

**MEMORIALIZING RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF HARDYSTON GRANTING
AMENDED PRELIMINARY AND FINAL MAJOR
SUBDIVISION APPROVAL
TO LAM DEVELOPMENT GROUP, LLC
FOR THE SUBJECT PROPERTY KNOWN AND DESIGNATED
AS BLOCK 16.30, LOTS 1 AND 1.09-1.16, BLOCK 16.34, LOTS 1.05-1.08
AND 1.10-1.12 AND BLOCK 36 LOT 1.**

**DECIDED: October 22, 2020
MEMORIALIZED: November 19, 2020**

PB-9-20-1

WHEREAS, the Applicant, Lam Development Group, LLC, having an address of 115 River Road, Suite 103, Edgewater, New Jersey 07020 (hereinafter the “Applicant”), applied to the Hardyston Township Planning Board (hereinafter the “Board”) for amended preliminary and final major subdivision approval pursuant to applicable Township of Hardyston (hereinafter the “Township”) ordinances, and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., (hereinafter the “MLUL”) to change the previously-approved subdivision from “zero lot line” lots to single family home lots, for the subject property known and designated as Block 16.30, Lots 1 and 1.09-1.16, Block 16.34, Lots 1.05-1.08 and 1.10-1.12 and Block 36, Lot 1, in in the Township of Hardyston (hereinafter the “Property”), in accordance with plans entitled “Amended Preliminary and Final Subdivision Plan, Cloverdale West at Crystal Springs, Block 16.30, Lots 1 and 1.09-1.16, Block 16.34, Lots 1.05-1.08 and 1.10-1.12 and Block 36, Lot 1, Coventry Road, Township of Hardyston” dated August 13, 2020 and bearing a last revision date of October 15, 2020, as prepared by Thomas F. Graham, PE, Dykstra Walker Design Group, 21 Bowling Green Parkway, Suite 204, Lake Hopatcong, New Jersey 07849, consisting of fourteen (14) sheets (hereinafter the “Plans”); and

WHEREAS, the Application was reviewed and adjudicated at a regular public hearing of the Board on Thursday, October 22, 2020; and

WHEREAS, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Township Land Use Ordinance and that all required provisions of procedural compliance have been filed with the Board; and

WHEREAS, the Board hereby makes the following findings of fact and conclusions based upon the testimony and documentary evidence produced by the Applicant and by Township and Board staff and professionals:

1. The Board reviewed the report of the Township Engineer, Michael Vreeland, PE, dated October 12, 2020 (hereinafter the "Township Engineer Report"), which is attached hereto and incorporated herein by reference.

2. The Board also reviewed the email correspondence from Bill Walsh, of the Hardyston Township Fire Department Construction Review Committee dated October 9, 2020 (hereinafter the "Fire Department Report"), which is also attached hereto and incorporated herein by reference.

3. The Applicant was represented by legal counsel, Bernd E. Hefele, Esq., of Hefele Law, 21 Bowling Green Parkway, Lake Hopatcong, New Jersey 07849. Mr. Hefele introduced the Application and indicated that public notice of the application was published and served in accordance with the MLUL, applicable Township ordinances, and recent New Jersey Department of Community Affairs (hereinafter "NJDCA") regulations regarding remote or "hybrid" public meetings. Mr. Hefele explained that the Applicant proposes to change thirty-nine (39) previously approved zero lot line lots to lots for single-family homes. He confirmed that the application fully complies with all applicable Township ordinances, and variance relief is not required. Mr. Hefele stated the application is identical to the Cloverdale East application approved earlier in the year. He noted the homes are being built by Ryan Homes, and are a slightly different product from other homes built by Crystal Springs in the area.

4. The Applicant's civil engineer, Thomas F. Graham, PE, was sworn-in for the purpose of providing testimony to the Board. Mr. Graham's qualifications as a licensed professional civil engineer were reviewed and accepted by the Board.

5. The Board discussed various completeness checklist items and moved to grant all of the Applicant's completeness checklist waiver requests per the recommendation of the Township Engineer, and then deemed the Application complete.

6. Mr. Graham then provided the Board with a summary of the relief sought by the Applicant, as depicted the Plans. He testified that as set forth on the Plans, the Applicant simply seeks to change the previously approved subdivision on the Property from “zero lot line” lots to single family home lots. Mr. Graham introduced the following Exhibits (hereinafter collectively referred to as the “Exhibits”) in connection with his testimony:

a. Exhibit A-1 — plan sheet prepared by Thomas F. Graham, P.E., entitled *Amended Preliminary and Final Subdivision Plan Cloverdale West At Crystal Springs, Coventry Road, Block 16.28 Lot 2, Block 16.30 Lots 1 & 1.09-1.16; Block 16.34 Lots 1.05-1.08 & 1.10-1.12; Block 16.36 Lot 1, Township of Hardyston, Sussex County - New Jersey, Sheet 1 of 14, dated 10/15/20;*

b. Exhibit A-2 — plan sheet prepared by Thomas F. Graham, P.E., entitled *Lot Layout, Lighting, & Landscaping Plan Sheet “A,” Amended Preliminary and Final Subdivision, Cloverdale West At Crystal Springs, Block 16.28 Lot 2, Block 16.30 Lots 1 & 1.09-1.16, Block 16.34 Lots 1.05-1.08 & 1.10-1.12, Block 16.36 Lot 1 Coventry Road, Township of Hardyston, Sussex County, New Jersey, Sheet 5 of 14, dated 10/15/20;*

c. Exhibit A-3 — plan sheet prepared by Thomas F. Graham, P.E., entitled *Existing Conditions Plan, Amended Preliminary and Final Subdivision, Cloverdale West At Crystal Springs, Block 16.28 Lot 2, Block 16.30 Lots 1 & 1.09-1.16, Block 16.34 Lots 1.05-1.08 & 1.10-1.12, Block 16.36 Lot 1 Coventry Road, Township of Hardyston, Sussex County, New Jersey, Sheet 3 of 14, dated 10/15/20;*

d. Exhibit A-4 — plan sheet prepared by Kenneth Dykstra, P.E., L.S., entitled *Final Subdivision Plat Amended Preliminary and Final Subdivision, Cloverdale West At Crystal Springs, Block 16.28 Lot 2, Block 16.30 Lots 1 & 1.09-1.16, Block 16.34 Lots 1.05-1.08 & 1.10-1.12, Block 16.36 Lot 1 Coventry Road, Township of Hardyston, Sussex County, New Jersey, Sheet 3 of 14, dated 10/15/20;*

e. Exhibit A-6 — plan sheet prepared by Thomas F. Graham, P.E., entitled *Lot Layout, Lighting, & Landscaping Plan Sheet “B,” Amended Preliminary and Final Subdivision, Cloverdale West At Crystal Springs, Block*

16.28 Lot 2, Block 16.30 Lots 1 & 1.09-1.16, Block 16.34 Lots 1.05-1.08 & 1.10-1.12, Block 16.36 Lot 1 Coventry Road, Township of Hardyston, Sussex County, New Jersey, Sheet 6 of 14, dated 10/15/20;

It is noted that Exhibit A-5 was omitted.

7. Mr. Graham explained the proposed lot layout as depicted on the Plans and Exhibits. He also testified that the average home size is 2600 square feet, and each lot has three parking spaces with approximately 70 feet between driveways.

8. Mr. Graham confirmed that the existing detention basins servicing the Property are adequate and that the Applicant's stormwater management plan satisfies applicable Township ordinance requirements and requirements set forth in the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1, *et seq.* (hereinafter "RSIS").

9. Mr. Graham explained that the extension of Coventry Road to the Vernon Township line shown on the plan would not be built, but that the Tissington and Coventry Road loop would be completed and a fire hydrant would be installed as recommended by the Fire Department. He explained certain grading changes were made as depicted on the Plans to include a retaining wall no more than four feet high. Finally, Mr. Graham confirmed that no changes have been proposed to the Applicant's previously approved affordable housing component for the Property, and that the Applicant will fully comply with the Township Engineer's report, as applicable.

10. The hearing was then opened to the public.

11. Mr. Frank Santoloci, who attend the hearing in-person, stated the golf course was not laid out properly on the Plans, and asked what the advantages of the previously approved zero lot line lot are. He also asked questions regarding the roadways servicing the Property and when paving would be completed.

12. Ms. Jaqueline Cully attended the hearing remotely, via ZOOM. She stated she was speaking as a resident of Crystal Springs and indicated that she was generally satisfied with the testimony, adding that she is happy that the Property is going to continue to be developed in accordance with the Plans.

13. Ms. Laura Marchese of the *Advertiser News* also attended the hearing remotely, via ZOOM, and asked how the number of parking spaces is calculated.

14. In response to Ms. Marchese's question, Mr. Graham stated the number of spaces is determined by bedroom count.

15. Mr. Hefele summarized the relief that the Applicant requires, and confirmed again for the record that the application fully conforms to applicable Township ordinances, and therefore requires approval pursuant to the MLUL and Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).

16. The Board finds that the Applicant's fully conforming request for amended preliminary and final subdivision approval to change the previously approved thirty nine (39) residential building lots from zero lot line lots to single family home lots on the subject property known and designated as Block 16.30, Lots 1 and 1.09-1.16, Block 16.34, Lots 1.05-1.08 and 1.10-1.12 and Block 36, Lot 1 in the Township of Hardyston, should be granted, subject to certain terms and conditions as set forth *infra*.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Hardyston, County of Sussex, State of New Jersey that the application of Lam Development Group, LLC, for amended preliminary and final subdivision approval to change the previously approved thirty nine (39) residential building lots from zero lot line lots to single family home lots on the subject property known and designated as Block 16.30, Lots 1 and 1.09-1.16, Block 16.34, Lots 1.05-1.08 and 1.10-1.12 and Block 36, Lot 1 in the Township of Hardyston, is a fully conforming application requiring approval to the MLUL and Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994), and therefore the application is hereby approved subject to the following terms and conditions:

1. The terms of this approval are to be strictly in accord with the Plans, Exhibits and testimony presented to the Board herein, including that of the Board's professionals, and same are incorporated into this Resolution by reference.

2. The Applicant shall comply with the Township Engineer's Report, which is attached hereto and incorporated herein by reference.

3. The Applicant shall install a fire hydrant as directed by the Fire Department and comply with the Township Fire Department Construction Review Committee Report, which is attached hereto and incorporated herein by reference.

4. The Applicant agrees to effectuate affordable housing compliance as previously approved.

5. As previously required, and if applicable, a General Development Plan for the Property must be submitted and approved by the Township prior to the issuance of any certificate of occupancy for any units constructed within this amended subdivision at the Property (other than model units).

6. As previously required, and if applicable, the Applicant shall enter into and/or comply with any Developer's Agreement with the Township prior to issuance of building permits.

7. The Applicant shall complete roadway construction as testified to during the hearing, which shall be subject to the review and oversight of the Township Engineer.

8. No building permits shall be issued until an amended final plat has been filed and recorded for the Property.

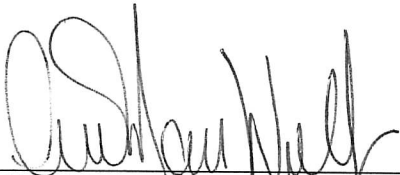
9. The Applicant, by and through its professional engineer, shall revise the Plans to incorporate the Exhibits submitted at the hearing, and as otherwise required by the Township Engineer.

10. The Applicant shall make a good faith effort to continue to update the Homeowner's Association regarding the continuing development of the Property.


11. All fees, taxes, assessments, escrows and other monies due to the Township of Hardyston shall be paid in full.

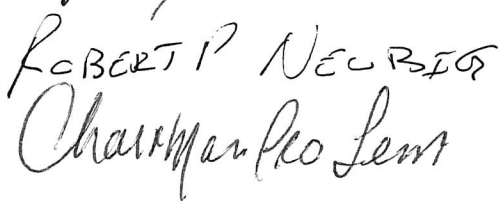
12. The Applicant shall comply with all statutes, ordinances, rules and regulations of the United States of America, State of New Jersey, County of Sussex, and Township of Hardyston, and shall obtain any and all other governmental approvals required for the Application.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Township of Hardyston Planning Board at its regular meeting of October 22, 2020.



ANNE-MARIE WILHELM, SECRETARY



WILLIAM HICKERSON, CHAIRMAN

ROBERT P NEUBIG
Chairman Pro Lem




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Neil I. Van Cleef, P.E., L.S. & P.P.
Robert J. Clerico, P.E., P.P., CME, CPWM
Samuel D. Costanzo, P.E. & P.P.
Cynthia V. Norfleet, COO
Mark A. Bahnick, P.E.
Lawrence M. Duffley, P.E., PTOE
Michael K. Ford, P.E., P.P.
Jeffrey W. Munzing, P.E.
Stanley J. Schrek, P.E., A.I.A., P.P., CME, LEED AP
Herbert J. Seeburger, Jr., P.E., CME, CPWM

MEMORANDUM

TO: Hardyston Township Planning Board
A. Wilhelm, Land Use Administrator / T. Molica, Board Attorney /

FROM: Michael Vreeland, Board Engineer 

CC: T. Graham, Applicant Engineer / B. Hefele, Applicant Attorney

RE: Lam Development Group LLC
Amended Preliminary and Final Subdivision
Amended Construction Plan & General Development Plan Update
Cloverdale West (Phase 2B) at Crystal Springs
Hardyston Township
VCEA Project No. HDY-1001.019

DATE: October 12, 2020

We are in receipt of the following information pertaining to the above referenced applications:

- A. Land Use Application with attachments;
- B. Waiver Summary List;
- C. Plans entitled, "Amended Preliminary and Final Subdivision, Cloverdale West At Crystal Springs, Coventry Road, Block 16.30, Lots 1 & 1.09-1.16, Block 16.34, Lots 1.05-1.08 & 1.10-1.12, Block 16.36, Lot 1, Township of Hardyston, Sussex County - New Jersey" consisting of 14 sheets. The plans prepared by Dykstra Walker Design Group, P.A. (Thomas F. Graham, PE) are dated August 13, 2020;
- D. Plan entitled, "General Development Plan #3, Lam Development Group, For, The Shotmeyer Section, Township of Hardyston, Sussex County - New Jersey". The plan prepared by Dykstra Walker Design Group, P.A. (Thomas F. Graham, PE) is dated November 15, 2019 with a latest revision date of August 26, 2020; and
- E. Architectural plans entitled, "Dominica Model, Elevation K and Elevation L". The plans prepared by NVR consist of 6 sheets (A-1, A-1, A-2, A-2, A-6 and A-7).

We have reviewed the information along with the Township Code (Code) as well as project file and offer the following comments:

VanCleeEngineering.com

Please Reply To:

NORTHERN NJ OFFICE

111 Howard Boulevard, Suite 110 • Mt. Arlington NJ 07856
862.284.1100 • Fax: 862.284.2033

With Other Offices In:

Hillsborough NJ • Lebanon NJ • Freehold NJ • Phillipsburg NJ
Toms River NJ • Hamilton NJ • Doylestown PA • Bethlehem PA
Mechanicsburg PA • Leesport PA • Newark DE

October 12, 2020



Reference: Lam Development Group LLC
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1. INTRODUCTION

The subject property is located within the Township's Commercial - Recreation (C-R) Zone District. The property previously received Board approval for 39 zero lot line detached residential lots/units. The amended application proposes 39 detached single family residential lots/units as well as an extension of Coventry Way. The roadway extension would provide frontage for each of the proposed lots.

2. COMPLETENESS

We have reviewed the application for technical completeness in accordance with the Application Checklists. The Applicant is requesting a number of waivers from the Schedule A Checklists.

Comment: Based on the nature and scope of the application we would have no engineering objection should the Board grant the requested waiver for completeness.

We defer to the Board Attorney and Land Use Administrator regarding legal and administrative completeness issues.

3. PROJECT PROPOSAL

3.1. The subject applications have been scheduled before pending applications that would propose changes to the Boomerang Parking Facility. As a result, we recommend the following revisions be made to the GDP plan:

- 3.1.1. The plan should note General Development Plan #2 rather than #3;
- 3.1.2. The Updated History for the Shotmeyer Property list - Item 1.9 should be removed and the list should be renumbered accordingly;
- 3.1.3. The Cloverdale East and Highgrove area should be illustrated as previously shown on GDP #1; and
- 3.1.4. The Applicant should review the Residential Building Unit Table and confirm that it accurately reflects the current proposal.

3.2. It appears the proposal is generally consistent with the previously approved plans (with the exception of housing type and associated setbacks). This should be confirmed by the Applicant. The Applicant should also provide testimony detailing any changes that are being proposed as part of the amended applications;

3.3. The proposal will exceed the Residential Site Improvement Standards (RSIS) allowable average daily traffic (ADT) limit on a cul-de-sac. The Applicant should consider constructing the balance of Coventry Road and Tarrington Road and eliminating the temporary cul-de-sacs;

October 12, 2020

Reference: Lam Development Group LLC
Amended Preliminary and Final Subdivision
Amended Construction Plan & General Development Plan Update
Cloverdale West (Phase 2B) at Crystal Springs
Hardyston Township
VCEA Project No. HDY-1001.019

- 3.4. The Parking Requirement and Area Summary tables noted on the plan cover sheet should list the Cloverdale West requirements and lots rather than Highgrove & Cloverdale East;
- 3.5. The Applicant should review the Overall Shotmeyer Parking Requirement Table on the plan cover sheet and confirm that it accurately reflects the current proposal; and
- 3.6. The Applicant should provide testimony confirming that the proposal will not require updates pursuant to existing planned real estate development and/or other existing neighbor documents.

4. OTHER AGENCY APPROVAL

Should the Board approve the applications we believe the following other agency approval will be required:

- 4.1. Hardyston Township MUA
- 4.2. Soil Conservation
- 4.3. Sussex County Planning Board

Please contact me should you have any questions.

Anne Marie Wilhelm - Cloverdale West at Crystal Springs

From: Bill Walsh
To: Anne Marie Wilhelm
Date: 10/9/2020 3:53 PM
Subject: Cloverdale West at Crystal Springs

Hi Anne Marie,

The Hardyston Fire Department plans committee checked the plans for the above property. We think there should be a fire hydrant at or near Lot 1.27 on Coventry Road. There is no fire hydrant between lot 1.21 and Tarrington Road.

Bill Walsh
Chairman
Hardyston Fire Dept.
Plans Committee