

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
FEBRUARY 24, 2011**

CALL THE MEETING TO ORDER: Chairman Kaminski 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
Carl Miller – Present
Robert Neubig – Present
Robert F. Schultz – Excused
William Hickerson – Present
James Homa – Present
Randy Roof (Alternate No. 1) – Present
William Castiglione (Alternate No. 2) – Excused
Brian Kaminski – Present

OTHERS PRESENT: Robert P. Guerin, P.E., P.P.; Thomas F. Collins, Esq., P.P.;
Carrine Piccolo-Kaufer, P.P.

APPROVAL OF MINUTES:

A motion to approve the *Minutes of the Hardyston Township Planning Board Reorganization Meeting Held January 27, 2011* was made by Robert Neubig and seconded by Carl Miller. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Neubig – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held January 27, 2011* was made by Robert Neubig and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Robert Neubig – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled.

APPLICATIONS:

PB-1-09-1A, The Pegasus Group, LLC as Receiver, Extension Request, Amended Preliminary Subdivision, “C” Variance, Ridgefield Commons, Block 67, Lot 2.01; PB-1-09-4A, The Pegasus Group, LLC, as Receiver, Extension Request, Amended Preliminary Site Plan, “C” Variance, Ridgefield Commons, Block 67, Lot 2.01; PB-1-09-5A, The Pegasus Group, LLC, as Receiver, Extension Request, Ridgefield Commons, Phase III, Final Subdivision and Final Site Plan, Block 67, Lot 2.01, Block 67.18, Lots 97-118; PB-1-09-6A, The Pegasus Group, LLC, as Receiver, Extension Request, Ridgefield Commons, Phase IV, Final Subdivision and Final Site Plan, Block 67, Lot 2.02; Block 67.19, Lots 1-18; Block 67.24, Lots 19-28; PB-1-09-7A- The Pegasus Group, LLC, as Receiver, Extension Request, Ridgefield Commons, Phase V, Final Subdivision and Final Site Plan, Block 67, Lot 2.01; Block 67.19, Lots 19-24 and Block 67.24, Lots 10-18; PB-1-09-8A - The Pegasus Group, LLC, as Receiver, Extension Request, Ridgefield Commons, Phase VI, Final Subdivision and Final Site Plan, Block 67, Lot 2.01; Block 67.19, Lots 25-38, Block 67.25, Lots 1-6; and PB-1-09-9A – The Pegasus Group, LLC, as Receiver, Extension Request, Ridgefield Commons, Phase VIIA, Final Subdivision and Final Site Plan, Block 67, Lot 2.01; Block 67.23, Lots 1-8;

David Burton Brady, Esq., appeared on behalf of the Applicant and requested a three-year extension for the matters listed above. He presented a status report on the project stating that the

extensions granted by the *Permit Extension Act* do not automatically apply resulting in the Applicant's request for extension. He stated the Applicant has finished seven units. He stated five units have been sold and two COAH units are under contract to the township. He stated that problems at Well #4 have been addressed utilizing UV treatment and a micro filter. He stated a DEP review of the test results is pending. Mr. Brady stated the *Water Main Extension Permit* has expired and may be addressed via a re-extension of the permit by the DEP following the resolution of Well #4's issues. Mr. Brady presented that Wallkill Water was purchased by Aqua New Jersey and Aqua New Jersey has advised that there may be a problem with water allocation.

With reference to bonds posted by the original developer, Mr. Brady stated that some have been called and top-coat has been completed on some sections. He noted that the construction trailer has been removed. He stated there is an intention to clean site debris after the thaw. Mr. Brady stated the economy has gutted demand for the product and the bank is going to foreclose. He stated the property is pending sheriff's sale. He stated the bank will have to finish the foreclosure process and when that has been completed, a marketing strategy needs to be formed with the Pegasus Group. He noted there is a conglomeration of banks working on this project and the conglomerate is also under water. Mr. Brady suggested the Applicant's provision of periodic status reports.

Board members requested six-month status reports, which the Applicant could file via letter. Mr. Collins noted that the development is Mt. Laurel inclusionary and is part of the Housing Element. He stated it is good to keep the approvals current in the interest of marketability and recommended granting the extension with status reports required. Ms. Hamilton asked the Applicant to expedite the site clean-up.

A motion to approve the three-year extension conditioned upon the submission of six-month written reports to the Board copied to Mr. Guerin and Mr. Collins, and the clean-up of the site debris commencing after the thaw was made by Robert Neubig and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes; Robert Neubig – yes; Bill Hickerson – yes; James Homa – yes; Randy Roof – yes; Carl Miller – yes; Brian Kaminski – yes. The motion carried.

PB-1-09-2, Crystal Springs Construction, LLC, Preliminary Major Subdivision, "C" Variances, Horse Valley, Block 14, Lots 30.01, 30.03, 31, and 22.01: Board members reviewed a request dated February 11, 2011, to carry forwarded by Bernd E. Hefele, Esq., on behalf of the Applicant. The matter was carried to the March 24, 2011 meeting at 7:30 p.m. with notice required. The Board requested the Applicant's appearance for a status report, without notice, in the event the matter was not ready to proceed on March 24, 2011.

DISCUSSION: Ordinance Review and Referral Report: TOWNSHIP OF HARDYSTON, ORDINANCE #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 Ms. Piccolo-Kaufer provided an overview of the changes proposed to the existing ordinance and stated the proposed ordinance was consistent with the Master Plan. Board members acknowledged the changes and discussed other ordinance concerns not incorporated into Ordinance #2011-01. Mr. Collins recused himself on discussion items related to cell towers. Mr. Miller noted that a discussion of cell tower ordinance amendments and concerns regarding signs could be presented to the Township Council.

A motion to find Ordinance #2011-01 consistent with the Master Plan was made by Carl Miller and seconded by Robert Neubig. Roll Call: James Homa – yes; Bill Hickerson – yes; Leslie Hamilton – yes; Carl Miller – yes; Robert Neubig – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

Mr. Collins provided an update on COAH and DEP matters.

CORRESPONDENCE: There was no correspondence.

BILLS: A motion to recommend that the Hardyston Township Council pay the bills listed below was made by Carl Miller and seconded by Robert Neubig. Roll Call: James Homa – yes; Bill Hickerson – yes; Leslie Hamilton – yes; Carl Miller – yes; Robert Neubig – yes; Randy Roof – yes; Brian Kaminski – yes. The motion carried.

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
FEBRUARY 24, 2011**

Vogel, Chait, Collins and Schneider

Invoice 58558	PB-11-10-1, GNB Holdings, LLC,	\$	390.00
Invoice 58556	PB-3-05-1C, CJS Investments, Inc.,		210.00
Invoice 58555	Planning OE		600.00
Invoice 58569	Planning OE: Affordable Housing Trust		645.00
Invoice 58568	Planning OE: Affordable Housing Trust		645.00

Guerin & Vreeland Engineering, Inc.

Invoice WO854A	Planning OE		735.00
Invoice WO261LL	HOV-2, K. Hovnanian @ The Cedars, Inc.,		420.00

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
FEBRUARY 24, 2011
ADDENDUM**

New Jersey Herald

Invoice 3548395	Legal Notices		\$148.90
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**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
FEBRUARY 24, 2011
ADDENDUM II**

New Jersey Herald

Invoice 3569847	Legal Notices		\$148.90
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PUBLIC PARTICIPATION: The meeting was opened to the public. There were no participants. The meeting was closed to the public.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Robert Neubig. All were in favor. The meeting adjourned at 8:15 p.m.

Minutes respectfully submitted by:
/s/ Anne-Marie Wilhelm
Anne-Marie Wilhelm
Land Use Administrator