MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD APRIL 22, 2010

CALL THE MEETING TO ORDER: Leslie Hamilton called the meeting to order at 7:40 p.m. and read the following 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
Carl Miller – Present
Robert Neubig – Excused
Robert F. Schultz – Present
William Hickerson – Present
James Homa – Present
Randy Roof (Alternate No. 1) – Present
Brian Kaminski – Excused

As both the chairman and vice chairman were absent, Ms. Hamilton appointed Carl Miller as acting chairman.

OTHERS PRESENT: Robert P. Guerin, P.E., P.P.; Thomas J. Molica, Esq.; Carrine Piccolo-Kaufer, Assistant Planner; and Anne-Marie Wilhelm, Land Use Administrator

APPROVAL OF MINUTES:

A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held* March 25, 2010 was made by James Homa and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bill Hickerson – yes; James Homa – yes. The motion carried.

RESOLUTIONS: PB-10-09-2, Kronyak, Pamela. Minor Subdivision, "C' Variance, Block 71 Lot 1.01: A motion to adopt and memorialize the resolution was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bill Hickerson – yes; James Homa – yes. The motion carried.

APPLICATIONS:

PB-3-10-1, Four Winds Industrial Park, LLC, Amended Preliminary and Final Site Plan, Variances, Block 62 Lot 18.01:

Renu A. Shevade, Esq., appeared on behalf of the Applicant. Board Attorney Molica confirmed that notice was acceptable. Board engineer Guerin provided an overview of the Applicant's technical waiver requests outlined in his March 30, 2010 report inserted below. Mr. Guerin stated he had no objections to the waiver requests. A motion to grant the waivers for completeness was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes. The motion carried.

Ms. Shevade provided an overview of the matter stating that the Applicant received approval from the Board in 2002 to construct a 38,400 sq.ft. industrial building, which has been constructed and has one tenant. She stated the Applicant requests the ability to install below-grade pavers and outdoor storage containers to accommodate new tenant *Back Thru The Future Computer Recycling(*hereinafter Back Thru The Future.) Tenant Dan Bayha, Principal and Vice President of Finance, was sworn. Thomas F. Graham, P.E., was sworn.

Mr. Bayha stated *Back Thru The Future* is in the technology disposal business. He stated the business operates with a Class D license and handles hazardous wastes that do not contain toxic or hazardous materials. He stated the operation sorts diverse electronic devices and materials for distribution to recyclers and provides for the secure destruction of data. Mr. Bayha stated normal operating hours are 9:00 a.m. – 5:30 p.m with the license permitting a 6:00 a.m. thru 12:00 a.m operation and on Saturdays from 6:00 a.m. to 6:00 p.m. He stated he had no objection to a condition stating there would be no trucking beyond 5:30 p.m. Mr. Bayha confirmed that there would be approximately two truck deliveries per day with two – three tractor-trailers per week. He stated the facility would not be open to the general public. He noted that the business is curently staffed by seven full-time employees and two part-time employees. He stated he did not anticipate there ever being more than 15 people at the site.

With reference to the proposed on-site containeers, Mr. Bayha stated there are four outside containers — a one-yard standard trash container, a four-yard container used for corragated, and two four-yard containers, which are used for scrap metal and shredded tapes, repectively. He explained the containers would be open for loading purposes.

The Board confirmed that Thomas F. Graham, P.E., was qualified, and he was accepted as an expert witness. Mr. Graham entered the following exhibits into the record.

Exhibit	Description
A-1	Aerial Photo Exhibit, Block 62, Lot 18.01, Dykstra Walker Design Group, P.A., Sheet 1 of 1, 4/22/10
A-2	Site Layout Plan, Amended Preliminary and Final Site Plan, Block 62 Lot 18.01, Park Drive, Township of Hardyston, Sussex County, New Jersey, Sheet 3 of 13, Thomas F. Graham, P.E., revision date 5/20/05
A-3	As-Built Modifications Plan, Block 62 Lot 18.01, Park Drive, Township of Hardyston, Sussex County, New Jersey, Thomas F. Graham, P.E., Sheet 1 of 2, revision date 9/5/08

Referencing the exhibits, Mr. Graham provided an overview of the matter and discussed Mr. Guerin's report with the Board. Commentary is noted below in boldface.

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MICHAEL G. VREELAND, P.E., P.P.
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March 30, 2010

Planning Board
Township of Hardyston
Municipal Building
149 Wheatsworth Road
Hardyston, New Jersey 07419

Re: Four Winds Plaza
Amended Preliminary & Final Site Plan
Block 62, Lot 18.01
Park Drive
Application No. PB-3-10-1

Dear Board Members:

We are in receipt of the following information provided in support of the above referenced amended site plan application:

- *Site Plan consisting of five sheets entitled "Amended Preliminary and Final Site Plan, Block 62, Lot 18.01, Park Drive, Township of Hardyston, Sussex County, New Jersey". This site plan prepared by Dykstra Walker Design Group (Thomas F. Graham, P.E.) is originally dated February 23, 2010 with revisions through March 2, 2010.*
- *Application for amended preliminary and final site plan approval with associated attachments.*
- *Variance application to deviate from the screening requirement around outdoor storage and required number of parking Stalls. More specifically the application requests placement of two unenclosed dumpsters in conjunction with the operation of the proposed tenant and to construct only 78 parking spaces with 24 parking spaces deferred until a need for these reserved spaces has been established.*
- *Completed technical and administrative checklists associated with each of the proposed applications.*
- *Copies of resolutions of approvals previously granted by the planning board for the site improvements currently located on the property.*

The application proposes to modify a portion of the existing rear parking area and access aisle to allow WB-50 trucks to maneuver around the building. The application also requests a variance to allow several dumpsters to be placed in the rear parking area without the requisite screening. Finally the application requests permission to defer construction of 24 parking spaces until they are deemed necessary.

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Four Winds Plaza Amended Site Plan
March 30, 2010

The subject property is located in the I-2 Medium Industrial Zone. We have reviewed the information provided and offer the following comments for the board's consideration:

1. Based on our review of the information submitted, it appears several waivers from the Schedule "A" Checklist for preliminary and final subdivision are being requested. The following is a summary of the waivers being requested along with our comments concerning each:

Preliminary Site Plan

Item No. 19 - Sufficient elevations or contours onsite and up to 25 feet beyond the limit of the property.

Comment: *The checklist indicates that contours have been shown in the area of the proposed amendment. Since the area of disturbance encompasses only 0.08 acres along the edge of the existing paved area behind the building, we have no engineering objection to this waiver request.*

Item No. 26 - Stormwater Management Plan

Comment: *The checklist indicates that the amount of impervious coverage will not change from that which was previously proposed and is below the threshold for a major development. The site plan proposes grass pavers rather than asphalt for the additional maneuvering area proposed. Based on this proposal we have no engineering objection to this waiver request.*

Item No. 34 - Profiles for the existing and proposed utilities.

Comment: *The checklist indicates that there are no changes proposed for the utilities. Based on the limited scope of additional improvements proposed and the profiles which were provided with the original application we have no engineering objection to this waiver request.*

Item No. 39 - Environmental Impact Assessment

Comment: *The checklist indicates that the scope of this amendment will have*

only a minimal impact on the site. It is also noted that the proposed tenant will be available to provide testimony concerning his operation. We have no engineering objection to this waiver request based on the scope of this amendment.

Final Site Plan

Item No. 21 - As-Built Plan
Comment: *The checklist indicates that the applicant will provide an updated as-built plan of the site upon completion of the site improvements. We have no engineering objection to this request.*

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Hardyston Planning Board
Four Winds Plaza Amended Site Plan
March 30, 2010

Item No. 28 - Affidavit and supporting documentation verifying compliance with conditions of preliminary approval.
Item No. 29 - Affidavit indicating that the as-built plan is consistent with the board approval or in the alternative, a list of deviations if the as-built plan has not consistencies.

Comment: *Since these items can not be provided until the site improvements are complete, we have no engineering objection to these requested waivers for completeness. We recommend the board require these items to be provided in conjunction with the updated as-built plan.*

2. The applicant is requesting a variance for outdoor storage without providing the required screening. A stockade fence enclosure is proposed for the two small dumpsters but it appears the two 40 cubic yard dumpsters not proposed to be screened. The proposed tenant should explain why a stockade fence or some other form of screening can not be provided on either side of these dumpsters.

— **Mr. Graham explained that the dumpsters are to be loaded utilizing fork-lifts. He stated a variance is requested because the screening would impair operations. He noted that the closest structure is over 700' away, one really would not see it, and the parking lot is on the side of the property abutting an I-2 property. Mr. Graham clarified that the two designated waste dumpsters would be enclosed.**

3. The originally approved plan proposed loading spaces aligned at an angle from the rear building wall to accommodate maneuvering of oversized delivery vehicles. The applicant's representative should explain why a field change was requested to allow the loading spaces to be perpendicular to the building when the original design would have avoided the need to expand the rear parking area.

— **Mr. Graham stated the change was requested to accommodate a tenant that did not materialize.**

4. The original site plan approval for this project requested a waiver to allow 16 parking spaces to be banked and constructed in the future should the need arise. Based on our review of this amended site plan, it appears two of the originally proposed parking spaces along the rear of the building are being eliminated due to the need for an additional trash and recycling dumpster area for the new tenant. The applicant or his representative should explain to the board why the number of banked parking spaces is not just two more than the number previously approved. The applicant's engineer should provide testimony as to whether the additional banked parking would create the need to further exceed the impervious coverage requirement of the zone which was the subject of a previously approved variance application.

— **Mr. Graham explained that the original plan banked 16 parking spaces and the current proposal shows 24 banked spaces. He stated the Applicant proposes to place a dumpster in the area of two parking spaces. With reference to the additional six banked parking spaces, he stated the**

existing spaces along the front of the building are wider than the required 9' and were made to be 10'. This change created a difference in the parking count reducing it by 6 spaces. He stated the original parking plan could still be implemented if the front parking lot were to be restriped.
Mr. Graham noted that if the Applicant constructs the banked spaces, impervious coverage would equal 63% — triggering a variance requirement. Mr. Graham stated the Applicant is occupying 40% of the building, and it is not likely that the parking would need to be built.
Mr. Guerin suggested the Applicant utilize the original plan and bank 18 spaces. The Applicant agreed and stated a note on the plan concerning the striping would be added.

5. One of the proposed evergreen shrubs appears to encroach into the seven space future parking bay. We recommend the site plan be modified as necessary to eliminate this conflict.

— **Mr. Graham stated he would eliminate the conflict on the plan.**

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Four Winds Plaza Amended Site Plan
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6. The note on sheet 3 of the plans indicate a 10' X 10' concrete slab for the trash/recycling enclosure. This does not correspond with the trash enclosure detail on Sheet 4 which indicates a 12' X 10' concrete slab. Since both a 3 Cubic Yard and 4 Cubic Yard Dumpster are proposed for the enclosure, we recommend a wider enclosure be provided. A typical three or four cubic yard dumpster is approximately 81 inches wide. As such we believe an enclosure wider than 12 feet would be needed to house two dumpsters.

— **Mr. Graham agreed to rectify the problem. Following discussion, the Applicant agreed to defer on the installation of a concrete dumpster pad until the Board engineer, Zoning Officer, or Applicant notices deterioration in the area.**

Very truly yours,
Guerin & Vreeland Engineering, Inc.

/s/ Robert P. Guerin
Robert P. Guerin, P.E., P.P.
Planning Board Engineer/Planner
For the Firm

cc: Thomas F. Collins, Esq. /via e-mail
Thomas F. Graham, P.E. /via e-mail
Renu A. Shevade, Esq./via e-mail
Patrick Turzi, Four Winds Industrial Park, LLC

Four Winds Plaza Amendment-March-1010-Technical-1.pb

With reference to the variances requested, Mr. Graham confirmed Ms. Shevade's statement that the parking and impervious coverage variances were technicalities because the parking, more likely than not, would never be built. He stated the original parking calculation was based on the ordinance and conservative. He stated the current utilization of the parking is nowhere near capacity. He stated there were no adverse impacts.

Mr. Graham informed the Board that an issue identified by Mr. Guerin in correspondence regarding the water connection would be rectified by the end of next week. Mr. Guerin noted that the Applicant could be held up if the matter was not addressed.

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

Mr. Molica stated the motion. A motion to grant amended preliminary and final site plan approval for tenant *Back Through the Future Computer Recycling* to occupy a 14,500 sq.ft. of the existing building located at the subject property with related variance relief for the location of below-grade grass pavers; parking waiver as per testimony and other waivers as noted in Mr. Guerin's report; truck access restricted to 9:00 a.m – 5:30 p.m., Monday – Friday; outdoor storage without screening; to install concrete pads for the two 40-yard dumpsters as determined by the Board engineer was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes. The motion carried.

Ms. Shevade requested to waive the reading of the resolution. The Board granted the request.

PB-1-09-2, Crystal Springs Construction, LLC, Preliminary Major Subdivision, "C" Variances, Horse Valley, Block 14, Lots 30.01, 30.03, 31, and 22.01:

Bernd E. Hefele, Esq., appeared on behalf of the Applicant and provided an overview of revisions made to date. He stated the Applicant proposes to create a 23-acre subdivision of the 135-acre tract identified as Horse Valley. He stated the original application was compliant but had a substantial number of walls and cuts. He stated it was agreed that the project's roadway could be planned to reduce the walls and cuts. He stated the overall length, number of walls, and cuts related to Equestrian Drive were reduced. He stated the current roadway design works as best as it can for this piece of property to service the lots. Mr. Hefele stated that Orts Road was not part of the application, and confirmed that the Applicant would make a connection to Orts Road for emergency purposes only. He stated the project would hook into Harvest Court, and the road network of Crystal Springs North could easily handle the proposed addition of 23 homes.
Mr. Guerin noted that the Crystal Springs North plan shows a break-away gated access for emergency services. He suggested that the current site be prohibited from starting until Harvest Court is in except for top course pavement. Mr. Hefele agreed and acknowledged that the Crystal Springs North roadway and emergency access improvements must be in. He stated there is less disturbance and the proposal is as good as it gets for the property.

Mr. Hefele noted that the proposed redesign of the roadway resulted in a variance for disturbance on eight lots. Michael J. O'Krepke, P.E., previously sworn, explained that the proposed alignment of the roadway reduces the need for walls and disturbance. Referencing the revised plan, dated March 23, 2010, Mr. O'Krepke identified the changes made. Mr. Guerin stated the roadway is as good as it gets. Mr. Miller stated the roadway looks better.

With reference to the water system and fire suppression, Mr. Hefele stated the Applicant was going to make an application to the water authority to extend the system. He stated that wells are shown in case the extension is not granted. Mr. Guerin noted that as part of the Crystal Springs North plan, there is a new water tank proposed so the pressure for the water system will be adequate. Mr. Hickerson suggested pull-offs along the roadway and on the longer driveways. The Applicant agreed to review the matter. It was also agreed that if there are no hydrants, the Applicant would have to return to the Board.

The meeting was open to the public. There were no participants. The meeting was closed to the public.

The matter was continued to the June 24, 2010 meeting with notice required.

The Board recessed at 8:50 p.m. The meeting was called to order at 9:00 p.m.

PB-2-05-3, HFH Development Corporation c/o Signature Properties, LLC, Extension Request, Indian Field Phase 4, Amended Preliminary and Final Subdivision, Amended Preliminary and Final Site Plan, Master Plan Update, Block 67.30 Lot 1

PB-3-05-3, HFH Development Corporation c/o Signature Properties, LLC, Extension Request,Indian Field Phase 5, Preliminary and Final Subdivision, Preliminary and Final Site Plan, Block 67.30 Lot 1.02

PB-2-05-3a/PB-3-05-3a, HFH Development Corporation, Extension Request, Commercial Phasing Plan and Affordable Housing Plan for Phase IV and Phase V of Indian Field.

Extension Request — Resolution Approving a Three-Year Extension of the Statutory Protection Period for HFH Preliminary and Final Site Plan and Preliminary and Final

Subdivision and Approving the Amended Master Plan of Indian Fields Phases I Through V [Includes PB-7-95-1a, HFH Development Corporation, Extension of the Statutory Protection Period for the Preliminary Major Subdivision and Site Plan Application, Block 67, Lot 16.01]

Matthew J. Cavaliere, Esq., appeared on behalf of the Applicant and requested a three-year extension due to economic conditions. Board members questioned the status of sewer allocation stating that the Applicant's allocation is pending revocation by the Hardyston Township Municipal Utilities Authority. Members expressed concern that the project could not be built-out without the allocation. Board members elected to carry the matter to the May 27, 2010.

The Board recessed for 9:00 p.m. to 9:10 p.m.

DISCUSSION:

Planner's Report: Carrine Piccolo-Kaufer, Assistant Planner, presented that the Township Council was scheduled to appoint a Plan Endorsement Committee.

The Board reviewed of the Annual Report of the Zoning Board of Adjustment. There were no comments.

BILLS: A motion to forward a recommendation to the Township Council for payment of the bills cited below was made by James Homa and seconded by Robert Schultz. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes. The motion carried.

HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
APRIL 22, 2010

Guerin & Vreeland Engineering, Inc.

Invoice WO524N	PB-3-10-01, Four Winds Plaza, Inc.,	$ 367.50
Invoice WO705N	PB-8-06-2, Mogavero,F.	472.50
Invoice WO801G	PB-10-09-3,Dell Materials, Inc.,	446.25
Invoice WO565Q	PBC-6-03-1,Senyszyn.Hook. [Brecia Farms]	52.50
Invoice WO624V	PB-9-06-2, Crystal Springs Builders, L.L.C., [The Shotmeyer]	451.25
Invoice WO825C	Planning OE	1417.50

New Jersey Herald

Invoice 2967140	Planning OE	18.35

HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
APRIL 22, 2010
ADDENDDUM

Vogel, Chait, Collins and Schneider

Invoice 55486 [Horse Valley]	PB-1-09-2, Crystal Springs Construction, L.L.C.,	$ 45.00
Invoice 55489	PB-3-10-1, Four Winds Industrial Park, LLC,	75.00

Invoice 55487	MCS-01, Crystal Springs Builders, L.L.C.,	105.00
Invoice 55485	Planning OE 1050.00	
Invoice 55484	Planning OE 225.00	
Invoice 55488	PB-10-9-2, Kronyak, Pamela	420.00

CORRESPONDENCE: Board members received the correspondence listed below. There was no discussion or commentary.

Hardyston Township Planning Board
Correspondence List April 22, 2010

1. Lou Cattuna, Supervisor, Bureau of Inland Regulation, State of NJ Department of Environmental Protection
   Re: Authorization for Freshwater Wetlands Protection General Permit, Applicant: Frank Mogavero, Block 71 lot 7.01 (March 9, 2010)

2. Terry Pilawski, Chief, Bureau of Watershed Regulation, NJ Department of Environmental Protection
   Re: Exempt Determination - Highlands Applicability & Water Quality Management Plan-Consistent, Applicant: Roth Boathouse, 173 Hope's Island, Block 60 Lot 22 DN (March 11, 2010)

3. Antoinette Wasiewicz, Senior Planning Aide, Sussex County Department of Engineering & Planning
   Re: Sussex County Planning Board Application #85D(PSP)02/10, Deemed Complete. Project Name: Four Winds Industrial Park, LLC, Amended Preliminary Site Plan, Park Drive, Block 62 Lot 18.01 (March 19, 2010)

4. Clifford R. Lundin, District Manager, Sussex County Soil Conservation District
   Re: Request for Re-certification of Soil Erosion & Sediment Control Plan #HY195 Expiring April 23, 2010. Project Name: Homes By Frederick, Inc.-Rental Facility-Wheatsworth Road Block 62 Lot 34.07 (April 5, 2010)

5. Minutes: Hardyston Township Municipal Utilities Authority - March 1, 2010

PUBLIC PARTICIPATION: The meeting was opened to the public. There were no participants. The meeting was closed to the public.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Leslie Hamilton. All were in favor. The meeting was adjourned at 9:40 p.m.

Minutes respectfully submitted by:
/s/ Anne-Marie Wilhelm
Anne-Marie Wilhelm
Land Use Administrator

HARDYSTON TOWNSHIP PLANNING BOARD
RESOLUTION

DECIDED: APRIL 22, 2010

ADOPTED: APRIL 22, 2010

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF HARDYSTON APPROVING THE MINOR SUBDIVISION AND C VARIANCE APPLICATION OF PAMELA KRONYAK RELATING TO BLOCK 71, LOT 1.01 AND LOCATED IN THE MIDD-5 ZONE

PB-10-09-2

WHEREAS, Pamela Kronyak, with the address of 8 Pond Hollow Road, Sussex, New Jersey 07461 (hereafter the "Applicant") applied to the Hardyston Township Planning Board (hereinafter the "Board") for approval of a minor subdivision and related c variances in accordance with plans prepared by Thomas Graham, P.E. of Dykstra Walker Design Group with the address of 21 Bowling Green Parkway, Lake Hopatcong, New Jersey 07849 dated September 21, 2009 and last revised December 23, 2009 (hereinafter "minor subdivision plans"); and

WHEREAS, the matter was discussed at public hearing of the Board on March 25, 2010; and

WHEREAS, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Hardyston Township Land Use Ordinance and that all required provisions of procedural compliance have been filed with the Planning Board; and

WHEREAS, the Planning Board of the Township of Hardyston hereby makes the following findings of fact and conclusions based upon the testimony and documentary evidence produced by the Applicant and by the Planning Board staff:

1. The Board reviewed the following exhibits:

   A-1 Highlighted rendering of Sheet 3 of 7 – Minor Subdivision Plan

   A-2 Proposed drainage calculations

   A-3 Highlighted rendering of Sheet 5 of 7 – Soil Erosion and Sediment Control Plan

2. The Board reviewed the report of the Township Engineer, Robert Guerin, P.E., dated March 3, 2010 which is attached hereto and incorporated herein by reference.

3. The Applicant was represented by Counsel, Richard Valenti, Esq. The Applicant presented testimony by Thomas Graham, P.E. whose qualifications as a Professional Engineer are recognized and accepted by the Board, and by Pamela Kronyak, the Applicant, and by her brother Keith Evers. Mr. Graham explained that the purpose of the minor subdivision was to subdivide a 30-acre parcel into one (1) remainder lot of 20+ acres for agricultural purposes only with no home to be allowed on said lot, and two (2) conforming lots of approximately five (5) acres each for new single family residences in accordance with the exceptions allowed in the Farmland Preservation Easement granted to the State of New Jersey relating to this farm.

4. Mr. Graham explained that the Applicant will comply with all of the ordinance requirements with the exception of a disturbance of more than 25,000 square feet on Lot 1.05 of approximately 28,800 square feet. Mr. Guerin recommended to the Board that it consider granting a variance for Lot 1.05 of up to 30,000 square feet based upon the explanation provided by Mr. Graham. Thomas Graham testified that the subdivision will also conform with the stormwater management requirements as a project of more than one acre of a disturbance for the total project. He explained that the three (3) points of concern for site drainage would comply with all the stormwater management requirements by means of the grading adjustments he made on his initial plans for Lot 1.05. He also confirmed that the Applicant will obtain Sussex County Soil Conservation District approval and comply with the same. The Applicant's representatives confirmed that the Applicant will construct and pave the common portion of the driveway prior to recording of the Deeds of Minor Subdivision. The Board finds that it will be appropriate to grant an extension of the time period for recording of the Deeds of Minor Subdivision from the customary period of 190 days to a period of one (1) year from the date of this resolution to allow additional time for the Applicant to complete the common driveway prior to the recording of the

Deeds of Minor Subdivision. The Applicant also confirmed the willingness to prepare and execute a Common Driveway Maintenance Agreement requiring the sharing of the common driveway by the two (2) lots that will benefit by the common driveway. Said Common Driveway Maintenance Agreement shall be in a form acceptable to and approved by the Township Engineer and the Planning Board Attorney, and shall be recorded with the Deeds of Minor Subdivision.

5. Mr. Graham further explained that the Applicant will meet all of the ordinance requirements of the ordinances of the Township of Hardyston with the exception of the 25,000 square foot limit of disturbance for Lot 1.05. He confirmed that the variance would benefit the purposes of zoning by providing for the stormwater management planning explained in his testimony if the variance is granted. He also confirmed that these benefits would outweigh the detriments, and the Board finds that there will be no substantial detriment to the public good and no substantial impairment of the zone plan and zoning ordinance if this variance is granted. Therefore, the Board finds that the variance should be granted pursuant to N.J.S.A. 40:55D-70(c)(2). Mr. Graham also reviewed the Township Engineer's report of March 3, 2010. He confirmed that the Applicant will comply with the recommendations set forth in said report. He clarified any of the concerns raised by Mr. Guerin that needed clarification. Mr. Graham explained that the additional details will be provided in accordance with the review report. Mr. Graham also confirmed that the cover sheet of the plans will be revised to update and correct the 200 foot list and key map.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Hardyston, County of Sussex, State of New Jersey, that the application of Pamela Kronyak for minor subdivision approval and c variance approval is hereby granted subject to the following terms and conditions:

1. The terms of this approval are to be strictly in accord with the plans, exhibits and testimony presented to the Board herein, and same are incorporated into this resolution by reference.

2. The Applicant shall comply with the report of the Township Engineer, Robert Guerin, P.E., dated March 3, 2010, which is attached hereto and incorporated herein by reference.

3. The Applicant shall revise the plans to comply with the conditions and requirements of this resolution.

4. The Applicant shall revise the cover sheet of the plans to update and correct the tax list and the 200-foot map as needed.

5. The Applicant shall prepare deeds of minor subdivision which shall include the following recital:

> "Pursuant to Section N.J.S.A. 40P:55D-47, these deeds are approved by minor subdivision resolution by the Board dated April 22, 2010 and memorialized on April 22, 2010 which authorized an extension of the recording of the deeds until April 22, 2011. The deeds of minor subdivision shall be recorded prior to April 22, 2011."

ANNE-MARIE WILHELM, SECRETARY

BRIAN KAMINSKI, CHAIRMAN

6. The Board confirms that it is extending the time period for the recording of deeds of minor subdivision from 190 days to one year from the date of this resolution to allow additional time for the completion of the common driveway improvements. Said common driveway improvements shall be completed prior to the recording of the deeds of minor subdivision.

7. The shed on Lot 1.05, which is used by the neighbors, shall be removed from Lot 1.05 prior to the recording of the deeds of minor subdivision.

8. Prior to the issuance of the building permits for the homes on the new lots, the Applicant or owner at the time shall submit a plot plan to the building department demonstrating compliance with the stormwater management plan and minor subdivision plan, and the limit of 30,000 square feet of disturbance on proposed Lot 1.05, and 25,000 square feet of disturbance on proposed Lot 1.06.

9. All fees, taxes, assessments, escrows and other monies due to the Township of Hardyston shall be paid in full.

10. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the property.

11. The Applicant shall comply with all statutes, ordinances, rules and regulations of the United States of America, State of New Jersey, County of Sussex, and Township of Hardyston.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Planning Board at its regular meeting of April 22, 2010.

BRIAN KAMINSKI, CHAIRMAN

ANNE-MARIE WILHELM, SECRETARY

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❑ MICHAEL G. VREELAND, P.E., P.P.
mvreeland@guerinvreeland.com

March 3, 2010

Planning Board
Township of Hardyston
Municipal Building
149 Wheatsworth Road
Hardyston, New Jersey 07419

Re: Pamela Kronyak
Minor Subdivision
Block 71, Lot 1.01
Application No. PB-10-09-2

Dear Board Members:

We are in receipt of the following information in support of the above referenced application:

- Minor Subdivision Plan consisting of seven sheets prepared by Dykstra Walker Design Group. Sheets 1,3,4,5, and 6 of these plans are originally dated September 21, 2009 with revisions through December 23, 2009. Sheet 2 of the plans is originally dated June 9, 2008 with revisions through September 21, 2009. Sheet 7 is originally dated September 21, 2009 with no revisions.
- Report entitled "Stormwater Management Calculations for Minor Subdivision of Block 71, Lot 1.01 Situated in Hardyston Township, Sussex County, New Jersey". This report dated December 23, 2009 was prepared by Dykstra Walker Design Group (Thomas F. Graham, P.E.).
- Deed of Easement between the applicant and the State Agricultural Committee.
- Application for Minor Subdivision with applicable attachments.
- Variance application with applicable attachmentsAdministrative Checklist.
- Schedule "A" Checklist for a minor subdivision.
- Correspondence from the Sussex County Engineering and Planning Division noting that the application has been reviewed and no further action is required.

This minor subdivision proposes to create two new five acre residential lots located along Big Spring Road with a 20-acre remainder lot which has frontage along Big Spring Road and Franek Road. Based on a copy of the deed of easement submitted with the application, the remainder lot is encumbered by a farmland preservation easement. This easement restricts future development. The subject property is located entirely in the MIDD-5 Zone. We offer the following comments concerning this application:

1. Based on our review of the information submitted, it appears several waivers from the Schedule "A" Checklist for a minor subdivision are required. The following is a list of the waivers required along with our comments concerning each:

Item #18	Percolation or permeability test results including soil logs for each of the proposed lots witnessed by the Municipal Health Officer.
Comment	While the applicant has not specifically requested a waiver from providing a permeability test and soil log for the 20 acre remaining tract, we believe that from a technical standpoint a waiver should be considered. Since there has been a deed of easement submitted restricting future development on this property, we have no engineering objection to waiving this requirement for the remaining parcel.
Item #36	Maintenance agreement for common facilities.
Comment	The application proposes a common driveway and associated stormwater management facilities for the subdivision. The applicant has requested that the maintenance agreement be waived as a requirement of completeness. The applicant has agreed to provide this document as a condition of any approval granted. We have no engineering objection to this waiver request.

2. The applicant has requested a variance from Section 185-27.D.(2) and Section 185-22.D(5) relating to the maximum amount of disturbance on a lot. The application proposes 28,875 square feet of disturbance on Proposed Lot 1.05. The application indicates that the reason for the variance is due to the stormwater management requirements. While stormwater management requirements generally require significant disturbance which would otherwise not be required, the conceptual development plan appears to propose two drywells to collect roof run-off on this new lot. It does not appear that 3,875 square feet of disturbance is necessary for the these stormwater management measures. The applicant's engineer should further address this variance request.

3. We have checked the boundary information for each of the proposed lots and find that each lot closes within acceptable standards.

4. The Boundary and Topographic Survey Plan (Sheet 2 of 7) depicts a shed, driveway and walls servicing adjoining existing Lot 1.02 which encroach onto proposed Lot 1.05. The applicant's professionals should address how these encroachments will be addressed.

5. The grading plan indicates by note that the maximum height of the retaining wall will be four feet. While this is the case in most instances, the grading shown in the vicinity of the wall along the south side of the proposed driveway between approximate stations 0+50 and 1+50 will exceed the four foot height notes. As such a building permit may be required for that wall.

6. There appears to be a drafting error relating to the area of each depicted drainage area shown on the drainage area map.

7. The recharge calculations should include a calculation for how the total area of the BMPs was determined. We are also confused by the upper and lower limit of the BMP used in the recharge calculation. The report should be revised to explain these limits.

8. While the subdivision plans include a proposed pavement section for the driveway, we recommend a typical common driveway section also be provided based on the applicable provisions of ordinance Section 185-23.F.

9. A construction detail for the drywells should be included on the plans.

10. While the information submitted indicates that soil conservation district approval is not required, based on the total disturbed area of the site, we believe a soil conservation district approval will be required for this project.

11. In previous subdivision applications involving common driveways, the board has generally required that the common driveway and associated common improvements be constructed prior to deeds being filed. This is to insure that no single prospective lot owner is encumbered with construction of common facilities which will benefit other lots. In this instance the driveway from the roadway to approximate station 2+50 and dry wells at the driveway entrance are for the benefit of both lots. We recommend these improvements be installed prior to deeds being filed to perfect this subdivision.

Very truly yours,
Guerin & Vreeland Engineering, Inc.

Robert P. Guerin

Robert P. Guerin, P.E., P.P.
Planning Board Engineer/Planner
For the Firm

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