

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
FEBRUARY 28, 2013**

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 – Present
Robert F. Schultz – Present
William Hickerson – Present
James Homa – Present
Randy Roof – Present
Donald Trien – Present
Brian Kaminski – Present

OTHERS PRESENT: Robert P. Guerin, P.E., P.P.; Thomas Molica, Esq.; Carrine Piccolo-Kaufner, P.P.

APPROVAL OF MINUTES:

Minutes of the Hardyston Township Planning Board Reorganization Meeting Held January 24, 2013: A motion to approve was made by Carl Miller and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes; William Hickerson – yes; James Homa – yes; Carl Miller – yes; Randy Roof – yes; Donald Trien – yes. The motion carried.

Minutes of the Hardyston Township Planning Board Meeting Held January 24, 2013: A motion to approve was made by Leslie Hamilton and seconded by Carl Miller. Roll Call: Leslie Hamilton – yes; William Hickerson – yes; Robert Schultz – yes; William Hickerson – yes; James Homa – yes; Randy Roof – yes; Donald Trien – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled.

APPLICATIONS: PB-1-11-1, Patel, P. Preliminary Site Plan, Block 72.04 Lot 8.01: Robert P. Guerin, P.E., P.P., reviewed completeness issues and recommended the application be deemed complete. A motion to deem the application complete was made by Carl Miller and seconded by Bob Neubig. All were in favor. The motion carried.

Kenneth D. Dykstra, P.E., P.P., L.S., was sworn, qualified, and accepted by the Board as an expert witness. He submitted copies of Exhibit A-1, a colored rendering titled *Site Layout Plan, Preliminary Site Plan, Block 72.04, Lot 8.01, N.J.S.H. Route 94 & Oxbow Lane, Township of Hardyston, Sussex County, New Jersey, Sheet 3 of 12*, dated 1/8/13 and prepared by Dykstra Walker Design Group, P.A. Reviewing Mr. Guerin's report dated 2/13/13, Mr. Dykstra presented that the application conforms to the Hardyston Township Code, and no variances are required. He stated that the application proposes to construct a 12,400 sq.ft. two-story commercial/office building. He identified the 5500 sq.ft. first floor as commercial and/or office space, and the 6,900 sq.ft. second-floor as office space. Mr. Dykstra confirmed receipt of a septic permit. He stated the property is relatively flat and 2-3 ft of fill is required. He confirmed that any fill utilized would be clean fill. Grading was discussed. It was noted that an easement would be necessary to facilitate grading objectives.

Referencing Exhibit A-1, Mr. Dykstra described the two-way circulation pattern, and confirmed that access to the property would be through Oxbow Lane. He stated that the building is designed to facilitate rear entrance deliveries. Mr. Dykstra confirmed that no loading docks are proposed.

Board members expressed concern about on site truck maneuvering capabilities. Mr. Dykstra agreed to review the matter with Mr. Guerin and adjust the plan to optimize on-site WB40 truck maneuvering.

With reference to parking, Mr. Dykstra confirmed that 60 parking spaces are proposed, and the proposal meets ordinance requirements. The Applicant agreed to add an additional ADA parking space to the plan.

With reference to storm water management, Mr. Dykstra stated storm water would be managed utilizing an infiltration basin; and easement deeds would be perfected that permit discharge onto adjacent property owned by Dr. Patel as well as grading on adjoining Lot 8.03.

With reference to site recycling requirements, the Applicant confirmed to the recycling area would be enclosed by a 6' board-on-board fence.

With reference to Hardyston Township Fire Department commentary, the Applicant agreed to install a 10,000-gallon fire suppression tank and locate the tank close to the road.

Having no other points of discussion, Chairman Kaminski opened the meeting to the public.

Ms. Debbie Lukacsko was sworn. She stated she was concerned about the diversion of storm water toward the north of the property stating that the area floods already. Mr. Dykstra stated the plan meets all the state requirements, and less water will leave the site than before. He stated the development would have no impact.

Ms. Lukacsko inquired about the ordinance's parking requirement. Mr. Dykstra stated the ordinance requires 56 parking spaces and 60 are proposed.

Ms. Lukacsko asked about hours of operation, how deliveries might affect the area, and traffic impacts. She expressed concern about children playing in the area. Mr. Dykstra noted that retail uses typically get deliveries when they are open. With reference to hours of operation, the Applicant agreed to limit same to 6:00 a.m. – 10:00 p.m. The Applicant also agreed to set timers on the site's lighting with lights off at 10:00 p.m.

Ms. Lukacsko stated that the intersection of Route 94 and Oxbow Lane is horrible. She stated making a left onto Route 94 is particularly difficult, and there are many traffic accidents there. Mr. Guerin stated that Oxbow Lane is an existing road with access onto the state highway. Consequently, the Board does not have jurisdiction.

No other members of the public addressed the Board, and Chairman Kaminski closed the meeting to the public.

Acting Board Attorney Molica formulated a motion to approve the application subject to the following conditions: the Applicant is granted a site plan waiver for the required 20,000 gallon fire suppression tank; the 10,000 gallon underground fire suppression tank will be located toward the rear of the lot toward Oxbow Lane with plan revisions subject to Fire Department input; the Applicant will adjust the plan to enable WB40 truck maneuvering through the site subject to the approval of Robert P. Guerin, P.E., P.P. ; the Applicant will comply with the recommendations noted in Mr. Guerin's report dated February 13, 2013; the limits placed on the hours of operation restrict operations to 6:00 am – 10 p.m.; the Applicant will add an ADA parking space (the 4th) to the plan; site lighting, with the exception of security lighting, will be turned off at 10:00 p.m.; and the Applicant will record easements as discussed. The motion was made by Bob Neubig and seconded by Donald Trien. All were in favor. The motion carried.

PB-12-12-1, Artim Investments, L.L.C., Minor Subdivision, Block 15 Lots 7, 8, and 9: Angela C. Paternostro-Pfister, Esq., appeared on behalf of the Applicant. Eric Smart, L.S., was sworn, qualified, and accepted by the Board as an expert witness. Mr. Anthony Assani was sworn. Robert P. Guerin, P.E., P.P., reviewed completeness issues and recommended the application be deemed complete. A motion to deem the application complete was made by Leslie Hamilton and seconded by Bob Neubig. All were in favor. The motion carried.

Mr. Smart explained that ¼ acre is being conveyed to Mr. Assani to enable the installation of a new septic system. He stated the restaurant is currently on two tracts and the intent is to merge the lots. Mr. Guerin confirmed that Lot 8 would be deleted. Mr. Smart noted the restaurant's

front and rear yard setbacks do not conform to the ordinance and the lot line adjustment would improve the nonconformity.

Mr. Smart reviewed Mr. Guerin's report and agreed with the comments.

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 subject to Mr. Guerin's report was made by Bob Neubig and seconded by Leslie Hamilton. All were in favor. The motion carried.

DISCUSSION: PB-2-08-1, St. Jude the Apostle Parish, Preliminary and Final Site Plan, "C" Variances, Block 68 Lot 14. Cynthia M. Collins, Esq., appeared on behalf of the Applicant. Michael Wallow, P.E., was sworn. He presented modifications made to the plan to accommodate County Planning Board requirements and Mr. Guerin's comments on the revisions made to date. Mr. Wallow clarified there are 162 parking spaces, and the plan is to repave and restripe. Mr. Guerin suggested that the walkway be installed at the two-way driveway area to avoid pedestrians walking in the driveway itself. Mr. Guerin suggested the ADA parking spaces be together, and the Applicant agreed.

Mr. Miller commented that his site inspection revealed a clothing bin placed in the line-of-sight. Ms. Collins agreed that the Applicant would move the clothing bin. Mr. Wallow clarified that the existing garage was being removed. Mr. Miller also inquired about signage noting that there is no exit sign. Mr. Guerin confirmed that said signage was included on another page of the plan set.

Having reviewed the revisions, a motion to approve same was made by Carl Miller and seconded by Bob Neubig. All were in favor. The motion carried.

Mr. Guerin discussed Midd-Zone zoning requirements and asked the Board if the engineer or Zoning Officer could make the determination regarding brushy areas on property. The Board agreed that the engineer could make the determination. Mr. Guerin also suggested a rewording of the ordinance to clarify what the disturbance could be. Mr. Guerin and Carrine Piccolo-Kaufer, P.P., agreed to work on the clarification.

Township of Hardyston Zoning Board of Adjustment Report on Variance Applications and Amendment Recommendations: Board members acknowledged receipt of the report. There was no discussion.

CORRESPONDENCE: There was no correspondence discussed.

BILLS: Bill Committee representative Homa advised that the *February 28, 2013 Bill Report* inserted below was satisfactory. A motion to recommend payment of the bills was made by Leslie Hamilton and seconded by Bob Neubig. All were in favor. The motion carried.

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
FEBRUARY 28, 2013
AMENDED**

Vogel, Chait, Collins and Schneider

Invoice 66781	Planning OE	\$155.00
Invoice 66782	MCS-01, Crystal Springs General Escrow	77.50

Guerin & Vreeland Engineering, Inc.

Invoice WO892F	MCS-01, Crystal Springs General Escrow-01	201.25
Invoice WO921B	PB-12-12-1, Artim Investments	402.50

Invoice 201AA	HOV-1, K. Hovnanian – The Bluff	345.00
Invoice WO261MM	HOV-2, K. Hovnanian – The Cedars	345.00
Invoice WO230GG	HOV-3, K. Hovnanian – The Tannery	345.00
Invoice 907A	Planning OE	690.00
Invoice WO905B	PB-1-11-1, Patel	776.25
Invoice 720JJ	PBC-4-12-1, SMS Developers, LLC	402.50
Invoice WO758G	PB-2-08-1, St. Jude the Apostle Parish	690.00

New Jersey Herald

Invoice 5232577	Planning OE	24.30
Invoice 5244683	Planning OE	309.90

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 meeting concluded at 8:45 p.m.

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