

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD ON DECEMBER 23, 2025

The meeting was called to order by Mayor Kaminski at approximately 2:15 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Verrilli, Councilman Miller, Councilman Kula, Manager Carrine Piccolo-Kaufer and Clerk Jane Bakalarczyk. Councilman Cicerale and Township Attorney Robert Rossmeissl of Dorsey & Semrau were present via Zoom.

SALUTE THE FLAG

ORDINANCES

2nd READING:

2025-12

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PROVISIONS OF CHAPTER 88, FEES, OF THE REVISED GENERAL ORDINANCES TO UPDATE CERTAIN CONSTRUCTION CODE FEES AND FIRE PREVENTION FEES

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey as follows:

SECTION 1. Certain portions of Chapter 88 Fees, Section 88-2 Construction Code Fees, of the aforesaid Revised General Ordinances are hereby amended and supplemented to read as follows:

§ 88-2. Construction Code Fees.

- A. Construction permit fees. The fee for a construction permit shall be the sum of all subcode applications, plus all administrative and miscellaneous fees listed in Subsection F(1) through (11) below. All fees will be rounded to the nearest dollar and shall be paid before the permits are issued, unless otherwise stated. The minimum construction permit fee shall be \$100 for mechanical permits and \$75 for all other permits.
- B. Building subcode fees are as follows:
- (1) For new construction for buildings of Use Groups F and S the fee shall be \$0.035 per cubic foot and \$0.050 per cubic foot for all other Use Groups provided that the minimum fee shall be \$75. The fee for new commercial farm structures as per N.J.A.C. 5:23-3.2(d) shall be \$0.0165 per cubic foot. For pre-manufactured construction, in addition to applicable cubic footage, fees shall be computed at a rate of \$40 per \$1,000 of the estimated cost of onsite construction associated with completion of the structure.
 - (2) Renovations, alterations, and repairs are based on the estimated cost of the work. The fee shall be \$40 per \$1,000 provided that the minimum fee shall be \$75.
 - (3) The fee for open decks, porches and raised platforms shall be based on the cost of construction as per Subsection B (2) above.
 - (4) Fees for combination renovations and additions shall be the sum of the fees computed separately in accordance with Subsection B(1), (2) and (3) above.
 - (5) The fee for a permit to re-roof or re-side an existing structure of use group R-3, R-4 or R-5 shall be \$75, all other use groups shall be based on the cost of construction as per Subsection B(2) above.
 - (6) Fees for retaining walls shall be as follows:
 - (a) The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$250.
 - (b) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$150.

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(c) The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction as Subsection B(2) above.

(7) The fee for structures for which volume cannot be computed, such as open structural towers, shall be \$750.

(a) The fee for temporary tents, membrane structures or canopies that exceed any one or more of the following parameters shall require a UCC permit for temporary tents, membrane structures and canopies requiring permits in accordance with N.J.A.C.5:23-2.14(b)4 as follows:

900 sq ft or less-(\$200.00)
over 900 sq ft- (\$500.00)

(8) The fee for swimming pools shall be as follows and shall include all required pool enclosures:

(a) In-ground swimming pool \$250.

(b) Storable pool: \$75.

(c) The fee for inspection of preexisting pools requiring inspection for compliance with the barrier requirements as defined in the building subcode shall be \$75.

(9) The fee for fencing exceeding six feet in height shall be \$75.

(10) The fee for a permit to construct a ground or wall sign shall be \$2 per square foot computed on one side only for single or double-faced signs provided that the minimum fee shall be \$75. The fee for a pylon sign per square foot shall be \$4.

(11) The fee for a permit to demolish a building or structure shall be as follows: Use Groups R-3 and R-5 shall be \$100; and all other Use Groups shall be \$250.

(12) The fee for mechanical inspection in a Use Group R-3 or R-5 structure by a mechanical inspector shall be \$100 for the first device and \$40 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

C. Plumbing subcode fees are as follows:

(1) The fee for each fixture, stack, appliance or residential backflow preventer connected to the plumbing system shall be \$30. The fee for oil or gas piping to a single fixture or appliance shall be \$65.

(2) The fee for each special device including grease traps, oil separators, air conditioning or refrigeration units, water and sewer connections, flammable and combustible liquid storage tanks, commercial backflow preventers, steam or hot water boilers, gas or fuel oil piping (multiple fixtures or appliances), active solar systems, sewer pumps, and interceptors shall be \$75.

(3) The minimum permit fee for work including the plumbing subcode shall be \$75.

D. Fire protection subcode fees are as follows:

(1) Wet or dry sprinkler suppression systems as per the following numbers of heads:

Number of Heads Fee	
1 to 20	\$125
21 to 100	\$200
101 to 400	\$400
401 to 1,000	\$1,000
Over 1,000	1,250

(2) Fee for each standpipe: \$375.

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(3) Fee for each gas- or oil-fired appliance not connected to the plumbing system: \$75.

(4) Commercial kitchen exhaust system, each: \$150.

(5) Independent pre-engineered suppression systems, each: \$150.

(6) Fuel storage tanks (underground or above ground, installation only) each:

Capacity (gallons) Fee	
1 to 1,000	\$75
1,001 to 4,000	\$150
Over 4,000	\$200

(7) The fee for a demolition permit issued for the removal storage tanks for flammable and combustible liquids shall be as follows:

- (a) Underground – unregulated: \$100 per tank
- (b) Underground – regulated: \$200 per tank
- (c) Aboveground - \$75 per tank

(8) Smoke or heat detectors:

Number of Detectors Fee	
1 to 20	\$75
21 to 100	\$100
101 to 200	\$150
201 to 400	\$300
401 to 1,000	\$500
Over 1,000	\$1,000

(a) Each Supervisory, signaling and other devices: \$25.

(9) Manual or automatic alarm systems: \$150.

(10) Central control system: \$250.

(11) The fire protection subcode fee shall be a minimum of \$75 for single-family dwellings; and \$100 for all other structures.

E. Electrical subcode fees are as follows:

(1) The fees for electrical receptacles, fixtures and devices are as follows:

(a) For the first block consisting of one to 50 receptacles, fixtures, or device: \$65.

(b) For each additional block consisting of up to 25 receptacles, fixtures, or devices: \$25.

(2) The fees for electrical devices/generators/transformers or solar photovoltaic systems, motors, air conditioner feeders and disconnects are as follows:

(a) For each electrical device/generator/transformer, or motor rated up to 10 kw or 10 hp: \$65.

(b) For each electrical device/generator/transformer rated over 10 kw to 45 kw or motor rated over 10 hp to 50 hp: \$150.

(c) For each electrical device/generator/transformer rated over 45 kw to 112.5 kw; for each motor rated over 50 hp to 100 hp; or for each air conditioner feeder and disconnect, commercial 1:51 hp or over, plus unit: \$200.

(d) For each electrical device/generator/transformer rated over 112.5 kw: \$650.

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(e) For each motor over 100 hp: \$650.

(f) Fees for solar photovoltaic systems inclusive of all components associated with the installation for ALL USE GROUPS shall be a flat fee as follows (the flat fee does NOT include any service-related equipment replacement or installation outside the limits of the PV system installation):

- (1) 10 kw and less: \$375.00
- (2) Greater than 10kw to 25 kw \$450.00
- (3) Greater than 25kw to 45kw \$550.00
- (4) Greater than 45kw to 112.5 kw \$650.00
- (5) Greater than 112.5 kw \$1,200.00

(3) The fees for service panels/service entrances/sub panels are as follows:

(a) For each service panel/service entrance/sub panel from 0 to 200 amps: \$65.

(b) For each service panel/service entrance/sub panel over 200 to 1,000 amps: 125.

(c) For each service panel/service entrance/sub panel over 1,000 amps: \$500.

(4) The fee charged for electrical work for each permanently installed private swimming pool, spa, hot tub or fountain as defined in the building subcode shall be a flat fee of \$100.00 for above ground and \$150 for in-ground, which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panel boards and underwater lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with Subsection E(1) through (3) above.

(5) The fee for annual inspections for public swimming pools shall be \$75.

(6) The fees for pool permits, with UW lights: \$25.

(7) The fees for storable pool/spa/hot tub: \$75.

(8) The fees for light standards: \$25.

(9) The minimum permit fee for work including the electrical subcode shall be \$75.

F. Administrative and miscellaneous fees.

(1) The fee for plan review shall be 20% of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. This fee shall be credited toward the amount of the construction permit fee.

(2) The fee to process an application for a variance pursuant to N.J.A.C. 5:23-2.10 shall be as follows:

Type of Structure	Application Fee	Resubmission Fee
Class I	\$150	\$50
Class II	\$100	\$25
Class III	\$50	\$25

(3) An administrative surcharge fee of twenty percent (20%) shall be charged on each subcode application issued by any third-party agency contracted by the Township of Hardyston.

(4) The fee for the reinstatement of a lapsed permit shall be 20% of the original fee calculated per subcode application; provided that the minimum fee shall be as per subcode.

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- (5) The fee for each construction permit and certificate of occupancy issued for an asbestos hazard abatement project shall be as set forth in N.J.A.C. 5:23-8.9(a)1 and 2.
- (6) The fee for a permit for lead hazard abatement work and clearance certificate shall be as set forth in N.J.A.C. 5:23-4.20(c)3.ix.
- (7) The fees for certificates of occupancy are as follows:
 - (a) Certificate of occupancy for one- and two-family dwellings: \$100.
 - (b) Certificate of occupancy for accessory buildings to one- and two-family dwellings: \$35.
 - (c) Certificate of occupancy for buildings or structures of all other use groups: \$200.
 - (d) Certificate of occupancy for accessory buildings of all other use groups: \$50.
 - (e) Multiple certificates of occupancy for all use groups, per unit: \$75.
 - (f) Certificates of occupancy for change of use group only: \$150.
 - (g) Certificates of continued use or occupancy: \$200.
 - (h) The fee for first issuance or renewal of a temporary certificate of occupancy shall be: \$30.
- (8) Certificates of compliance as required by N.J.A.C. 5:23-2.23(1) are as follows:
 - (a) High pressure boilers (12 months): \$50.
 - (b) Refrigeration systems (12 months): \$25.
 - (c) Pressure vessels (12 months): \$50.
 - (d) Cross connections and backflow preventers (12 months): \$50.
- (9) State of New Jersey permit fee shall be in the amount of \$0.00371 per cubic foot of volume of all new construction and \$1.90 per \$1,000 of estimated cost for alterations and repairs or as currently posted in the regulations. These fees are set by and shall be accounted for and forwarded to the Bureau of Regulatory Affairs as per N.J.A.C. 5:23-4.19(C)1.
- (10) The fee for a change of contractor shall be: \$25.
- (11) The fee for a letter stating that no certificate of continued occupancy is required shall be \$45.
- (12) The minimum fee for the review of any amendment or change to a plan that has already been released shall be the minimum fee for the applicable subcode (\$75). For all other purposes, the hourly cost of operations shall be certified by the Chief Financial Officer using a formula of total expenditures plus 12% for indirect costs divided by employees weekly hours.
- (13) Unlisted fees: Construction fees not specifically listed in this schedule shall be as listed in N.J.A.C. 5:23-4.20.

SECTION 2. Chapter, 88 Fees, Section 88-5, Fire Prevention, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 88-5. Fire Prevention.

A. Non-Life-Hazard Use Registration Fees (§ 94-10B):

- (1) All occupancies 500 or less square feet: \$50.00
- (2) All occupancies between 501 and 9,999 square feet \$100.00
- (3) All occupancies 10,000 or more square feet: \$200.00.

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- B. Fire suppression tank fees (§ 94-10C):
 - (1) Annual registration for quarterly inspections: \$40.
- C. Annual Type 1, Mobile or Temporary Food Preparation Activities:
 - (1) Annual Permit Fee (Per Town – Unlimited Events): \$300.
- D. Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance (CSACMAPFEC):
 - (1) Requests received more than 10 days prior to closing/change of occupancy: \$100.00
 - (2) Requests received 4 to 10 business days prior to closing/change of occupancy: \$150.00
 - (3) Requests received fewer than 4 business days prior to closing/change of occupancy: \$200.00
 - (4) Any required re-inspections: \$50
- E. Fines and penalties:
 - (1) Penalty for non-registration of non-life-hazard use:
 - (a) Thirty days overdue: amount equal to unpaid fee.
 - (b) Sixty days overdue: \$250.

SECTION 3. All ordinances or parts of ordinances of the Township of Hardyston inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 5. This ordinance may be renumbered as necessary.

SECTION 6. This law shall take effect on January 1, 2026, following final passage, approval and publication as required by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kula to approve Ordinance 2025-12 on second reading, seconded by Miller. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #106-25 – Resolution authorizing a settlement agreement before the Affordable Housing Dispute Resolution Program

RESOLUTION #106-25

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON APPROVING AND RATIFYING THE MEDIATION AGREEMENT BETWEEN THE TOWNSHIP OF HARDYSTON AND FAIR SHARE HOUSING CENTER REGARDING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN FILING AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

WHEREAS, the Township of Hardyston filed a Complaint with the Affordable Dispute Resolution Program seeking certification of its 2025 Housing Element and Fair Share Plan (HEFSP); and

WHEREAS, there were no third-party objectors to the HEFSP and Fair Share Housing Center issued a letter requesting additional information regarding the Plan; and

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WHEREAS, the parties have been able to resolve their differences and have decided to enter into the attached Mediation Agreement confirming the parties' positions and support for certification of the Township's 2025 Housing Element and Fair Share Plan and immunity.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Mayor and Council hereby approve the attached Mediation Agreement and ratify the signature of the Township Attorney, Thomas F. Collins, Jr., Esq., on the Mediation Agreement.

A motion was made by Miller to approve the resolution as presented, seconded by Kula. All in favor. Motion carried.

COUNCIL COMMENTS:

Councilman Verrilli expressed his appreciation to the Township Council for his years of service on the Township Council.

PUBLIC COMMENT (in accordance with P.L. 2002, c.80): A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: At approximately 2:30 p.m., a motion was made by Kula to adjourn seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk