

**MINUTES OF THE HARDYSTON TOWNSHIP JOINT LAND USE BOARD MEETING
HELD OCTOBER 24, 2023**

CALL THE MEETING TO ORDER: Acting Chairman Homa called the meeting to order at 7:00 p.m., read the *Statement of Compliance* inserted below, and led the Flag Salute.

STATEMENT OF COMPLIANCE: Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975, adequate notice as defined in section 3D of Chapter 21 P.L. 1975, has been made to the New Jersey Herald and is also posted on the bulletin board at the Hardyston Township Municipal Building.

ROLL CALL:

Brian Kaminski – Present
Carl Miller – Present
Jim Homa – Present
Sally Goodson – Present
Tony Alfano – Present
Carl Paladino – Absent

Scott Lobban – Present
William Hickerson – Absent
Vally Cicerale – Present
Ed Zinck – Absent
James Caiazzo – Present
Savas Savidis – Present

APPROVAL OF MINUTES: A motion to adopt the *Minutes of the Hardyston Township Joint Land Use Board Meeting Held September 11, 2023* was made by Tony Alfano and seconded by Carl Miller. There was no discussion. Roll Call: Brian Kaminski – yes, Carl Miller – yes, Jim Homa – yes, Sally Goodson – yes, Tony Alfano – yes, Scott Lobban – yes, Vally Cicerale – yes, James Caiazzo – yes. The motion carried.

A motion to adopt the *Minutes of the Hardyston Township Joint Land Use Board Meeting Held September 26, 2023* was made by Carl Miller and seconded by Sally Goodson. Roll Call: Brian Kaminski – yes, Carl Miller – yes, Jim Homa – yes, Sally Goodson – yes, Tony Alfano – yes, Vally Cicerale – yes, James Caiazzo – yes, Savas Savidis – yes. The motion carried.

RESOLUTIONS: LB-1-23-1, Crystal Springs Site Development Corp., Extension of GDP – Village Center. Block 16 Lots 3.03, 3.05, 3.06, 3.07, 8.01, 8.02, 8.03;

Block 14 Lots 22.01 and 24.01. A motion to adopt the memorializing resolution was made by Carl Miller and seconded by Sally Goodson. There was no discussion. Roll Call: Brian Kaminski – yes, Carl Miller – yes, Jim Homa – yes, Sally Goodson – yes, Scott Lobban – yes, Vally Cicerale – yes, James Caiazzo – yes. The motion carried.

HEARINGS:

LB-7-23-1, Beaver Run Estates HG 1, Preliminary and Final Subdivision, “c” Variances, Block 67 Lot 21 — Bernd E. Hefele, Esq., appeared on behalf of the Applicant. He informed the Board the Applicant was not prepared to proceed and he requested to carry the matter to the next available hearing date. He provided a continuance consent through 12/31/23. The matter was carried with further notice required.

LB-6-23-2, SMS Hardyston, LLC, “D” Variance, Preliminary and Final Site Plan, Block 14 Lot 21.02 — Board members Kaminski and Miller recused. Antimo A. Del Vecchio, Esq., appeared on behalf of the Applicant. He presented an overview of the matter stating the proposal is for the development of a detention basin that will provide stormwater management for a proposed 40-unit apartment complex in Hamburg Borough. He noted the Hamburg Borough review had not taken place yet. He explained the proposed use is not permitted in Hardyston because an accessory use cannot stand alone on a property without a variance. He identified filed items as follows:

- Exhibit A-1, Affidavit of Notice
- Exhibit A-2, Plan Set revised 9/25/23
- Exhibit A-3, Stormwater Management Plan

Mark Gimigliano, P.E., was sworn, qualified, and accepted as an expert witness. He identified and submitted Exhibit A-4, a colored rendering titled *Site Layout Exhibit, Preliminary & Final Site Plan, SMS HAMBURG, Block 36 Lot 2, Borough of Hamburg, Block 14 21.02, Township of Hardyston, New Jersey State Route 23, Sussex County, New Jersey, Sheet 1 of 1, dated 10/24/23, prepared by Mark Gimigliano, P.E.* Referencing the exhibit, Mr. Gimigliano provided an overview of the project design stating four two-story buildings housing a total of forty, two-bedroom apartments is proposed. He stated each apartment would have a one-car garage with one outside parking space. He located a center courtyard with a loop road around the buildings on the plan sheet. He noted this section of the project is in Hamburg Borough. He explained that the detention basin, to be located in Hardyston Township, would collect the stormwater from the residential develop following the existing drainage pattern as required by regulations and improve existing conditions. Mr. Gimigliano stated the basin design meets NJDEP standards and would collect most of the water from the project. He stated it is designed to allow drainage in less than 72 hours with the water percolating into the ground. He stated additional variance relief is needed for maximum lot disturbance, as the proposed 90 x 160 basin would disturb 35,375 sq.ft. and a limit of 30,000 sq.ft. is permitted. Mr. Gimigliano noted the depth at four feet from the top of a berm to the bottom of the basin. He noted overflow would drain to the SE as it occurs today. He presented the basin would be built approximately 140' from the nearest home in Hardyston Township with other surrounding properties being heavily vegetated and wooded. He identified proposed landscaping intended to buffer the basin. He stated fencing is proposed around the basin. He noted there are no wetlands on the property, and he stated the Applicant is waiting for an LOI confirming same. Mr. Gimigliano stated the basin could be configured further away from area homes.

Board members reviewed Mr. Vreeland's report dated October 19, 2023. Mr. Gimigliano acknowledged the comments in the report and noted basin maintenance is required to be performed in accordance with the regulations. He also acknowledged that all fill is subject to regulation per the Hardyston Township Code. Mr. Del Vecchio noted the owner would be the responsible agent for maintaining the basin.

Kate Kellar, P.P., A.I.C.P., was sworn, qualified, and accepted as an expert for the Applicant. She identified the variances and opined that the site is suitable for the proposed development as the Hardyston Township lot has no frontage on Route 23 and alternative access would be by means of a paper street. She stated the development is tied to the Route 23 frontage where there is existing sewer. Ms. Kellar stated the development proposes no detriment to the public good, no negative visual impacts, and no detriments to the zone plan.

Further, Ms. Kellar stated the proposal promotes the public welfare as it maintains open space and meets stormwater management requirements. She noted the rate of run off would be improved post development and the internal slope where the runoff goes would be managed in a more efficient manner.

Mr. Briigliodoro discussed case law relative to the review of matters split between municipalities due to the municipal boundary line. He stated that the Board cannot turn a blind eye to the rest of the project, and he noted the Board is permitted to consider the overall development.

The matter was opened to the public. Ms. Julie Lacatena was sworn. She stated she owns the home closest to the basin in Hardyston Township. She voiced her objection to the application and the removal of trees stating the proposed landscaping is insufficient and she would lose her privacy. She stated she is concerned about the negative impacts to the neighborhood and she questioned the potential impact of the quarry activity. She stated she believes the project will change everything.

Ms. Jennifer Downing was sworn. She asked why the project could not be made smaller to allow it to be built within Hamburg Borough. She noted the surrounding neighborhood has wells and septic systems. She questioned the impact on the schools and traffic. She asked why the basin was being reviewed first, and stated she believed this was putting the cart before the horse.

Ms. Mel Sweetman was sworn. She stated she has never had a water problem on her property, and she questioned the impact of having the basin 150' from her property. She questioned potential impacts of the quarry activity on the development.

The meeting was closed to the public. Mr. DelVecchio explained that the basin could not be moved out of Hardyston due to ground conditions at the Hamburg Borough site. He opined that the lot in Hardyston is deficient due to its land area and lack of access without the extension of a

paper street. He stated the Applicant would comply with applicable conditions. Mr. Vreeland confirmed the application meets stormwater management requirements.

The Board discussed the matter. A motion to deny the application was made by Tony Alfano and seconded by Savas Savidas. Following discussion, the motion was withdrawn. A motion to table the matter was made by Savas Savidas and seconded by Sally Goodson. All were in favor. The matter was tabled and a hearing date of December 11, 2023 was set.

PUBLIC COMMENT: The meeting was opened to the public. No members of the public addressed the Board. The meeting was closed to the public.

EXECUTIVE SESSION: A motion for executive session to discuss matters as permitted pursuant to N.J.S.A. 10:4-12 (7b) was made by Jim Homa and seconded by Carl Miller. All were in favor. The Board entered executive session at 9:25 p.m.

The regular meeting was called to order at 9:35 p.m.

BILLS: The bill review was carried to the November 13, 2023 meeting.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Savas Savidas. All were in favor. The motion carried. The meeting concluded at 9:40 p.m.

Respectfully submitted by,

Anne-Marie Wilhelm

Anne-Marie Wilhelm
Land Use Administrator