

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MARCH 1, 2011**

The meeting was called to order by Mayor Kula at approximately 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Miller, Councilwoman Hamilton, Councilman Kievit, Councilman Ross, Manager Marianne Smith and Clerk Jane Bakalarczyk.

SALUTE THE FLAG

CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Minutes:

1. Executive Minutes of 2/3/11
2. Regular Minutes of 2/15/11

A motion was made by Kievit to approve the consent agenda as presented, seconded by Ross. All in favor. Motion carried.

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: 2011-01

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 33, LAND USE PROCEDURES, CHAPTER 88, FEES AND CHAPTER 185, ZONING OF THE REVISED GENERAL ORDINANCES TO ADDRESS MISCELLANEOUS CORRECTIONS AND CLARIFICATIONS, AND TO REORGANIZE THE MIDD DISTRICTS BASED UPON A COMPREHENSIVE REVIEW OF THE TOWNSHIP LAND USE CHAPTERS

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

Section 1. Chapter 33, Land Use Procedures, Section 33-21, Expiration of variance, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 33-21 Expiration of variance.

Any variance from the terms of Chapter 185, Zoning, hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one year from the date of entry of the judgment or determination of the Board of Adjustment or Planning Board; except, however, that the running of the period of limitation herein provided shall be extended from the date of filing an appeal from the decision of the Board of Adjustment or Planning Board to the governing body, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding; except further, in the case of a variance which also involves a minor subdivision, major subdivision or site plan approval, the variance shall extend for the full period of the statutory protection of the minor subdivision, preliminary or final major subdivision or site plan approval or any extension thereof pursuant to the Municipal Land Use Law.

Section 2. Chapter 88, Fees, Section 88-3, Land Use Fees, Subsection (A), of the aforesaid Revised General Ordinances is hereby amended to read as follows:

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§ 88-3 Land use fees.

A. Base application fees of municipal agency. Base application fees shall be payable to the Township of Hardyston for application to the municipal agency as hereinafter provided. Such payment shall be made to the administrative officer with whom the application for development or other application is filed at the time of filing said application. The municipal agency shall have the sole authority to determine whether a substantial amendment has been made to the original submission.

(1) Minor subdivision - base application fees.

- (a) Upon original submission of minor subdivision application for all minor subdivisions: \$350.
- (b) Each resubmission and/or reapproval on an original application or any map for a minor subdivision which has expired pursuant to N.J.S.A. 40:55D-47: 1/2 of the original submission fee effective as of the date of resubmission.

(2) Major subdivisions - base application fees.

- (a) Preliminary plat - original submission: minimum application fee, \$250, plus an additional fee of \$50 for each lot shown on plat.
- (b) Preliminary plat - resubmission, reapproval or substantial amendment: minimum application fee, 1/2 of the original submission fee as of the date of the resubmission and/or reapproval and provided that the resubmission is filed within six months of disapproval of the original subdivision.
- (c) Final plat - original submission: minimum application fee of \$250, plus an additional \$10 for each lot shown on the plat.
- (d) Final plat - resubmission or reapproval: 1/2 of the original application fee, but not less than \$75 if it encompasses the same land as the original final subdivision, and provided that the resubmission is filed within three years of preliminary approval.

(3) Site plans - base application fees.

- (a) Preliminary site plan application: \$200 base fee plus \$10 per 100 square feet of proposed building space plus \$0.50 per 1,000 square feet of disturbed land area.
- (b) Final site plan application: 50% of preliminary site plan application fee.
- (c) Minor site plans: \$100.
- (d) Review fee escrow deposit required: \$400.

(4) Variances - base application fees.

(a) For each application requesting variance relief pursuant to N.J.S.A. 40:55D-70(a), (b), (c) and/or (d), the following application fees shall apply:

	Residential	Commercial	Industrial
(a) Appeal	\$250	\$350	\$350
(b) Interpretation	\$250	\$350	\$350
(c) Bulk variance	\$250	\$350	\$350
(d) Use variance	\$400	\$500	\$1,000
35/36 street	\$250	\$250	\$250
Conditional use	\$300		

(b) In the event that more than one variance is sought, the applicant shall pay a maximum amount for the first variance and then the minimum amount contained in the column herein for each additional variance sought on the property.

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(5) Tax Map maintenance fees. The following fees shall be paid by the applicant for the cost of making updates and modifications to the Township Tax Maps as a result of subdivision applications approved by the Planning Board or Zoning Board of Adjustment. The fee shall be paid at the time that the deed and/or plot plan is signed on behalf of the Board.

Type of Approval	Fee
Minor subdivision/boundary line adjustment	\$250
Major subdivision	\$250, plus \$25 per lot
Subdivision involving condominium units	\$250, plus \$25 per unit

Section 3. Chapter 88, Fees, Section 88-1, Fees payable to Municipal Clerk, Subsection (B), of the aforesaid Revised General Ordinances is hereby amended to add the following fees for road opening permit applications:

§ 88-1. Fees payable to Municipal Clerk

B. Licenses.

(18) Road opening permit application: \$100 (Chapter 155)

Section 4. Chapter 185, Zoning, Section 185-4, Definitions, Subsection (C) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to amend and add the following definitions:

BUILDING HEIGHT - The vertical distance measured from the average elevation of the finished grade at the foundation to the highest point of a flat roof, to the declivity of a mansard roof and to the mean height of the primary roof between the eaves and the ridge for gable, hip and gambrel roofs.

SIGN, FREESTANDING - A permanent pole, ground or monument sign attached to the ground and supported by uprights or braces attached to a foundation in the ground and not attached to any building.

SIGN, MONUMENT – A freestanding standing sign that is constructed upon a solid appearing base or pedestal, which is not less than than half the width of the message portion of the sign

SIGN, POLE – A freestanding sign that is erected on a mast, frame, poles or pylons which are solidly affixed to the ground. Pole signs shall allow for visibility between the bottom edge of the sign and the supports used to erect the sign.

STORY – That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof above. A basement shall not be considered a story except when the basement is more than 6 feet above the average elevation of the finished grade at the foundation, is more than 6 feet above the finished grade for more than 50% of the total building perimeter, or is more than 12 feet above the finished grade at any point.

Section 5. Chapter 185, Zoning, Section 185-7, Zoning Map of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§185-4. Zoning Map.

The location and boundaries of the above districts are hereby established on the Zone Map of the Township of Hardyston in Sussex County, dated May 2007 (prepared by Guerin & Vreeland Engineering, Inc.), which is attached hereto and made a part of this section the map are on file in the office of Township Clerk and are available for inspection.

Section 6. Chapter 185, Zoning, Section 185-12, Exceptions from height regulations, Subsection (A) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

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§ 185-12. Exception from height regulations.

- A. Height limitations stipulated elsewhere in this chapter shall not apply to the following when attached to the principal structures; spires, belfries, cupolas and domes, monuments, chimneys, flagpoles, private radio and telephone antennas, fire towers, tanks, water towers and standpipes. Except that spire, belfries, cupolas and domes shall not be permitted to extend more than 5 feet above the standard height limitations as permitted in the R-3 single family lakeside residential district pursuant to §185-31. All freestanding structures shall be considered as accessory structures and shall meet the height requirements as set forth in Schedule I, except that freestanding lighting structures shall not exceed 16 feet in height in any zone.

Section 7. Chapter 185, Zoning, Section 185-15, Outdoor Storage, of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-15. Outdoor Storage.

No storage of merchandise, articles or materials shall be permitted in any zone except for new/used cars as part of a car dealership, as a permitted accessory use in a specific zone or as may be specifically shown on an approved site plan. Outdoor storage should not occur in such a way as to prevent adequate circulation of emergency service equipment and personnel. The provisions of this section shall not be construed to prohibit customary accessory uses in residential zones such as patios, picnic tables, outdoor fireplaces and similar uses.

Section 8. Chapter 185, Zoning, Section 185-16, Commercial vehicles, Subsection (A) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-16. Commercial vehicles.

- A. Any vehicle containing advertising matter intended to promote an interest of any business or any commercial vehicle used in connection with any business or commercial activity shall not be parked, stored or maintained in any residential zone except in compliance with the following conditions:
- (1) Not more than one commercial vehicle per dwelling unit shall be kept on a lot.
 - (2) The vehicle shall not exceed a rated capacity of 1 ton.
 - (3) The vehicle is used by a resident of the dwelling unit.
 - (4) The vehicle is not parked on the street overnight.
 - (5) The refrigeration unit of a refrigerated truck/vehicle shall not be permitted to run/operate between the hours of 6:00 p.m. and 7:00 a.m. weekdays or on weekends while parked in any residential zone.
 - (6) This section shall apply to all vehicles which are customarily considered commercial vehicles, whether or not such vehicles shall carry a commercial registration.

Section 9. Chapter 185, Zoning, Article IV, MIDD-10 Minimum Impact Development District, of the aforesaid mentioned Revised General Ordinances is hereby repealed and replaced with the following:

ARTICLE IV Minimum Impact Development Districts (MIDD-10, MIDD-5, MIDD-3) (§ 185-19 - § 185-25)

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§ 185-19. Purposes.

The purposes of these districts are to:

- A. Protect the valuable and environmentally sensitive areas of southern Hardyston from the adverse impacts of development.
- B. Preserve the rural character of the southern portion of Hardyston Township and the visual quality of the area so as to lessen the effect of artificially imposed development.
- C. Provide a regulatory mechanism through which appropriate development can occur considering the exceptional, unique, irreplaceable and delicately balanced physical, chemical and biologically acting and interacting natural environment encompassed in the southern Hardyston area.
- D. Foster the long-term social, economic, aesthetic and recreational interest of the people of Hardyston Township.
- E. Provide an equitable, understandable development mechanism that establishes clearly definable goals and advances the public interest by balancing the aforementioned environmental interests with the rights of persons owning property in this district, through the encouragement of development of compatible land uses in order to improve the overall environmental and economic basis of the area.
- F. The Township further recognizes the legitimate economic aspirations of the property owners of the district and wishes to encourage development of compatible land uses in order to improve the overall economic position of the inhabitants of that area within the framework of a comprehensive environmental design strategy which preserves the most ecologically sensitive and fragile area from inappropriate development and provides adequate environmental safeguards for the construction of any facilities in the district.
- G. Provide for the orderly development and effective preservation of the environment of the MIDD-10, MIDD-5 and MIDD-3 Zones in order to ensure that the development of the zone is regulated in a manner that is fair, efficient and effective as to those persons owning property affected by this subsection. (See Proposed Zone Change Map 16.)

§ 185-20. Definitions.

For the purposes of this article, unless the context clearly indicates a different meaning, the following definitions shall apply:

ADAPTIVE REUSE – The process of rehabilitating an existing structure for a permitted principal or accessory use.

LINKAGE – An open space design principle whereby large open space areas are connected via appropriate linear open space. Stream corridors and ridge lines are among areas which may be used to provide linkage.

LOT DISTURBANCE – All areas disturbed for the purpose of the construction of buildings and structures on an individual fee simple lot. This total shall include all disturbance, including but not limited to building and structure areas, septic wells, lawns and areas of tree removal.

MASSING – The concentration of open space in large contiguous tracts in appropriate areas.

TRACT DISTURBANCE – All tract disturbance not associated with the development of individual lots, including areas disturbed for roadways, utility systems and stormwater management basins to address stormwater for the entire development.

§ 185-21. Submission requirements.

- A. Preliminary design assessment. In addition to those items required for submission in accordance with the Hardyston Township preliminary major subdivision checklist, all applicants for major subdivisions within the Minimum Impact Development District must also provide a preliminary design assessment fulfilling the requirements of the preliminary design assessment checklist contained in Appendix A. This assessment shall also include a graphic and narrative site feature inventory; all significant site features, including all critical areas, vistas, ridge lines, wetlands, floodplains, slopes, tree lines, stone rows, significant rock

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outcrops and free masses, rare and endangered species habitats, trout maintenance and trout production streams and any additional features uniquely affecting a site.

- B. Wildlife management plan. In projects involving 100 or more acres, a wildlife management plan shall be submitted fulfilling the requirements of the wildlife management plan checklist contained in Appendix B. This plan shall also address measures taken to preserve and improve on-site wildlife habitat. Rare and endangered species habitat protection shall be addressed if applicable.
- C. Lake management plan. All applicants for major subdivisions which involve a lake or pond of five acres or more in the MIDD-10, MIDD-5 and MIDD-3 Zones must provide a lake management plan in accordance with the lake management plan checklist contained in Appendix C.

§ 185-22. Zoning requirements.

A. Principal uses and structures permitted.

(1) The following uses and structures shall be permitted in the MIDD-10 District:

- (a) Detached single-family dwellings.
- (b) Farms containing a minimum of five acres.

[1] Any animals, other than cattle, horses and ponies, domestic animals, other than household pets, kept on the premises shall be in connection with the pursuit of agriculture. This shall not include the keeping of domestic animals for boarding, training, sale and resale, where such activities are not in connection with the pursuit of agriculture and are themselves the exclusive or primary use. Any animal other than cattle, horses and ponies shall be kept at a distance of at least 100 feet from any property line. No commercial piggeries, fur farms and/or animal processing facilities shall be permitted on a farm.

[2] It is intended that a single-family residence may be established on the same lot used for agricultural purposes as set forth above. In that event, the lot shall then have a minimum lot area of one acre for the single-family residence use in addition to the required minimum of five acres set forth above.

- (c) Wood lot management in accordance with a wood lot management plan prepared by a certified forester.
- (d) Cluster development.

(2) The following uses and structures shall be permitted in the MIDD-5 District:

- (a) Principal uses and structures permitted in the MIDD-10 District.
- (b) Municipal buildings and grounds.
- (c) Parks and playgrounds.

(3) The following uses and structures shall be permitted in the MIDD-3 District:

- (a) Principal uses and structures permitted in the MIDD-10 and MIDD-5 Districts.

B. Permitted accessory uses. The following accessory uses shall be permitted in the MIDD-10, MIDD-5, & MIDD-3 Districts:

- (1) Home occupations.
- (2) Required off-street parking.
- (3) Private garages.
- (4) Farm stands in connection with a farm.
- (5) Private swimming pools and tennis courts.
- (6) Horses and/or ponies for riding purposes in connection with a single family residence use where such use is the principal use of the property and the horse or/pony is owned

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by a member of the family occupying such single family dwelling unit. The keeping of horses and/or ponies shall be conditioned upon the following requirements:

- (a) The following ratio of the number of horses and/or ponies shall be met. A minimum of 3 acres shall be required for the first horse and/or pony, and 1 additional acre shall be required for each additional horse and/or pony.
 - (b) The property shall have adequate property to allow for pasture and grazing.
 - (c) All structures for the housing of such animals; including stables, corrals, and fences shall be at least 50 feet from all side and rear lot lines.
- (7) Chickens, chicks, or other domestic fowl for individual purposes/use in connection with a single-family residential use. The keeping of chickens, chicks or other domestic fowl shall be conditioned on the following requirements:
- (a) No property is permitted to keep more than 6 hens, and no person shall be permitted to keep a male chicken (rooster).
 - (b) No property owner shall slaughter hens on their property.
 - (c) Chickens, chicks, or other domestic fowl shall be provided with a covered enclosure and must be kept in a covered or fenced enclosure at all times.
 - (d) Enclosures erected to house chickens, chicks or other domestic fowl shall not be permitted in the front yard and must be at least 20 feet from any property line.
- (8) Any other use which the Zoning Board of Adjustment determines is one customary and incidental to the principal permitted use of the property.

C. Conditionally permitted uses. . The following uses are permitted only after a review and approval by the board to ensure compliance with the standards and criteria set forth in Article XVI:

- (1) The following conditionally permitted uses shall be permitted in the MIDD-10 district:
- (a) Public utility uses and essential services.
 - (b) Commercially operated golf courses.
 - (c) Towers and antennas.
- (2) The following conditionally permitted uses shall be permitted in the MIDD-5 district:
- (a) Conditionally permitted uses permitted in the MIDD-10 District.
 - (b) Country Clubs and private swimming or tennis clubs
 - (c) Institutional and public uses
 - (d) Churches and houses of worship
 - (e) Public and private schools
- (3) The following conditionally permitted uses shall be permitted in the MIDD-3 District:
- (a) Conditional uses permitted in the MIDD-5 & MIDD 10 Districts.

D. Bulk requirements and other conditions. The following requirements are applicable in the MIDD-10, MIDD-5 & MIDD-3 Districts:

- (1) Density.
- (a) MIDD-10 District: The maximum permitted density within the MIDD-10 district shall be 1 unit per 10 acres. In order to calculate the maximum permissible number of lots, the total gross tract acreage is divided by 10 (see Diagram 1).
 - (b) MIDD-5 District: The maximum permitted density within the MIDD-5 district shall be 1 unit per 5 acres. In order to calculate the maximum permitted number of lots, the total gross tract acreage is divided by 5.

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- (c) MIDD-3 District: The maximum permitted density within the MIDD-3 district shall be 1 unit per 3 acres. In order to calculate the maximum permissible number of lots, the total gross tract acreage is divided by 3 (see Diagram 1).
- (2) Bulk Requirements for MIDD-10, MIDD-5, & MIDD-3 Districts.
 - (a) Minimum lot size with individual well and septic: 40,000 square feet.
 - (b) A minimum lot size with central water: 30,000 square feet.
 - (c) Maximum building envelope size: 40% of lot area or 20,000 square feet, whichever is less (see Diagram 2).
 - (d) Maximum total lot disturbance: 50% of lot area or 30,000 square feet, whichever is less. Site disturbance shall include all areas disturbed for the purpose of the construction of buildings and structures as well as all graded areas and lawns. The total shall include disturbed areas both inside and outside of the building envelope (see Diagram 3).
 - (e) Maximum total tract disturbance for public improvements, including streets, utilities and stormwater management facilities provided to service the overall development shall not exceed 7% of gross tract area. All improvement related disturbance shall be included in this calculation, including areas of grading and vegetation removal as well as the cartways and basins.
 - (f) Minimum spacing between building envelopes on adjacent lots: 50 feet (see Diagram 4).
 - (g) Minimum spacing between building envelopes and tract boundary: 25 feet (see Diagram 5).
 - (h) No building envelope shall be placed closer than five feet to any interior lot line (see Diagram 4).
 - (i) Minimum spacing of building envelope from on-site public or private streets: 35 feet (see Diagram 5).
 - (j) Minimum spacing between building envelope and off-site public private streets: 50 feet.

§ 185-23 Design standards for the MIDD-10, MIDD-5 & MIDD-3 Districts.

The following criteria shall be considered design standards pursuant to Article 6 of the New Jersey Municipal Land Use Law. It is recognized that all of these standards may not be achievable on every subdivision; for this reason, each application shall be carefully considered and waivers shall be granted where appropriate.

A. Lot frontage. Each individual parcel is required to provide safe and efficient access.

- (1) Where a lot abuts a public street, the minimum lot frontage shall be 50 feet.
- (2) Lots utilizing common drives for access shall not be required to have frontage on a public street.

B. Locating building envelopes. These standards aim to ensure that the disturbed areas of any parcel are to the minimum extent possible not visible from municipal roads and situated so as to minimize the impact of construction on the sensitive environment and to protect the rural character of the area as set forth in the purposes of this section. The standards to be adhered to are as follows:

- (1) Building envelopes shall be selected which do not include the tops of ridge lines (see Diagram 7).
- (2) Building envelopes shall avoid wooded areas (see Diagram 7).
- (3) Building envelopes shall be located in fields or along the edge of wooded areas and shall be located in such a way to minimize the visual impact of development when feasible (see Diagram 7).
- (4) Building envelopes shall not include wetlands, transition areas and floodplains.
- (5) Building envelopes shall not include areas with slopes of 35% or greater (see Diagram 7).

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C. Clustering. In order to minimize the impact development shall have within the MIDD District, clustering is strongly encouraged. The standards contained in this section shall be strictly adhered to, unless extraordinary circumstances exist.

- (1) Clustering shall be permitted upon the submission of an acceptable open space management plan.
- (2) Open space and conservation easement areas shall be designed with massing and linkage as guiding principles.
- (3) Each area of common open space shall have at least two fifteen-foot-wide pedestrian access points accessible from a public roadway.
- (4) If an open space management plan acceptable to the Planning Board is not possible, then the building lots shall be increased in size to include the entire tract area and conservation easements will be used to restrict the area identified as open space on the cluster plan (see Diagram 8).
- (5) No increase in density shall be permitted when using the cluster option.

D. Conservation easement/deed restrictions. Applications before the Board shall be required to provide appropriate conservation and deed restrictions when sensitive environmental areas are encountered. These legal instruments shall be drafted in general conformance with the recommendations and language contained in Appendix E. All land preserved through conservation and/or deed restrictions shall be enforceable and monitored by the Township, and, as applicable: for environmental protection, the NJDEP Green Acres or a qualified land trust non-profit organization, or for agricultural use, the CADB or the SADC. All conservation set-asides shall be deed-restricted against further subdivision and shall consist of one contiguous parcel, to the maximum extent feasible. The conservation easements, deed restrictions and open space organization documents shall be subject to the review and approval of the Board Attorney, Engineer and Municipal Attorney

- (1) Conservation easements shall be required for all natural resources and critical areas located outside of the building envelope including; forested resource areas, open waters bodies/wetlands and required transition areas, steep slopes in excess of 35%, critical habitat areas, flood plains, scenic resource areas and historic, cultural and archeological resources (see Diagram 9).
- (2) When agricultural resources are preserved through clustering, conservation easements/deed restrictions shall be required in accordance with the following standards:
 - (a) The conservation easement or deed restriction shall include Right to Farm Act Provisions.
 - (b) Retention of original farmstead or construction of new farmsteads associated with the preserved agricultural lands shall be permitted.
 - (c) The preserved agricultural lands shall include an appropriate buffer to avoid conflicts between agricultural operations and adjacent residential development
- (3) All subdivision plats shall contain a reference to any required conservation easement.
- (4) The minimum tract density shall not be exceeded; in subdivisions where some of the resultant individual lots are excess of the zone density, no further subdivision of these lots shall be permitted. This restriction shall be included in the lot's deed and set forth on the subdivision plat.

E. Design standards for public roads. It is the intent of this subsection to minimize the amount of site disruption caused by roadways and the associated grading required for their construction. The standards are as follows:

- (1) Right-of-way width: in accordance with Residential Site Improvement Standards.
- (2) Cartway width: in accordance with Residential Site Improvement Standards.

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- (3) Minimum number of units per public dead-end street: in accordance with Residential Site Improvement Standards.
 - (4) Minimum distance between access points on off-site public roads 200 feet. Access points shall include individual and common driveways and on-site public roadways (see Diagram 10).
 - (5) Curbing. Curbing shall be used only where necessary to provide for stormwater management. Where curbing is required, Belgian Block or equivalent material shall be required.
 - (6) Roadways shall follow existing contours to minimize the extent of cuts and fills.
 - (7) Where sites include linear features such as existing access roads, tree lines and stone rows, roadways shall follow these features to minimize their visual impact.
 - (8) Roadways shall not be located in open fields.
- F. Driveways. It is the intent of this subsection to use private drives for access to the residential lot, provided that the following standards are satisfied:
- (1) The number of driveways accessing off-site public streets shall be kept to a minimum.
 - (2) The appropriate use of common driveways is encouraged. Where lots will access an off-site public street, common driveways shall be used where appropriate to minimize the number of curb cuts required (see Diagram 11).
 - (3) The maximum number of units served by a common driveway shall be four (see Diagram 12).
 - (4) Minimum driveway width: 12 feet paved with two-foot graded and stoned shoulders.
 - (5) Paving shall be required in areas where driveway grade is in excess of 6%.
 - (6) Maximum length of common driveway: 1,000 feet (see Diagram 12).
 - (7) All driveways in excess of 500 feet shall provide a ten-foot by thirty-foot turnout. The exact location of the turnout shall be determined by the Board with the review of the Fire Department (see Diagram 13).
 - (8) All driveway areas shall be included in the total lot disturbance calculation for the lot on which the driveway is located.
 - (9) All lots using common driveways shall provide a driveway maintenance agreement to be reviewed and approved by the Board's professionals. The maintenance agreement shall include an escrow fund to ensure that the driveway will be maintained. The agreement shall be drafted in general conformance with the recommendations and language contained in Appendix D.
- G. Stormwater management. In order to maximize the effectiveness of the MIDD Ordinance, stormwater management will be required as deemed appropriate and in as natural a way as may be engineered. The standards are as follows:
- (1) Existing natural drainageways shall be retained.
 - (2) Where stormwater management facilities are required, they shall be designed in as small an area as possible. The ratio of the basin's area to volume shall be minimized.
 - (3) Retention basins shall be used where such basins are practical.
 - (4) All basins shall require landscaping plans. The basins shall resemble natural ponds to the maximum extent practical.
 - (5) Basin landscaping materials shall be selected which enhance wildlife habitat.
- H. Central water facilities. Central water facilities are not encouraged due to the fact that they are often highly visible and become dominant features of the landscape. However, when they are to be used, the following standards shall be met:

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- (1) Where central water facilities are utilized, their visual impact shall be minimized. The overall size, height and location shall all be considered.
 - (2) Water towers shall not be placed on top of ridge lines (see Diagram 14).
 - (3) The height of water towers shall be limited to an elevation below the crown line of mature on-site trees (see Diagram 14).
 - (4) Where a tract contains barns or silos, these structures may be used to conceal a water storage facility.
- I. Permissible development within the water feature buffer. In order to limit development within the highly visible and environmentally sensitive area around lakes, the following standards shall be imposed:
- (1) Not more than 25 linear feet of shoreline per lot shall be disturbed. This includes docks, bulkheads and beach areas.
 - (2) Structures permitted in the buffer area: docks, bulkheads, patios, terraces, decks and pathways (see Diagram 15).
 - (3) Patios, terraces and decks shall be unroofed and shall not exceed 400 square feet in area. The maximum height above grade shall be limited to 24 inches (see Diagram 15).
 - (4) The total maximum disturbance within the buffer area shall not exceed 1,000 square feet (see Diagram 15).
- J. Landscaping and lawns. The goal of this subsection is to limit the disturbance and impacts associated with establishment of extensive residential lawns.
- (1) Existing vegetation shall be preserved in areas where disturbance is not necessary outside of the building envelope (see Diagram 16).
 - (2) The creation of lawn areas in excess of 10,000 square feet is prohibited. Lawn areas shall be included in the total lot disturbance calculation. In instances where a lot includes open field areas, these areas may be seeded without being included in the 10,000 square foot total or the total site disturbance calculation.
 - (3) Where landscaping is proposed, native species shall be included in the design.
 - (4) Where building envelopes are located in woodlands, a treed area of at least 30 feet between the building envelope and the common drive or roadway shall be retained (see Diagram 16).
- K. Fencing. In order to maintain natural undisturbed appearances, fencing is frowned upon. Where fencing is needed, the following standards shall be met:
- (1) Perimeter fencing of lots is not permitted (see Diagram 17).
 - (2) Fencing may be constructed on the perimeter of or within the building envelope area of lots (see Diagram 17).
 - (3) The fencing restriction shall not apply to agricultural uses as defined in this chapter.
 - (4) Critical areas located outside of building envelopes shall not be fenced except to address safety issues.
 - (5) Where fences are installed, natural materials and colors shall be used to the extent possible.
- L. Signage.
- (1) Permanent on-site development identification signs are prohibited.
 - (2) Where the Planning Board determines that a development identification sign is appropriate, its area shall be limited to eight square feet and its construction shall be of natural materials (i.e., wood and stone) and the base area shall be appropriately landscaped.

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(3) Resident identification signs are permitted at entrances to driveways. The maximum height of residence identification sign shall be eight feet. Each individual name sign shall not be more than one square foot (see Diagram 18).

M. Lighting. Since artificial lighting is often highly visible and adversely affects the rural character of an area, it is specifically discouraged except for those specific categories listed below:

(1) Site lighting shall only be provided where warranted to address specific safety conditions.

(2) Where lighting is proposed along public roads or common driveways, locations and intensities shall be subject to approval of the Planning Board.

N. Concrete engineered structures. In any development, some engineered structures are necessary for access and drainage. In order to accommodate the installation of infrastructure, the following standards, however, must be strictly adhered to by any applicant:

(1) Visible structures such as curbing, culverts, walls and outlet structures shall not be stark white.

(2) The use of dyed and textured concrete as well as the use of other natural materials is required to minimize the visual impact of these structures.

O. Accessory structures and buildings.

(1) Accessory structures and buildings shall be located within the building envelope areas except as otherwise permitted in this subsection

(2) Driveways, septic areas and wells may be located outside of the building envelope.

(3) Accessory buildings shall not be located in front yard areas.

(4) Height: the height of an accessory structure shall not exceed 15 feet, except that agricultural barns and accessory structures essential to farm operations may be up to 40 feet in height.

P. Existing structures.

(1) When a tract contains existing structures deemed to be of historic or architectural significance and where these structures are suitable for rehabilitation, the structures shall be retained.

(2) Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

Q. Guardrails. Where guardrails are necessary, they shall be constructed of wood.

R. Principal buildings.

(1) The height of the principal structure on a lot shall not exceed 2 1/2 stories or 35 feet, whichever is less.

§ 185-24. Exemptions.

The aforementioned standards shall apply to new minor and major subdivisions within the MIDD-10, MIDD-5 and MIDD-3 Districts. Nothing herein shall be construed so as to restrict lots legally in existence prior to the date of adoption of this article. Existing lots may be developed with single-family uses in accordance with the following requirements:

A. Minimum lot area: 40,000 square feet.

B. Minimum lot width: 200 feet.

C. Minimum yard requirements:

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- (1) Front yard: 50 feet.
- (2) Side yard: 25 feet.
- (3) Total of two side yards: 30% of lot width.
- (4) Rear yard: 40 feet.

D. Maximum percent of lot coverage by impervious surfaces: 15%.

E. Maximum height: 2 1/2 stories or 30 feet, whichever is less.

F. Accessory structures. All accessory structures are prohibited in front yard areas, except as regulated in Article XVI. All accessory structures shall meet the following requirements:

- (1) Maximum height: 15 feet.
- (2) Side yard: 10 feet.
- (3) Rear yard: 10 feet.

G. Off-street parking shall be required as set forth in Article XX.

§ 185-25. Lake communities.

Existing single-family structures in unsubdivided lake communities are exempt from the bulk requirements of the MIDD-10 Zone. New principal structures must meet the requirements of the MIDD-10 Zone. Existing single-family structures must meet the following standards:

A. Principal buildings.

- (1) Minimum distance between buildings: 20 feet.
- (2) Minimum distance to lake: 15 feet or the existing setback, whichever is less.
- (3) Minimum distance to center line of any road or common driveway, as defined in § 185-23F: 15 feet or existing setback, whichever is less.
- (4) Maximum height: 2 1/2 stories or 30 feet, whichever is less.
- (5) Minimum distance to a property line: 40 feet.
- (6) Maximum size of addition: 100% of existing structure or 500 square feet, whichever is less.

B. Accessory structures, excluding docks and boathouses.

- (1) Minimum distance to associated principal structure: five feet.
- (2) Minimum distance to separate principal structure: 10 feet or existing setback, whichever is less.
- (3) Minimum distance to center line of any road or common driveway as defined in § 185-23F: 10 feet.
- (4) Maximum height: 15 feet.

Section 10. Chapter 185, Zoning, Article V, MIDD-5 Minimum Impact Development District, of the aforesaid mentioned Revised General Ordinances is hereby repealed. Sections 185-26 thru 185-29 shall be reserved.

ARTICLE V Reserved (§ 185-26 - § 185-29)

§ 185-26. (Reserved).

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§ 185-27. (Reserved).

§ 185-28. (Reserved).

The design standards set forth in § 185-23 in the MIDD-10 District are also applicable to the MIDD-5 District.

§ 185-29. (Reserved).

Lots legally in existence prior to the date of adoption of this article may be developed with single-family uses in accordance with the requirements set forth in § 185-24 in the MIDD-10 District.

Section 11. Chapter 185, Zoning, Article VI, R-3 Single Family Lakeside Residential District, Section 185-31, Bulk requirements and other conditions, Subsection (E), of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-31. Bulk requirements and other conditions.

E. Maximum height:

- (1) 2 ½ stories or 30 feet whichever is less
- (2) Pitched roof elements such as towers, hips, gables, and spires shall not extend more than 5 feet above the maximum permitted height limit

Section 12. Chapter 185, Zoning, Article VII, R-4 Medium Density Residential District, Section 185-32, Use Regulations, Subsection (A), and Section 185-33, Bulk requirements and other conditions, Subsection (A), and Subsection (C) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-32. Use regulations.

A. Principal uses and structures permitted.

- (1) Without public sewers
 - (a) Detached single-family dwellings
 - (b) Semidetached single-family dwellings
- (2) With public sewers
 - (a) Detached single-family dwellings.
 - (b) Semidetached single-family dwellings.
 - (c) Attached single-family dwellings.
 - (d) Garden apartment dwellings.
 - (e) Zero-lot-line detached dwellings.

§ 185-33 Bulk requirements and other conditions.

A. Minimum lot area.

- (1) Detached single-family dwellings:
 - (a) Without public sewers: 40,000 square feet.
 - (b) With public sewers: 15,000 square feet.
- (2) Semidetached one-family dwellings:
 - (a) Without public sewers: 60,000 square feet.

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(b) With public sewers: 20,000 square feet.

- (3) Garden apartment, attached single-family dwellings and zero-lot-line detached dwellings: see § 185-52.
- (4) Housing mix. In any R-4 development with public sewers, the combined total of single-family detached and zero-lot-line detached dwellings shall not be more than 35% of the total number of dwelling units proposed.

C. Yards.

(1) Detached single-family dwellings and semidetached single-family dwellings:

(a) Without public sewers

- [1] Minimum front yard: 35 feet
- [2] Minimum side yard: 20 feet
- [3] Minimum total of two side yards: 30% of lot width
- [4] Minimum rear yard: 40 feet

(b) With public sewers [1] R-3 District requirements

(2) Attached single-family dwellings and garden apartments shall meet the requirements of § 185-52.

Section 13. Chapter 185, Zoning, Article VIII, B-1 Neighborhood Business District, Section 185-34, Use Regulations, Subsection (A) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-34 Use regulations.

A. Principal uses and structures permitted. The following uses and structures shall be permitted in the B-1 Business Districts:

- (1) Retail shopping facilities and service establishments such as a grocery store, delicatessen, meat market, drugstore, variety store, department store, clothing and apparel store, bakery, restaurant, luncheonette, barbershop, beauty parlor, tavern, book shop, photographer, sport shop, shoe repair shop, clothes cleaning and laundry pickup establishments, paint or hardware stores, furniture stores, florists, real estate offices, professional offices, general offices, television and appliances sales and service.
- (2) Printing and copy shops.
- (3) Institutional and public uses.
- (4) Funeral homes.
- (5) Residence uses located in the same building housing a business use.
- (6) Another use that is determined by the Board of Adjustment to be similar to and of the same general character as the above-permitted uses.

Section 14. Chapter 185, Zoning, Article X, I-1 Light Industrial District, Section 185-38, Use Regulations, Subsection (B) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-38. Use Regulations.

B. Permitted accessory uses and structures. The following accessory uses shall be permitted in the I-1 Industrial District:

- (1) Accessory buildings, not exceeding one story or 25 feet in height, shall be permitted for storage of materials, liquids, chemicals and similar items not permitted within the main building under fire underwriters' standards, as well as other buildings and uses which the Board of Adjustment may determine are customarily incident to the principal uses on the premises, provided that they meet all performance standards set forth in Article XX. No such structure shall be closer than 30 feet to any side or rear lot line and no such structure shall be permitted in a front yard.

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- (2) Parking of moving vans and other vehicles used in connection with moving and storage buildings.
- (3) Open storage. These standards aim to limit the visual impact associated with outdoor storage. The standards for open storage are as follows:
 - (a) Storage shall be located within an area fenced or enclosed on all sides with dense evergreen hedge, solid masonry wall or uniformly painted board fence not less than six feet nor more than eight feet in height.
 - (b) Minimum setback requirement: 5 feet
 - (c) The total height of the materials stored within the enclosure must not exceed the height of the actual enclosure.
 - (d) Lighting surrounding the storage area shall be limited to the lighting warranted to address specific security concerns, and shall not be excessive or intrusive on adjacent property owners.
 - (e) Open storage shall only be permitted in the rear yard

Section 15. Chapter 185, Zoning, Article X, I-2 Medium Industrial District, Section 185-41, Use Regulations, Subsection (B) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185.41. Use Regulations

- B. Permitted accessory uses and structures. The following accessory uses shall be permitted in the I-2 Industrial District:
 - (1) Accessory buildings, not exceeding one story or 25 feet in height, shall be permitted for storage of materials, liquids, chemicals and similar items not permitted within the main building under fire underwriters' standards, as well as other buildings and uses which the Board of Adjustment may determine are customarily incident to the principal uses on the premises, provided that they meet all performance standards set forth in Article XX. No such structure shall be closer than 30 feet to any side or rear lot line and no such structure shall be permitted in a front yard.
 - (2) Parking of moving vans and other vehicles used in connection with moving and storage buildings.
 - (3) Open storage. These standards aim to limit the visual impact associated with outdoor storage. The standards for open storage are as follows:
 - (a) Storage shall be located within an area fenced or enclosed on all sides with dense evergreen hedge, solid masonry wall or uniformly painted board fence not less than six feet nor more than eight feet in height.
 - (b) Minimum setback requirement: 5 feet
 - (c) The total height of the materials stored within the enclosure must not exceed the height of the actual enclosure.
 - (d) Lighting surrounding the storage area shall be limited to the lighting warranted to address specific safety concerns, and shall not be excessive or intrusive on adjacent property owners.
 - (e) Open storage shall only be permitted in the rear yard

Section 16. Chapter 185, Zoning, Article XII, C-R Commercial Recreation District, Section 185-44, Use Regulations, Subsection A.1 and Section 185-45, Bulk requirements and other conditions, Subsection (A) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

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§ 185-44 Use regulations.

A. Principal uses and structures permitted:

- (1) The uses permitted as regulated in the MIDD-3 Minimum Impact Development District pursuant to Article IV. Business uses existing prior to the adoption of the commercial recreation ordinance amendment of April 6, 1999, are hereby allowed to be continued, modified and expanded, provided that the use, modification and expansion complies with the standards of the B-2 Zone. New business uses shall not be permitted pursuant to the B-2 standards in the C-R Zone, except as part of a shopping center.

§ 185-45 Bulk requirements and other conditions.

A. Uses permitted in the MIDD-3 Minimum Impact Development District shall comply with all of the bulk requirements and other regulations pursuant to Article IV – Minimum Impact Development Districts.

Section 17. Chapter 185, Zoning, Article XVI, Regulations Governing Conditional Uses, Section 185-58, Specific conditions for conditional uses, Subsection (Z) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-58. Specific conditions for conditional uses.

Z. Towers and Antennas

- (1) Antennas or towers shall be located on property owned, leased or otherwise controlled by the Township of Hardyston, the Hardyston Township Fire Department, the Hardyston Township First Aid Squad or the Hardyston Township Municipal Utilities Authority, shall provide that a license or lease authorizing such antenna or tower has been approved by the applicable agency. The decision to extend such lease shall be vested solely with the applicable agency and shall not be governed by this Subsection Z. Antennas or towers constructed on said properties shall be subject to the following conditions:

- [(a) Maximum height: 140 feet, except that where more than one set of commercial transmitting/receiving antennas are collocated on a tower, the total height of the tower shall not exceed 198 feet. This shall be measured as the overall height, including antennas.
- (b) The minimum height of security fence shall be six feet and the maximum height shall be eight feet.
- (c) Equipment shelters constructed in association with antennas or towers located on properties as described above shall maintain a minimum fifteen-foot setback to any property line and shall be appropriately landscaped to minimize visual impact on neighboring properties

- (2) Antennas or towers may also be located on property owned or otherwise controlled by the Sussex County Municipal Utilities Authority, State of New Jersey, the United States of America and on private property located in the MIDD-10, MIDD-5, MIDD-3 and Commercial Recreation zones subject to the following conditions:

- (a) Minimum lot size: 10 acres
- (b) Minimum front yard setback: 50 feet or height of structure, whichever is greater.
- (c) Minimum rear yard setback: 50 feet or height of structure, whichever is greater.
- (d) Minimum side yard setback: 50 feet or height of structure, whichever is greater.
- (e) Maximum height: 140 feet, except that where more than one set of commercial transmitting/receiving antennas are collocated on a tower, the total height of the tower shall not be greater than 198 feet. This shall be measured as the overall height including antennas.
- (f) Minimum height of security fence shall be six feet.

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- (g) Equipment shelters connected in association with antennas or towers located on properties as described above shall maintain a minimum fifteen-foot setback to any property line and shall be appropriately landscaped to minimize visual impact on neighboring properties.
- (3) Existing structures located on lands owned or otherwise controlled by the Township of Hardyston, the Hardyston Township Fire Department, the Hardyston Township First Aid Squad, the Hardyston Township Municipal Utilities Authority, the Sussex County Municipal Utilities Authority, private water companies, the State of New Jersey, the United States of America, or within any of the permitted zone districts noted above may be utilized for the placement of antennas subject to the following conditions:
 - (a) The added equipment shall not extend higher than 25 feet above the existing structure upon which said equipment is to be placed.
 - (b) The added equipment shall not protrude beyond the existing sides of the structure more than five feet and must not violate existing setbacks.
 - (c) Equipment shelters constructed in association with antennas or towers located on an existing structure as described above shall maintain a minimum fifteen-foot setback to any property line and shall be appropriately landscaped to minimize visual impact on neighboring properties.

Section 18. Chapter 185, Zoning, Article XVI, Regulations Governing Conditional Uses, Section 185-58, Specific conditions for conditional uses of the aforesaid mentioned Revised General Ordinances is hereby amended as follows to add Subsection (CC), in order to establish standards for churches as a conditional use in the MIDD-5 and MIDD-3 districts.

§ 185-58. Specific conditions for conditional uses.

CC. Churches and Houses of Worship

- (1) Minimum lot size: five acres
- (2) Maximum impervious coverage shall not exceed 40%
- (3) Minimum yard requirements:
 - (a) Front yard: 75 feet
 - (b) Side yard: 50 feet
 - (c) Rear yard: 50 feet
- (4) Maximum Height: 2 ½ stories or 30 feet whichever is less
- (5) Off-street parking must be provided as required by Article XX
- (6) There shall be adequate screening of the proposed building from residential properties. Such screening shall be evergreen or other appropriate plantings as approved by the reviewing board

Section 19. Chapter 185, Zoning, Article XIX, Signs, Section 185-70, Specific Prohibited Signs, Subsection (J); Section 185-73, Sign regulations for specific uses, Subsection B.2; Section 185-74, Signs for multi-use or multi-structure developments on 10 acres or more, Subsection (D); and Section 185-76, Signs in other nonresidential districts, Subsection (C) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-70. Prohibited Signs.

The following signs shall be prohibited in all zoning districts:

- J. Pole signs except as permitted in § 185-73 & §185-74.

§ 185-73. Sign Regulations for Specific Uses.

- B. Service station signs. Automotive service stations and public garages shall be permitted to display only the following signs:

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- (2) One nonmoving, freestanding pole sign advertising the name of the station or garage and/or the principal products sold, including any special company or brand name, insignia or emblem, provided that the actual sign area does not exceed 30 square feet for each face, and further provided that such sign shall be more than 10 feet but less than 20 feet above ground level and is no closer than five feet to any property line.

§ 185-74. Signs for multi-use or multi-structure developments on 10 acres or more.

D. Freestanding signs.

- (1) A standing pole sign shall be permitted in a nonresidential multi-use development. It shall not exceed 50 square feet in area for each face and shall be more than 10 feet but less than 20 feet above ground level and no closer than five feet to any property line.
- (2) A freestanding monument sign shall be permitted in a multi-structure residential development not exceeding 10 feet in height and 50 square feet in area on each face, or there may be two single-face signs, each of which shall not exceed 50 square feet in area. Said sign or signs shall be at least 15 feet from any property line and shall be placed in such a way as to not impose on the line of sight. Nonresidential multi-use developments may erect the above-described monument signs in place of the pole sign permitted in Subsection D(1).
- (3) Only one such freestanding sign shall be permitted on any single property regardless of the number of establishments on the property except that the Planning Board may authorize an additional freestanding sign if the property has access from more than one public street. The freestanding sign shall comply with all setback requirements of the zone.

§ 185-76. Signs in other nonresidential districts.

C. Freestanding signs. There shall be permitted one freestanding pole or monument type sign, provided that:

- (1) Pole signs shall:
 - (a) Be more than 10 feet above the ground but less than 20 feet above the ground level.
 - (b) Be at least five feet from any property line.
 - (c) Not exceed 60 square feet of area on each face.
- (2) Monument signs shall:
 - (a) Not exceed 10 feet in height.
 - (b) Be at least 15 feet from any property line and shall be placed in such a way as to not impose on the line of sight.
 - (c) Not exceed 50 square feet in area on each face.
- (3) The base of said signs shall be appropriately landscaped.

Section 20. Chapter 185, Zoning, Article XX, Off-Street Parking and Loading, Section 185-78, Location of parking, Subsection (B) and Section 185-79, Design standards, nonresidential , Subsection (D) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

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§ 185-78. Location of parking.
B. Nonresidential.

- (1) No off-street parking area shall be located closer than 10 feet to the street line or five feet from any other property line.
- (2) Off-street parking facilities shall be provided on the same lot as the principal building or use or on other property or properties owned by the applicant in the same or other nonresidential zone, provided that all such property so used is within 600 feet, measured in a straight line from any entranceway to the principal building or use.
- (3) Overnight off-street parking of commercial vehicles in the Business Districts and in the R-C zone shall be restricted to the side and rear yards.

§ 185-79. Design standards, nonresidential.

D. All parking areas in non-residential zones shall be lit to provide adequate illumination and minimize glare and light trespass. Parking lot lighting shall conform to the following illumination standards:

Minimum Horizontal Illuminance	0.2 f.c.
Average Horizontal Illuminance	1.0 f.c.
Uniformity Ratios	
Average to Minimum	5:1
Maximum to Minimum	20:1
Maximum Light Fixture Height	16 feet

Section 21: Chapter 185, Zoning, Article XXII, MIDD-3 Minimum Impact Development District, of the aforesaid mentioned Revised General Ordinances is hereby repealed. Sections 185-94 thru 185-97 shall be reserved.

ARTICLE XXII Reserved (§ 185-94 - § 185-97)

§ 185-94. (Reserved).

§ 185-95. (Reserved).

§185-96. (Reserved).

§ 185-97. (Reserved).

Section 22. Chapter 185, Zoning, Article XXII, TC-SCD Town Center Shopping Center District, Section 185-100, Bulk requirements and other conditions for shopping centers, Subsection (D) and Subsection (E) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-100. Bulk requirements and other conditions for shopping centers.

D. Minimum Parking and Service Aisle Requirements:

- (1) Distance to a right-of-way line: 75 feet.
- (2) Distance to a property line: 25 feet.
- (3) The total number of parking spaces required shall be calculated at a rate of one parking space for each 200 square feet of gross floor area, the construction of some of which may be waived or deferred by the Planning Board or Zoning Board of Adjustment as part of the site plan.

E. Parking and circulation design standards.

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- (1) A minimum of 20% of any parking area which is visible from adjoining street(s) be maintained as green space. This green area should be interspersed through the parking area(s) and landscaped to the satisfaction of the Board.
- (2) Vehicular and pedestrian connections to adjacent properties may be provided for existing and future use.
- (3) Defined pedestrianways may be designed connecting freestanding buildings on site. Amenities shall be provided and may include, but are not limited to plazas, benches and landscaping. Pathways shall be a minimum of eight feet wide.
- (4) Curbed pedestrian walks, not less than 10 feet wide, shall be provided along the entire length of any wall of all stores which contain public entrances and/or display windows. Said walks shall be at least five inches but not more than six inches higher than the abutting paved parking area.
- (5) Each shopping center shall provide roads or access lanes to serve the required parking area as approved by the Board. Such roads or lanes shall be curbed with a width between curbs of not less than 30 feet and shall have no direct access to any off-street parking space stalls. There shall also be a service drive at least 30 feet wide to service each building on the site.
- (6) There shall not be more than one driveway for each 200 feet of road frontage along an arterial roadway. Alternative access and egress shall be encouraged, provided that a driveway on a corner lot shall not be closer than 100 feet from the intersection.
- (7) Each principal use shall provide for off-street loading and unloading with adequate space for maneuvering and shall provide such area at the side or rear of the building. Each space shall be at least 15 feet by 50 feet and a minimum of one such space shall be provided for each building.
- (8) No parking shall be permitted within 30 feet of any front building wall of any principal building.

SECTION 23. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 24. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 25. This Ordinance may be renumbered for purposes of codification.

SECTION 26. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Ross to approve Ordinance 2011-01 on second reading, seconded by Kievit. All in favor. Motion carried.

2011-02

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY
OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND CHAPTER
41, POLICE DEPARTMENT, OF THE CODE OF THE TOWNSHIP
OF HARDYSTON REGARDING THE COMPOSITION OF THE
DEPARTMENT**

BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

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SECTION 1. Chapter 41, Police Department, Section 41-1, Establishment: composition, is hereby amended to read as follows:

“§ 41-1. The Police Department of the Township of Hardyston is hereby established and shall consist of a Chief of Police, not more than one Captain, not more than two Lieutenants, not more than four Sergeants and not more than fourteen patrolmen. In addition there shall be such full-time or part-time dispatchers as may be appointed by the Township Manager, one secretary to the Chief of Police (or secretary/dispatcher) and one records clerk (or clerk/dispatcher). The term “Patrolmen” shall include Patrol Officers, Detectives, and Probationary Officers. No new office or position shall be created other than by ordinance.”

SECTION 2. All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Ross to approve Ordinance 2011-02 on second reading, seconded by Kievit. All in favor. Motion carried.

**2011-03
AN ORDINANCE TO AMEND CHAPTER 88,
SECTION 2, OF THE CODE OF THE TOWNSHIP OF HARDYSTON,
CONSTRUCTION CODE FEES**

A. Construction permit fees (88.2)

The fee for a construction permit shall be the sum of all subcode applications, plus all administrative and miscellaneous fees listed in 1 through 11 below. All fees will be rounded to the nearest dollar and shall be paid before the permits are issued, unless otherwise stated. The minimum construction permit fee shall be \$55.00.

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Building Subcode fees are as follows:

1. For new construction for buildings of Use Groups F and S the fee shall be \$0.025 per cubic foot and \$0.037 per cubic foot for all other Use Groups provided that the minimum fee shall be \$55.00. The fee for new commercial farm structures as per N.J.A.C. 5:23-3.2(d) shall be \$0.0015 per cubic foot. For pre-manufactured construction, in addition to applicable cubic footage, fees shall be computed at a rate of \$35.00 per \$1,000.00 of the estimated cost of onsite construction associated with completion of the structure.
2. Renovations, alterations, and repairs are based on the estimated cost of the work. The fee shall be \$30.00 per \$1,000 provided that the minimum fee shall be \$55.00.
3. The fee for open decks, porches and raised platforms shall be \$.25 per square foot provided that the minimum fee shall be \$55.00.
4. Fees for combination renovations and additions shall be the sum of the fees computed separately in accordance with (1), (2) and (3) above.
5. The fee for a permit to re-roof or re-side an existing structure of use group R-3, R-4 or R-5 shall be \$55.00.
6. Fees for retaining walls shall be as follows:
 - a. The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$150.00.
 - b. The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$75.00.
 - c. The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction as per #2 above.
7. The fee for temporary structures and structures for which volume cannot be computed, such as above-ground swimming pools and open structural towers, shall be \$150.00. The fee for an in-ground swimming pool shall be \$200.00. The fee for a storable pool shall be \$55.00. These fees shall include all required pool enclosures.

The fee for inspection of pre-existing pools requiring inspection for compliance with the barrier requirements as defined in the building subcode shall be \$55.00.
8. The fee for fencing exceeding six feet in height shall be \$55.00.
9. The fee for a permit to construct a sign shall be \$1.00 per square foot computed on one side only for single or double-faced signs provided that the minimum fee shall be \$55.00.
10. The fee for a demolition permit issued for the removal of underground storage tanks for flammable and combustible liquids shall be \$55.00 per tank.
11. The fee for a permit to demolish a building or structure shall be as follows: Use Groups R-3 and R-5 shall be \$55.00; buildings and structures incidental to Use Groups R-3 and R-5 shall be \$25.00 and all other Use Groups shall be \$150.00.
12. The fee for mechanical inspection in a Use Group R-3 or R-5 structure by a mechanical inspector shall be \$60.00 for the first device and \$10.00 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

Plumbing Subcode fees are as follows:

1. The fee for each fixture, stack, appliance or residential backflow preventer connected to the plumbing system shall be \$16.00. The fee for oil or gas piping to a single fixture or appliance shall be \$16.00.
2. The fee for each special device including grease traps, oil separators, air conditioning or refrigeration units, water and sewer connections, flammable and combustible liquid storage tanks, commercial backflow preventers, steam or hot water boilers, gas or fuel oil piping (multiple fixtures or appliances), active solar systems, sewer pumps, and interceptors shall be \$55.00.

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3. The minimum permit fee for work including the plumbing subcode shall be \$55.00.

Fire Protection Subcode fees are as follows:

1. Wet or dry sprinkler suppression systems as per the following numbers of heads:

1 - 50	\$100.00
51 - 100	150.00
101 - 400	200.00
401 - 1000	450.00
Over 1000.....	650.00
2. Fee for each standpipe..... \$150.00
3. Fee for each gas or oil fired appliance not connected to the plumbing system..... \$ 55.00
4. Commercial kitchen exhaust system, each..... \$ 50.00
5. Independent pre-engineered suppression systems, each \$100.00
6. Fuel storage tanks (underground or above ground, installation only) each:

1 to 1000 gallons.....	\$ 50.00
1001 to 4000 gallons.....	100.00
Over 4000 gallons.....	150.00
7. Smoke or heat detectors:

1 - 20	\$ 50.00
21 - 100	75.00
101 - 200	100.00
201 - 400	150.00
401 - 1000	250.00
Over 1000.....	350.00
8. Manual or automatic alarm systems..... \$ 75.00
9. Central control system \$ 75.00

The fire protection subcode fee shall be a minimum of \$55.00 for single-family dwellings; and \$75.00 for all other structures.

Electrical Subcode fees are as follows:

1. The fees for electrical receptacles, fixtures and devices are as follows:
 - a. For the first block consisting of one to 50 receptacles, fixtures, or device..... \$ 55.00
 - b. For each additional block consisting of up to 25 receptacles, fixtures, or devices.....\$ 10.00
2. The fees for electrical devices/generators/transformers or solar photovoltaic systems, motors, air conditioner feeders and disconnects are as follows:
 - a. For each electrical device/generator/transformer, solar photovoltaic system or motor rated up to 10 kw or 10 hp;\$ 20.00
 - b. For each electrical device/generator/transformer, or solar photovoltaic system rated over 10 kw to 45 kw;.....\$45.00
For each motor rated over 10 hp to 50 hp; or
 - c. For each electrical device/generator/transformer, or solar photovoltaic system rated over 45 kw to 112.5 kw;.....\$85.00
For each motor rated over 50 hp to 100 hp; or
For each air conditioner feeder and disconnect, Commercial: 51 hp or over, plus unit

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- d. For each electrical device/generator/transformer or solar photovoltaic system rated over 112.5 kw.....\$420.00
- e. For each motor over 100 hp.....\$420.00
- 3. The fees for service panels/service entrances/sub panels are as follows:
 - a. For each service panel/service entrance/sub panel from 0 to 200 amps.... \$ 55.00
 - b. For each service panel/service entrance/sub panel over 200 to 1,000 amps.....\$100.00
 - c. For each service panel/service entrance/sub panel over 1,000 amps..... \$450.00
- 4. The fee charged for electrical work for each permanently installed private swimming pool, spa, hot tub or fountain as defined in the building subcode shall be a flat fee of \$65.00 which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panel boards and under-water lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with 1 through 3 above. The fee for annual inspections for public swimming pools shall be \$55.00.
- 5. The fees for pool permit, with UW lights.....\$ 10.00
- 6. The fees for storable pool/spa/hot tub.....\$ 10.00
- 7. The fees for signs.....\$ 10.00
- 8. The fees for light standards..... \$ 10.00
- 9. The minimum permit fee for work including the Electrical subcode shall be \$55.00.

Administrative and Miscellaneous Fees:

- 1. The fee for plan review shall be twenty percent (20%) of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. This fee shall be credited toward the amount of the construction permit fee.
- 2. The fee to process an application for a variance pursuant to N.J.A.C. 5:23-2.10 shall be as follows:
 - a. Class I Structure..... \$100.00
Resubmission..... \$ 50.00
 - b. Class II Structure..... \$ 50.00
Resubmission..... \$ 25.00
 - c. Class III Structure..... \$ 30.00
Resubmission..... \$ 15.00
- 3. An administrative surcharge fee of fifteen percent (15%) shall be charged on each subcode application issued by any third party agency contracted by the Township of Hardyston.
- 4. The fee for the reinstatement of a lapsed permit shall be twenty percent (20%) of the original fee calculated per subcode application; provided that the minimum fee shall be as per subcode.
- 5. The fee for each construction permit and certificate of occupancy issued for an asbestos hazard abatement project shall be as set forth in N.J.A.C. 5:23-8.9 (a), 1 and 2.
- 6. The fee for a permit for lead hazard abatement work shall be \$125.00. The fee for a lead hazard abatement clearance certificate shall be \$25.00.

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7. The fees for certificates of occupancy are as follows:
 - a. Certificate of occupancy for one and two family dwellings..... \$ 50.00
 - b. Certificate of occupancy for accessory buildings to one and two family dwellings..... \$ 20.00
 - c. Certificate of occupancy for buildings or structures of all other Use Groups..... \$ 75.00
 - d. Certificate of occupancy for accessory buildings of all other Use Groups..... \$ 35.00
 - e. Multiple certificates of occupancy for all Use Groups, per unit..... \$ 50.00
 - f. Certificates of occupancy for Change of Use Group only\$100.00
 - g. Certificates of Continued Use or occupancy..... \$150.00
 - h. The fee for first issuance or renewal of a Temporary Certificate of Occupancy shall be..... \$ 30.00
8. Certificates of Compliance as required by N.J.A.C. 5:23-2.23(1) are as follows:
 - a. High pressure boilers (12 months).....\$ 50.00
 - b. Refrigeration systems (12 months)..... \$ 25.00
 - c. Pressure vessels (12 months)..... \$ 50.00
 - d. Cross connections and backflow preventers (12 months)..... \$ 50.00
9. State of New Jersey permit fee shall be in the amount of \$0.00334 per cubic foot of volume of all new construction and \$1.70 per \$1,000.00 of estimated cost for alterations and repairs or as currently posted in the regulations. These fees are set by and shall be accounted for and forwarded to the Bureau of Regulatory Affairs as per N.J.A.C. 5:23-4.19(C)1.
10. The fee for a change of contractor shall be..... \$ 15.00
11. The fee for a letter stating that no certificate of continued occupancy is required shall be.....\$ 20.00
12. There shall be an hourly fee of \$45.00 for review of any amendment or change to a plan that has already been released. For all other purposes, the hourly cost of operations shall be certified by the Chief Financial Officer using a formula of total expenditures plus 12% for indirect costs divided by employees weekly hours.
13. Unlisted fees: Construction fees not specifically listed in this schedule shall be as listed in N.J.A.C. 5:23-4.20.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2011-03 on second reading, seconded by Ross. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
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NEW BUSINESS:

- A. Resolution #12-11 – Resolution authorizing amended Shared Service Agreement with the Borough of Franklin for Construction Code Administration and Enforcement Services

RESOLUTION # 12-11

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF
A REVISED SHARED SERVICES AGREEMENT WITH THE BOROUGH OF FRANKLIN FOR
THE PROVISION OF CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT
SERVICES**

WHEREAS, the Township of Hardyston, pursuant to Resolution # 10-11, adopted by the Township Council at its regular meeting of February 3, 2011 authorized the execution of a Shared Services Agreement with the Borough of Franklin for the provision of Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its Subcodes and the State of New Jersey Uniform Fire Code for a period commencing January 1, 2011 and terminating on December 31, 2014; and

WHEREAS, after the aforementioned Resolution was passed, the Shared Services Agreement needed to be further amended to reflect a change in one of the charges set forth in said Agreement; and

WHEREAS, the Township of Hardyston continues to have the ability and is desirous of making these services available to the Borough of Franklin and its residents under the terms and conditions set forth in the revised Shared Services Agreement which is on file in the Township Clerk's Office; and

WHEREAS, the Township of Hardyston desires to enter into the revised Shared Services Agreement including the recent change in one of the charges set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute a revised Shared Services Agreement, a copy of which shall be placed on file with the Township Clerk, with the Borough of Franklin for the provision of Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its Subcodes and the State of New Jersey Uniform Fire Code for a period commencing January 1, 2011 and terminating on December 31, 2014.
2. This Resolution shall take effect immediately.

A motion was made by Ross to approve the resolution as presented, seconded by Kievit. All in favor. Motion carried.

- B. Resolution #13-11 – Resolution establishing the Hardyston Township Sustainable Jersey Green Team Advisory Committee

RESOLUTION #13-11

**RESOLUTION ESTABLISHING THE HARDYSTON TOWNSHIP SUSTAINABLE JERSEY GREEN TEAM
ADVISORY COMMITTEE**

WHEREAS, the Township Council of the Township of Hardyston strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the Township Council of the Township of Hardyston wishes to build a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
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WHEREAS, as elected representatives of the Township of Hardyston, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community; and

WHEREAS, the Township Council adopted a resolution on September 7, 2010 supporting participation in the Sustainable Jersey Municipal Certification Program as a means by which the Township can focus attention and effort on matters of sustainability; and

WHEREAS, in an attempt to focus attention on “Green” issues, the Township Council wishes to establish a Sustainable Jersey Green Team Advisory Committee;

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Hardyston that we do hereby establish a Sustainable Jersey Green Team Advisory Committee consisting of twelve members who shall be residents, employees or members of local businesses/organizations of Hardyston Township, appointed annually, but whose initial term of appointment shall be through December 31, 2011.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Hardyston Township Sustainable Jersey Green Team Advisory Committee shall have the following goals and objectives:

1. Develop and implement an action plan to achieve Sustainable Jersey Certification; including indentifying which action items to pursue.
2. Determine what resources are available to support Sustainability activities.
3. Lead and coordinate sustainability activities of the community.
4. Educate the public and municipal staff on what it means to be sustainable, and encourage participation.
5. Report to Township Manager and Council on the progress of the Sustainable Jersey Green Team Advisory Committee.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Council of the Township of Hardyston that the following persons are hereby appointed to the Hardyston Township Sustainable Jersey Green Team Advisory Committee for 2011:

NAME	REPRESENTATIVE
Carrine Piccolo-Kaufer	Township Planner, Team Lead
Marianne Smith	Township Manager
Robert Schultz	Department of Public Works Director
Stanley Kula	Mayor
Carl Miller	Councilman/Planning Board
David Carcieri	Executive Director, Sussex County YMCA
Robert LoGuidice	Teacher, Wallkill Valley Regional High School
Ellis Marples	Citizen
Mary Lacalamita	Citizen, Student
Thomas Darragh	Citizen, Student
Shane Brown	Citizen, Student
Dallis Guillemmin	Citizen, Student

A motion was made by Ross to approve the resolution as presented, seconded by Kievit. All in favor. Motion carried.

- C. Resolution #15-11 - Resolution authorizing execution of certain shared service agreements

RESOLUTION #15-11

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following agreements is hereby authorized:

1. Lawn Maintenance – Hardyston Board of Education
2. Park Maintenance – Hardyston Board of Education
3. Solid Waste and Recycling Removal – Hardyston Board of Education
4. Administrative Services - HTMUA
5. Secretarial/Billing Services – HTMUA
6. Maintenance and Service - HTMUA

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A motion was made by Kievit to approve the resolution as presented, seconded by Miller. All in favor with Ross abstaining on items 1, 2 & 3; Kievit abstaining on items 4, 5 & 6; and Kula abstaining on items 4, 5 & 6. Motion carried.

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Kievit. All in favor. Motion carried.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Ross to adjourn at approximately 7:20 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk