MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD DECEMBER 16, 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 – Excused
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 F. Collins, Esq., Carrine Piccolo-Kaufer, P.P.

APPROVAL OF MINUTES:

A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held November 18, 2010* was made by James Homa and seconded by Leslie Hamilton. There was no discussion. Roll Call: Bill Hickerson – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

RESOLUTIONS:

PB-5-10-2.1, Mogavero, Franklin and Florence, Amended Minor Subdivision and "C" Variance, Block 71, Lot 7.01 and 7.08: Board members reviewed the attached resolution. There were no corrections or comments. A motion to adopt the memorializing resolution was made by Carl Miller and seconded by James Homa. Roll Call: Bill Hickerson – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

RESOLUTION OF THE HARDYSTON TOWNSHIP PLANNING BOARD FINDING TOWNSHIP OF HARDYSTON ORDINANCE 2010-24, AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 33, LAND USE PROCEDURES OF THE REVISED GENERAL ORDINANCES TO INCORPORATE CHANGES TO THE PROCEDURES FOR FILING APPLICATIONS AND CHANGES TO THE ADMINISTRATIVE AND SCHEDULE A CHECKLISTS, NOT INCONSISTENT WITH THE MASTER PLAN; and

RESOLUTION OF THE HARDYSTON TOWNSHIP PLANNING BOARD FINDING TOWNSHIP OF HARDYSTON ORDINANCE 2010-25, AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND SECTION 185-4 OF CHAPTER 185 AND ADD ARTICLE XXVII TO ADDRESS WIND AND SOLAR ENERGY SYSTEMS AND ESTABLISHING STANDARDS, NOT INCONSISTENT WITH THE MASTER PLAN — Mr. Collins confirmed that resolutions were not required in these matters because motions were done finding the two ordinances consistent with the Master Plan and the ordinances were adopted by the Township Council.

APPLICATIONS:

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: Board members reviewed a request to carry, dated December 6, 2010, forwarded by Bernd E. Hefele, Esq., on behalf of the Applicant. A motion to carry to the January 27, 2011 meeting at 7:30 p.m. with notice required was made by Carl Miller and seconded by Leslie Hamilton. Roll Call: James Homa – yes; Bill Hickerson – yes; Leslie Hamilton – yes; Randy Roof – yes; Carl Miller – yes; Brian Kaminski – yes. The motion carried.

PB-11-10-1, GNB Holdings, LLC, Amended Preliminary and Final Site Plan, Block 62 Lot 18.09: Renu A. Shevade, Esq., appeared on behalf of the Applicant. Brian J. Savage, President, Savage Associates, Inc. was sworn. George R. Gloede, Jr., was sworn and accepted as an expert witness. Robert P. Guerin, P.E., P.P., reviewed the Applicant's waiver requests with the Board and stated he had no objections to said requests. A motion to grant the waivers for completeness and deem the application complete was made by Leslie Hamilton and seconded by Bill Hickerson. Roll Call: James Homa – yes; Bill Hickerson – yes; Leslie Hamilton – yes; Carl Miller – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

Ms. Shevade presented that the Board approved the original fuel oil distribution facility located on the property in 2005. She stated the Applicant requests to amend the site plan to add two storage tanks – a 50,000 gallon above-ground fuel oil storage tank and a 30,000 above-ground propane storage tank. Mr. Gloede presented the as-built and provided an overview of the site noting that the existing fence runs around the perimeter of the parking area. He identified the location of a shed, a dumpster, and a storage container for diesel fuel. He stated the Applicant would like to extend the fence toward the back of the property and angle it across the back of the property to avoid slopes. Mr. Gloede stated the proposed 50,000 gallon fuel oil storage tank would be located within a containment dike. He stated the 30,000 propane storage tank and the fuel oil tank would be located above ground and are uncovered. He stated the tanks will be below the 25' height limitation. He stated there would be grass around the systems. He stated additional systems required would be located in the existing drive area.

Barry Zeek, Owner, was sworn. He confirmed that there is no intent to fill barbeque tanks on site. He stated they intend to have a fill system for their own use. Mr. Gloede noted that no additional traffic is anticipated on site. Mr. Gloede explained that there are currently two tanker trucks parked on site that are used for storage. He stated the two trucks would no longer be parked on site, which will improve circulation and aid in snow removal efforts.

Board members discussed an engineering review letter prepared by Board Engineer Guerin. Mr. Savage confirmed that the height of the tanks would be below the 25' maximum and no variances are required. He agreed to submit a soil conservation plan to the Board engineer noting that the area of disturbance around the tanks is less than 5,000 sq.ft., and this amount would not trigger a county application. Mr. Gloede discussed the stormwater management and landscaping plan with the Board. The design of the containment system and storage tanks was reviewed. The Applicant agreed to add a detail to the plan that identified a 2" pipe and a swing joint. Ms. Shevade noted that the Hardyston Township Fire Department submitted a letter stating they had no problem with the application.

Hours of operation were discussed. Mr. Zeek stated the hours of operation are 6:00 a.m. – 5:00 p.m. Mr. Zeek confirmed that there would be no overnight truck traffic onsite.

Mr. Homa inquired about the presence of sink holes in the industrial park. Mr. Guerin stated he was unaware of any history of sink holes in the industrial park.

Chairman Kaminski opened the meeting to the public to afford the public an opportunity to comment and or question the witnesses. No members of the public addressed the Board. The meeting was closed to the public.

Mr. Savage presented his qualifications as a petroleum storage and transfer consultant noting that his operation is primarily focused downstream of the refinery and upstream of the service station. He identified agencies that establish and oversee regulatory industry guidelines for the various mechanisms and procedures required to operate. Mr. Savage provided an overview of the design

of the proposed systems and discussed safety measures including a spill plan. He stated that the Applicant has addressed EPA and EPA40CFR112 requirements. Mr. Savage further discussed transfer procedures. Mr. Zeek confirmed that a person, other than the transport driver, would be on site during an offload.

With reference to the propane system, Mr. Zeek confirmed that the propane is a new part of the business. He stated the impact of the new business includes two trucks — one bobtail and one small crane used to set 500 gallon and 1000 gallon tanks. Mr. Zeek confirmed no additional employees will be added and the existing tractor trailers would be removed. Mr. Savage discussed NFA58. He stated the propane transfer is safer to operate than filling a car at a gas station. Mr. Savage noted that the propane tank would not be filled to more than 80% capacity. He explained that it is physically impossible to fill the tank more than 80%. Mr. Savage discussed the connection process and noted that there is a mechanism that will control flow rate, pressure, and level indication. Mr. Savage stated the truck is locked to the system until the connection is released. He provided an overview of the mechanisms locking the trucks into the system.

With reference to security, Mr. Savage discussed federal requirements. He stated the property is fenced and lighted. He stated that cameras or motion cameras are not required.

With reference to the placement of the tanks, Mr. Savage stated the tanks are placed as required. He stated sealed plans for the systems are submitted as part of the permitting process.
Mr. Hickerson suggested a walk-through by the Fire Department. Mr. Zeek agreed to host a walk through.

Having no other items for discussion, Chairman Kaminski opened the meeting to the public. There were no public comments or questions. The meeting was closed to the public.

Board members further discussed hours of operation. Mr. Zeek confirmed that the operation is generally shut down by 5:00 p.m., except in emergencies. He stated that sometimes the business runs a little later than 6:00 p.m. in the dead of winter. Mr. Zeek stated they do not start before 6:00 a.m.

A motion to approve the application was formed subject to the following conditions:
Mr. Guerin's report; the provision of additional buffering along the southern side of the property, especially in the area where the new fence is being added; the hosting of a walk-through with the Fire Department; the preparation of a soil erosion and sediment control plan for the Township Engineer's review and approval since it is an area of less than 5000 sq.ft.; obtain a Sussex County Planning Board approval or a letter of no jurisdiction from the County Planning Board; provide a copy of the detailed specifications and drawings; and trucks shall not be parked and idling on Park Drive. The motion was made by Leslie Hamilton and seconded by Carl Miller.
Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

DISCUSSION: There was no general discussion.

CORRESPONDENCE: The Board received the correspondence listed below. There were no comments.

Hardyston Township Planning Board
Correspondence List December 16, 2010

1. Minutes: Hardyston Township Municipal Utilities Authority – October 4, 2010

2. Minutes: Hardyston Township Municipal Utilities Authority – November 1, 2010

BILLS: A motion to recommend that the Hardyston Township Council pay the bills listed below was made by James Homa and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
DECEMBER 16, 2010

Guerin and Vreeland Engineering, Inc.

Invoice WO825K	Planning OE	$ 787.50
Invoice WO778N	PB-1-09-2, Crystal Springs Construction	840.00
Invoice WO399Q	PB-5-02-1, Estelle Manor	1548.75
Invoice 631J	PB-11-10-1, GNB Holdings, LLC,	472.50
Invoice WO261KK	HOV-2, K. Hovnanian at the Cedars, Inc.,	131.25
Invoice WO230FF	HOV-3, Hov at the Tannery	78.75

New Jersey Herald

Invoice 3410248	Planning OE	27.80

HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
DECEMBER 16, 2010
ADDENDUM

Vogel, Chait, Collins and Schneider

Invoice 57879	PB-5-10-2.1, Mogavero, F.	$ 420.00
Invoice 57880	PB-11-10-1, GNB Holdings, LLC,	105.00
Invoice 57955	Planning OE 195.00	
Invoice 57873	MCS-01, Crystal Springs Builders, L.L.C., Gen. Escrow –	225.00
Invoice 57874	SPLIT: MCS-01/PB-5-05-5/11-05-6, Crystal Springs Builders, L.L.C.,	
	MCS-01, Crystal Springs Builders, L.L.C., Gen. Escrow –	70.00
	PB-5-05-5/11-05-6, Crystal Springs Builders, L.L.C., The Ardleigh	380.00
Invoice 57878	HOV-2, K. Hovnanian @ The Cedars, Inc.	210.00
Invoice 57888	Affordable Housing (TBD) – Planning OE	735.00
Invoice 57876	WV-02, Govel, Polizzi, Walden, Pegasus, Gen. Escrow –	1260.00
Invoice 57877	PB-1-09-2, Crystal Springs Construction, L.L.C.,	45.00

HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
DECEMBER 16, 2010
ADDENDUM II

Vogel, Chait, Collins and Schneider

Invoice 58118	SND-01, Sussex National Development Corp.,	$ 45.00

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 8:30 p.m.

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

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November 17, 2010

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

All County Fuel Oil Company
Block 62, Lot 18.09
17 Park Drive
Application No. PB-11-10-1
Amended Preliminary and Final Site Plan
Our Project No. 1001

Dear Board Members:

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

- Site plan for the above referenced tract consisting of one (1) sheet entitled "Amended Preliminary & Final Site Plan, Block 62, Lot 18.09, Township of Hardyston, Sussex County, New Jersey". This site plan, prepared by George R. Gloede Jr., P.E. is dated October 12, 2010 with no subsequent revisions.
- Application for amended preliminary and final site plan, including associated attachments.
- Schedule "A" Checklists for both preliminary and final site plan.

This application proposes to install a 50,000 gallon above ground fuel oil storage tank and a 30,000 gallon above ground propane storage tank at the existing fuel oil distribution facility located at this site. The site plan for the fuel distribution facility on this property was approved by the planning board in December, 2004. The original application did not include any permanent fuel storage tanks. The operation currently transfers fuel oil from a large fuel oil tanker truck to smaller deliver trucks. We understand the operation of the facility is proposed to be changed with delivery trucks filled from the proposed storage tanks rather than the current large tanker trucks. The site is located in the I-2 Zone along Park Drive within the North Church Technical Center. Fuel oil distribution facilities are a permitted use in this zone. We have reviewed the information received and offer the following comments for the Board's consideration:

1. *The applicant is requesting a number of waivers from the technical checklists for preliminary and final site plan. The following is a summary of the applicable checklist waivers being requested:*

Preliminary Site Plan:

Item No. 8 - Survey of the Property (provided with original application)
Item No. 26 - Stormwater Management Plan
Item No. 27 - Erosion and Sediment Control Plan
Item No. 30 - Landscape Plan
Item No. 31 - Lighting Plan
Item No. 34 - Plans and profiles for the proposed storm sewers, sanitary sewers and water mains.
Item No. 35 - Construction Details

Final Site Plan

Item No. 21 - As Built Plan
Item No. 28 - Affidavit verifying compliance with the terms and condition of the preliminary approval.

Based on the scope of this amended application and the fact that most of these items were provided as part of the original application, we have no engineering objection to waiving the preliminary site plan items noted above for completeness. In addition due to the fact that the applicant is requesting preliminary and final site plan approval concurrently, we have no engineering objection to waiver the above noted final site plan items with these requirements made conditions of any action taken by the board.

2. *The applicant or his professionals should explain the proposed operation to the board with the addition of the fuel storage tanks.*

3. *The applicant or his professionals should provide testimony to the board demonstrating that the height of these tanks conform with the 25 foot maximum height requirement for accessory structures. The zone table on the plan should be updated to include all of the accessory structure requirements.*

4. *While the amount of disturbance exempts the application from a formal erosion control approval from the Sussex County Soil Conservation District we recommend the plan be revised or a separate plan prepared which addresses erosion control during construction.*

5. *The site plan proposes a containment dike with a storage capacity approximately equal to the capacity of the tank. The applicant's professionals should explain how this containment dike will function and how stormwater collected in the containment dike will be discharged.*

6. *We recommend that a detail of the containment dike be added to the plan.*

7. *The applicant's engineer should provide an analysis of the existing detention basin to insure that it's capacity is adequate to handle the additional impervious coverage proposed based on this application.*

8. *The board should determine if any additional landscaping should be provided to screen the tanks.*

9. *The fire department and emergency management coordinator should provide recommendations as may be appropriate.*

10. *We recommend any action concerning this application be subject to Sussex County Planning Board review and approval if required.*

11. *We recommend the board require an updated as-built plan of the site be provided upon completion of the improvements*

Very truly yours,
Guerin & Vreeland Engineering, Inc.

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

cc: Barry Zeek, GNB Holdings, LLC
George R. Gloede, Jr., P.E.
Michael Levine, Esq.

All County Fuel Oil Amended-Technical-1.pb

HARDYSTON TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

DECIDED: November 18, 2010

MEMORIALIZED: December 16, 2010

MEMORIALIZING RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF HARDYSTON APPROVING THE AMENDED MINOR SUBDIVISION AND C VARIANCE APPLICATION OF FRANKLIN & FLORENCE MOGAVERO RELATING TO BLOCK 71, LOTS 7.01 AND 7.08 AND LOCATED IN THE MIDD-5 ZONE

PB-5-10-2.1

WHEREAS, Franklin and Florence Mogavero with the address of 81 Bunn Road, Hamburg, New Jersey 07419 (hereafter the "Applicants") applied to the Hardyston Township Planning Board (hereinafter the "Board") for approval of an amended minor subdivision and related c(2) variances in accordance with plans prepared by Douwe Dykstra, P.E. of Dykstra Engineering, 11 Lawrence Road, Newton, New Jersey 07860 dated April 6, 2010 and bearing the last revision date of July 19, 2010 (hereinafter "minor subdivision plans"); and

WHEREAS, the matter was discussed at public hearing of the Board on November 18, 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 Applicant was represented by Counsel, William Haggerty, Esq. The Applicant presented testimony by Jason Dunn, PP, CLA, who was sworn. Mr. Dunn's qualifications as a Professional Planner and Certified Landscape Architect are recognized and accepted by the Board. The Applicant also presented testimony by Frank Mogavero who was sworn. Mr. Dunn explained that the Applicant had previously obtained minor subdivision approval of the lots

will be required and that the manuals will be recorded with the deeds of minor subdivision, and any easements related to the stormwater management will be provided. He explained that the private lot owners will be responsible for maintenance and operation of the facilities in accordance with Mr. Guerin's review report and the plans. The review report of Robert Guerin, P.E., the Township Engineer, dated October 13, 2010 was reviewed by the Board and the Applicant. It is attached hereto and incorporated herein by reference. The Applicant and the Applicant's Engineer and Professional Planner agreed to comply with the terms and recommendations set forth in the report. Mr. Guerin also confirmed that Owen Dykstra had prepared a written reply to the review report of the Township Engineer and had committed to make the necessary changes to the plans as part of the overall plan revisions that will be done as a condition of approval of these plans. The Board also discussed the appropriateness of additional time to complete the conditions of the report. The report recommends and the Board requires that the common portions of the common driveways and associated stormwater control system be constructed prior to the recording of the Deeds of Minor Subdivision so that there is no dispute in the future about the obligation to complete the common portion. Therefore, the Board finds that it is appropriate to provide some additional time beyond the customary 190 days for recording of this minor subdivision. The Board will extend the time period from 190 days to December 16, 2011 to complete the common portions of the common driveways and record the Deeds of Minor Subdivision.

3. The Board finds that the c(2) variances should be granted for the exceedances of the area of disturbance of 25,000 square feet for Lots 7.08 and 7.11. The Board finds that on these particular lots, because of the configuration and nature of the lots and the appropriate building site locations on the lots, it is appropriate to allow the disturbance to exceed the 25,000 square foot maximum of the ordinance. The Board finds that the proposed layout of the lots will benefit the purposes of zoning by providing for appropriate single family residential homes and their related and accessory improvements such as driveways and septic systems in a manner in keeping with the intent and purposes of the

in question from the Board, and had completed the minor subdivision of Lot 7.01. He explained that the conditions of the prior approval required finalization of the stormwater requirements of the Township and of the State of New Jersey. As a result of those requirements and conditions it was determined by the Applicant's engineer, Owen Dykstra, that it would be advantageous to adjust the plans to provide for changes to the stormwater management facilities originally proposed by the Applicant's prior engineer. These changes also resulted in an increase in the variances for area disturbance on two of the lots, and allowed the other lots to remain free from variances that were previously necessary. The Applicant, therefore, revised the plans to address the stormwater management requirements of the Township and of the State of New Jersey and to modify the variances and requested this amended minor subdivision approval and related c(2) variances for the revised plans. With Board approval, the Applicant had previously recorded Lot 7.01 and conveyed it to the Applicant's son upon which a house was constructed. The Applicant's son and his wife have signed this application to confirm their concurrence in the application and their willingness to accept the changes to their lot resulting from the proposed revisions which include changes relating to stormwater management for the adjacent lot.

2. Mr. Dunn described the minor subdivision plans to the Board. He explained that each of the lots will conform in all respects with the ordinance requirements particularly as to lot size and setbacks, but that two of the lots, Lot 7.08 and Lot 7.11, will require a c-2 variance from ordinance standards for the maximum of 25,000 square feet of disturbance. The proposed disturbance on Lot 7.08 is 66,300 square feet. The proposed disturbance on Lot 7.11 is 42,078 square feet. Mr. Dunn explained that these deviations from the ordinance maximum of 25,000 square feet are necessary because of the disturbance of soil and vegetation that will be necessary for the roadway, single family house, septic system and stormwater management facilities for the impervious surfaces being constructed on the lots. He explained that the stormwater management systems will provide for stormwater management detention and also infiltration into the ground consistent with ordinance standards and with the requirements of NJDEP. He explained that some updated operation and maintenance manuals

ordinances of the Township of Hardyston, and in keeping with the character of the neighborhood. The Board finds that these deviations from the ordinance standards should be approved as a c(2) variance since the benefits to the purposes of zoning will outweigh the detriments. In this regard, 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 the variances are granted. This is so because the proposed stormwater management facilities will foster the purposes of the ordinances of the Township of Hardyston, and the requirements of the New Jersey Department of Environmental Protection by providing for stormwater detention management and infiltration in an environmental sound and beneficial manner. The Board further finds that the intent and purposes of the ordinances in this regard will be met by this conditional approval. Moreoever, the Board finds that the purposes of the ordinance will be met by the fact that most of the proposed disturbances will be temporary and will be replaced with permanent greenspace and vegetation. Therefore, the Board finds that the variances should be granted pursuant to N.J.S.A. 40:55D-70(c)2.

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 Franklin and Florence Mogavero for minor subdivision and c(2) variance approval of Lot 7.01 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 October 13, 2010 which is attached hereto and incorporated herein by reference. The Applicant shall revise the plans to comply with said report and the reply letter of Owen Dykstra to Mr. Guerin's report. The revised plans shall be subject to the continued review and approval of the Township Engineer. Any dispute between the Township Engineer and the Applicant regarding the revisions to the plans shall be returned to the Board for final determination.

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

> "Pursuant to Section N.J.S.A. 40:55D-47, these deeds are approved by minor subdivision resolution by the Board dated November 18, 2010 and memorialized on December 16, 2010. The deeds of minor subdivision shall be recorded prior to December 16, 2011."

ANNE-MARIE WILHELM, SECRETARY

BRIAN KAMINSKI, CHAIRMAN

The deeds of minor subdivision shall include any notes, restrictions and requirements and maintenance manuals required by the Township Engineer and Planning Board Attorney. The time period for recording of the deeds of minor subdivision is hereby extended from the statutory 190 days to a full one-year period until December 16, 2011 to allow the applicant sufficient time to complete the common portion of the common driveway and associated stormwater improvements to the satisfaction of the Township Engineer. The deeds of minor subdivision shall include provisions confirming that the Township of Hardyston may enforce the restrictions and requirements of the deeds as a third party beneficiary. The deeds of minor subdivision shall be subject to the review and approval of the Planning Board Attorney and Township Engineer.

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

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

6. 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 December 16, 2010.

BRIAN KAMINSKI, CHAIRMAN

ANNE-MARIE WILHELM, SECRETARY

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October 13, 2010

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

Re: Amended Minor Subdivision with Variances
Block 71, Lot 7.01 & 7.08, Bunn Road
Frank & Florence Mogavaro
Application No. PB-5-10-2.1

Dear Board Members:

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

- Amended Minor Subdivision plan consisting of 6 sheets entitled "Amended Minor Subdivision For Tax Lot 7.01, Block 71, Bunn Road, Township of Hardyston, Sussex County, New Jersey". This plan, prepared by Dykstra Associates, PC (Douwe Dykstra, P.E., L.S.) Is originally dated April 6, 2010 with revisions through July 19, 2010
- Stormwater Report entitled "Stormwater Management Report for Proposed Single Family Dwellings , Tax Lot 7.08, 7.09, 7.10; Block 71, Hardyston Township, Sussex County, New Jersey". This report, originally dated January 21, 2009 with revisions through April 13, 2009 was prepare by Dykstra Associates, Inc. (Owen Dykstra, P.E.)
- Stormwater Report entitled "Stormwater Management Report for Proposed Single Family Dwelling , Tax Lot 7.11; Block 71, Hardyston Township, Sussex County, New Jersey". This report, originally dated January 21, 2009 with revisions through April 13, 2009 was prepare by Dykstra Associates, Inc. (Owen Dykstra, P.E.)
- Application for Amended Minor Subdivision with associated attachments.
- Application for a "C" Variance for land disturbance in excess of 25,000 square feet.
- Administrative Checklist
- Schedule "A" Checklist for a Minor Subdivsiion
- Schedule "A" Checklist for a "C" Variance
- Copy of resolution decided On March 22, 2007 granting the original subdivision approval for the property.

- Copy of resolution decided On June 25 2009 extending and re-approving the previous subdivision approval for the property.
- Copy of General Permit #10 authorizing disturbance of 976 square feet of freshwater wetland transition area for construction of a driveway.
- Copies of filed deeds for right-of-way dedication along Bunn Road and a corrective deed for Block 71, Lot 8.
- Copies of correspondence from Jason Dunn, PP, LLA dated April 27, 2010 and April 30, 2010 requesting variances and waivers for the application and transmitting the application to the board secretary.

The subject property is located in the MIDD-5 Zone. This application represents an amendment to a minor subdivision of the subject property which was approved by the planning board in 2007. This application continues to include five lots. The deed for Lot 7.01 has previously been filed based on provisions in the original subdivision approval. The original approval included variances on four lots from ordinance section 185-22.D(5)relating to the amount of lot disturbance. This amended application requests a lot disturbance variance for proposed lot 7.08 and lot 7.11. Grading plans shown for proposed lots 7.09 and 7.10 demonstrate compliance with the lot disturbance provision of the MIDD district ordinance.

We have reviewed the information provided and offer the following comments for the board's consideration:

1. The plan title including the title boxes on each sheet note Block 71, Lot 7.01 as the property reference of this application. The application form more appropriately notes that the application includes Block 71, Lot 7.01 and 7.08. We recommend that the title of the plans on the title sheet and the title block of any accompanying sheets be amended to include Lot 7.08 in any future submissions.

2. The owner noted on the title sheet should be amended on the plans to included the owner of Block 71, Lot 7.01

3. The original subdivision approval included a variance to disturb 39,000 square feet on Lot 7.08. The amended application proposes disturbance of 66,300 square feet on this lot. The applicant should explain to the board the reasons for the additional disturbance proposed on this lot.

4. *This amended subdivision application includes a request for a lot disturbance variance on Lot 7.11. The grading plan proposes a total area of disturbance of 42,078 square feet. The applicant should present testimony concerning this variance request.*

5. *The stormwater management report for Lot 7.11 indicates that water quantity provisions are have been addressed by insuring that the post development discharge rate and volume for the 2, 10 and 100 year storms do not exceed at any point in time, the pre-development discharge and volume. In comparing the combined pre-development hydrograph (hydrograph No. 3) to the combined post development hydrograph (hydrograph No. 13) for the 2-year design storm, the noted post development discharge rate exceeds the pre-development rate at several points in time. The report does not include the required hydrograph tables for the 10 and 100 year design storms so we could not confirm whether or not the same issue exists for those storms. This issue should be re-examined by the applicant's engineer and adjustments made to the stormwater management provisions as necessary.*

6. *The stormwater management proposal for Lot 7.11 includes a section of pervious pavers at the driveway entrance. It appears that the pavers will be located primarily within the Bunn Road right-of-way. We are not comfortable with this stormwater management measure being located within the municipal right-of-way. We recommend it be relocated outside of the right–of-way or an alternate proposal provided.*

7. *We are concerned with the proposed driveway profile for Lot 7.11 where it intersects with Bunn Road. It appears that there may be ponding at the driveway entrance during storms in excess of the water quality storm. The applicant's engineer should provide a cross section of the driveway at the low point to demonstrate how run-off collected in this area will be dispersed.*

8. *The information provided for the water quality routing analysis for Lot 7.11 is incomplete. The applicants engineer should provide the inflow hydrograph information including the hydrograph table along with the discharge hydrograph table associated with the graph provided.*

9. *The Operation and Maintenance Manual for Block 71, Lot 7.11 should be updated to address maintenance requirements for the pervious pavement system proposed.*

10. *The final operation and maintenance manual for Lot 7.11 should be included as an attachment to the deed for this lot.*

11. *The stormwater management report provided to address development on lots 7.08, 7.09 and 7.10 is acceptable to this office.*

12. *We assume the owner of Lot 7.10 will be responsible for the stormwater management facilities proposed on adjoining Lot 7.01 and the owner of Lot 7.08 will be responsible for the stormwater management facilities on that lot. If that is the case, we recommend that the operation and maintenance manual for the stormwater facilities on these lots be included as an attachment to the lot deeds.*

13. *The plans do not include an erosion control plan. An erosion control plan should be prepared and added to the subdivision set. This plan will need to be approved by the Sussex County Soil Conservation District.*

14. *The amended subdivision will need approval from the Sussex County Planning Board.*

15. *In reviewing 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 associated with proposed Lots 7.08 and 7.09 is proposed to be a common driveway. We recommend that this driveway from Bunn Road to approximate station 2+75 and the stormwater facilities on Lot 7.08 be installed prior to deeds being filed to perfect this subdivision. It should be noted that Lot 7.10 will also be accessed by way of a common driveway but the common portion of the driveway which will service this lot has previously been constructed.*

16. *An as-built plan of the common driveway and associated stormwater improvements should be provided before the deeds are signed. In addition the applicant's engineer should provide a certification that the stormwater management facilities have been constructed in conformance with the approved plans and are functioning properly.*

17. *Since the municipality's New Jersey Pollution Discharge Elimination Permit for Stormwater Discharge requires the Township to oversee the operation of stormwater management facilities, we recommend that the deeds for Lot 7.08 and 7.11 include a right-of-entry provision to allow municipal representatives to enter the property for the purpose of inspecting the stormwater management facilities to insure they continue to operate as was anticipated.*

Very truly yours,
Guerin & Vreeland Engineering, Inc.

Robert P. Guerin

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

cc: Thomas Collins, Esq./via e-mail
Douwe Dykstra, P.E.
William Haggerty, Esq.
Frank Magavero

Amended Subdivision-F Mogavero-Technical-1.pb

HARDYSTON TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

DECIDED: December 16, 2010

MEMORIALIZED: January 27, 2011

MEMORIALIZING RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF HARDYSTON APPROVING THE AMENDED PRELIMINARY AND FINAL SITE PLAN APPLICATION OF GNB HOLDINGS, LLC RELATING TO BLOCK 62, LOT 18.09 AND LOCATED IN THE I-2 ZONE

PB-11-10-1

WHEREAS, GNB Holdings, LLC with a mailing address of 17 Park Drive, Franklin, New Jersey 07416 (hereafter the "Applicant") applied to the Hardyston Township Planning Board (hereinafter the "Board") for approval of an amended preliminary and final site plan for a 50,000 gallon above ground oil storage tank and a 30,000 gallon above ground propane storage tank and related facilities at the existing oil storage facility in accordance with plans prepared by George Gloede, Jr., P.E. of G. Gloede and Associates, P.O. Box 449, Oak Ridge, New Jersey 07438 dated October 12, 2010 (hereinafter "amended preliminary and final site plan"); and

WHEREAS, the matter was discussed at a public hearing of the Board on December 16, 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 Applicant was represented by Counsel, Renu Shevade, Esq. The Applicant presented testimony by Brian J. Savage, President, Savage Associates, Inc., whose qualifications as a petroleum products expert consultant were reviewed and accepted by the Board. The Applicant also presented testimony by Barry Zeek, Sole Member of the Applicant. Mr. Gloede explained

the amended site plan application to the Board. He explained that the property had been constructed after a December, 2004 approval as an oil transfer facility as shown on the as-built survey. He explained that the existing facility uses storage trucks for storage of the oil for transfer to smaller oil storage and delivery trucks. He explained that as a result of this proposed amended site plan, an above ground oil storage tank and containment area will be constructed in the rear of the existing paved area, and that a new propane tank will be installed next to the new oil tank. He explained that the existing fence will be extended along the southern property line. After discussion with the Board, it was agreed by the Applicant that the Applicant will provide landscaping along the southern property line along the new fence extension.

2. The Board reviewed with the Applicant the report of the Township Engineer, Robert Guerin, dated November 17, 2010. Said report is attached hereto and incorporated herein by reference. The Applicant's representatives reviewed the report of the Township Engineer with the Board. In discussion with the Board and the engineer, it was confirmed that the landscaping or buffering would be provided along the southern extension of the fence line. It was also confirmed that the hours of operation would be approximately 6 a.m. to 6 p.m. with exceptions for emergencies. The Applicant's representatives confirmed that they will not allow packing and idling of trucks on Park Drive. Mr. Savage explained the nature of the safety and containment environmental protection measures which would be utilized on the property. He explained that the oil tank will be installed above a concrete spill containment area that will hold more than the amount of oil contained in the maximum section of three sections of the storage tank. He explained the methods by which the spill would be contained in both the tank and in the secondary containment system in the oil water separator system prior to any discharge of water to the stormwater detention system. He explained that the stormwater that accumulates in the containment dike will only be released in a proper way by the spill prevention administrator who will manually operate the swing joint installed in the containment area in order to allow draining of water from the containment area and will utilize oil absorbing materials to prevent oil from being discharged from said area. He further

explained that the propane tank system will be complying with all fire and safety code requirements and will not be used in an unsafe manner. He explained that the Applicant will be complying with all of his recommendations regarding safety and design. He explained that the propane tank is located greater than the minimum distance from the oil tank, and that it is relatively common to have multiple fuels at petroleum storage facilities. He confirmed there will be no truck to truck transfer of propane at the site and it appeared, the Applicant confirmed, that they have not been using the site for propane in the past. The applicant also stated that it was not his intent to provide on-site refilling of portable propane tanks used for gas grills. Mr. Savage also explained that as a result of his proposed changes, it will no longer be necessary to store oil in larger trucks on the facility in the containment area for transfer to smaller trucks.

3. The Board finds that the application conforms with the ordinance requirements and should be approved as a conforming amendment to a preliminary and final site plan.

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 GNB Holdings, LLC for amended preliminary and final site plan for the addition of oil storage tank and containment area and a propane tank and related accessory facilities 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 November 17, 2010 which is attached hereto and incorporated herein by reference. The Applicant shall revise the plans to comply with said report and this resolution.

3. The Applicant shall provide the fire department with a walk through of the operations of the oil and propane systems to help the fire department determine the steps to take in the event of an emergency. The Applicant shall

provide a copy of the detailed engineering and design plans for the oil and propane facilities to the township for the Township's files.

4. The Applicant shall not allow trucks to park and idle on Park Drive.

5. The hours of operation shall be limited to 6 a.m. to 6 p.m. for emergencies.

6. The plans shall be revised to show landscaping to the satisfaction of the Township Engineer along the southern property line adjoining the new fence being added to screen the tanks.

7. The plans shall be revised to provide a detail of the swing joint to be installed as part of the containment area.

8. The Applicant shall prepare a soil erosion and sediment control plan for review and approval of the Township Engineer.

9. The Applicant shall obtain Sussex County Planning Board approval or a letter of jurisdiction from the Sussex County Planning Board.

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

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

12. 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 January 27, 2011.

_____
BRIAN KAMINSKI, CHAIRMAN

_____
ANNE-MARIE WILHELM, SECRETARY

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November 17, 2010

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

All County Fuel Oil Company
Block 62, Lot 18.09
17 Park Drive
Application No. PB-11-10-1
Amended Preliminary and Final Site Plan
Our Project No. 1001

Dear Board Members:

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

- Site plan for the above referenced tract consisting of one (1) sheet entitled "Amended Preliminary & Final Site Plan, Block 62, Lot 18.09, Township of Hardyston, Sussex County, New Jersey". This site plan, prepared by George R. Gloede Jr., P.E. is dated October 12, 2010 with no subsequent revisions.
- Application for amended preliminary and final site plan, including associated attachments.
- Schedule "A" Checklists for both preliminary and final site plan.

This application proposes to install a 50,000 gallon above ground fuel oil storage tank and a 30,000 gallon above ground propane storage tank at the existing fuel oil distribution facility located at this site. The site plan for the fuel distribution facility on this property was approved by the planning board in December, 2004. The original application did not include any permanent fuel storage tanks. The operation currently transfers fuel oil from a large fuel oil tanker truck to smaller deliver trucks. We understand the operation of the facility is proposed to be changed with delivery trucks filled from the proposed storage tanks rather than the current large tanker trucks. The site is located in the I-2 Zone along Park Drive within the North Church Technical Center. Fuel oil distribution facilities are a permitted use in this zone. We have reviewed the information received and offer the following comments for the Board's consideration:

1. *The applicant is requesting a number of waivers from the technical checklists for preliminary and final site plan. The following is a summary of the applicable checklist waivers being requested:*

Preliminary Site Plan:

Item No. 8 - Survey of the Property (provided with original application)
Item No. 26 - Stormwater Management Plan
Item No. 27 - Erosion and Sediment Control Plan
Item No. 30 - Landscape Plan
Item No. 31 - Lighting Plan
Item No. 34 - Plans and profiles for the proposed storm sewers, sanitary sewers and water mains.
Item No. 35 - Construction Details

Final Site Plan

Item No. 21 - As Built Plan
Item No. 28 - Affidavit verifying compliance with the terms and condition of the preliminary approval.

Based on the scope of this amended application and the fact that most of these items were provided as part of the original application, we have no engineering objection to waiving the preliminary site plan items noted above for completeness. In addition due to the fact that the applicant is requesting preliminary and final site plan approval concurrently, we have no engineering objection to waiver the above noted final site plan items with these requirements made conditions of any action taken by the board.

2. *The applicant or his professionals should explain the proposed operation to the board with the addition of the fuel storage tanks.*

3. *The applicant or his professionals should provide testimony to the board demonstrating that the height of these tanks conform with the 25 foot maximum height requirement for accessory structures. The zone table on the plan should be updated to include all of the accessory structure requirements.*

4. *While the amount of disturbance exempts the application from a formal erosion control approval from the Sussex County Soil Conservation District we recommend the plan be revised or a separate plan prepared which addresses erosion control during construction.*

5. The site plan proposes a containment dike with a storage capacity approximately equal to the capacity of the tank. The applicant's professionals should explain how this containment dike will function and how stormwater collected in the containment dike will be discharged.

6. We recommend that a detail of the containment dike be added to the plan.

7. The applicant's engineer should provide an analysis of the existing detention basin to insure that it's capacity is adequate to handle the additional impervious coverage proposed based on this application.

8. The board should determine if any additional landscaping should be provided to screen the tanks.

9. The fire department and emergency management coordinator should provide recommendations as may be appropriate.

10. We recommend any action concerning this application be subject to Sussex County Planning Board review and approval if required.

11. We recommend the board require an updated as-built plan of the site be provided upon completion of the improvements

Very truly yours,
Guerin & Vreeland Engineering, Inc.

Robert P. Guerin

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

cc: Barry Zeek, GNB Holdings, LLC
George R. Gloede, Jr., P.E.
Michael Levine, Esq.

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