

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
JULY 23, 2009**

CALL THE MEETING TO ORDER: Chairman Miller called the meeting to order at 7:30 p.m. and read the following Statement of Compliance.

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

ROLL CALL:

Leslie Hamilton – Present
Ken Kievit – Present
Robert Neubig – Excused
Robert F. Schultz – Present
William Hickerson – Present
John Monell – Excused
James Homa – Present
Brian Kaminski – Present
Randy Roof (Alternate No. 1) – Excused
Carl Miller – Present

OTHERS PRESENT: Robert P. Guerin, P.E., P.P.; Thomas F. Collins, Esq., P.P.; Carrine Piccolo, Assistant Planner; and Anne-Marie Wilhelm, Land Use Administrator

APPROVAL OF MINUTES:

A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held June 25, 2009* was made by Ken Kievit and seconded by James Homa. Roll Call: Ken Kievit – yes; James Homa – yes; Brian Kaminski – yes; Carl Miller – yes. The motion carried.

RESOLUTIONS:

PB-12-06-3a AMARC Realty, L.L.C., Request for Extension, Preliminary and Final Subdivision, C Variances, Preliminary and Final Site Plan, Block 64 Lot 8.01: A motion to adopt the memorializing resolution was made by Ken Kievit and seconded by Brian Kaminski. Roll Call: Ken Kievit – yes; Brian Kaminski – yes; James Homa – yes; Carl Miller – yes. The motion carried.

PB-10-06-1a, Crex-Castello, L.L.C., Request for Extension, Preliminary and Final Site Plan, Reelcology, Block 62 Lot 22.03: A motion to adopt the memorializing resolution was made by Ken Kievit and seconded by Brian Kaminski. Roll Call: Ken Kievit – yes; Brian Kaminski – yes; James Homa – yes; Carl Miller – yes. The motion carried.

PB-8-06-2a, Mogavero, Frank. Minor Subdivision, “C” Variances, Block 71, Lot 7.01: A motion to adopt the memorializing resolution was made by Ken Kievit and seconded by James Homa. Roll Call: Ken Kievit – yes; Brian Kaminski – yes; James Homa – yes; Carl Miller – yes. The motion carried.

APPLICATION: PB-1-09-2, Crystal Springs Construction, LLC, Preliminary Major Subdivision, C Variances, Horse Valley, Block 14, Lots 30.01, 30.03, 31, 22.01: Board members received the attached report dated July 16, 2009, prepared by Robert P. Guerin, P.E., P.P., and discussed the Applicant’s waiver requests. Mr. Guerin stated he had no objections to the waiver requests for completeness purposes. A motion to grant the waiver requests and deem the application complete was made by Leslie Hamilton and seconded by James Homa. Roll Call: Ken Kievit – yes, Bill Hickerson – yes, Robert Schultz – yes, James Homa – yes, Leslie Hamilton – yes, Brian Kaminski – yes, Carl Miller – yes. The motion carried.

Bernd E. Hefele, Esq., appeared on behalf of the Applicant. Dale Pierson, Administrator of Development, Crystal Springs Builders, L.L.C, was sworn. Michael O’Krepky, P.E., was sworn, qualified, and accepted by the Board as an expert witness. Mr. Hefele provided an overview of the matter.

Mr. O’Krepky identified the location of the subject property and reviewed various plan sheets. He confirmed that there are five COAH units proposed – two units on one parcel and three units on another. He stated he designed the roadway first and then configured the lot lines. He identified the slopes and the topographic challenges. He stated that from an engineering perspective, he designed the roadway in the best possible way. He stated that the homes are located in the flatter area and the design creates the least amount of disturbance. Mr. Hefele noted the property could be designed to be completely conforming to the ordinance and the trade-off would be more walls. Board members discussed the layout of the site and expressed concern with the design of Equestrian Drive and the proposed walls along same. The Applicant agreed to eliminate super elevation and utilize a traditional crown roadway design throughout Equestrian Drive. Mr. Guerin stated the horizontal and vertical geometry of the road conformed to RSIS standards. Following discussion, the Applicant agreed to provide the Board with road and wall design options and stated a willingness to review all suggestions. The following information and action was requested by the Board: additional soil borings, additional soil logs, present an exact representation of the proposed road and roadway system, a list of the amount of disturbance on each lot, show the emergency gate at Harvest Lane and Orts Road on the plan, consider the extension of the Crystal Spring’s water lines, review Lot 2 and the extension of the roadway shown, review sprinkler system requirements, and review the common driveway designs relative to emergency service access.

Thomas F. Collins, Esq., raised questions about access, the location and future ownership of the roadway, drainage, open space, the wall systems, and the status of the development relative to the formation of a Homeowner’s Association. Parties discussed the possibility of said ownership being held by Crystal Springs North Homeowner’s Association. The Applicant confirmed that access to the development would be from Harvest Court. Mr. Hefele stated the Applicant was envisioning the new road being dedicated to the municipality and providing an easement over the condominium road to the municipality. The Applicant agreed to further review the matter as well as review the open space plan. Mr. Collins noted that the Board would prefer that it all be part of the homeowner’s association.

With reference to the common driveways, Mr. O’Krepky stated the driveways conform with the ordinance. Mr. Guerin suggested the Fire Department review the driveways from a geometric standpoint to make sure they can get a fire truck up through the driveways as there are tight curves proposed on some.

With reference to drainage, Mr. O’Krepky stated the Applicant would like to leave the maintenance plan to the end. He confirmed that the overall drainage, detention, and infiltration system, as generally proposed, would meet the stormwater management regulations and the RSIS. He stated he did not see a need to change the basins. With reference to the depth of some basins, he stated there is a maximum allowable slope per the RSIS for stormwater pipes at 10%. He stated some of the drainage has to be deep in order to maintain that. He stated the basin locations may change. Referencing drainage plan #5, he noted that the only section of drainage that would connect to Crystal Springs North is located at the bottom of Equestrian Drive.

With reference to shade trees and the number of proposed lights, Mr. O’Krepky stated he would discuss the matter with Mr. Guerin.

Chairman Miller opened the meeting to the public. Mr. Mike Singleton was sworn. He stated he was experiencing problems with the quarry’s blasting and inquired about the location of potential blasting on the site. Mr. O’Krepky located Mr. Singleton’s property on the plan and identified where he thought blasting would be required. It was noted that blasting is state regulated. Chairman Miller presented that Mr. Mulvihill previously agreed to conditions pertaining to blasting in the Crystal Springs North matter. Mr. Hefele stated he would review what was agreed to in the Crystal Springs North matter relative to blasting.

No other members of the public addressed the Board on the matter. The meeting was closed to the public.

The matter was carried to the meeting of September 24, 2009, at 7:30 p.m., with no further notice required. Mr. Guerin confirmed that revised plans would be accepted for review no later than September 10, 2009.

CORRESPONDENCE: Board members received the following correspondence. There were no comments.

**Hardyston Township Planning Board
 Correspondence List July 23, 2009**

1. Wini Straub, District Manager, Sussex County Soil Conservation District
 Re: Soil Erosion & Sediment Control Plan #HY227, Due to Expire, Project: Kronyak - Single Family Home – Big Spring Road, Block 74 Lot 20 (April 8, 2009)

2. Wini Straub, District Manager, Sussex County Soil Conservation District
 Re: Soil Erosion & Sediment Control Plan #FL101A, Due to Expire, Project: Sterling Ridge (Formerly Estelle Manor) Block 38 Lot 11.04 [Franklin]; Block 75 Lot 11 [Hardyston] (April 8, 2009)

3. Minutes: Hardyston Township Municipal Utilities Authority, June 1, 2009

BILLS: A motion to forward a recommendation to the Township Council for payment of the bills cited below was made by Ken Kievit and seconded by James Homa. Roll Call: Leslie Hamilton – yes; Ken Kievit – yes; Robert Schultz – yes; Bill Hickerson – yes; James Homa – yes; Brian Kaminski – yes; Carl Miller – yes. The motion carried.

**HARDYSTON TOWNSHIP PLANNING BOARD
 ESCROW REPORT
 JULY 23, 2009**

The New Jersey Herald

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| Invoice 2461034 | Legal Notice | \$ 25.00 |
| Invoice 2415908 | Legal Notice | 91.50 |

Vogel, Chait, Collins and Schneider

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| Invoice 52810 | Planning OE | 75.00 |
| Invoice 52574 | Planning OE | 930.00 |
| Invoice 52573 | HOV-2, Hovnanian @ The Cedars | 45.00 |
| Invoice 52571 | PB-7-08-1, Crystal Springs Builders, L.L.C. | 45.00 |
| Invoice 52570 | PB-10-06-1, Crex-Costello, L.L.C. | 225.00 |
| Invoice 52569 | PB-12-06-3, AMARC Realty, L.L.C. | 480.00 |
| Invoice 52568 | PB-8-06-2, Mogavero, F. | 390.00 |
| Invoice 52567 | PB-3-06-1, A & N Carr, Assocs. | 90.00 |
| Invoice 52566 | Planning OE | 735.00 |

**HARDYSTON TOWNSHIP PLANNING BOARD
 ESCROW REPORT
 July 23, 2009
 ADDENDUM**

Guerin & Vreeland Engineering, Inc.

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| Invoice 201Y | HOV-1, Hovnanian @ The Bluff | \$498.75 |
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| Invoice WO624N | PB-9-06-2, Crystal Springs Builders, L.L.C., [The Shotmeyer] | 977.50 |
| Invoice WO261HH | HOV-2, Hovnanian @ The Cedars | 105.00 |
| Invoice WO600DD | PB-3-05-1C, CJS Investments | 491.25 |
| Invoice WO524K | PB-7-04-2, Four Winds Plaza Corporation | 315.00 |
| Invoice WO604FF | PB-9-07-1, Crystal Springs Builders, L.L.C., [Golf Training Building] | 157.50 |
| Invoice WO778E | PB-1-09-2, Crystal Springs Construction, L.L.C., [Horse Valley] | 1732.50 |
| Invoice 623K | PB-9-06-2, Crystal Springs Builders, L.L.C., [The Shotmeyer] | 630.00 |
| Invoice WO786F | Planning OE | 105.00 |
| Invoice WO482Z | HFHJL-01, HFH Development Corporation | 315.00 |
| Invoice WO774E | PBC-7-08-1, LSC Properties, LLC | 630.00 |
| Invoice WO230DD | HOV-3, Hovnanian @ The Tannery | 210.00 |

DISCUSSION: COAH: Hardyston Township Substantive Certification – Notice of Appeal by Fair Share Housing Center – Mr. Collins informed the Board of the Appeal. The following resolution was placed on record.

**Township of Hardyston
Sussex County, New Jersey**

~ Resolution ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Planning Board of the Township of Hardyston on the 23 day of July, 2009 that:

1. Prior to the conclusion of this **Regular Meeting**, the Board shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
2.
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (x) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: James Homa —
Seconded by: Ken Kievit
Discussion: None —

Roll Call: Leslie Hamilton – yes; Ken Kievit – yes; Robert Schultz – yes; Bill Hickerson – yes; James Homa – yes; Brian Kaminski – yes; Carl Miller – yes.

Motion carried.

Adopted:

Adopted this 23 day of July 2009 , and certified as a true copy of an original.

/s/ Anne-Marie Wilhelm
Board Secretary

The Board entered executive session at 10:00 p.m. The meeting resumed at 10:20 p.m. There were no comments regarding the Highland's Conformance process.

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

ADJOURNMENT: A motion to adjourn was made by Ken Kievit and seconded by Bill Hickerson. All were in favor. The meeting was adjourned at 10:20 p.m.

Minutes respectfully submitted by:

/s/ Anne-Marie Wilhelm
Anne-Marie Wilhelm
Land Use Administrator