

MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD SPECIAL MEETING HELD AUGUST 8, 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 – Excused
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) – Present
Carl Miller – Present

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

APPLICATION: PB-7-07-1, Sussex National Development Corporation, *General Development Plan: Crystal Springs II Master Plan Amendment, Amended Preliminary Site Plan, Minor Subdivision, Conditional Use Approval, Block 14- Lots 24.01, 20, 7, 22.01, 24.02, 30.03; Block 16- Lots 6.01, 1.02, 6.02, 8.02, 14.01, 1, 1.09, 1.10, 1.07, 8.03, 8.01, 3.03, 3.05, 3.06, 3.07; Block 17- Lots 1, 2, 12.10:* M. Richard Valenti, Esq., appeared on behalf of the Applicant. Jurisdictional issues were reviewed. Mr. Valenti stated Building 28, an office building located in a residential district, was withdrawn. Mr. Valenti clarified that the Applicant is not applying for any use variances. Thomas F. Collins, Esq., confirmed that the Board had jurisdiction. Board members reviewed the attached reports submitted by Robert P. Guerin, P.E., P.P., and Heyer, Gruel & Associates, dated August 6, 2007 and August 2, 2007, respectively.

A motion to deem the application complete with waivers for completeness only conditioned upon the submission of the completeness items to the satisfaction of the Board engineer before the public hearing was made by Leslie Hamilton and seconded by John Monell. Roll Call: Leslie Hamilton – yes, Robert Schultz – yes, Bill Hickerson – yes, John Monell – yes, James Homa – yes, Brian Kaminski – yes, Stanley Kula – yes, Carl Miller – yes. The motion carried.

Andrew Mulvihill, Principal, was sworn. He stated the submitted plan is incomplete and that he would hope to address the comments made in the professional reports by the next meeting. Mr. Mulvihill stated that he intends to provide the level of detail requested. He noted that he previously conducted a meeting with Hamburg residents and another meeting with Crystal Spring's residents. He presented an overview of the Town Center Concept utilizing a PowerPoint presentation, which was marked as Exhibit A-1. A digital copy of the exhibit was requested.

Mr. Valenti stated that it is the Applicant's intent to return in September and asked the following questions:

How close does the Applicant have to follow the concept plan regarding the building size?

Ms. Gruel stated the intent is for the Applicant to comply with the bulk standards and the design standards associated with them. She stated that the standards are the key.

Regarding the pedestrian overlay with no vehicular access, Mr. Mulvihill stated it is critically important to provide vehicular traffic and accessibility for the retail. He noted that certain roads could be closed off for special events. Ms. Gruel agreed.

Regarding structured and underground parking in the areas of COAH Buildings 57-62, Mr. Mulvihill stated that he did not believe that underground parking was required in the area. Ms. Gruel stated there was no distinction between affordable housing and market housing with regard to parking. Mr. Miller reviewed the ordinance. Mr. Valenti asked if a design waiver were appropriate. Mr. Miller noted that the COAH units should blend in with the other units. Mr. Mulvihill stated that the units are going to cost money and underground parking adds \$15,000-\$20,000 per unit in expense. He explained that he has spoken with builders of affordable housing and they have talked about paying in the neighborhood of \$110,000 - \$115,000 per unit. He stated the market for the property is in the neighborhood of \$70,000 - \$100,000 per unit and the sewer, water, and approval costs far exceed the cost per unit and it is a loser. He stated it is a major economic issue. He stated he appreciated the concerns of the Board and their desire to achieve consistency. He stated he did not believe affordable housing with underground parking is done in other parts of the state. Mr. Collins suggested that the Applicant research tax credit programs that provide a financing vehicle. He stated architectural design in tax credit jobs is more enhanced than in private sector, low-moderate inclusionary sites. He suggested the Applicant do his best to meet the intent of the ordinance. Mr. Mulvihill stated that the Applicant is working with tax credit specialists to make the project work. He stated the tax credits are an integral part of the project.

Regarding the concept of driveways and garages located in the back alley area, Mr. Mulvihill stated that the townhouses on the fringes have views out the back and it would be a shame to have garages back there instead of decks. Ms. Gruel stated she disagreed and that there are opportunities to comply with the ordinance. She suggested using the grade and placing the decks above the parking. Mr. Miller suggested that the Applicant review the plan to try to achieve goals.

Regarding the setbacks, Mr. Valenti asked about parking and landscaping in the setbacks. Thomas F. Graham, P.E., was sworn and accepted by the Board as an expert. Mr. Collins noted there would be no structures permitted in the 20' setbacks. Mr. Guerin stated decks and patios should be outside the setbacks.

Regarding parking lots and roads, Mr. Valenti asked about roads and parking areas within the 20' setback. Ms. Gruel noted Building 31 backs right up to Route 94 within 20' and this is contrary to the intent of the ordinance. Mr. Guerin stated that a 30' distance must be based on final pavement approved by the NJDOT. Mr. Graham noted that there is a vertical elevation change in the area of the townhomes. Comments were made about the appearance of townhomes in close proximity to Route 94. Mr. Collins suggested that the Applicant review the matter.

Mr. Valenti asked if the minimum distance from a curbline dependent on the type of street relates to parking or to the roads themselves. Ms. Gruel stated that along Building 31, a parking lot appears to front on Route 94. Mr. Graham asked about Building 63 and perpendicular parking in the 20' setback. Mr. Valenti asked if the 20' setback applies to driveways and roads. Mr. Guerin noted that parking would be treated the same as a roadway – 20' from the edge of pavement. Mr. Mulvihill asked if this was a higher standard than other areas in town. Ms. Hamilton noted this area was different. Mr. Valenti asked for confirmation that the landscaping and stormwater could be in the setback, that a road could be in the setback but if there is a parking element to the road, the parking element has to conform to the setback. The Board's professional staff agreed.

With reference to the minor subdivision application, Mr. Collins noted there was a closure issue. Mr. Guerin stated he would prefer to have the matter addressed at the next meeting. Mr. Graham identified the lots included in the minor subdivision as those that front along Route 94 and Van Decker Lane, Block 16, Lots 8.01, 8.03, 3.07, 3.05, and 3.06 and a portion of lot 8.02, which is the golf course lot. He stated the minor eliminates lot lines, condenses those lots that front Route 94 and Van Decker Lane, adds property from the golf course parcel, and creates a property that follows the zone boundary.

With regard to the physical locations of the streets, Mr. Valenti asked if there is flexibility.

Mr. Collins stated the street hierarchy creates the subdistricts and altering them affects the densities. Mr. Guerin noted traffic circulation issues. Mr. Collins discussed the concept of the town center as a modified grid. He suggested the Applicant address the basic layout that was intended. Mr. Mulvihill asked if the proposal is within the zone, could there be flexibility to move the roads around. Ms. Gruel stated the ordinance was a collaborative effort and it was clear that this is a different concept than what is done in other parts of town. She stated that every effort should be made to remain consistent with the street hierarchy map and that there is some flexibility.

Chairman Miller opened the meeting to the public. Ms. Terry Henninger was sworn. She stated that the plans show her home to be located in Hardyston Township and she is a resident of Hamburg. Mr. Graham explained that the key map was an old map and that her property is in Hamburg.

Mr. Russell Law was sworn. He stated that there was a good meeting with Mr. Mulvihill on Monday and that there are no objections. He stated the Applicant agreed to stake out Buildings 8, 9, and 12. Mr. Mulvihill agreed.

Mr. Law stated he would like to partner with Hardyston Township, Hamburg, Franklin Borough, and Crystal Spring's residents. Mr. Miller stated he thought it was a great idea as all are at the DOT's mercy. Ms. Hamilton asked Mr. Law to forward a letter to the Township Council.

Mr. Law expressed concern about 911 and EMS when the Crystal Springs project gets done. He asked what would happen if Hamburg are the first responders in a countywide plan. He stated this would put the tax burden on Hamburg. Marianne Smith, Hardyston Township Manager, was sworn and stated the 911 study is at its infancy. She stated the next step is to gather more information. She stated that municipal participation in a county plan would be voluntary and that the plan is a ten-year plan. She stated Sparta, Hardyston, Andover, and Newton have upgraded their equipment. She stated the Hardyston Council reviews the matter and has its own dispatch and emergency services. She stated the Township would not want to burden Hamburg's service or depend on another municipality to provide those services.

No other members of the public addressed the Board.

The matter was carried to the next workshop meeting on September 20, 2007, without further notice at 7:30 p.m.

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

ADJOURNMENT: A motion to adjourn was made by Leslie Hamilton. All were in favor. The meeting was adjourned at 9:07 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm