Subdivision Phase III subject to the conditions noted above and subject to Mr. Guerin's report was made by John Monell and seconded by Robert Neubig. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

PB-11-05-2, Pottersville Properties, L.L.C., Ridgefield Commons, Phase IV, Final Subdivision and Final Site Plan, Block 67 Lot 2.01, Block 67.19 Lots 1-13, and Block 67.24 Lots 19-28. James P. Bruno, Esq., appeared on behalf of the Applicant.

Kenneth D. Dykstra, L.S., P.E., P.P., still under oath, was accepted by the Board as an expert witness.

Board members reviewed completeness waiver requests. Mr. Guerin presented no objections to requested completeness waivers that would allow the scale of drawing to be smaller than 1" = 100'; that waive the requirement that setback lines for each of the proposed plots be provided; that as-built plans showing the location of all improvements be provided; that a Zone Data Box be provided, and that Organization Documents be provided. A motion to grant the waivers for completeness only and deem the application complete was made by Robert Neubig and seconded by James Homa. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Referencing sheet one of two of the *Final Subdivision Plat, Ridgefield Commons – Phase IV, Block 67, Lot 2.01, Block 67.18, Lots 96-118, Ridgefield Road, Ferndale Lane, Township of Hardyston, Sussex County, New Jersey*, dated 3/25/05, marked Exhibit A-2, [Note: There is no Exhibit A-1 in this matter,] Mr. Dykstra stated that the 28 proposed units have access from three roads – Ridgefield Road, Winding Way, and Kristen Court. He presented that the phase is under construction.

Board members reviewed the attached report submitted by Robert P. Guerin, P.E., P.P., dated November 18, 2005. Mr. Dykstra stated that he Applicant would comply with Mr. Guerin's requests for information and revisions.

Mr. Neubig stated there is no temporary cul-de-sac shown. Mr. Guerin explained that the parking lot area could be used for a turnaround by an emergency vehicle. He stated that additional work has been done on Winding Way and that if necessary, an emergency vehicle could get through.

With reference to the COAH obligation, Thomas F. Collins, Jr., Esq., confirmed that the section was subject to the 1% contribution.

Chairman Miller opened the meeting to the public. There were no participants. The meeting was closed to the public.

A motion to approve the application for Phase IV subject to the conditions noted above and subject to the comments made in Mr. Guerin's report was made by James Homa and seconded by John Monell. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – yes, James Homa –yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Mr. Bruno stated that the Applicant had an issue with the remaining 9 phases as the preliminary approval and the statutory protection period would expire on 12/31/05. He asked for an extension of the approval for a period of three years and that the MLUL permits extensions for projects over 50 acres. He stated that the Applicant has encountered many delays due to the large amount of rock found, the JCPL strike, DOT issues, and discussions with the town concerning COAH.

Thomas F. Collins, Jr., Esq., confirmed that the town had not received anything in writing from the Applicant and requested a letter. He identified COAH requirements and recommended that they be reviewed by the Applicant. Mr. Bruno acknowledged fees due.

The Board recessed for a 5-minute break.

Mr. Bruno stated that the Applicant would comply with the growth share ordinance for Phase V through the end in return for the extension with a caveat that there are a number of units sold in proposed Phase V and there may not be the opportunity to do the one for eight in that phase. He stated that the applicant would agree that cumulatively, Phases five through thirteen would meet the obligation. Mr. Guerin suggested that the Applicant provide a phasing plan showing the COAH compliance plan. Mr. Bruno stated that the Applicant could have the phasing plan in prior to the January meeting.

Mr. Collins suggested that the Board extend the Preliminary for the balance of the sections with the understanding that it will be subject to the growth share ordinance requirements for constructing units in the remaining development in accordance with the growth share ordinance subject to the Board keeping jurisdiction to hear the phasing plan of the implementation of it and the plan will be submitted to the Board by January 26, 2006. Mr. Neubig added that a formal request letter should be forwarded as well. Mr. Collins noted that the written resolution would be reviewed in January but not memorialized until the Board was satisfied with the phasing plan and this would block together the extension and the phasing plan.

A motion to approve the extension subject to the conditions noted above was made by James Homa and seconded by Brian Kaminski. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

BILLS: A motion to recommend that the Council pay the bills cited below was made by John Monell and seconded by Ed Zinck. Roll Call: Robert Neubig – yes, Ed Zinck – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Heyer, Gruel & Associates

Invoice #24829	Planning OE	\$ 121.56
Invoice #24830	Planning OE	350.00
Invoice #24740	Planning OE	787.50
Invoice #24739	Planning OE	4263.75

Guerin & Vreeland Engineering, Inc.

Invoice #WO440LL	PB-11-05-2, Ridgefield Commons, IV	3592.50
Invoice #WO440MM	PB-11-05-1, Ridgefield Commons, III	1520.00
Invoice #WO440NN	PB-11-05-2, Ridgefield Commons, IV	1425.00
Invoice #WO641J	Planning OE	\$ 3372.50
Invoice #WO401GG	PBC-10-04-8, Crystal Springs Village Center	997.50
Invoice #WO442D	PBC-11-05-1, LSC Properties, L.L.C.,	380.00
Invoice #WO677A	PB-11-05-4, Crystal Springs Builders, L.L.C.,	855.00
Invoice #WO379BB	PB-11-05-3, Crystal Springs Builders, L.L.C.,	665.00
Invoice #WO486T	MCS-01, Crystal Springs Builders, L.L.C.,	990.00
Invoice #201T	HOV-1, Hovnanian General Escrow-The Bluff	910.00
Invoice #WO664C	SPLIT: PB-5-5-5, Crystal Springs Builders, L.L.C., /	890.00
	MCS-01, Crystal Springs Builders, L.L.C.,-	<u>962.50</u>
Invoice #WO664C	TOTAL:	1852.50
Invoice #WO607F	PB-4-04-2, Billups, J.	190.00
Invoice #WO565G	PBC-6-03-1, Senyszyn, B.	427.50
Invoice #563D	PB-7-03-7, Christian Faith Fellowship Church	665.00
Invoice #WO665F	PBC-4-05-1, Grecco Landscaping	285.00
Invoice #623F	PB-11-05-5, Crystal Springs Builders, L.L.C.,	712.50
Invoice #WO604K	PB-4-05-3, Crystal Springs Development, L.L.C.,	1982.50

Vogel, Chait, Collins AND Schneider

Invoice #37914	Planning OE	\$ 387.50
Invoice #37871	HFHJL-01	1575.00
Invoice #37872	PB-11-05-4, Crystal Springs Builders, L.L.C.,	125.00
Invoice #37877	PB-7-03-7, Christian Faith Fellowship Church	125.00
Invoice #37874	PB-4-05-3, Crystal Springs Development, L.L.C.,	712.50

Invoice #37875	PBC-10-04-8, Crystal Springs Builders, L.L.C.,	675.00
Invoice #37873	PB-11-05-1, Pottersville Properties, L.L.C.,	300.00
Invoice #37876	PB-7-05-1, Siegel, Robert	37.50
Invoice #36341	Planning OE	2162.50
Invoice #37279	HFHJL-01	650.00
Invoice #36283	Crystal Springs Development, L.L.C.,	87.50
Invoice #37284	PB-404-2, Billups, J.	125.00
Invoice #37288	PBC-10-04-8, Crystal Springs Builders, L.L.C.,	350.00
Invoice #37292	PB-10-05-1, Richter, Tillman	25.00
Invoice #37291	PB-7-03-7, Christian Faith Fellowship Church	25.00

The New Jersey Herald

Invoice #74371	Planning OE: Legal Notice	35.50
Invoice #74379	Planning OE: Legal Notice	25.70
Invoice #74968	Planning OE: Legal Notice	51.60
Invoice #76895	Planning OE: Legal Notice	18.00
Invoice #74999	Planning OE: Legal Notice	60.70
Invoice #77535	Planning OE: Legal Notice	26.75
Invoice #78947	Planning OE: Legal Notice	76.10

PUBLIC PARTICIPATION: Chairman Miller opened the meeting to the public. Mr. Richard Smith asked if HFH was given a five-year extension. He stated that Mr. Lipari has three votes. Mr. Collins explained that the condominium issues involve a different set of laws. Chairman Miller stated that the Board is sensitive to the issues.

There were no other public participants. Chairman Miller closed the meeting to the public.

DISCUSSION: Board members reviewed a memorandum from Robert P. Guerin, P.E., P.P., dated November 9, 2005, in the matter of Land Development Ordinance Issues. Mr. Guerin stated that height for accessory structures is not designated in the Midd Ordinance. He recommended a maximum height of 15' for accessory structures. Mr. Guerin noted that Arden Paul Svedman, Zoning Official, recommended barns not be included in this height limit.

Thomas F. Collins, Jr., Esq., stated that there should be a way to include barns and avoid a party putting a high barn structure next to million dollar home. Board members discussed the matter and agreed that perhaps a 10-acre farm with a 100 ft. set back from property lines would be required for a barn.

Further, Board members discussed horses as an accessory use. They agreed that there should be a minimum of two acres with no structures or paddocks in a front yard and that horses must be 50' from all property lines.

Additional ordinance inconsistencies were reviewed. The Board agreed that §185-33.C.2 be modified to include Zero-lot-Line Dwellings in the reference to §185-2; and that the reference to the design standards in the Midd-3 District be corrected.

A motion to authorize Robert P. Guerin, P.E., P.P., to prepare draft revisions to the ordinance was made by Robert Neubig and seconded by James Homa. All were in favor. The motion carried.

CORRESPONDENCE: Board members reviewed the following correspondence. No comments were noted.

1. Brian P. Cramer, Environmental Scientist, Matrix New World Engineering, Inc.,
Re: Freshwater Wetlands Letter of Interpretation Application Submitted By: Shotmeyer Bros., Inc., Line Verification Letter of Interpretation, Block 16, Lot 2.01, Hardyston Township, Sussex County, New Jersey, (November 21, 2005.)

2. Winnie Straub, District Manager, Sussex County Soil Conservation District,
Re: Soil Erosion and Sediment Control Plan #HY189, Project Name: The Craige at Crystal Springs, Phase II – Roadways, Block 16, Lot 1.03, 1.05, 6.02 (portions), Hardyston Township, (November 10, 2005.)

3. Alice Brees, P.P., Sussex County Department of Engineering and Planning, Division of Planning,
Re: Application: Preliminary Site Plan, Sussex County Planning Board #81(PSP) 05; Jonathan F. Bret, Block 62, Lot 18.17, County Route 631, Hardyston Township, (November 17, 2005.)

ADJOURNMENT: Having no further business to conduct, a motion to adjourn was made by Robert Neubig and seconded by James Homa. All were in favor. The motion carried. The meeting was adjourned at 9:40 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm