

**RESOLUTION OF MEMORIALIZATION
TOWNSHIP OF HARDYSTON JOINT LAND USE BOARD
IN THE MATTER OF [REDACTED] DEVELOPMENT, LLC
DECIDED ON MARCH 10, 2025
MEMORIALIZED ON JUNE 9, 2025
LUB APPLICATION NO. 12-23-1**

**APPROVAL OF APPLICATION FOR PRELIMINARY AND FINAL SITE PLAN
AND RELATED SITE PLAN DESIGN EXCEPTION RELIEF
FOR THE SUBJECT PROPERTY
KNOWN AND DESIGNATED ON THE OFFICIAL TOWNSHIP OF HARDYSTON
TAX MAP(S) AS BLOCK 62, LOT 18.05
LOCATED WITHIN THE TOWNSHIP OF HARDYSTON'S
I-2 MEDIUM INDUSTRIAL ("I-2") ZONE DISTRICT**

WHEREAS, the Applicant, [REDACTED] Development, LLC (the "Applicant"), filed an application for development (the or its "Application") with the Township of Hardyston (the "Township" or "Hardyston") Joint Land Use Board (the "Board"), seeking preliminary and final site plan approval and related site plan design exception relief, all of which is described in greater detail *infra*, to construct an 18,780± square foot flex industrial building on the subject real property known and designated on the Township Official Tax Map(s) as Block 62, Lot 18.05 (the "Property," or the "Subject Property"), generally located at 9 Park Drive, Hardyston, within the Township's I-2 Medium Industrial Zone District (the "I-2 Zone"); and

WHEREAS, a public hearing was held before the Board on February 10, 2025 and March 10, 2025 (collectively these dates are referred to as the "Public Hearing" or "Hearing"), after the Board determined it had jurisdiction over the Application; and

WHEREAS, Luke Pontier, Esq., of the law firm Day Pitney ("Applicant's Counsel" or Applicant's Attorney") represented the Applicant and appeared on its behalf at the Hearing; and

NOW, THEREFORE, the Board hereby makes the following finds of fact based on the evidence and testimony presented at the Public Hearing, at which time a record was made regarding the Application.

1. The Applicant filed certain materials and plans in support of the Application, including the following:

a. Township Land Use application inclusive of associated documents and checklists (collectively the "Application Forms") and correspondence from the Applicant's Attorney;

- b. Township Highlands Exemption Determination Application;
- c. Sussex County Planning Board application and associated documents;
- d. Site Plan / Engineering plan set prepared by Dykstra Walker (the "Site Plans" or "Site Plan"); and
- e. Applicant Exhibits A-1 through A-4 as submitted at the Hearing.

2. The Public Hearing commenced after the Board confirmed that Applicant had satisfied the applicable New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.* (the "MLUL") notice requirements.

3. The Applicant as represented by Mr. Pontier initially appeared before the Board on February 10, 2025, with Mr. Pontier providing an opening statement introducing the Application, explaining that the Applicant seeks preliminary and final site plan approval, variance relief for deviating impervious coverage and parking conditions, and related site plan design waivers and/or exceptions to construct a $\pm$ 22,500 square foot flex industrial building on the Property, as depicted in greater detail on the Site Plan.

4. The Applicant's civil engineer, Thomas Graham, PE, was then sworn-in for the purpose of providing testimony to the Board in support of the Application. His qualifications as a licensed expert in the field of civil engineering were reviewed and accepted by the Board.

5. Mr. Graham orientated the Board with the Property, testifying that it is situated along Park Drive, within the existing North Church Technical Center ("NCTC") and located in the I-2 Zone and Highlands Planning Area, indicating that the eastern edge of the Property is currently developed with a water storage tank and booster pump facility associated with the NCTC fire suppression water system, all of which will remain.

7. Mr. Graham explained that the Applicant requires preliminary and final site plan approval together with the variance relief for deviating impervious coverage and parking conditions as depicted on the Site Plans.

8. The Board reviewed the Township Engineer's Report regarding the Application and questioned the Applicant and its professionals regarding the

proposed size of the building, and why it should not be reduced in size in order to fully comply with applicable I 2 Zone bulk requirements.

9. In response, the Applicant agreed to revisit the Site Plans to see if it could accommodate the Board's concerns and the comments set forth in the Township Engineer's Report regarding the size of the proposed building and the potential to eliminate the impervious coverage and parking variances.

10. The Applicant returned to the Board on March 10, 2025, at which time the Hearing continued.

11. Applicant's Counsel confirmed that the Applicant was able to address the Board comments and concerns as previously made at the February 10, 2025 hearing night and as set forth in the Township Engineer Report.

12. The Applicant introduced Exhibit A-4, with Mr. Graham testifying in support of same.

13. Mr. Graham confirmed that the building size is reduced to 18,780± square feet, and that the impervious coverage and parking variances are no longer required.

14. The Board and the Township Engineer confirmed that the revised proposal as generally depicted on Exhibit A-4 is acceptable subject to the Applicant providing revised Site Plans as necessary for the Township Engineer's review and approval.

15. The Hearing was opened and closed to the public with one member of the public asking a question about the Applicant and the proposed and reduced building size.

16. The Hearing then concluded with the Board unanimously voting to approve the Application as memorialized herein.

NOW, THEREFORE, the Board makes the following conclusions of law based upon the foregoing:

1. The Application is properly before the Board for preliminary and final site plan approval and related site plan design exception relief.

2. The MLUL and related case law such authorizes the Board to grant all of the relief required for the Application based upon the Applicant's

submission of a site plan, survey, other plans, exhibits, documentation, information, and testimony as is reasonably necessary to make an informed decision as to whether the requirements necessary for such approval have been met. Consequently, after the Board's careful review of the requirements of the Application, plans, and all associated Application documents including Exhibit A-4 depicting the 18,780 square foot building and fully conforming impervious coverage, parking conditions and calculations, and other bulk conditions, and furthermore its careful review of the Township Engineer Report and all of the testimony and statements made at the Public Hearing, the Board FINDS and CONCLUDES that the Application fully conforms to I-2 Zone use and bulk requirements and should be approved in its entirety, subject to the terms and conditions of the within Resolution. The Board further finds and concludes that the required landscaping-related site plan design exception should be granted, as the Site Plan otherwise complies with all applicable requirements as stated *supra*, and this exception relief is de minimis. Moreover, the Applicant agrees to revise the Site Plan to the Township Engineer's full satisfaction, and the Applicant shall return to the Board if there is any dispute regarding same.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Hardyston Joint Land Use Board, that the Applicant's request and Application seeking preliminary and final site plan approval together with ancillary site plan design exception relief for its proposed new 18,780 square foot flex industrial space building and related site improvements on the Property is hereby APPROVED, in accordance with and as memorialized in the within Resolution, which is inclusive of the recitals set forth in the above "WHEREAS" clauses.

1. The Applicant is bound by all stipulations and representations made during the course of the Public Hearing and acknowledges that the Board has specifically relied on such stipulations and representations.

2. This Approval is granted strictly in accordance with any recommendations set forth on the record by the Board and its professionals during the Public Hearing.

3. The Applicant shall fully comply with all of the terms, conditions, recommendations, and requirements of the Township Engineer and the

Township Engineer Report as applicable, which is attached hereto and fully incorporated herein by reference.

4. The Applicant shall comply with all applicable terms, conditions, recommendations, and requirements of any and all other reports issued by the Township Engineer and any and all other Township professionals, officials (including and not limited to the Township Fire and Police Departments), and Township staff regarding the Property.

5. Any and all conditions and requirements of all other prior Resolutions regarding the Property shall remain in full force and effect, unless otherwise specifically modified or vitiated by the within Resolution.

6. The Applicant shall revise the Site Plan to depict the 18,780 square foot building and, if applicable, present revised lighting and landscaping plans in accordance with the Township Engineer Report and submit same to the Township Engineer. Site lighting will be reduced after business hours to security lighting. A security lighting plan will also be provided. Site lighting will be further subject to as-constructed review and adjustment in the discretion of the Township Engineer. The revised Site Plans shall be subject to the review and approval of the Township Engineer, with any dispute regarding same being returned to the Board as final arbiter. The Board reserves jurisdiction over the Application in this regard.

7. Fuels and hazardous materials shall not be stored anywhere on the Property.

8. In addition to revising the Site Plan, the Applicant shall provide an as-built plan upon completion of construction.

9. The Applicant shall obtain any and all other governmental approvals required for the Application and the development of the Property, including and not limited to Hardyston Township Municipal Utilities Authority ("HTMUA") approval, if applicable.

10. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of request by the Board's Secretary.

11. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Hardyston, County of Sussex, State of New Jersey, or any other jurisdiction.

The undersigned Secretary of the Township of Hardyston Joint Land Use Board hereby certifies that the within Resolution was adopted by the Board pursuant to N.J.S.A. 40:55D-10(g) at its meeting on Monday, June 9, 2025. This Resolution memorializes the action taken by the Township of Hardyston Joint Land Use Board at a public meeting of the Board held on March 10, 2025.


Anne Marie Wilhelm, Secretary