

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD
DECEMBER 15, 2011**

CALL THE MEETING TO ORDER: Chairman Kaminski called the meeting to order at 7:55 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 – Absent
Robert F. Schultz – Absent
William Hickerson – Present
James Homa – Absent
Randy Roof (Alternate No. 1) – Absent
Donald Trien (Alternate No. 2) – Present
Brian Kaminski – Present

OTHERS PRESENT: Robert P. Guerin, P.E., P.P.; Thomas F. Collins, Esq.

APPROVAL OF MINUTES: A motion to approve the *Minutes of the Hardyston Township Planning Board Meeting Held November 17, 2011* was made by Donald Trien and seconded by William Hickerson. Roll Call: William Hickerson – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled.

APPLICATIONS: PB-5-08-1a.1, Beaver Run Shopping Center, L.L.C., Extension Request, Preliminary Site Plan, Variances, Hardyston Park Plaza, Block 63 Lot 1.01: Patrick J. Dwyer, Esq., appeared on behalf of the Applicant. He provided an overview of the matter and requested a two-year extension. He stated the property has not been sold.

A motion to grant the extension request for a two-year period was made by Leslie Hamilton and seconded by Carl Miller. Roll Call: Leslie Hamilton – yes; Carl Miller – yes; William Hickerson – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried.

PB-11-11-01, West Essex Management Corporation, Preliminary and Final Site Plan, C Variance, Block 62 Lot 18.12: Christopher Quinn, Esq., appeared on behalf of the Applicant. He provided an overview of the matter. Robert P. Guerin, P.E., P.P., reviewed completeness items with the Board. He stated he would recommend a return to the Board if an industrial use were proposed. Referencing his report, Mr. Guerin also stated he had no objections to the requested waivers relative to the site plan application provided any approval would be provided as a condition of approval. The Applicant stated there was no objection. A motion to deem the application complete was made Carl Miller and seconded by Leslie Hamilton. Roll Call: William Hickerson – yes; Leslie Hamilton – yes; Carl Miller – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried.

Patrick Turzi was sworn. He stated the proposed size of the building is based upon a prospective tenant that requires the larger size. Christopher Quinn, Esq. submitted Exhibit A-1, a letter dated 12/15/11 addressed to Mr. Turzi from a tenant, Worldwide Supply. Mr. Turzi stated the tenant's business is growing. Mr. Turzi stated if he can get approvals for the additional square footage, the tenant would seriously look at it.

Chairman Kaminski opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

David Fantina, P.E., was sworn, qualified, and accepted by the Board as an expert. Referencing sheet two of the plans, Mr. Fantina provided an overview of the site. He identified the layout, circulation pattern, the impervious coverage variance, and the proposed changes to the approved plan. He stated 75 parking spaces are proposed and 69 were previously approved. He stated the drainage and retention design has been changed, and the storm water management requirements have been satisfied. Mr. Guerin confirmed that the drainage design conforms to storm water management requirements.

Mr. Hickerson inquired about the loading docks. Mr. Fantina stated a modification to the plan sheet would be made to show that the docks would be at tailgate level.

Mr. Miller asked about screening at the rear of the property. Referencing sheet five of the plans, Mr. Fantina stated there is a double row of arborvitae. Mr. Kaminski noted that the off-site dwelling would be subject to lights due to the height differential caused by the contours. Mr. Guerin suggested a 6' fence by the curb line. Mr. Miller asked about a buffer abutting the Westy's property. Mr. Graham suggested plantings shown in the rear of the property be placed in this area. Mr. Quinn stated the Applicant was agreeable.

Mr. Miller inquired about hours of operation. Mr. Turzi stated that he could not restrict the site as far as access. He stated he had no objection to the prevention of overnight idling or lighting. Mr. Guerin suggested a limitation on the lighting schedule to include a provision that would require the turning off of lights other than security lights at 10:00 p.m.

Board members reviewed the attached report dated 12/2/11 prepared by Mr. Guerin. The Applicant agreed to comply with the recommendations and provide the requested information. Additionally, the Applicant agreed to bank parking spaces and adjust the impervious coverage calculation.

Chairman Kaminski opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

Stephen Bias, A.I., was sworn, qualified, and accepted by the Board as an expert. Referencing the architectural plan, he stated the concrete, steel, glass, and aluminum butler-type building is durable, efficient, and easy to maintain. He described the floor plan and layout of the building. He noted this type of building typically contains sprinklers and is typically constructed with non-combustible materials.

Mr. Bias discussed the exterior façade. With reference to the front of the building, Mr. Miller stated the front of the building is terrible. Mr. Kaminski suggested the use of stone, windows, and a peak. He suggested that the Applicant take a look at some of the other buildings in the park. Ms. Hamilton stated the building was very plain. Mr. Miller suggested complementary landscaping.

Mr. Turzi stated the building is cost effective and it allows lease marketing at a reasonable number. He explained that the windows are vertical, there is no perimeter steel on the building, and the walls serve several functions. Mr. Turzi stated the wall in question is a weight-bearing wall. Mr. Bias stated a treatment at the base might be helpful. Mr. Miller stated he would like the building to fit in with the rest of the buildings in the park. Mr. Guerin suggested a wall in the area of the detention basin. The Applicant agreed to review the matter.

Chairman Kaminski opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to approve the amended preliminary and final site plan application, and c2 variance subject to the conditions listed below was made by Leslie Hamilton and seconded by Carl Miller.

Roll Call: Leslie Hamilton – yes; Carl Miller – yes; William Hickerson – yes; Donald Trien – yes; Brian Kaminski – yes. The motion carried. The conditions noted are as follows:

- the impervious coverage for 65.9% and additional coverage calculations are to be provided to the Township Engineer;
- the implementation of eight parking spaces near the loading docks is deferred;
- the approval is subject to the recommendations noted in the Board Engineer's report;
- the approval is subject to the Board's review of the architectural design,

- the approval is subject to the installation of a 6' green vinyl fence along the rear area near the driveway,
- the approval is subject to the relocation of some of the proposed evergreen trees at the rear of the property to the southern side of the property adjoining Westy's gym to provide a screen in that area;
- the approval is subject to a prohibition on idling or leaving truck lights on in the driveways or parking lots at nighttime;
- the approval is subject to the Applicant adding a note to the plan that lighting, except security lighting, will be turned off after 10:00 p.m.;
- the approval is subject to the stipulation that if there is an industrial tenant or user they will return to the Board to address environmental and other impacts and comply with the Board's requirements prior to such industrial use; and
- the Board will retain jurisdiction *not approving* the architectural appearance of the front of the building pending review at the 1/26/12 meeting;
- and the approval is subject to the standard conditions

DISCUSSION: There was no general discussion.

CORRESPONDENCE: There was no correspondence discussed.

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

**HARDYSTON TOWNSHIP PLANNING BOARD
ESCROW REPORT
DECEMBER 15, 2011**

Vogel, Chait, Collins and Schneider

Invoice 61598	Planning OE	45.00
Invoice 61599	PB-12-06-3, AMARC Realty	45.00
Invoice 61600	PB-5-08-1, Beaver Run Shopping Center, LLC	120.00
Invoice 61601	PB-8-11-2, KDC Solar, Inc.,	135.00
Invoice 61602	PB-9-06-2, Crystal Springs Builders, LLC	435.00
Invoice 61603	PB-8-11-1, West Essex Management Corp.	150.00

Guerin & Vreeland Engineering, Inc.

Invoice WO589P	MCS-01, Crystal Springs General Escrow	210.00
Invoice WO624DD	PB-9-06-2, Crystal Springs Builders, LLC	918.75
Invoice WO854L	Planning OE	525.00
Invoice WO81G	PB-10-09-2, Kronyak, P.	157.50
Invoice WO876B	PB-11-11-1, West Essex Management Corp.	1102.50
Invoice WO565S	PBC-6-03-1, Senysyn.Hook	1537.50

New Jersey Herald

Invoice 4128989

Planning OE

22.55

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 Leslie Hamilton. All were in favor. The motion carried. The meeting concluded at 9:10 p.m.

Minutes respectfully submitted by:

/s/ *Anne-Marie Wilhelm*

Anne-Marie Wilhelm

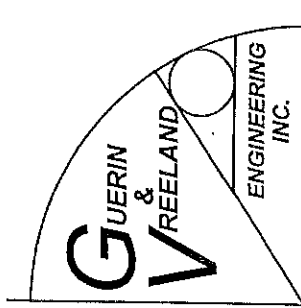
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December 2, 2011

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

Re: West Essex Management Block 62 - Lot 18.12
Park Drive, North Church Tech Center
Amended Preliminary and Final Site Plan
Application No. PB-11-11-01

Dear Board Members:

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

- Site Plan consisting of 10 sheets entitled "Amended Preliminary and Final Site Plan For West Essex Management Corp., Lot 18.12, Block 62, Tax Sheet #25, Hardyston Township, Sussex County, New Jersey". This site plan dated October 26, 2011 was prepared by David E. Fantina, P.E.
- Existing condition plan prepared by Dykstra Associates, Inc. last revised on February 26, 2009.
- Architectural Plans consisting of three sheets entitled "New Commercial Building for Hardyston Industrial II". These plans dated October 20, 2011 were prepared by Stephen N. Bias, RA.
- Report entitled "Hydrologic and Hydraulic Calculations to support the design of Stormwater Detention Facilities & Water Quality Control Features for Commercial Development of Lot 18.12, Block 62 Located in Hardyston Township, Sussex County, New Jersey". This report dated September, 2011 was prepared by David E. Fantina, P.E.
- Map entitled "Drainage Map for Lot 18.12, Block 62 Located in Hardyston Township, Sussex County, New Jersey". This map dated October 26, 2011 has been prepared by David E. Fantina, P.E.
- Maintenance Plan for the Proposed Stormwater Detention Facilities and Water Quality Control Features.
- Application for Amended Preliminary and Final Site Plan.
- Administrative Checklist
- Schedule "A" Checklists for both Preliminary and Final Site Plan Applications.
- Checklist for "C" Variance.
- Written Description of the proposal for this property.
- Waiver Summary List

The applicant proposes an amendment to the previous site plan approval for this property. This amended application proposes to construct a 35,587 square foot building and associated amenities to be used for office/industrial and warehouse operations. The site is located in the I-2 Medium Industrial Zone. We have reviewed the information submitted and offer the following comments for the board's consideration:

1. The applicant has requested several waivers from the technical checklists for the various applications. The following is a summary of the applicable waiver requests and our comments concerning each:

Preliminary Site Plan:

Item No. 27 Wetlands areas and proposed transition areas delineated by a qualified wetlands professional or a statement that no wetlands or wetlands transition areas exist on the property.

Comment: The Waiver Summary List indicates that there are no wetlands or transition areas on the property. Note No. 3 on Sheet 1 of these plans references the note on the previously approved site plan prepared by Dykstra Engineering. Since the previous approval was granted in April, 2008, the board should determine if this reference is adequate.

Item No. 34 Environmental Impact Assessment. The summary of waivers provided with the application indicates that the environmental impact statement can be waived because the proposed use as a warehouse/office building is within a warehouse/office park and the proposed building will only be slightly larger than the previously approved building.

Comment: The uses proposed in this building appear to be similar to the uses in building previously approved for this site. Our only concern relates to an unspecified industrial use. Some industrial uses may impact site plan requirements. The applicant should explain what industrial use is proposed for the property if known. If the applicant does not know what type of proposed industrial use will be occupying the building, it may be appropriate for the board to require the applicant to return to the board once the industrial user has been determined to insure the specific industrial use does not require special provisions to insure that a nuisance or unsafe condition is not created.

The applicant has also requested waivers from items 12, 13, and 21 which relate to common property, existing and proposed easement and new streets. Since none of these items are applicable to this project, we do not believe waivers are required.

Final Site Plan:

- Item No. 1 As-Built Plans drawn signed and sealed by appropriate New Jersey Licensed Professional.
- Item No. 14 As-Built Plans of the stormwater facilities to substantiate conformance with the approved design along with a certification from the design engineer indicating that the stormwater management facilities have been constructed in accordance with the approved design and conform with all applicable stormwater management requirements.
- Item No. 24 Affidavit from the applicant with reasonable supporting documentation as deemed appropriate by the engineer verifying compliance with all terms and conditions of the preliminary approval.
- Item No. 25 Affidavit from the applicant certifying that the final site plan is identical to the preliminary site plan. If not, list specific changes with respect to any deviations.

Comment: These items can not be reasonably supplied to the board until the improvements have been constructed. As such we recommend these items be waived for the purposes of final site plan completeness and instead made conditions precedent to requesting a certificate-of-occupancy for the building.

The applicant has also requested waivers from items 7, 18, and 21, 22 and 23 which relate to existing structures which do not exist, sight easements for a corner lot, dedication of lands for public use and arrangements for maintenance of common property. Since none of these items are applicable to this project, we do not believe waivers are required.

- 2. The applicant is requesting a variance for impervious coverage on the site. The maximum permitted impervious coverage for this project is 60 percent. This proposal will have 65.9 percent impervious coverage. The previously approved plan did not require an impervious coverage variance because the proposed building on the previously approved site plan was 4,878 square feet smaller than the proposed building on this amended site plan. The building on the previously approved site plan was approximately 90 feet wide by 250 feet long with eight units. The building on this amended plan is approximately 100 feet wide by 290 feet long with nine units. Since it appears this larger building and associated parking requirements creates the need for this variance, the applicant's planner should provide testimony concerning why the larger building is needed and how the benefits outweigh the detriments.

3. *We recommend the applicant relocate the eight parking spaces shown between the loading spaces. We believe the limited visibility available to drivers when the loading spaces are in use presents a potentially unsafe condition.*
4. *We recommend that the radius of the curb return at the north side of the north entrance be increased to 40 feet to allow a truck to turn into the facility without crossing the road centerline. This would be consistent with the requirement at the truck entrance on the previously approved site plan.*
5. *The loading spaces are shown angled to the building. The building plans depict the loading docks as being perpendicular to the building. The applicant's professionals should explain how this discrepancy will be resolved.*
6. *We suggest additional landscaping be provided, especially along the south property since this is the side of the property where the loading docks are proposed and abuts the Westlys Gym site.*
7. *While we have no problem with the lighting proposed based on the intensities provided on the plan, the applicant's engineer should explain the type and wattage of various lights proposed. The description shown on the table on the lighting plan should also be updated to more clearly describe the type of light and wattage of each type of fixture proposed.*
8. *A pavement repair detail for Park Drive should be added to the plan. This detail should include 6" dense graded aggregate, 6" bituminous stabilized base course and 2" FABC surface course.*
9. *We recommend that the board require a four foot high fence be provided along the top of all retaining walls. The fence should be shown on the plan.*
10. *The existing water service valve should be used for the proposed connection to the water system for fire protection. The plan should be modified to show this valve rather than showing a connection to the water main as is presently shown on the plan.*
11. *The offset dimension from the freestanding sign to the property line should be noted on the plan. This offset should not be less than five feet based on provisions of the sign ordinance.*

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West Essex Management Block 62 - Lot 18.12
Amended Preliminary and Final Site Plan
December 2, 2011

12. The stormwater design proposes to collect offsite run-off from Lot 18.13 and pipe it to the existing 15 inch diameter storm sewer in Park Drive. Since stormwater from this area is not currently tributary to this storm sewer system, the applicant's engineer should provide an analysis of the existing pipes in Park Drive to insure that they have adequate capacity to convey this additional run-off.
13. We are concerned that the one inch diameter orifice proposed for the detention basin outlet will get easily clogged and potentially impact the detention basin hydraulics. It is our understanding the minimum size recommended for an orifice in a stormwater outlet structure is three inches to try to avoid clogging. This should be investigated by the applicant's engineer and modifications made as required.
14. Since the applicant is requesting both amended preliminary and final site plan approval at this time, we recommend any approval of the final site plan application be contingent upon submission of an as-built plan depicting all the site improvements. In addition the applicant's engineer should provide a certification to this office that the stormwater management system has been constructed in accordance with the approved plan and is functioning as anticipated. This information should be submitted to this office prior to the requesting a certificate-of-occupancy for the building.
15. The following other agency approvals may be required for this project:

Sussex County Planning Board
Sussex County Soil Conservation District
Franklin Borough (Sewer Connection)

Very truly yours,

Guerin & Vreeland Engineering, Inc.



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

cc: West Essex Management
David Fantina, P.E./via e-mail
Thomas Malman, Esq./via e-mail