

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD ON AUGUST 14, 2019

The meeting was called to order by Mayor Hamilton 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:, Councilman Miller, Councilman Verrilli, Councilman Kaminski, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Ed Pasternak of Dorsey & Semrau. Deputy Mayor Kula was absent from this meeting.

SALUTE THE FLAG

ORDINANCES

1st READING:

2019-11

AN ORDINANCE TO AMENDING CHAPTER 185, "ZONING," OF THE TOWNSHIP OF HARDYSTON TOWNSHIP CODE ADDING THE I-3 INDUSTRIAL/QUARRY ZONE DISTRICT, AMENDING ARTICLE XVI, "REGULATIONS GOVERNING CONDITIONAL USES" TO ESTABLISH REGULATIONS FOR QUARRY OPERATIONS, AND AMENDING THE LOCATION AND BOUNDARIES OF THE OPEN SPACE GOVERNMENT USE (OSGU) ZONE ON THE ZONE MAP OF THE TOWNSHIP OF HARDYSTON

Purpose Statement- the purpose of this Ordinance is to amend the Township of Hardyston Zoning Ordinance to add the I-3 Industrial/Quarry District including the applicable use and bulk regulations.

BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

1. Section 185-4, Definitions, is hereby amended to include the following definitions:

ARABLE SOIL- Soil that, when dry, contains not less than 4% by weight of organic matter and the balance of which is mineral matter.

HEARING AGENCY - The Planning Board and/or Zoning Board of Adjustment of the Township of Hardyston.

QUARRY - A place where stone, slate, shale or other consolidated material is excavated, crushed, washed or graded for sale as a business.

QUARRYING - The excavating of consolidated material for sale as a business.

TOPSOIL - The arable soil within eight inches of the surface.

2. Section 185-6, Designation of Zoning Districts, is hereby amended to add the following:

I-3 Industrial/Quarry District

3. Section 185-7 Zoning Map is hereby amended as follows:

The location and boundaries of the above districts are hereby established on the Zone Map of the Township of Hardyston in Sussex County, dated July 2019 (prepared by Carrine Piccolo-Kaufer, AICP, P.P.), which is attached hereto and made a part of this

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD
ON AUGUST 14, 2019**

section. Copies of the map are on file in the office of Township Clerk and are available for inspection. [1]

[1]: Editor's Note: Said map is also included at the end of this chapter.

4. Chapter 185, entitled Zoning is hereby amended to add Article XXVIII, entitled I-3 Industrial/Quarry District as follows:

ARTICLE XXVIII: I-3 Industrial Quarry/District

185 -126. Use Regulations

A. Principal uses and structures permitted. The following principal uses and structures shall be permitted in the I-3 Industrial/Quarry District, provided that they meet all performance standards as set forth in Article XX:

1. Executive and administrative offices and business, research, industrial and manufacturing uses.
2. Executive and administrative offices of banks, professional and governmental uses.
3. Research laboratories, provided that no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.
4. Industrial plants of a type which create no hazardous, noxious or offensive conditions beyond the boundaries of the property involved and carry on processes within completely enclosed buildings, including:
 - a. The manufacturing, assembly, extruding and/or treating of articles or merchandise from previously prepared materials, such as canvas, cloth, cork, fur, wood, glass, leather, paper, plastic, rubber, metal, stone, shell and wax.
 - b. The manufacturing and/or assembly of toys, novelties, rubber molded products, rubber or metal stamps and other molded products.
 - c. The manufacturing and/or assembly of electrical appliances, electrical instruments and component parts, radio, television and phonographs.
5. Moving and/or storage buildings.
6. Warehouses.
7. Trucking Terminals.
8. Distribution Terminals; parcel delivery and service distribution facilities.
9. Lumber and building material sales.
10. Wholesale business storage and warehouses.
11. Contractor' equipment sales and service.
12. Farms, excluding residence uses.
13. Golf course, subject to the following standards:
 - a. There shall be no residential use of any golf course property in any industrial zone.
 - b. Minimum tract size shall be 200 acres.
 - c. Minimum buffer for greens and fairways shall be 75 feet. Minimum buffer for tee boxes shall be 25 feet.
 - d. All golf courses within the industrial zones shall include clubhouse facilities located within the Township with a building of at least 3,500 square feet.
14. Country club.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD
ON AUGUST 14, 2019**

15. Other uses that are determined by the Board of Adjustment to be compatible with the specified permitted uses in the proposed location or which are of the same general character as the specified permitted uses and which are not objectionable by reason of nuisance elements; provided, however, that all residential uses are specifically prohibited.
16. All principal uses permitted in the B-2 Zone are permitted within an industrial park except for residence uses located in the same building housing a business use. An "industrial park" is defined as a tract of land that is planned, developed and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics and compatibility.

B. Permitted accessory uses. The following accessory uses shall be permitted in the I-3 Industrial/Quarry 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: five 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.

C. Conditionally Permitted Uses. The following uses are permitted only after review and approval by the Planning Board pursuant to the standards and criteria set forth in Article XVI.

1. Institutional and public uses.
2. Public utility uses and essential services.
3. Service stations automotive.
4. Farm Stands.
5. Auctions.
6. Towers and antennas.
7. Quarries

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD
ON AUGUST 14, 2019**

185-127. Bulk requirements and other conditions

The following requirements are applicable in the I-3 Industrial/Quarry District:

- A. Minimum lot area: three acres.
- B. Minimum lot width: 200 feet.
- C. Yard requirements:
 - (1) Front yard: 75 feet.
 - (2) Side yard: each 40 feet.
 - (3) Rear yard: 50 feet.
- D. Maximum percent of lot coverage by impervious surfaces: 50%.
- E. Height: 40 feet.
- F. Off-street parking shall be provided as required by Article XX.

185-128. Permitted reduction of lot sizes.

The Planning Board may permit the reduction of lot sizes from three acres to 1.5 acres, provided that the applicant shows that it has a sewer gallonage allocation approved by the Hardyston Township Municipal Utilities Authority and an existing connection or a right to connect to a sewer system served by the Sussex County Municipal Utilities Authority's centralized wastewater treatment facility.

- A. Any such reduced lot sizes are permitted; and such lot shall comply with the following requirements:
 - (1) Minimum lot frontage: 150 feet.
 - (2) Minimum side yard: 30 feet.
 - (3) Maximum coverage: 60%.
- B. All other requirements of the zoning district shall be applicable.

5. Article XVI, Regulations Governing Conditional Uses of Chapter 185 is hereby amended to add subsection DD of Section 185-58 as a follows:

DD. Quarry operations.

- (1) There shall be a minimum of 50 feet between any quarry operation and exterior property line.
- (2) Full buffering and a landscaping plan which would include a minimum of 50 feet of planted deciduous and evergreen trees between any quarry operation and exterior property lines where the minimum one-hundred-foot buffer is required to be maintained.
- (3) The maximum height of any structure, machinery or stockpile shall not exceed 40 feet.
- (4) No operation of the processing facilities shall be carried out within 100 feet of a residence.
- (5) All processing facilities shall operate only between the hours of 7:00 a.m. and 7:00 p.m.
- (6) The maximum noise level measured at the property line not exceed standards set forth in N.J.A.C 7:29

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD
ON AUGUST 14, 2019**

- (7) Expansion of an existing quarrying operation shall require the creation of public or private contiguous open space equal to a minimum of 2.5 times the additional quarry acreage.
- (8) An application for a conditional use shall include a plan for the rehabilitation and reuse of the site demonstrating that the site has a viable and realistic reuse after the site is exhausted of material.
- (9) A conditional use application for a proposed quarry operation or expansion of an existing quarry shall include all requirements stipulated in §138-7 of Chapter 138, Quarrying.
 - (a) In reviewing a conditional use application for a proposed quarry operation, the Planning Board shall give careful consideration to the usual items of site plan review, including drainage, impact on adjacent uses, impact on subsurface water, landscaping, parking, lighting, signs, traffic and circulation and safety.
 - (b) The board shall all consider factors noted in §138-7 in approving a conditional use, the Planning Board may attach reasonable conditions to assure safety, minimize adverse impacts and ensure that the quarry operation meets the intent of Chapter 138, Quarrying, and the Master Plan of the Township. These conditions may include, but are not limited to, landscaping and buffering, fences and other safety devices, access restricted to county, state or major Township roads and rehabilitation and restoration measures to be implemented during the quarry operation. The Planning Board shall give careful consideration to a proposed reuse plan which would indicate the extent and phasing of the quarry operation in a manner which would allow the reuse of the property for its zoned purpose.
6. Severability. If any article, 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 and they shall remain in full force and effect.
7. Repealer. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this ordinance are to the extent of such inconsistency repealed.
8. Effect. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law

A motion was made by Miller to approve Ordinance 2019-11 on first reading, seconded by Kaminski. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #61-19 – Resolution rejecting all bids for the Davis Road/Old Prospect School Road Project

RESOLUTION #61-19

**A RESOLUTION of THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
REJECTING ALL BIDS FOR THE DAVIS ROAD/OLD PROSPECT SCHOOL
ROAD PROJECT**

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD
ON AUGUST 14, 2019**

WHEREAS, pursuant to authorization by the Mayor and Township Council of the Township of Hardyston, the Township received sealed competitive bids for the Davis Road/Old Prospect School Road Project; and

WHEREAS, two (2) sealed bids were received and opened on July 12, 2019, in accordance with the advertised date for acceptance of bids from the following vendors:

(1)	C&V Paving, Inc.	\$364,911.04
(2)	Tilcon New York	\$368,724.20

; and

WHEREAS, the Mayor and Township Council find and declare that the low bid, from C&V Paving, Inc. in the amount of \$364,911.04 substantially exceeds the amount of available funds for the project; and

WHEREAS, the Mayor and Township Committee find and declare that the second bid, from Tilcon New York in the amount of \$368,724.20 substantially exceeds the amount of available funds for the project; and

WHEREAS, the Local Public Contracts Law, specifically N.J.S.A. §40A:11-13.2 authorizes a municipality to reject all bids for the above-stated reason; and

WHEREAS, the Mayor and Township Council have determined that the bids received should be rejected pursuant to the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Hardyston, in the County of Sussex that all bids received for the above-referenced project be and are hereby rejected for the reasons stated in this Resolution.

This Resolution shall take effect immediately upon adoption.

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

- B. Resolution #62-19 – Resolution awarding contract for Davis Road & Old Prospect School Road to Morris County Cooperative Pricing Council Vendors

RESOLUTION NO #62-19

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID
AND ECONOMIC DEVELOPMENT
RECOMMENDATION OF AWARD
STATE AID PROJECT**

BE IT RESOLVED that the Township Council of the Township of Hardyston, Sussex County, New Jersey hereby recommends to the New Jersey Department of Transportation that the contract for

Davis Road & Old Prospect School Road
in the Township of Hardyston, County of Sussex be awarded to the following Morris County Cooperative Pricing Council Vendors:

Tilcon New York, (MCCPC Contract #6) in the amount of \$286,384.65
J Fletcher Creamer & Son, Inc. (MCCPC Contract #26 in the amount of \$8,010.00
Denville Line Painting, Inc. (MCCPC Contract #36 in the amount of \$10,113.59

Resulting in a total bid amount of \$304,508.24 subject to the approval of the Department

That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in prescribed form for said construction.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD
ON AUGUST 14, 2019**

That the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

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

- C. Resolution #63-19 – Approval to submit a grant application and execute a grant contract with New Jersey Department of Transportation for the Park Drive Improvement Project

A motion was made by Miller to approve the resolution as presented, seconded by Kaminski. All in favor. Motion carried. The resolution is on file in the Clerk's Office.

BILLS TO BE PAID: A motion was made by Kaminski to approve the bill list as presented, seconded by Verrilli. 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 Verrilli to adjourn at approximately 7:10 p.m., seconded by Kaminski. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk