

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JUNE 20, 2006**

The meeting was called to order by Mayor Hamilton at 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Armstrong, Councilman Kievit, Councilman Lasinski, and Manager Marianne Smith

SALUTE THE FLAG:

CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Monthly Reports:

1. Municipal Clerk Report – May 2006
2. Construction Official Report – May 2006
3. Sales Listing Report – 1/1/06 – 5/31/06
4. Finance Officer Report – April 2006
5. Tax Collector Report – April 2006
6. Tax Collector Report – May 2006
7. Zoning Officer Report – as of 2/28/06
8. Zoning Officer Report – as of 3/31/06
9. Zoning Officer Report – as of 4/30/06
10. Zoning Board – Minutes/Resolution
11. Zoning Board – Minutes/Resolution
12. Sparta Health Department – April 2006
13. Finance Officer Report – May 2006
14. Sparta Health Department – May 2006

Minutes:

1. Regular Minutes of 5/16/06
2. Workshop Minutes of 5/16/06
3. Executive Session Minutes of 5/16/06
4. Workshop Minutes of 5/23/06
5. Executive Session Minutes of 5/23/06
6. Workshop Minutes of 6/13/06
7. Executive Session Minutes of 6/13/06

Licenses:

1. Raffle – St. Jude The Apostle Church

A motion was made by Kievit to approve the consent agenda as presented, seconded by Armstrong. All in favor. Motion carried.

OLD BUSINESS:

ORDINANCES:

1st READING: 2006-11

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON AMENDING SECTION 33-31 OF CHAPTER 33 OF THE CODE
ENTITLED “LAND USE PROCEDURES” TO REQUIRE NOTICES FOR
PRELIMINARY SITE PLANS AND AMENDING SCHEDULE A AT THE END OF
CHAPTER 33 TO ADD THE ATTACHED CHECKLIST**

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NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

SECTION 1. The first paragraph of section 33-31 entitled "Notice Requirements for Hearing" is hereby amended to read as follows:

"Whenever a hearing is required on an application for development pursuant N.J.S.A. 40:55D-1 et seq., for any matter coming before the zoning Board of Adjustment and for any preliminary site plan applications, the applicant shall give notice thereof as follows:"

SECTION 2. Schedule A is amended to incorporate the attached checklists.

SECTION 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 5. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 6. This ordinance shall take effect after publication and passage according to law.

A motion was made by Kievit to approve Ordinance 2006-11 on first reading, seconded by Lasinski. All in favor. Motion carried.

2006-12

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON APPROVING THE ATTACHED CHECKLIST AND
INCORPORATING IT INTO THE LAND USE ORDINANCES**

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

SECTION 1. A new Section 33-49 shall be added to incorporate the attached checklists

SECTION 2. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 3. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

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SECTION 4. This ordinance shall take effect after publication and passage according to law.

SECTION 5. Severability. - If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

A motion was made by Kievit to approve Ordinance 2006-12 on first reading, seconded by Armstrong. All in favor. Motion carried.

ORDINANCES:

2nd READING: 2006-10

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON AMENDING CHAPTER 185
ENTITLED "ZONING" BY AMENDING THE (C-R) COMMERCIAL
RECREATION DISTRICT AND THE DEFINITIONS TO ADD
MULTI-STORY COMMON ENTRANCE CONDOMINIUM BUILDINGS
AND GOLF VILLAS AS ALLOWED USES IN THE CONDITIONAL
USE OF RESORT-ORIENTED HOUSING**

NOW THEREFORE, be it ordained by the Township Council of the Township of Hardyston, State of New Jersey as follows:

SECTION 1

Section 185-4. Entitled "Zoning Definitions" is hereby amended to add the following additional definitions:

Golf Villas: a detached residential structure containing not more than four bedrooms with a common living area and common kitchen. Golf Villas shall be limited to areas of the C-R Zone within 1500 feet of a hotel/conference center.

Age-Restricted Housing: shall be defined as a housing community where the minimum age for at least one resident shall be 55 and no children under age 18 shall reside in the unit."

SECTION 2

Section 185-58(S) entitled "Resort oriented housing in connection with golf course" is hereby amended to delete the existing paragraph "(3)" and replace it with the following:

"(3) Such resort-oriented housing may consist of the following housing types:

single-family detached dwellings, single-family detached dwellings with zero-lot-line, golf villas with zero lot lines, single-family attached (duplex) dwellings with zero-lot-lines, townhouse dwelling units, multi-level housing units, multi-story, common entrance condominium buildings, and age-restricted housing. No more than thirty-five percent (35%) of the total number of resort-oriented housing units in any project in the CR Zone shall consist of any one of the above listed housing types. The combined total of multi-story, common entrance buildings, and multi-level housing units shall not exceed fifty percent (50%) of the total number of units."

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SECTION 3

Section 185-58S, Entitled “Resort oriented housing in connection with golf course” is hereby amended to delete the existing paragraph “(5)” and replace it with the following:

“(5) Single-family detached dwellings with zero-lot-line, golf villas, and single-family attached (duplex) dwellings with zero-lot-line shall meet the bulk requirements applicable to zero-lot-line detached dwellings in the R-4 Zone (Section 185-52), except that the maximum tract density and minimum tract area specified for the R-4 Zone shall not apply and maximum building coverage shall be forty percent (40%). For single-family adjacent dwellings with zero-lot-line and golf villas with zero lot lines, the common wall and the lot line shall coincide and reciprocal easements shall be executed with respect to such dwelling units, for the benefit of each owner or eventual owner, for the purposes of maintenance of the attached structures. For golf villas with zero lot lines, no driveway or garage will be required on the villa lot but off-street parking in the amount of one parking space per bedroom must be provided for each villa. For golf villas, no parking shall be permitted between the building and the street line but would be permitted along the street between building footprints abutting side yard areas. For golf villas, parking may be on the street in parallel or angle parking spaces. For single-family detached dwellings and zero-lot-line dwellings, the appropriate use of common driveways is encouraged. Where such lots will access off-site street parking, common driveways shall be used where appropriate to minimize the number of curb cuts required.

SECTION 4

Section 185-58S, Entitled “Resort oriented housing in connection with golf course” is hereby amended to add the following new paragraph:

“(16) Multi-story, Common-Entrance Condominium Buildings: the following bulk requirements will be applicable to multi-story, common-entrance condominium buildings only:

Development Standards	Multi-story, Common Entrance Condominium Buildings
Minimum tract area	N/A
Maximum number of units/structures	18
Maximum length of structure	200 feet – below grade parking connections is excluded from building length calculations
Maximum building coverage	30%
Maximum number of single units served by single common entrance	N/A
Minimum number of entrance/exits per unit	N/A – One common lobby entrance for all units is permitted
Maximum height Note: Basement shall be used for underground parking and shall not be counted towards building height or story maximum. First living level shall be more than ½ at or above ground level.	42 feet (Midpoint of the roof to average grade at the base of the building) – 3 story maximum- The part of the building encompassing the driveway entrances may be excluded from the average grades
Minimum distance between groups of structures:	
End to end	35 feet
Rear to rear	60 feet
Front to back	75 feet
Front to front	75 feet
Corner to front building face	50 feet measured perpendicular to building face
Corner to rear building face	50 feet measured perpendicular to building face
Front to side (except that buildings may join at corners)	50 feet
Minimum distance to public road	50 feet
Minimum distance to private road	25 feet
Minimum lot width at street	N/A
Minimum lot width at building front line	N/A
Minimum lot depth	N/A
Minimum distance to side property line	25 feet
Minimum distance to rear property line	25 feet
Minimum yard widths	N/A
Minimum front yard	N/A
Minimum rear yard	N/A
Required off-set	N/A

Maximum driveway slope	8% *
Parking	Subject to RSIS
Patios and Decks	Attached to the building within the building envelope. Also permitted in the rear yard setback where rear yard abuts a golf course or open space but not within 15 feet of the property line.

- The entire first level of the building shall be devoted to parking.
- Under building parking may be supplemented by on street or surface parking as may be necessary to address required parking provisions.
- The scale of the building shall be reduced through use of vertical offsets at the roof line such as dormers and parapets.”

* This is a design standard which may be granted a site plan exception pursuant to N.J.S.A. 40:55D-51

SECTION 5. Severability. - If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 6. This ordinance shall take effect after publication and passage according to law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2006-10 on second reading, seconded by Armstrong. All in favor with Lasinski abstaining. Motion carried.

NEW BUSINESS:

A. 2006-2007 Liquor License Renewal Resolution

WHEREAS, the following Liquor License is to be renewed effective June 30, 2006, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective June 30, 2006 for the following license holders.

1. Anthony Pignataro Corp.- #1911-33-004-006
2. Jackelise, Inc.- #1911-44-003-008
3. Crystal Springs Beverages, Inc.- #1911-33-006-008
4. HGF, Inc.- #1911-33-005-008
5. Hamburg Golf Course Beverage, Inc. - #1911-33-002-009
6. G & V Amoris Restaurant Corp, Inc. T/A Victoria’s Mountain Inn - #1911-33-001-002

A motion was made by Kievit to approve the resolution as presented, seconded by Armstrong. All in favor with Lasinski abstaining.

B. Appointments to Recreation Committee

1. Jeanette Chardavoyne
2. Kathy Judd

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A motion was made by Kievit to approve the appointments as presented, seconded by Lasinski. All in favor. Motion carried.

C. Resolution authorizing the execution of the following contracts/leases/agreements:

1. HTMUA – Administrative Services
2. Developer’s Agreement Amendment – Estelle Manor

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following contracts, leases and/or agreements is hereby authorized:

1. HTMUA – Administrative Services
2. Developer’s Agreement Amendment – Estelle Manor

A motion was made by Kievit to approve the resolution as presented, seconded by Armstrong. All in favor with Kievit abstaining. Motion carried.

D. Resolution accepting a letter of credit in the amount of \$139,050.00 and a cash bond in the amount of \$15,450.00 from MRC at Hardyston, LLC/JEM Contracting for Estell Manor

WHEREAS, the Hardyston Township Planning Board granted approval to MRC At Hardyston, LLC/JEM Contracting for Estell Manor; and

WHEREAS, as a condition of said approval, MRC At Hardyston, LLC/JEM Contracting was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of 154,500.00; and

WHEREAS, MRC At Hardyston, LLC/JEM Contracting has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$139,050.00, and a cash bond in the amount of \$15,450.00; and

WHEREAS, the letter of credit has been reviewed and approved as to form by the Township Attorney and Township Engineer.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from MRC At Hardyston, LLC/JEM Contracting as performance securities required by the Hardyston Township Planning Board.

A motion was made by Kievit to approve the resolution as presented, seconded by Lasinski. All in favor. Motion carried.

E. Resolution authorizing submission of application for funding to enhance school safety/security systems

WHEREAS, the Township of Hardyston having their own police department seeks to provide the highest level of service at the most reasonable cost to its residents and taxpayers; and

WHEREAS, the Township of Hardyston together with the local board of education, seek to review and improve the security of our children while at school, as well as the facilities themselves; and

WHEREAS, there is an opportunity to apply for Federal grant funds to improve security in schools through the COPS Secure our Schools grant program;

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NOW THEREFORE BE IT RESOLVED, by the Hardyston Township Council that formal authorization is granted to submit a grant application seeking funding under the COPS Fiscal Year 2006 Secure Our School's Program.

A motion was made by Kievit to approve the resolution as presented, seconded by Lasinski. All in favor. Motion carried.

F. Correspondence

1. Township of Vernon
2. Township of Vernon
3. Township of Vernon
4. Town of Newton
5. Township of Jefferson
6. Township of Wantage
7. Township of Wantage
8. Borough of Franklin
9. Township of Vernon
10. Borough of Franklin
11. Township of West Milford
12. Township of West Milford
13. Township of Wantage
14. County of Sussex
15. NJ State League of Municipalities
16. NJ State League of Municipalities
17. NJ State League of Municipalities
18. NJ State League of Municipalities
19. NJ State League of Municipalities
20. NJ State League of Municipalities
21. NJ State League of Municipalities
22. NJ State League of Municipalities
23. NJ State League of Municipalities
24. NJ State League of Municipalities
25. NJ State League of Municipalities
26. NJ State League of Municipalities
27. NJ State League of Municipalities
28. NJ State League of Municipalities
29. NJ State League of Municipalities
30. NJ State League of Municipalities
31. NJ State League of Municipalities
32. State of NJ
33. State of NJ
34. State of NJ
35. State of NJ
36. State of NJ
37. Jersey Central Power & Light
38. NJ Department of Labor Newsletter
39. New Jersey Future Newsletter

A motion was made by Kievit to approve the correspondence as presented, seconded by Lasinski. All in favor. Motion carried.

MANAGERS REPORT: Township Manager Marianne Smith gave a written and verbal report on the following:

- Silver Grove Road Resurfacing
- Hardyston Day/Dedication Ceremony
- Recreation
- Keysafe Fuel System

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- Fire Truck and Ambulance Purchases
- Planning Issues
- Administration
- Digitization of Tax Maps
- Landfill Closure
- Future Meetings/Events
- Program In Progress

BILLS TO BE PAID: A motion was made by Kievit to approve the bill list as presented, seconded by Lasinski. All in favor. Motion carried.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Kievit to adjourn, seconded by Armstrong. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk