

MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD OCTOBER 28, 2010

CALL THE MEETING TO ORDER: Chairman Kaminski called the meeting to order at 7:30 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
Brian Kaminski – Present
Randy Roof (Alternate No. 1) – Present
William Castiglione (Alternate No. 2) – Excused

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

APPROVAL OF MINUTES:

A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held September 23, 2010* was made by Carl Miller and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

RESOLUTIONS: PBCAP-8-10-1, Sussex County, Vehicle Wash and Office Complex, Block 62 Lot 34.07 & 34.09: A motion to approve the memorializing resolution was made by Carl Miller and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

PB-9-06-1A/PB-9-06-2A: Extension Request in the matters of PB-9-06-1A , The Shotmeyer, Crystal Springs Builders, L.L.C., Amended Preliminary and Final Subdivision, Block 16, Lots 1, 1.02, 6.01, and 6.02; and PB-9-06-2A, The Shotmeyer, Amended Preliminary and Final Site Plan and Construction Plan Approval, Block 16, Lots 1, 1.02, 6.01, and 6.02: A motion to approve the memorializing resolution was made by Leslie Hamilton and seconded by James Homa. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

PBJR-9-10-1, Waiver of Jurisdiction in the matter of Sparta Township Planning Board, Warren Potter, and Block 20 Lot 5.01: A motion to approve the memorializing resolution was made by Robert Schultz and seconded by Carl Miller. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

APPLICATIONS:

PB-10-10-2, K. Hovnanian @ The Cedars Inc., Reapproval of Final Subdivision, Block 17.03, Lot 1.02: Stephen Dahl, Esq., appeared on behalf of the Applicant. He stated that the reapproval would allow the Applicant to correct an administrative oversight and file the plat. Mr. Guerin confirmed that the plat is acceptable.

Chairman Kaminski opened the meeting to the public. No members of the public addressed the Board on the matter. The meeting was closed to the public.

A motion to approve 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; Brian Kaminski – yes. The motion carried.

PB-11-05-6b, Crystal Springs Builders, L.L.C., Extension Request, Preliminary and Final Subdivision, *The Ardleigh*, Block 16, Lots 6.01 and 6.02; and PB-5-05-5b, Crystal Springs Builders, L.L.C., Extension Request, Preliminary Construction Plan and Final Site Plan, *The Ardleigh*, Block 16, Lots 6.01 and 6.02: Bernd E. Hefe, Esq., appeared on behalf of the Applicant and asked for a reapproval of the matter. Chairman Kaminski inquired about the status of taxes. Dale E. Pierson, Crystal Spring's Administrator of Development, was sworn. Ms. Pierson explained the tax delinquency noting that a tax assessor error in 2009 created a credit on the account. She stated the corrected bills have not been issued yet. Following discussion, the Board set a condition on the approval that mandated the resolution of the tax issue and the prompt payment of any taxes due.

Board members discussed the extension and agreed to a reapproval of the final plus a one-year extension to 10/28/13.

Chairman Kaminski opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to reapprove the final subdivision and grant a one-year extension through October 28, 2013 conditioned upon the resolution of the tax issue within 30 days was made by Leslie Hamilton and seconded by Carl Miller. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

PB-7-08-1b, Crystal Springs Builders, L.L.C., Extension Request, *Crystal Springs North* – Merge Phase I and II – Amended Final Site Plan Phase I & II; Amended Final Subdivision – Phase I, Final Subdivision – Phase II; Block 14, Lots 7, 22.01, 24.01: Bernd E. Hefe, Esq., appeared on behalf of the Applicant. Dale E. Pierson, Crystal Spring's Administrator of Development, was sworn. Ms. Pierson explained the tax status of the property stating that part of the property has a tax credit, which Crystal Spring's would like to use against the outstanding balance due. She stated the tax collector is on vacation and she elected not to pay the outstanding monies due until she could speak with the tax collector.

Chairman Kaminski opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to approve a three-year extension conditioned upon the payment of taxes due on Block 14, Lot 24.01 no later than November 5, 2010 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; Brian Kaminski – yes. The motion carried.

PB-5-08-2a.1, Sussex National Development Corporation, Extension Request, Preliminary and Final Site Plan, *Farmer's Market*, Block 16, Lot 8.03: Bernd E. Hefe, Esq., appeared on behalf of the Applicant. Mr. Guerin asked if there was anything not completed on this matter. Ms. Hamilton stated the market was to be temporary. Following discussion, Board members agreed that as the elements of the site plan were completed, an extension was not required. Mr. Hefe withdrew the matter.

PB-1-05-3a, Crystal Springs Builders, L.L.C., Extension Request, Amended Preliminary and Final Site Plan, *Wild Turkey Way*, Block 16, Lots 8.02 and 8.03: Bernd E. Hefe, Esq., amended the request to a reapproval request and confirmed that notice would not be required. Mr. Guerin presented that the Applicant had a conceptual NJDOT approval. Ms. Pierson presented that a bond was posted to perform the work with the DOT and Hardyston Township.

Chairman Kaminski opened the meeting to the public. No members of the public addressed the Board on the matter. The meeting was closed to the public.

A motion to approve the reapproval and extend it through October 28, 2013 was made by Leslie Hamilton and seconded by Carl Miller. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

PB-1-09-2, Crystal Springs Construction, LLC, Preliminary Major Subdivision, “C” Variances, Horse Valley, Block 14, Lots 30.01, 30.03, 31, 22.01: Bernd E. Hefele, Esq., appeared on behalf of the Applicant. He stated that the Applicant would have requested to carry in order to address comments forwarded by Mr. Guerin. Mr. Hefele acknowledged that the notice was defective. The matter was rescheduled to the meeting of December 16, 2010 with notice required.

PB-5-10-2.1, Mogavero, Franklin and Florence, Amended Minor Subdivision and “C” Variance, Block 71 Lot 7.01, 7.08: Due to a notice defect, the matter was rescheduled to the meeting of November 18, 2010 with notice required.

The Board recessed from 8:15 p.m. to 8:25 p.m.

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

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
OCTOBER 28, 2010**

Vogel, Chait, Collins and Schneider

Invoice 57447	Planning OE	\$ 390.00
Invoice 57448	PB-5-10-2, Mogavero, Franklin and Florence	30.00
Invoice 57450	PB-9-06-2, Crystal Springs Builders, L.L.C., [The Shotmeyer]	255.00
Invoice 57449	WV-02, Govel, Polizzi, Pegasus Group, Gen. Escrow	585.00

**HARDYSTON TOWNSHIP PLANNING BOARD
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ADDENDUM**

Guerin & Vreeland Engineering, Inc.

Invoice WO705Q	PB-5-10-2, Mogavero, Franklin & Florence	\$813.75
Invoice WO399P	PB-5-02-1, Estell Manor	262.50
Invoice WO401YY	SND-01, Sussex National Development Corp.	131.25
Invoice WO261JJ	PB-10-2-10/HOV-2, K. Hovnanian	183.75
Invoice WO816E	PB-10-09-2, Kronyak, P.	210.00
Invoice WO825I	Planning OE	3150.00

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

**Hardyston Township Planning Board
Correspondence List October 28, 2010**

1. Clifford B. Lundin, District Manager, Sussex County Soil Conservation District
Re: Soil Erosion Recertification - Applicant: Balmoral Estates @ Crystal Springs
Roads & Drainage: Block 17 Lots 6.01, 10; Single-family Home Construction:
Block 17 Lots 10.01, 10.13, 10.15, 10.16, 10.27 & 10.28; Expired Certification:
Block 17 Lots 10.17 through 10.26 (September 23, 2010)
2. Marianne Smith, Township Manager, Hardyston Township
Re: Grand Cascades Residency Restrictions (September 28, 2010)
3. Julie Rogyom, Harbor Consultants, Inc.
Re: Flood Hazard Verification & Individual Permit - Applicant: Edgewater
Associates, 3331 Route 94 S, Block 67.01 Lot 7 (October 1, 2010)
4. Minutes: Hardyston Township Municipal Utilities Authority – August 2, 2010
5. Minutes: Hardyston Township Municipal Utilities Authority – September 13, 2010

DISCUSSION: Ms. Piccolo-Kauffer, Mr. Molica, and Mr. Guerin discussed a proposed wind and solar energy system ordinance; proposed amendments to the land use procedure ordinance, and the attached proposed ordinance revisions, with the Board. Mr. Molica recused himself on all cell tower discussions. Mr. Guerin also presented comments forwarded to him by Thomas F. Collins, Esq., regarding suggestions on ordinance changes, exclusive of cell tower matters.

Board members affirmed the proposals and made suggestions. Consultants noted that revisions would be incorporated and presented to the Council. Ms. Piccolo-Kauffer noted Council action was expected on the wind and solar energy ordinance and land use procedure amendment with the remaining amendments carried to the new year.

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 James Homa and seconded by Randy Roof. All were in favor. The motion carried. The meeting was adjourned at 9:30 p.m.

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