

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD NOVEMBER 17, 2011**

**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 – Excused  
Carl Miller – Excused  
Robert Neubig – Present  
Robert F. Schultz – Excused  
William Hickerson – Present  
James Homa – Present  
Randy Roof (Alternate No. 1) – Present  
Donald Trien (Alternate No. 2) – Present  
Brian Kaminski – Present

**OTHERS PRESENT:** Robert P. Guerin, P.E., P.P.; Thomas J. Molica, Esq.

**APPROVAL OF MINUTES:** A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held October 27, 2011* was made by Bob Neubig and seconded by James Homa. Roll Call: William Hickerson – yes; James Homa – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried.

**RESOLUTIONS:** PB-8-11-01, Shotland Bauer, LLC, Amended Preliminary and Final Site Plan, “C” Variances, The Shotmeyer, Block 16 Lots 1, 1.02, 6.01, 6.02; Block 16.29 Lot 1 — The Ferndown at Crystal Springs. A motion to memorialize the resolution was made by James Homa and seconded by Donald Trien. Roll Call: William Hickerson – yes; James Homa – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried.

**APPLICATIONS:** There were no applications scheduled.

**DISCUSSION:** Board members discussed utilizing email to receive a copy of the bills, minutes, and correspondence commencing 12/1/11. Board members agreed this procedure would reduce distribution costs and increase efficiency.

**CORRESPONDENCE:** There was no correspondence discussed.

**BILLS:** A motion to recommend that the Hardyston Township Council pay the bills listed below was made by James Homa and seconded by Bob Neubig. Roll Call: Bob Neubig – yes; William Hickerson – yes; James Homa – yes; Randy Roof – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried.

**HARDYSTON TOWNSHIP PLANNING BOARD  
ESCROW REPORT  
NOVEMBER 17, 2011**

**Guerin & Vreeland Engineering, Robert P. Guerin, P.E., P.P.**

Invoice WO801M	PB-10-9-3, Dell Materials, Inc.,	315.00
Invoice WO705T	PB-5-10-2, Mogavero, F.	262.50
Invoice WO876A	PB-11-11-1, West Essex Management	262.50

**Vogel, Chait, Collins and Schneider, Thomas F. Collins, Esq., P.P.**

Invoice 61341	PB-8-11-2, KDC Solar, LLC	210.00
Invoice 61340	PB-5-10-2, Mogavero, Franklin & Florence	75.00
Invoice 61339	MCS-01, Crystal Springs General Escrow	405.00
Invoice 61338	Planning OE	45.00
Invoice 61337	Planning OE	300.00
Invoice 61342	Crystal Springs Builders, LLC	840.00

**New Jersey Herald**

Invoice 4112270	Legal Notice	24.30
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**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 Bob Neubig. All were in favor. The motion carried. The meeting concluded at 7:37 p.m.

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

**HARDYSTON TOWNSHIP PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION**

**DECIDED: October 27, 2011**

**MEMORIALIZED: November 17, 2011**

**MEMORIALIZING RESOLUTION OF THE PLANNING BOARD  
OF THE TOWNSHIP OF HARDYSTON APPROVING THE  
AMENDED CONSTRUCTION PLAN,  
AMENDED PRELIMINARY AND FINAL SITE PLAN,  
AMENDED MASTER PLAN  
AND C VARIANCES AND WAIVER APPLICATION OF  
SHOTLAND BAUER LLC RELATING TO  
THE FERNDOWN AT CRYSTAL SPRINGS  
BLOCK 16, LOTS 1, 1.02, 6.01, 6.02,  
BLOCK 16.29, LOT 1 AND LOCATED IN THE CR ZONE**

**PB-8-11-01**

**WHEREAS**, Shotland Bauer LLC with an address of 50 Sugar Maple Lane, Hamburg, NJ 07419 (hereafter the "Applicant") applied to the Hardyston Township Planning Board (hereinafter the "Board") for approval of an amended construction plan, amended preliminary and final site plan, master plan amendment, c variances and site plan exceptions or waivers in accordance with plans prepared by Thomas F. Graham, P.E., Dykstra Walker Design Group, 21 Bowling Green Parkway, Suite 204, Lake Hopatcong, New Jersey 07849 dated August 17, 2011 (hereinafter the "amended construction and final site plans") and preliminary architectural plans prepared by Minno & Wasko Architects and Planners, 80 Lambert Lane, Suite 105, Lambertville, New Jersey 08530 dated August 22, 2011 (hereinafter the "architectural plans"); and

**WHEREAS**, the matter was discussed at a public hearing of the Board on October 27, 2011; 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 report of the Township Engineer, Robert Guerin, P.E., P.P., dated October 19, 2011, which is attached hereto and incorporated herein by reference.

2. The Board reviewed the following exhibits:

A-1 Colored rendering of front elevation of proposed building

A-2 Colored rendering of rear elevation of proposed building

A-3 Colored rendering of site layout plan dated 8/1/11

A-4 Colored rendering of side elevation of proposed building.

3. The Applicant was represented by Counsel, Bernd E. Hefele, Esq. The Applicant presented testimony by Andrew Mulvihill, a principal of the Applicant, and by Thomas Graham, P.E. Both witnesses were sworn. Mr. Graham's qualifications as a Professional Engineer are recognized and accepted by the Board. Mr. Mulvihill explained that due to market conditions and reduction in demand for housing and reduction in pricing for housing in general, it is necessary for the developer to change the buildings in this section from the previously proposed buildings with underground structured garage parking to a design that is more in keeping with the slope of the property. This will eliminate the significant costs associated with retaining walls to accommodate the slope consideration and the underground structured parking. He explained that he has also reduced the size of the units to provide for a more competitive housing product. He said he authorized his architect, David Minno, to prepare revised plans for this section and to not direct an increase in the number of units but because of the changes in the building in unit size and the change in design, the unit count is being increased for this section from 141 to 180, and he will reduce the total amount of units in Crystal Springs II by 39 units by reducing 39 units in Crystal Springs North section and will designate the same on the plans being revised for approval by Mr. Guerin for Crystal Springs North and the master plan for the overall Crystal Springs Development.

4. Mr. Mulvihill and Mr. Graham described the overall changes. Mr. Graham explained the change in the parking and explained that some of the

units will have an individual garage that will be owned by the unit owner with access to the interior hallway, but not directly to the individual's unit. The same unit holder that owns the garage will also own the parking space leading to the garage. Mr. Graham confirmed, however, that the overall parking will still meet the RSIS requirements when the two spaces are counted for the unit with a garage owner. Mr. Graham further explained that by using the grade of the property they have been able to eliminate the retaining wall that was to be located to the front of many of the buildings. They have been able to arrange for access drive along the side of this section of buildings thereby eliminating relatively steep drives between buildings and providing access to the rear of each building. He explained that the revised building plans and site plans technically require variances pursuant to N.J.S.A. 40:55D-70c(2) to allow four (4) stories where three (3) stories are allowed. The Applicant explained that he is also seeking a variance for the parking to be in the second story which is not allowed in the ordinance. Mr. Graham explained, however, that the design will actually still comply with the ordinances with respect to the number of parking spaces and the height of the building, even though the story and parking locations are not complying with the ordinance. He explained that under the ordinance, underground parking would not count as a story and therefore no variance was needed under the prior architectural plans but is required under the new architectural plan. Mr. Graham opined that this design will be more accessible to the motoring public. He and Mr. Mulvihill confirmed that the Applicant will meet with the Fire Department and Mr. Guerin to resolve any concerns the Fire Department may have with the new building layout. Any unresolved concerns between the Applicant and the Fire Department shall be returned to the Board for a final determination. The Board will retain jurisdiction without additional notices to hear any issues relating to this condition.

5. The Board finds that the c variances and site plan exceptions should be granted. The Board finds that the two variances should be granted pursuant to N.J.S.A. 40:55D-70 c(2) since the benefits of the purposes of zoning will outweigh the detriments. In this regard, the Board finds that the benefits to the purposes of zoning include the provision of a more architecturally appealing

multi-family housing structure generally consistent with the ordinance standards and the purpose and intent of the master plan although technically not meeting the requirements that there should be no more than 3 stories of structure and that all parking to be located on the lower basement level. The Board finds that the design prepared by David Minno is an architecturally pleasing design which fulfills the resort style of the Crystal Springs Resort without the need for the structured underground parking. The Board finds that the benefits of the purposes of zoning by the provision of these architecturally pleasant designs in a CR zone that allows the use will benefit to the purposes of zoning and these benefits will outweighs the detriments related to the grant of the variances. With respect to the negative criteria, the Board finds that the granting of the variances will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the ordinance and the master plan. Therefore, the Board concludes that the c(2) variances for number of stories and for parking on the second story should be granted. With respect to any site plan exceptions, the Board finds that the site plan exceptions should be granted but will condition this approval upon compliance with the requirements of the report of the Township Engineer dated October 19, 2011 which is attached hereto and incorporated herein by reference and address concerns of the Fire Department. Any unresolved concerns between the Fire Department and the Applicant shall be returned to the Board for final determination and the Board will retain jurisdiction to hear any such issues without additional public notice.

**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 Shotland Bauer LLC for amended construction plan, amended preliminary and final site plan, master plan amendment, c variances and site plan exceptions or waivers 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 approved plans as revised to reflect the requirements of this resolution.

3. The Applicant shall revise the plans and shall comply with the conditions set forth in the report of the Township Engineer, Robert Guerin, P.E., dated October 19, 2011 which is attached hereto and incorporated herein by reference.

4. The Applicant, with the involvement of the Township Engineer, shall meet with the Hardyston Township Fire Department to discuss any concerns the fire department may have relating to providing adequate fire protection. Any concerns of the fire department which cannot be resolved to the satisfaction of the Applicant, Township Engineer and the Fire Department shall be returned to the Board for final determination. The Board hereby retains jurisdiction of this aspect of the application to resolve any such dispute without additional public notice.

5. The Applicant having waived its right to a written resolution, the Board granted the approval effective October 27, 2011 but with the authority to obtain a building permit only upon fulfillment of all conditions and compliance with all permits and requirements.

6. The Applicant shall revise the site plan for Crystal Springs North to remove 39 units based upon the increase in 39 units in this section, and said revised plans shall be subject to the review and approval of the Township Engineer and Planning Board Attorney and shall not require a new application to the Board since it is merely a reduction or removal of units. The master plan for Crystal Springs shall also be revised to reflect this increase in this section and reduction in Crystal Springs North with notes and drawings to reflect the same. Said master plan revisions shall be subject to the review and approval of the Township Engineer and Planning Board Attorney, and shall not require further action by the Planning Board.

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

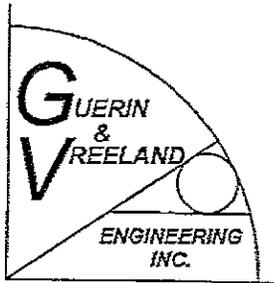
8. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the property.

9. 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 memorializing resolution adopted by the Planning Board at its regular meeting of November 17, 2011.

  
ANNE-MARIE WILHELM, SECRETARY

  
BRIAN KAMINSKI, CHAIRMAN



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October 19, 2011

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

Re: Amended Construction, Preliminary & Final Site Plan  
Ferndown Section - Tarrington Road  
Shotmeyer Tract  
Block 16.29, Lot 1  
Our Project No. 1001

Dear Board Members:

We are in receipt of the following information in support of the amended site plan approval for a portion of the previously approved Shotmeyer Tract:

- Site Plan consisting of 20 sheets entitled "Amended Construction and Final Site Plan, The Ferndown at Crystal Springs, Shotmeyer Tract, Block 16.29, Lot 1, Tarrington Road, Township of Hardyston, Sussex County, New Jersey". This site plan dated August 17, 2011 with no revisions was prepared by Dykstra Walker Design Group (Thomas F. Graham, P.E.)
- Preliminary Architectural Plans consisting of 16 sheets entitled "Ferndown at Crystal Springs, Preliminary Architectural Design Drawings, Submission Package for Amended Construction and Final Site Plan". These plans were prepared by Minno & Wasko Architects and Planners (Bruce E. Englebaugh)
- Stormwater Management Report entitled "Stormwater Management Calculations Addendum for Shotmeyer Tract - Ferndown Section, Block 16.29, Lot 1". This report, dated August 17, 2011 was prepared by Dykstra Walker Design Group (Thomas F. Graham, P.E.)
- Drainage area maps for the existing and propose conditions and the individual inlets.
- Application for Amended Final Site Plan with associated attachments.
- Administrative Checklist
- Summary of Changes, List of Variances requested and List of Waiver Requested
- Schedule "A" Checklists for Preliminary and Final Site Plan.
- Engineer's Estimate for Ferndown dated August 17, 2011
- Transmittal Letter from Bernd E. Hefele dated August 22, 2011.

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Hardyston Planning Board

Amended Construction, Preliminary and Final Site Plan

Shotmeyer Tract - Ferndown Section

October 19, 2011

*This application proposes to amend a portion of the previously approved Shotmeyer Tract Application. The amendment relates to the multilevel housing units originally proposed along Tarrington Road. That approval included 141 multilevel housing units within 9 buildings. Two of the original buildings were proposed to be 12 unit structures. Three of the original buildings were proposed to be 15 unit structures. The remaining four original buildings were proposed to be 18 unit structures. The amended application proposes 10 buildings with each building having 18 units for a total of 180 dwelling units. The project is located in the CR Zone. We have reviewed the information submitted and offer the following comments for the board's consideration:*

- 1. The application form indicates that the applicant is requesting amended final site plan approval. Since the original approval included preliminary and final site plan approval along with construction plan approval, we believe the application should be for amended preliminary and final site plan approval and amended construction plan approval. Since there is no change to the approved subdivision plan approved as part of the Shotmeyer Tract, we do not believe an amended subdivision application is required.*
- 2. This application proposes to increase the number of units proposed within the Ferndown Section of the Shotmeyer Tract from 141 units to 180 units. When the Village Center Ordinance was created Section 185-119.D(3) stipulated that there shall not be more than 2738 housing units within the Commercial Recreation Zone. This amendment will cause the maximum housing units within the Commercial Recreation Zone to exceed the ordinance provision by 39 units. The applicant should explain to the board how this conflict will be resolved.*
- 3. The proposed housing in this section is Multistory Common Entrance Condominium Buildings. The applicant is requesting a variance from provisions of Ordinance Section 185-58.S.16 which requires that the lowest level of the buildings shall be entirely devoted to parking. The applicant's engineer should explain to the board why the plan can not conform with this requirement.*
- 4. A variance is being requested for the proposed buildings. The buildings contain four stories where only three stories are permitted. The applicant's professionals should explain the reasons why this variance is necessary.*
- 5. While the parking table on sheet 1 notes 48 on-street parking spaces, we count 59 spaces along the street. The total number of parking spaces provided for this section exceeds the requirement of the Residential Site Improvement Standards.*

6. The width of the various islands within the parking areas should be noted on the plan.
7. The typical length of the parallel parking spaces should be noted on the plan. The typical width of the proposed 90 degree parking should be noted on the plan.
8. The applicant's engineer should confirm that the apparent sidewalk areas along the sides of Buildings 8, 9 and 10 are to be concrete similar to other sidewalks shown on the plan.
9. We are concerned with the steepness of both driveway entrances to the parking area for Buildings 1 through 7. We recommend that the grade at these intersection be maintained at not more than four percent.
10. It appears that there may be a low point along the curb return at the intersection of the driveway to Buildings 1 through 7 and Coventry Road. The applicant's engineer should re-examine the grading along this curb line.
11. We recommend that street lights be provided at each of the intersection of the driveway entrances at both Tarrington Road and Coventry Road.
12. This plan amendment appears to include high density polyethylene pipe for the storm sewer system. A trench detail for this pipe, in accordance with the manufacturer's recommendations should be added to the plan.
13. Should the board be amenable to the application, we recommend that the masterplan for the Crystal Springs II project be updated to include this modification.
14. Other agency approvals for this amendment may include:
  - Sussex County Planning Board
  - Sussex County Soil Conservation District
  - Hardyston Township Municipal Utilities Authority

Very truly yours,  
Guerin & Vreeland Engineering, Inc.



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

cc: Thomas F. Graham, P.E.  
Dale Pierson, Crystal Springs Builders