

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING
HELD AUGUST 27, 2015**

CALL THE MEETING TO ORDER: Acting Chairman Neubig 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
Bob Neubig – Present
Robert Schultz – Present
William Hickerson – Absent
James Homa – Present
Donald Trien – Present
Brian Kaminski – Absent

OTHERS PRESENT: Robert P. Guerin, P.E., P.P.; Thomas Molica, Esq., and Carrine Piccolo-Kaufner, P.P., A.I.C.P., were present.

FLAG SALUTE: Acting Chairman Neubig led the *Pledge of Allegiance*.

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held July 23, 2015* was made by Robert Schultz and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; Donald Trien – yes. The motion carried.

RESOLUTIONS: PB-5-15-1, Singh, Sarabjit. Preliminary and Final Site Plan, C Variances, Block 60 Lot 7.01: A motion to adopt the memorializing resolution was made by Robert Schultz and seconded by Carl Miller. There was no discussion. Roll Call: Robert Schultz – yes; Leslie Hamilton – yes; Carl Miller – yes; Donald Trien – yes. The motion carried.

HEARINGS: PB-8-15-1, SMS Hardyston, LLC, — Extension of the RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF HARDYSTON GRANTING AN EXTENSION OF THE STATUTORY PROTECTION PERIOD OF THE APPROVAL OF PEGASUS RELATING TO BLOCK 67 LOT 2.01, BLOCK 67.18 LOTS 97-118, BLOCK 67.19 LOTS 1-13 AND 25-38, BLOCK 67.24 LOTS 10-18, BLOCK 67.25 LOTS 1-06, AND BLOCK 67.23 LOTS 1-8 UNTIL DECEMBER 31, 2015, PB-1-09-1A, PB-1-09-4A, PB-1-09-5A, PB-1-09-5A, PB-1-09-6A, PB-1-09-7A, PB-1-09-8A, PB-1-09-9A;

— Amended Preliminary and Final Subdivision, Amended Preliminary and Final Site Plan, *Ridgefield Commons Phase VIIB*, Block 67 Lot 2.01:

Antimo A. DelVecchio, Esq., appeared on behalf of the Applicant. Kenneth D. Dykstra, P.E., L.S., P.P., was sworn and accepted as an expert witness. Board members reviewed the matter for completeness. Robert P. Guerin, P.E., P.P., reviewed his report dated August 20, 2015 and recommended the Board grant waivers for completeness of Preliminary Site Plan Technical Checklist Items 11, 17, 18, 21, 22, 23, 24, 26, 28, 29, 30, 32, and 34; Preliminary Subdivision Checklist Items 14, 19, 20, 25, 26, 27, 29, 31, 32, and 34; Final Site Plan Checklist Items 1, 13, 14, 15, 16, 22, and 24; and Final Site Plan Checklist Items 3, 7, 8, 9, 10, 11, 14, 16, 18, and 21. A motion to grant the waiver requests and deem the application complete was made by Carl Miller and seconded by Bob Neubig. There was no discussion. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bob Neubig – yes; Robert Schultz – yes; James Homa – yes; Donald Trien – yes. The motion carried.

The Applicant submitted the following exhibits:

Exhibit A-1: *Proof of Publication and Affidavit of Mailing*;

Exhibit A-2: Ten sheet plan set titled *Amended Preliminary Subdivision Ridgefield Commons (Formerly Walden Village-Upper Section) Block 67 Lot 2.10, Township of Hardyston, Sussex County, New Jersey* prepared by Kenneth D. Dykstra, P.E., L.S., P.P., dated 6/30/06;

Exhibit A-3: *Wetland Delineation Plan, Ridgefield Commons, Block 67 Lot 2.01, Ridgefield Road & Bunn Road, Sheet 1 of 1, Township of Hardyston, Sussex County, New Jersey* prepared by Kenneth D. Dykstra, P.E., L.S., P.P., dated 6/18/15;

Exhibit A-4: Three sheet architectural plan set prepared by Edward A. Easse titled *Proposed Apartments for Ridgefield Commons, Hardyston Township, N.J.*, [Unit D] dated 7/27/15;

Exhibit A-5: Three sheet architectural plan set prepared by Edward A. Easse titled *Proposed Proto-type for Ridgefield Commons, Hardyston Township, N.J.*, [4 Unit Building] dated 7/22/15;

Exhibit A-6: *ALTA/ACSM Land Title Survey, Ridgefield Commons, Block 67, Lot 2.01, Block 67.23, Lots 5, 6, 7, & 8, Township of Hardyston, Sussex County, New Jersey*, prepared by Kenneth D. Dykstra, P.E., L.S., P.P., dated 6/1/15;

Exhibit A-7: *Explanation of Waivers* – three-page document prepared by Kenneth D. Dykstra, P.E., L.S., P.P., dated 8/11/15;

Exhibit A-8: Nine sheet plan set titled *Ridgefield Commons, Amended Preliminary Subdivision & Site Plan, Final Subdivision & Site Plan – Phase 7B, Block 67 Lot 2.01, Township of Hardyston, Sussex County, New Jersey* dated 8/11/15; and

Exhibit A-9: Colored rendering of *Site Layout/Subdivision Plan Exhibit, Ridgefield Commons, Amended Preliminary Subdivision & Site Plan, Final Subdivision & Site Plan – Phase 7B, Block 67 Lot 2.01, Township of Hardyston, Sussex County, New Jersey*, Sheet 1 of 1, prepared by Kenneth D. Dykstra, P.E., L.S., P.P., dated 8/24/15.

Mr. Dykstra provided an overview of the application stating the Applicant proposes an amendment to Phase 7B of the Ridgefield Commons development that includes the construction of three four-unit buildings, one of which shall contain four affordable housing units. The Applicant noted a zone change is pending that could alter the build out of the project.

Existing site conditions were reviewed and Mr. DeVecchio noted that over a million dollars worth of improvements have been installed to date. He stated a lot of the existing mess preceded the developer's involvement with the project. Mr. Guerin commented stating the developer should be getting rid of the piles of various debris and old construction materials. He also stated outstanding issues with the Hardyston Township Municipal Utilities Authority would need to be addressed including maintenance of infrastructure. Mr. Guerin explained that the existing water permit covers 14 more units. He stated the water company and Hardyston Township want the loop road completed prior to submission of an application for water permitting covering future units. Mr. Dykstra confirmed that the Applicant proposes to add 460 ft. to Ridgefield Road and complete the loop with Winding Way. Mr. Guerin also presented that the Township would like a restoration bond posted that would allow the Township to grade out and seed the rest of the project, should development cease. The Applicant agreed to enter into a Developer's Agreement with a Performance Guarantee and agreed to comply with the recommendations made in the report of Robert P. Guerin, P.E., P.P., dated August 20, 2015.

A motion to approve the application and a one-year extension through December 31, 2016 subject to the testimony, the recommendations noted in Mr. Guerin's report, compliance with any and all prior approvals, the satisfaction of HTMUA issues, entering into a Developer's Agreement that includes posting a restoration bond, and meeting with the Homeowners Association was made by Leslie Hamilton and seconded by Donald Trien. Following the motion, Mr. Griffen asked to be heard.

Acting Chairman Neubig opened the meeting to the public.

Robert Griffen, Esq., entered his appearance on behalf of the Ridgefield Commons Homeowners Association (HOA). He objected to the location of the buildings and asked if the affordable unit needed to be built now. He stated he did not understand the hurry, and noted the HOA owns the entire property with the developer owning developer's rights. He stated the HOA is reviewing the matter. Mr. DeVecchio noted that building now would provide cash flow for the next step, which is a rezoning application.

Joshua Bunkers was sworn. He stated he in on the Board of the HOA. He questioned if the HOA owns a part of the decision making process. Mr. Delvecchio stated the developer has to

get approvals to amend the HOA documents. He stated the promised amenities have to be addressed with the HOA. He noted that a lot of work needs to be done, and a lot of cooperation is necessary. Mr. Bunkers stated the HOA has been waiting 1.5 years for an answer from the developer regarding amenities. He stated new properties have not been completed by the builder or transferred to the HOA. He stated he would like the original plan built.

Martin O'Shea stated he has resided at Ridgefield Commons for seven years and throughout that time period, he has observed mound of dirt on the property. He stated there are many children in the area and it is a safety hazard.

Acting Chairman Neubig closed the meeting to the public.

The Board proceeded to vote. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bob Neubig – yes; James Homa – yes; Donald Trien – yes. The motion carried.

PB-8-15-2, SMS Hardyston, LLC: Concept – Zone Change, Block 67 Lot 2.01: Antimo A. DelVecchio, Esq., appeared on behalf of the Applicant. Board members reviewed a document marked as Exhibit A-1, titled *Proposed Rezoning for Mountain Ridge, A Quadruplex Residential Community in the Township of Hardyston, Sussex County, New Jersey*, prepared by SMS Hardyston, LLC, dated August 27, 2015. Richard M. Preiss, P.P. was sworn, qualified, and accepted as an expert.

The Applicant reviewed the zone change process with the Board. Mr. DelVecchio presented the project totals 303 units. He stated the proposed development footprint would allow for more open space. He stated the Applicant proposes to create a distinct project featuring apartments. With reference to the proposed 24 affordable housing units, Mr. Preiss explained the affordable units would include 4 one-bedroom, 5 three-bedroom, and 15 two-bedroom units with 50% of the units designated for low income and 50% of the units designated for moderate income. It was noted these units would be interspersed throughout the project. The developer stated the project would be phased with 4-5 quadruplex units being constructed at a time, moving from the west side of the property to the east.

Board members expressed concern about parking. Mr. Dykstra noted two parking spaces per unit were proposed and this number exceeds RSIS standards. The Applicant was advised to review parking.

No members of the public addressed the Board on the matter.

REVIEWS: The Hardyston Township Middle School withdrew their request for a Capital Improvement Review.

DISCUSSION: There was no discussion.

CORRESPONDENCE: Review of correspondence regarding affordable housing issues was carried.

BILLS: A motion to approve a recommendation that the Township Council pay the bills listed on the August 27, 2015 Finance Report was made by Leslie Hamilton and seconded by Robert Schultz. There was no discussion. All were in favor. The motion carried.

PUBLIC PARTICIPATION: No members of the public addressed the Board.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Carl Miller. All were in favor. The meeting concluded at 10:05 p.m.

Minutes respectfully submitted by,

Anne-Marie Wilhelm
Land Use Administrator