

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
JANUARY 26, 2012**

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.

ROLLCALL:

Leslie Hamilton-Present
Carl Miller-Present
Robert Neubig-Present
Robert F. Schultz-Excused
William Hickerson-Present
James Homa-Present
Randy Roof (Alternate No. 1)-Present@ 8:00 p.m.
Donald Trien (Alternate No. 2)-Present
Brian Kaminski – Present

OTHERS PRESENT: Robert P. Guerin, P.E., P.P.; Thomas F. Collins, Esq.

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held December 15, 2011* was made by Leslie Hamilton and seconded by Bob Neubig. Roll Call: Leslie Hamilton- yes; Carl Miller- yes; William Hickerson- yes; Donald Trien- yes; Brian Kaminski- yes. The motion carried.

RESOLUTIONS:

PB-11-11-01, West Essex Management Corporation, Preliminary and Final Site Plan, C Variance, Block 62 Lot 18.12: Christopher Quinn, Esq., and Stephen Bias, A.I., appeared with Applicant Patrick Turzi. A colored architectural rendering of the facade facing the street titled *New Commercial Building for: Hardyston Industrial IL Sheet A1, 1 of 1*, dated January 2012, prepared by Stephen N. Bias, A.I., was marked Exhibit A-2. Mr. Turzi explained the modifications. Board members agreed that the proposal represented a significant improvement to the appearance of the site, and that the revised elevations satisfy condition six of the resolution of approval.

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 Exhibit A-2 was made by Leslie Hamilton and seconded by Bob Neubig. Roll Call: Leslie Hamilton- yes; Carl Miller- yes; William Hickerson – yes; Donald Trien- yes; Brian Kaminski – yes. The motion carried.

A motion to approve the memorialization of the resolution with the addition that will confirm that Exhibit A-2 submitted on 1126/12 was reviewed by the Board and approved as complying with condition six was made by Leslie Hamilton and seconded by Donald Trien. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; William Hickerson – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried.

PB-5-08-1a.1, Beaver Run Shopping Center, L.L.C., Extension Request, Preliminary Site Plan, Variances, Hardyston Park Plaza, Block 63 Lot 1.01: A motion to approve the memorializing resolution was made by Carl Miller and seconded by Donald Trien. Roll Call: Leslie Hamilton- yes; Carl Miller- yes; William Hickerson- yes; Donald Trien- yes; Brian Kaminski – yes. The motion carried.

APPLICATIONS:

PB-2-08-a, Patel, Pravinbhai C., Re-approval, Minor Subdivision, Block 72.04, Lot 8.01: Francis J. McGovern, appeared on behalf of the Applicant. He provided an overview of the matter stating that the driveway and stormwater improvements were complete. He stated the Applicant needed additional time to file the deeds.

Board members considered the COAH requirement. It was agreed that the COAH element of the Developer's Agreement would be eliminated, and the affordable housing requirement in effect at building permit would apply.

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 application and extend the approval for 190 days from 1/26/12 was made by Leslie Hamilton and seconded by Bob Neubig. Roll Call: Leslie Hamilton- yes; Carl Miller- yes; Bob Neubig- yes; William Hickerson- yes; James Homa- yes; Randy Roof- yes; Donald Trien- yes; Brian Kaminski – yes. The motion carried.

PB-5-10-2.1a, Mogavero, Franklin & Florence, Extension Request, Amended Minor Subdivision, "C" Variance, Block 71 Lot 7.01 and 7.08: Mr. Guerin provided an overview of the matter. Board consultants Guerin and Collins recommended a six-month extension to allow adequate time for the paving of the driveway and filing of the deeds.

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 reapprove and extend the matter for six months was made by Leslie Hamilton and seconded by Bob Neubig. Roll Call: Leslie Hamilton- yes; Carl Miller- yes; Bob Neubig- yes; William Hickerson- yes; James Homa- yes; Randy Roof- yes; Donald Trien- yes; Brian Kaminski – yes. The motion carried.

PB-1-12-1, AMARC Realty, L.L.C., Amended Preliminary and Final Site Plan, Block 64 Lot 8.01: Frederick Roughgarden, Esq., appeared on behalf of the Applicant. Thomas F. Collins, Esq., confirmed that the Board had jurisdiction. He requested an *Affidavit of Service*. Mr. Roughgarden agreed to provide same and a certification that all parties were served.

Thomas F. Graham, P.E., was sworn, qualified, and accepted as an expert witness. Board members reviewed the attached January 12, 2012, report prepared by Robert P. Guerin, P.E., P.P. Waiver requests were discussed. Mr. Guerin stated he had no objections to the Board granting waiver requests of Items 10, 11, 21, 22, 25, 26, 30, 31, 32, and 33 of the preliminary site plan technical checklist. He stated all of the information was provided on the original site plan. Mr. Guerin stated Item 34, which requires an Environmental Statement, was waived on the original application; and he had no objection to waiving the requirement on the matter.

With reference to the final site plan, Mr. Guerin stated Items 1, 12, 13, 14, 15, 16, 23, 24 and 25 are items that can only be supplied once the improvements are constructed since they address as-built information. He suggested a waiver of the items for completeness purposes only and the incorporation of said items into the conditions of an approval. Mr. Guerin noted Items 17 and 20 were provided with the original application, and they are not changing based on what is being proposed.

A motion to grant the waiver requests was made by Carl Miller and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton- yes; Carl Miller- yes; Bob Neubig- yes; William Hickerson- yes; James Homa- yes; Randy Roof- yes; Donald Trien- yes; Brian Kaminski- yes. The motion carried.

Thomas F. Graham, P.E., submitted Exhibit A-1, a marked copy of the site plan titled *Preliminary and Final Major Subdivision & Amended Preliminary and Final Site Plan, Block 74 Lot 8.01, New Jersey State Highway Route 23, Township of Hardyston, Sussex County, New Jersey*, sheet 5 of 16, dated 12/27/2011. He provided an overview of the matter. He stated the Applicant would like to develop the fenced storage area to satisfy a tenant's requirements. Mr. Graham identified an existing shed proposed for relocation to within the fenced storage area.

He noted that landscaping is proposed on three sides of this fenced enclosure — not including the back side of the area that faces the wetlands.

Mr. Graham discussed the existing site conditions and identified surrounding property. He noted a private roadway was created ending in a cul-de-sac that allowed the subdivision and the construction of two additional buildings. He stated renovations to the existing building have begun as a former tenant has left. Mr. Graham stated that to facilitate the renovation project, the Applicant would like an existing tenant to be able to utilize the fenced enclosure. He noted the storage area would be expanded, some parking moved, landscaping added, and some lighting moved. He confirmed there were no proposed changes to the driveway plan other than the access to the parking area, there are no proposed changes to the stormwater report, and the proposed change to the impervious coverage is minor. Mr. Graham stated he would provide updated plans and updated permits. He acknowledged Mr. Guerin's suggestion that no work commence until the receipt of same. Mr. Graham asked if the tenant could be moved from existing Building One to Building Two with the fenced storage to allow for the renovations to building one. Mr. Graham confirmed that the installation of the road and subdivision improvements are not necessary to allow adequate access; the tenant is already an existing tenant of Building One, and Building One and Building Two currently exist. Mr. Graham noted that the intensity of the use of the property is much less than it was five years ago. He confirmed that the site is buffered from surrounding residences.

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 the amended preliminary and final site plan application and any related variances subject to the conditions discussed, Mr. Guerin's report, correction of the architectural plans to correctly place the garage door so there will be a 24' aisle, with permission granted to move the tenant and develop the storage area on the back of Building Two as discussed without getting the NJDOT permit first but they will get it was made by Bob Neubig and seconded by Carl Miller. Roll Call: William Hickerson- yes; James Homa- yes; Leslie Hamilton- yes; Carl Miller- yes; Bob Neubig- yes; Donald Trien- yes; Randy Roof- yes; Brian Kaminski- yes. The motion carried.

Mr. Roughgarden inquired about the application of COAH. Mr. Collins stated the matter would be addressed in the Developer's Agreement.

A motion to confirmed that the approval was effective immediately and the Applicant could proceed at their own risk was made by Bob Neubig and seconded by Leslie Hamilton. Roll Call: William Hickerson – yes; James Homa- yes; Leslie Hamilton- yes; Carl Miller- yes; Bob Neubig-yes; Donald Trien-yes; Randy Roof-yes; Brian Kaminski-yes. The motion carried.

DISCUSSION: Board members reviewed the 2011 Annual Report forwarded by the Zoning Board of Adjustment. Referencing Ordinance 2010-25 and §185-125 of the Hardyston Township Code, Board members and consultants discussed wind and solar energy uses and their potential impact on the master plan. Mr. Collins confirmed that the solar use is inherently beneficial. He noted that the legislature passed a law designating solar systems as permitted uses if the parcel is 20 acres or more and located in an industrial zone. He provided an overview of inherently beneficial uses and the decision making process the Zoning Board of Adjustment must utilize when reviewing applications proposing same. William Hickerson expressed concerns about firefighter safety at solar sites.

CORRESPONDENCE: There was no correspondence discussed.

BILLS: Bill Committee representative Homa advised that the bill report was satisfactory. A motion to forward a recommendation to the Hardyston Township Council affirming payment of the bills listed below made by Leslie Hamilton and seconded by Bob Neubig. Roll Call: Leslie Hamilton- yes; Carl Miller- yes; Bob Neubig- yes; William Hickerson- yes; James Homa- yes; Randy Roof- yes; Donald Trien- yes; Brian Kaminski – yes. The motion carried.

Guerin & Vreeland Engineering, Inc.

Invoice W0773L	PB-12-06-2, AMARC Realty	\$ 577.50
Invoice W0750H	PB-2-08-2, Patel, P.	105.00
Invoice W0553X	MCS-01, Crystal Springs General Escrow	525.00
Invoice W0565T	PBC-6-03-1, Hook.Senysyn.	183.75
Invoice W0624EE	PB-9-06-2, Crystal Springs Builders, LLC	892.50
Invoice W0589R	MCS-01, Crystal Springs General Escrow	525.00
Invoice 379NN	MCS-01, Crystal Springs General Escrow	498.75
Invoice W0801N	PB-10-9-3, Dell Materials	577.50
Invoice W0399U	PB-5-02-1, Estell Manor	262.50
Invoice W0493U	PB-5-08-1, Beaver Run Shopping Center	157.50
Invoice W0854M	Planning OE	472.50
Invoice 713H	PB-10-06-2, Metra Industries	210.00

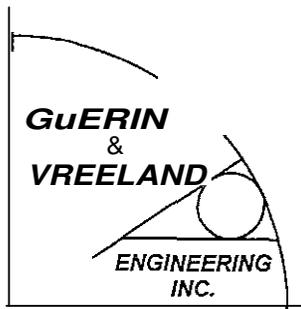
Vogel, Chait, Collins and Schneider

Invoice 61926	Planning OE	300.00
Invoice 61927	PB-5-08-1, Beaver Run Shopping Center	255.00
Invoice 61928	Planning OE	75.00
Invoice 61929	MCS-01, Crystal Springs General Escrow	60.00
Invoice 61930	PB-9-06-2, Crystal Springs Builders, LLC	135.00
Invoice 61931	PB-11-11-1, West Essex Management	525.00

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 motion carried. The meeting concluded at 8:55 p.m.

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



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January 12, 2012

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

Re: Amended Preliminary & Final Site Plan
Block 64, Lot 8.01- Route 23 South
United Vacuum (Amarc Realty LLC)
Application No. PB-9-06-4

Dear Board Members:

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

- Set of plans consisting of four sheets (Sheets 1, 5, 8 & 10 of 16) entitled "United Vacuum Industrial Park, Preliminary and Final Major Subdivision and Amended Preliminary Site Plan, New Jersey State Highway Route 23, Block 64, Lot 8.01, Township of Hardyston, Sussex County, New Jersey". These plans, originally dated April 6, 2006 with revisions through December 27, 2011 were prepared by Dykstra Walker Design Group.
- Application for Amended Preliminary Site Plan Approval with associated attachments.
- Schedule "A" checklists for both Preliminary and Final Site Plan.
Copies of Approvals from the following other agencies who have reviewed the original project:
 - Sussex County Soil Conservation District
 - Sussex County Planning Board
 - New Jersey Department of Transportation for Torrance Court
 - New Jersey Department of Environmental Protection for a Letter of Interpretation and a General Wetlands Permit
- Letter from Thomas F. Graham of Dykstra Walker Design Group dated December 27, 2011 which explains the site plan modifications and status of the

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This application has been submitted to amend the previously approved site plan as follows:

- Enlarge the fenced outdoor storage area proposed along the south side of Building No. 2.*
- Upgrade the landscaping around the proposed outdoor storage area.*
- Reduce the parking area along the south side of Building No. 2 to allow for the enlarged outdoor storage area.*
- Enlarge the parking area along the east side of Building No. 2*
Modify the limits of paving within the loading area along the south side of Building No. 3.
- Relocate one site light in the vicinity of the reduced parking area for Building No. 2*
- Relocate one site light in the vicinity of the loading area along the south side of Building No. 3.*
- Add two new site lights to address the enlarged parking area along the east side of Building No. 2.*

We have reviewed the amended site plan and offer the following comments for the boards' consideration:

- 1. The applicant is requesting the following waivers from the technical checklist for a preliminary site plan:*

Item No. 10 - Survey of entire tract.

Item No. 11 - Existing features within 100 feet of the tract.

Item No. 21 - Public Improvements and construction plans for new streets.

Item No. 22 - Soil erosion and sediment control plan.

Item No. 25 - Stormwater Management Plan.

Item No. 26 - Plans and profiles of existing and proposed utilities.

Item No. 30 - Location and details for any fences proposed.

Item No. 31 - Preliminary floor plans and elevations for each of the proposed buildings.

Item No. 32 - Construction details for the site improvements.

Item No. 33 - Cost estimate for site improvements

Item No. 34 - Environmental Impact statement

Comment: *Each of these items with the exception of Item No. 34 was provided with the original site plan application. Item No. 34, the environmental impact statement was waived in the original application due to the disturbed condition of the site. The plans provided with this amended application did not include the entire site plan but only sheets to show the amendments. As such we have no engineering objection to waiving these requirements for this amended application.*

2. The applicant is requesting the following waivers from the technical checklist for a final site plan:

- Item No. 1 As-Built Drawings of the improvements.
- Item No. 12 All public and common private improvements as-constructed.
- Item No. 13 Storm drainage improvements as-constructed.
- Item No. 14 Stormwater management facilities as-constructed.
- Item No. 15 Water system improvements as-constructed.
- Item No. 16 Sanitary sewer system improvements as-constructed.
- Item No. 23 Maintenance agreement for common areas including deeds and easements for detention basin lots.
- Item No. 24 Affidavit of compliance with requirements of a site plan.
- Item No. 25 Affidavit certifying that the final site plan is identical to the preliminary site plan.

Comment: Since these items are based on as-built information and since the improvements have not yet been constructed, we have no engineering objection to waiving these items for completeness.

- Item No. 17 Stormwater Management Maintenance Plan.
- Item No. 20 Written estimate of improvements not yet constructed.

Comment: These items were provided at the time of the original application and have no bearing on the proposed amended application. As such we have no engineering objection to waiving these items for completeness.

3. While the original approval included the same configuration for the nine parking spaces proposed on the south side of Building No. 3 in reviewing this area on the amended site plan we believe that there will be a problem accessing these parking spaces when the loading spaces are in use. We suggest these spaces be relocated to avoid this conflict.

4. We are concerned about the wide driveway entrance at the south side of Building No. 3. We believe the 100 foot wide entrance presents a potential hazardous condition. We believe the channelized entrance to this parking area shown on the originally approved plan presents a safer situation. As such we recommend a the previously approved driveway entrance configuration be maintained on the amended site plan.

5. We have no engineering concern with the balance of the changes proposed as part of this amendment. If the board is amenable to the proposal, we recommend that the changes be incorporated on the balance of the sheets which make up this site plan with a uniform revision date shown on each plan sheet. This will avoid confusion during construction.

Page4
Hardyston Planning Board
United Vacuum Amended Site Plan
January 12, 2012

6. While the original erosion control approval may not be impacted by this amendment, updated plans should be provided to the Sussex County Soil Conservation District for their review and approval if required. It also appears that the NJDOT permit has expired. If this is the case, the permit will need to be renewed prior to commencement of any work.

Very truly yours,
Guerin & Vreeland Engineering, Inc.



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

cc: Thomas F. Graham, P.E./via e-mail
Fred Roughgarden, Esq./via e-mail
Thomas Collins, Esq./via e-mail
Amarc Realty LLC/via e-mail

Amended United Vacuum Technical-1.pb