

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
SEPTEMBER 22, 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) – Excused
Donald Trien (Alternate No. 2) – Present
Brian Kaminski – Present

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

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held August 25, 2011* was made by Leslie Hamilton and seconded by Bob Neubig. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bob Neubig – yes; William Hickerson – yes; James Homa – yes; Donald Trien – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled.

APPLICATIONS: PB-12-06-3b AMARC Realty, L.L.C., Extension Request, Preliminary and Final Subdivision, “C” Variances, Preliminary and Final Site Plan, Block 64 Lot 8.01: Frederick Roughgarden, Esq., appeared on behalf of the Applicant. He presented current economic challenges to development. Board members discussed the matter. A motion to extend the matter subject to the prior conditions for a three-year period was made by Bob Neubig and seconded by James Homa. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bob Neubig – yes; James Homa – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried.

PB-8-11-02, KDC Solar, LLC, Amended Preliminary and Final Site Plan, The Shotmeyer, Hardyston Township: Block 16, Lots 1, 1.09 & 1.10; Block 16.32 Lot 2; Block 16.33, Lot 1. Vernon Township: Block 141 Lot 16; Block 141 Lot 12.02; Block 184 Lot 13; Block 188.01 Lot 20; Block 260 Lots 11 & 26: Gary Hall, Esq., appeared on behalf of the Applicant. Mr. Hall confirmed that taxes were paid to date. Thomas F. Collins, Esq., confirmed that notice was satisfactory and the Board had jurisdiction.

Thomas F. Graham, P.E., was sworn, qualified, and accepted by the Board as an expert witness. The attached report prepared by Robert P. Guerin, P.E., P.P., dated September 13, 2011 was discussed. Mr. Graham submitted Exhibit A-1, a labeled rendering of the plan titled *Overall Layout Plan, Amended Construction & Final Site Plan, Amendment to Shotmeyer Tract for KDC Solar, Block 16.32 Lot 2, Block 16.33 Lot 1, Block 16 Lot 1.10, Wild Turkey Way and Devon Court, Township of Hardyston, Sussex County, New Jersey, Sheet 4 of 10*, dated 8/30/11. Referencing Exhibit A-1, Mr. Graham provided an overview of the project and identified the location of the project’s solar panels on Vernon Township property and the location of existing utility lines that parallel Wild Turkey Way. He explained that underground lines would run from Vernon Township into Hardyston Township parallel to Devon Court and tie-in to the existing utility lines. He identified the location of the proposed electrical transmission line, the location of a proposed connection from the electric power grid to the existing Grand Cascades Hotel and Conference Center, and the location of an existing Grand Cascades Hotel and Conference Center

electric meter on the plan. He stated three to four electrical pull boxes would be stationed 500' apart to allow for the installation of two, 4" PVC conduit lines. He explained that the power line would be inside one line, and the other power line will be used as a spare, in case another power line is needed. Mr. Graham stated an easement would be given to the Hardyston Township Municipal Utility Authority, (hereinafter, HTMUA,) by Crystal Springs, from curb line to curb line, to address any potential conflicts with the existing utility lines. He stated the plan would be modified to show the lines running parallel to Devon Court. He stated all of Mr. Guerin's comments would be addressed by moving the lines 10' over. With reference to clearance issues and the surface lines, Mr. Graham stated the system is flexible. He explained that the lines would generally be between 18" below the surface in grassy areas and 24" below the surface in paved areas consistent with the code. He stated the system would be safe.

Addressing two proposed aboveground improvements, Mr. Graham stated that a 4' x 4' x 4' switchgear box containing electrical equipment would be installed. In response to Board concerns regarding potential conflicts with fire department trucks, he stated he would work with Mr. Guerin to insure that the box is placed in a safe location. He stated the line would tap into the existing system at a point selected by Sussex Rural Electric. Further, Mr. Graham stated Devon Court's base course pavement ends approximately 400' off Wild Turkey Way. He stated a gravel access drive would be installed that follows the alignment of Devon Court and terminates in the cul-de-sac bulb located on the Vernon side. He stated this improvement would provide safe access during construction and prevent the tracking of mud and debris.

Mr. Guerin explained the line would be within the 10' easement on either side of the road. He expressed concern about the location of the proposed line noting that the sewer lines and laterals for the sewer lines are in. Mr. Hall agreed that the placement of the lines would be subject to the review of the HTMUA, and the location of the switchgear box would be subject to the approval of the Board engineer.

Mr. Hall confirmed there would be no burden to any association. He explained metering and operations. He stated maintenance of the line would be performed by KDC Solar. He confirmed that the proposal would not interfere with radio or TV reception.

Mr. Graham noted the County has given their approval. With reference to Sussex County Soil Conservation approval, Mr. Graham stated a merger of the Hardyston Township and Vernon application was suggested by their representative. Mr. Graham stated the plan is to proceed as soon as practical. Mr. Graham confirmed there would be separation between the solar panels and the golf course. He stated there is sufficient distance between the golf holes and panels. Mr. Hall confirmed that the matter is pending in Vernon.

Chairman Kaminski opened the meeting to the public. There were no participants. The meeting was closed to the public.

A motion to approve subject to the conditions noted below was made by Leslie Hamilton and seconded by Bob Neubig. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; Bob Neubig – yes; William Hickerson – yes; James Homa – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried. The specific conditions of approval noted are as follows: the Applicant will coordinate the location of the aboveground box or boxes with the Township Engineer, Bob Guerin; the approval is subject to Mr. Guerin's report; and the Applicant shall coordinate with the HTMUA Engineer. Mr. Collins noted the approval is effective immediately.

DISCUSSION: Special Meeting Request in the matter of PB-8-11-01, Shottland Bauer, LLC, Amended Preliminary and Final Site Plan, "C" Variances, The Shotmeyer, Block 16 Lots 1, 1.02, 6.01, 6.02; Block 16.29 Lot 1 — The Ferndown at Crystal Springs: Bernd E. Hefle, Esq., appeared on behalf of the Applicant and requested the special meeting. He stated there were issues to be resolved, and that is why the request was made. The request was denied.

Thomas F. Collins, Esq., and Carrine Piccolo-Kaufer, P.P., presented information regarding the Highlands Council and COAH matters. Ms. Piccolo-Kaufer stated the Highlands Council granted plan conformance. She stated she would contact the Highland's Council planner to discuss plan conformance mechanisms, including compliance timetables. She indicated that the Township would proceed with the process.

CORRESPONDENCE: The Board received the correspondence noted below. There was no discussion.

1. Eileen Swan, Executive Director, State of New Jersey, Highlands Council
Re: Review of Municipal Response/Public Hearing on Petition; Petition for Plan Conformance; Plan Conformance Grant #09-033-011-1911 (August 12, 2011)
2. Kristin Baltadonis, Environmental Scientist, Paulus, Sokolowski & Sartor, LLC
Re: JCP&L Application to NJ Dept. of Environmental Protection for Hamburg to Sussex Transmission Line for Utility Pole Installation at Route 94 Crossing (August 16, 2011)
3. Clifford R. Lundin, District Manager, Sussex County Soil Conservation District
Re: Pending Expiration of Soil Erosion & Sediment Plan #HY253; Applicant: West Essex Management Industrial Building; Block 62 Lot 18.12 (August 19, 2011)
4. Clifford R. Lundin, District Manager, Sussex County Soil Conservation District
Re: Pending Expiration of Soil Erosion & Sediment Control Plan #HY212
Applicant: Crystal Springs Builders-The Cornwall, One Acre Roadway & Drainage; Block 17 Lot 17.01 (August 19, 2011)
5. Clifford R. Lundin, District Manager, Sussex County Soil Conservation District
Re: Pending Expiration of Soil Erosion & Sediment Control Plan #HY254
Applicant: Crystal Springs Builders-Crystal Springs Office Building; Block 14 Part of Lot 24.01, 24.02, to be Designated as Lot 24.04 (August 19, 2011)

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

Vogel, Chait, Collins and Schneider

Invoice 60682	PB-8-11-2, KDC Solar, LLC	\$ 780.00
Invoice 60680	PB-12-06-3, AMARC Realty	285.00
Invoice 60679	Planning OE	150.00
Invoice 60681	Planning OE: Highlands	75.00

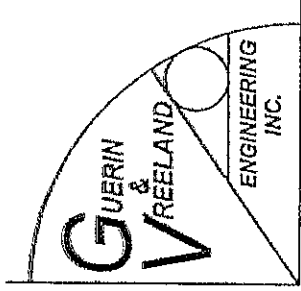
Guerin & Vreeland Engineering, Robert P. Guerin, P.E., P.P.

Invoice WO854H	Planning OE	\$ 630.00
Invoice WO801K	PB-10-9-3, Dell Materials, Inc.,	262.50
Invoice WO874A	PB-8-11-2, KDC Solar, LLC	1732.50

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 Bob Neubig. All were in favor. The motion carried. The meeting adjourned at 8:07 p.m.

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



272 Route 206 • Ste. 215
Flanders, NJ 07836-9081
Tel (973) 252-9340
Fax (973) 252-3069

www.guerinvreeland.com

ROBERT P. GUERIN, PE., P.P.
bguerin@guerinvreeland.com

MICHAEL G. VREELAND, P.E., P.P.
mvreeland@guerinvreeland.com

September 13, 2011

Planning Board
Township of Hardyston
Municipal Building
149 Wheatsworth Road
Hardyston, New Jersey 07419

Re: Amended Preliminary & Final Site Plan
Shotmeyer Tract for KDC Solar LLC
Our Project No. 1001

Dear Board Members:

We are in receipt of the following information provided in support of the above referenced amended site plan application:

- Site Plan consisting of 10 sheets entitled "Amended Construction and Final Site Plan, Amendment to Shotmeyer Tract for KDC Solar, Block 16.32, Lot 2, Block 16.33, Lot 1, Block 16, Lot 1.10, Devon Court, Wild Turkey Way, Township of Hardyston, Sussex County, New Jersey". These plans prepared by Dykstra Walker Design Group are dated August 17, 2011 with no subsequent revisions.
- Application for amended preliminary and final site plan approval with associated attachments.
- Exhibit A which notes the lots involved in this amendment
- Exhibit B which describes the proposed amendment to the application.
- Administrative Checklist
- Schedule "A" Technical Checklists for both amended preliminary and amended final site plan applications.

This application proposes to amend the previous approval for the Shotmeyer tract to allow for installation of a bank of eight underground conduits to provide solar power to the Grand Cascades Hotel and the Crystal Springs Clubhouse. The conduit bank is proposed to be constructed under Devon Court (which is currently partially constructed) and then along a portion of Lot 2 in Block 16.32 and Lot 1 in Block 16.33. The conduit bank will terminate at an existing utility manhole along the sideline of Wild Turkey Way. We have reviewed the information submitted and offer the following comments for the board's consideration:

1. The application includes a number of waiver requests from the preliminary and final site plan technical checklists. These waiver requests include the following:

Preliminary Site Plan

Item No. 10 - Survey of the entire tract.

Item No. 17 - Circulation plan showing vehicular and pedestrian circulation

- Item No. 19 - Existing and proposed sidewalks and driveways
- Item No. 20 - Existing and proposed parking spaces.
- Item No. 23 - Sign Plan showing all signs for the project.
- Item No. 24 - Lighting Plan
- Item No. 25 - Stormwater Management Plan
- Item No. 29 - Landscape Plan
- Item No. 31 - Preliminary Floor Plans and elevations for the proposed buildings
- Item No. 34 - Environmental Impact Assessment

The waivers requested from the above noted requirements for a complete preliminary site plan were each addressed as part of the original site plan and are not germane to this amendment. As such we have no engineering objection to granting the requested waiver from the preliminary site plan technical requirements.

Final Site Plan

- Item No. 1 - As-built plans for the project.
- Item No. 12 - Plan showing All public and common private improvements
- Item No. 13 - Plan showing the storm drainage system
- Item No. 14 - Plan showing as-built Stormwater Management facilities such as drywells and stormwater management basins.
- Item No. 15 - Plan showing as-built information concerning the water system.
- Item No. 16 - Plan showing as-built information concerning the sanitary sewer system.
- Item No. 17 - Stormwater maintenance plan
- Item No. 18 - Plan showing sight triangle easements at the corner of all lots.
- Item No. 21 - Deed of dedication for all public improvement.
- Item No. 22 - Copy of all existing or proposed protective covenants and agreements.
- Item No. 24 - Affidavit from the applicant indicating that all terms and conditions of the preliminary approval have been addressed.
- Item No. 25 - Affidavit from the applicant indicating that the final site plan is identical to the approved preliminary

The waivers requested from the above noted requirements for a complete final site primarily relate to providing as-built information once the construction is complete. Similar waivers were previously granted at the time of the original approval and were included as conditions of final site plan approval. We believe these final site plan items can also be included as conditions of final site plan approval and should be provided on as-built plans upon completion of construction in accordance with the developer's agreement for the Crystal Springs II Project.

2. The plan proposes a 20 foot wide easement around the bank of conduits. This easement will conflict with the easement that the Hardyston Municipal Utility Authority requires for the sewer and water utilities. The Hardyston Utility Authority has generally required easements which are dedicated to them to be unencumbered. Based on this understanding we recommend any action of this board be conditioned upon approval from the Hardyston Municipal Utilities Authority.

3. The note on Sheet 5 relating to the limit of pavement repair needs to be adjusted so it is consistent with the limits of pavement shown on the plan.
4. We have reviewed the proposed depth of the conduit bank as it relates to the two storm sewer pipe crossings. There appears to be a conflict between these utilities. We are also concerned about possible conflicts with sewer and water services relating to the dwellings that will be constructed in this housing section. We believe that at a minimum the conduit bank needs to be placed low enough to allow installation of the water services above the conduit. This will require the conduit bank to be lower than two feet. The applicant's engineer should communicate and coordinate with the Hardyston Municipal Utility Authority Engineer concerning minimum cover requirements for water and sewer services.
5. We recommend that the trench detail for the conduit installation specify dense graded aggregate backfill above the conduit bank within the limit of the proposed roadway.
6. The plans depict a proposed electrical utility vault at approximately station 12+50 along Devon Court. A detail of this vault should be added to the plan.
7. The trench detail provided on sheet 9 should be modified to include 2 inches of surface pavement over 4 inches of base course asphalt for areas where there is existing pavement. This is recommended in order to maintain consistency with the pavement detail approved for the roads within the Shotmeyer Tract.
8. A detail for the temporary gravel access drive should be added to the plan.
9. The applicant should confirm that there are no amended approvals required from either the Sussex County Soil Conservation District or the Sussex County Planning Board. Any approval required from either of these agencies should be included as conditions of any action by this board relating to this amendment.

Very truly yours,
Guerin & Vreeland Engineering, Inc.



Robert P. Guerin, P.E.
Planning Board Engineer
For the Firm

cc: Thomas F. Collins, Esq./via e-mail
Thomas F. Graham, P.E./via e-mail
Gary T. Hall, Esq./via e-mail