

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
MARCH 23, 2017**

CALL THE MEETING TO ORDER: Chairman Kaminski called the meeting to order at 7:00 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 – Present
James Homa – Present
Randy Roof – Absent
Brian Kaminski – Present

Bob Neubig was appointed to the position of Vice Chairman and sworn in. The nomination was made by Carl Miller and seconded by Robert Schultz. There was no discussion. All were in favor.

OTHERS PRESENT: Robert P. Guerin, P.E., P.P.; John P. Miller, Esq., and Carrine Piccolo-Kafer, P.P., A.I.C.P., were present.

FLAG SALUTE: Chairman Kaminski led the *Pledge of Allegiance*.

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Planning Board Reorganization Meeting Held January 26, 2017* was made by Leslie Hamilton and seconded by Carl Miller. There was no discussion. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; William Hickerson – yes; James Homa – yes; Brian Kaminski – yes. The motion carried.

A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held January 26, 2017* was made by Leslie Hamilton and seconded by Carl Miller. There was no discussion. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Schultz – yes; William Hickerson – yes; James Homa – yes; Brian Kaminski – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled for review.

HEARINGS: PB-12-16-2, Bicsak Brothers Realty, LLC, Block 77 Lot 13.01, Preliminary and Final Major Subdivision. William T. Haggerty, Esq., appeared on behalf of the Applicant. He confirmed an amendment to the application identifying the Applicant's request for Preliminary Subdivision only. He stated the subject application would be presented as if the Minor Subdivision, previously granted, had been perfected. He stated that the Planning Board's concerns regarding COAH, fire suppression, and the suitability of the proposed driveway, voiced at the previous hearing, have been addressed.

Jason Dunn, P.P., LLA, was sworn, qualified, and accepted as an expert witness. Robert P. Guerin, P.E., P.P., clarified the matter was an amended preliminary subdivision. He identified the Applicant's waiver requests and recommended granting of same. A motion to deem the application complete and grant waivers of Preliminary Major Subdivision Technical Checklist Items 21 – Site Improvements Excluding Buildings Construction Cost Estimate; 26- Landscaping Plan; 34 – Environmental Impact Assessment; and 40- Preliminary Design Assessment Report was made by Bob Neubig and seconded by Robert Schultz. There was no discussion. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bob Neubig – yes; William Hickerson – yes; James Homa – yes; Brian Kaminski – yes. The motion carried.

Mr. Dunn provided an overview of the matter stating the intent is to divide 108 acres, which fronts Davis Road, into five lots with one remainder. He explained that the remainder parcel is separated from the front of the property by wetlands. He stated the remainder's access would be via Maple Road located in Franklin Borough. He noted the subject application was previously approved by the

Hardyston Township Planning Board in 2007, and no substantial changes have been made to the plan since that time. He stated that making an assumption the minor subdivision has occurred and the right-of-way dedicated, this dedication applies to the subject case. Referencing plan Sheet 5 of 8 titled *Subdivision Layout: Sheet A, dated 1/23/17, prepared by Douwe Dykstra, P.E., L.S.*, Mr. Dunn identified Lot 13.05 as the proposed COAH lot and Lot 13.08 as the location of the proposed 20,000 gallon fire suppression tank to be placed along Davis Road outside of the access easement.

Mr. Guerin noted the location is satisfactory. The Board agreed that the location of the tank would be subject to the recommendations of the Hardyston Township Fire Department and the approval of Mr. Guerin.

Referencing plan Sheet 4 of 8 titled *Overall Subdivision Layout, dated 1/23/17*; Mr. Dunn further discussed access to the remainder lot via Franklin Borough's Maple Road and an access easement through Franklin Borough Block 5 Lot 21.01. He stated the choice of this access alternative is due to wetlands that transverse the subject property. He stated the Applicant would need to obtain a permit from Franklin Borough. Exhibit A-1, a Letter of Interpretation/Line Verification dated October 1, 2004 to Mr. David Krueger from NJDEP for Block 77 Lot 13.01 was submitted.

Mr. Dunn confirmed that the plans were drawn in accordance with the 2004 LOI. Mr. Guerin suggested an updated NJDEP approval noting future development of the parcel would be at the client's risk.

The Applicant reviewed the March 10, 2017 report prepared by Robert P. Guerin, P.E., P.P. and agreed to comply with Mr. Guerin's comments. Mr. Haggerty acknowledged an approval would be subject to a Developers Agreement.

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 application for Preliminary Subdivision subject to the conditions discussed was made by Bob Neubig and seconded by Leslie Hamilton. There was no discussion. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bob Neubig – yes; Robert Schultz – yes; William Hickerson – yes; James Homa – yes; Brian Kaminski – yes. The motion carried.

PB-3-16-2, Smith, James W. Extension - Minor Subdivision, "C" Variances,

Block 16 Lots 12 and 13.02: William T. Haggerty, Esq., appeared on behalf of the Applicant. He requested a 190-day extension noting the matter involved multiple towns and was complex.

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

A motion to grant a 190-day extension was made by Carl Miller and seconded by Bob Neubig. There was no discussion. Roll Call: Carl Miller – yes; Robert Schultz – yes; Leslie Hamilton – yes; William Hickerson – yes; Bob Neubig – yes; James Homa – yes; Brian Kaminski – yes. The motion carried.

PB-2-17-1, David Markel, M.D., Preliminary and Final Site Plan, Block 14 Lot 24.03: Jason

Dunn, P.P., L.L.A., appeared on behalf of the Applicant. Board members reviewed the February 15, 2017 report prepared by Mr. Guerin. Mr. Guerin recommended the Board grant the Applicant's waiver requests for completeness purposes. A motion to grant the waiver requests and deem the application complete was made by Carl Miller and seconded by Leslie Hamilton. There was no discussion. Roll Call: Carl Miller – yes; Robert Schultz – yes; Leslie Hamilton – yes; William Hickerson – yes; Bob Neubig – yes; James Homa – yes; Brian Kaminski – yes. The motion carried.

David Markel, M.D., and Jason Dunn, P.P., LLA, were sworn. Referencing a colored rendering titled *Amended Preliminary and Final Site Plan, Sheet 1 of 1, dated 2/2/2017 prepared by Douwe Dykstra, P.E., L.S.*, Mr. Dunn provided an overview of the plan noting that the existing circulation pattern and site layout would essentially remain the same. He stated there are minimal changes to the site with changes to line striping and the location of the ADA parking. Mr. Dunn noted the dumpsters would be located to the west of the property along the edge of pavement in conformance with the ordinance.

Mr. Dunn stated the property is located in the RC Zone and the proposed use is permitted. He stated there will be enough parking if there is a shared parking arrangement with the adjoining property owner. He explained eight parking spaces would be on the neighbor's lot and two new spaces would

be added to the site. He explained patients would use the spaces closest to the building with Dr. Markel and his employees parking in the off-site lot. Mr. Markel stated Anthony Ricci of Cava Winery has agreed to allow the parking arrangement. Mr. Miller noted the winery is a tenant and a condition of approval would require the tenant, owner, and applicant to sign an agreement. He advised that if the agreement falls through, the Applicant would need to return to the Board.

Mr. Guerin asked about pedestrian access from the east parking spaces to the Applicant's office. He suggested a sidewalk or striped pedestrian path so people would not walk in the drive aisles. The applicant agreed to provide the pedestrian way. Mr. Guerin also noted that the Hardyston Township Fire Department did not recommend a fire suppression tank due to the site's close proximity to Crystal Springs and water sources.

Dr. Markel presented he would like to develop the site for his pediatric practice. He stated the practice is Monday-Friday and Saturday a.m. with a maximum of six scheduled patients per hour, two receptionists, and one nurse.

Chairman Kaminski opened the meeting to the public. No members of the public addressed the Board. A motion to approve the application subject to submission of a revised plan, compliance with the report dated February 15, 2017 prepared by Robert P. Guerin, P.E., P.P., and provision of a shared parking agreement as discussed was made by Carl Miller and seconded by Bob Neubig. There was no discussion. Roll Call: Carl Miller – yes; Robert Schultz – yes; Leslie Hamilton – yes; William Hickerson – yes; Bob Neubig – yes; James Homa – yes; Brian Kaminski – yes. The motion carried.

Mr. Dunn requested a waiver of the reading of the resolution. A motion to grant the waiver was made by Leslie Hamilton and seconded by Carl Miller. All were in favor. The motion carried.

CORRESPONDENCE: TOWNSHIP OF HARDYSTON ZONING BOARD REPORT ON VARIANCE APPLICATIONS AND AMENDMENT RECOMMENDATIONS DECIDED ON FEBRUARY 2, 2017 MEMORIALIZED ON FEBRUARY 2, 2017 — Board members reviewed the report. Mr. Miller acknowledged the Zoning Board of Adjustment had no recommendation for ordinance review or revisions. There was no discussion.

BILLS: A motion to approve a recommendation that the Township Council pay the bills January 2017 and March 2017 Bill Lists was made by James Homa and seconded by Robert Schultz. There was no discussion. Roll Call: Carl Miller – yes; Robert Schultz – yes; Leslie Hamilton – yes; h – yes; Bob Neubig – yes; James Homa – yes; Brian Kaminski – yes. 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 Bob Neubig. All were in favor. The motion carried. The meeting concluded at 7:55 p.m.

Minutes respectfully submitted by,

Anne-Marie Wilhelm
Land Use Administrator