

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING HELD  
JANUARY 24, 2002**

**CALL TO ORDER:** The meeting was called to order at 7:30 p.m.

**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
Ken Kievit	Excused
Marbeth Boffa	Present
Randy Roof	Present
William Castiglione	Excused
Robert Neubig	Present
Carl Miller	Present
Greg Eisenecker	Excused
Thomas Zygmunt	Present
Ed Zinck Alt. #1	Present
Ed Frisbie Jr. Alt. #2	Present

**APPROVAL OF MINUTES:**

A motion to adopt the minutes of the November 29, 2001, meeting was made by Robert Neubig and seconded by Marbeth Boffa. Roll Call: Leslie Hamilton – yes, Carl Miller – abstain, Marbeth Boffa – yes, Robert Neubig – yes, Randy Roof – yes, Thomas Zygmunt – yes, Ed Zinck – yes, Ed Frisbie – abstain. The motion carried.

**RESOLUTIONS:**

**H.F.H Development, Block 67, Lot 16.01, PB-8-01-2: Construction/Final Subdivision and Site Plan for 52 Zero Lot Line Homes:** A motion to adopt a resolution approving the application of HFH for preliminary subdivision and construction plan approval of Phase IV of Indian Field was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Marbeth Boffa – yes, Robert Neubig – yes, Thomas Zygmunt – yes, Ed Zinck – yes. The motion carried.

**Polizzi Builders, Walden Village Section VI, Block 67.14, Lots 10 – 14 and Block 67.15, Lots 1 – 4, PB-11-01-2: Sectional Final Major Subdivision:** A motion to adopt a resolution approving the Final Major Subdivision Plat as amended of Polizzi Builders for Section VI of Waldon Village was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Carl Miller – abstain, Marbeth Boffa – yes, Robert Neubig – yes, Randy Roof – yes, Thomas Zygmunt – yes, Ed Zinck – yes, Ed Frisbie – yes. The motion carried.

**Bargiel, Gary – Block 63, Lot 24.05, PB-11-01-3: Minor Subdivision:** A motion to adopt a resolution approving the Minor Subdivision application was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Carl Miller – abstain, Marbeth Boffa – yes, Robert Neubig – yes, Randy Roof – yes, Thomas Zygmunt – yes, Ed Zinck – yes, Ed Frisbie – yes. The motion carried.

**APPLICATIONS:**

**Brennan, Thomas – Block 64, Lot 4.04, PB-1-02-1, Preliminary and Final Site Plan:**

John Ersin, Esq., appeared on behalf of the Applicant. John Lehman, P.E., Thomas Brennan, and Theodore Brennan were sworn. Mr. Lehman presented the Applicant's plan to change from a residential use to a commercial use by converting an existing residential building into a construction office.

Board members reviewed the attached report dated January 23, 2002, forwarded by Board Engineer Robert P. Guerin. Mr. Lehman agreed to comply with all of Mr. Guerin's recommendations and document the revisions. With reference to item No. 3, Mr. Guerin agreed that an area could be reserved for additional parking spaces that can be added as needed.

The meeting was opened to the public for questions or commentary on this matter. There were no participants. The meeting was closed to the public.

A motion to grant the requested waivers for completeness only and deem the application complete was made by Marbeth Boffa and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Carl Miller – yes, Marbeth Boffa – yes, Robert Neubig – yes, Randy Roof – yes, Thomas Zygmunt – yes, Ed Zinck – yes, Ed Frisbie – yes. The motion carried.

A motion to conditionally approve the Preliminary and Final Site Plan was made by Leslie Hamilton and seconded by Marbeth Boffa. Roll Call: Leslie Hamilton – yes, Carl Miller – yes, Marbeth Boffa – yes, Robert Neubig – yes, Randy Roof – yes, Thomas Zygmunt – yes, Ed Zinck – yes, Ed Frisbie – yes. The motion carried.

**Crystal Springs Builders – Block 16, Lots 1.03, 1.05, 1.06, PB –1-02-2, Amended Preliminary and Final Site Plan for the Creige Pod:** Joel Murphy, Esq., appeared on behalf of the Applicant. Joseph Barbieri, P.E., and Andrew Mulvihill were sworn. Board members reviewed the attached report of Robert P. Guerin, P.E., dated January 23, 2002. The Applicant agreed to comply with the recommendations of Board Engineer Guerin. Additional discussion concerning the following items was as follows: Item 4.1 - the Applicant agreed to remove Building No. 7 and move building Nos. 5 and 6; Item 4.4 - the Applicant agreed to show 17 parking spaces; and Item 5.2 - Mr. Guerin recommended that a uniform cross-section be provided along Clubhouse Road. However, following discussion with Mr. Barbieri, Mr. Guerin stated that modifications were not necessary.

The meeting was opened to the public for questions or commentary on this matter. There were no participants. The meeting was closed to the public.

A motion to conditionally approve the application for Preliminary and Final Site Plan was made by Leslie Hamilton and seconded by Robert Neubig. Roll Call: Leslie Hamilton – yes, Carl Miller – yes, Marbeth Boffa – no, Robert Neubig – yes, Randy Roof – yes, Thomas Zygmunt – yes, Ed Zinck – no, Ed Frisbie – no. The motion carried.

**Wild Turkey LLC/Crystal Springs Acquisitions, Inc., - Block 16, Lots 6.02, 1 and 1.07, PB-1-02-3, Amended Preliminary and Final Site Plan:** Joel Murphy, Esq., appeared on behalf of the Applicant. John Lehman, P.E., John LeBar, and Andrew Mulvihill were sworn. Mr. Murphy requested an extension of the allowed time to complete the clubhouse and modify the plan to show the exact location of the clubhouse. Mr. Lehman testified that the clubhouse location was moved 150' NE to accommodate a design that would enable a hotel to be constructed adjacent to the clubhouse. It was noted that the change was made in the field. In addition, Mr. Lehman stated that the clubhouse was turned to alter the views. Board members reviewed photographs of the clubhouse from varying perspectives.

The attached report of Robert P. Guerin, P.E., dated January 21, 2002, was reviewed by the Board. The Applicant agreed to comply with the recommendations of the Board Engineer and provide plan revisions by the meeting of February 28, 2002. It was noted that items 4.02, 4.03, 4.04, and 5.01 are subject to further engineering review.

The meeting was opened to the public for questions and or commentary on this matter. Mr. Jim Vecchio stated that the parties on St. Andrew's were not informed about a plan for lighted recreation courts in their vicinity. Mr. Mulvihill stated that if the residents of St. Andrews do not want lighting on the recreation courts, it will not be installed. Mr. Mickey Braffet stated that the entrance to the Bluffs is a disaster due to construction traffic. He stated he was concerned about the increase in traffic on Wild Turkey Way due to the clubhouse and golf course. Mr. Mulvihill stated that an effort is being made to control construction traffic off Route 515 and direct it to access the development from Route 94. The DOT major highway access permit application will be submitted upon completion of a preliminary plan and traffic studies. Mr. Mulvihill stated he expects a DOT meeting within 90 days. In addition, a GPU pole at the exit way needs to be moved, the entrance way needs to be installed, and curbing and signage also need to be installed. Mr. Murphy stated that approval has been granted for access from Route 94 to the clubhouse. Mr. Kiss questioned the Board concerning deadlines imposed on Mr. Mulvihill by the Board and Mr. Mulvihill's failure to meet the deadlines. Mr. Kiss stated that the water issues have not yet been resolved. Chairman Zygmunt informed the public that commentary and questions are restricted to the matter and other non-related issues can be addressed during the general public participation session. Mr. Bob Weeks suggested that a sign directing construction traffic to utilize the Route 94 entrance only may increase the likelihood for compliance with Mr. Mulvihill's directives. Mr. Larry Kehoe suggested that Mr. Mulvihill forward letters to his construction vendors requesting the utilization of the Route 94 entrance to the development. Mr. Mulvihill agreed to forward the letters and copy the Board. Ms. Barbara Tess stated that her deck faces Turkey Hill Way and because of the road condition, excessive amounts of dirt are to be found on her deck and in her home. Mr. Mulvihill stated that the road is scheduled to be paved, possibly next week, and landscaping will be installed in the spring. Mr. Gene Faatz questioned the existence of any requirements for a buffer zone between his lot and the proposed recreation courts. Mr. Guerin noted that there is no requirement. Having no further participants, the meeting was closed to the public.

With reference to the timetable for completion of the clubhouse, Mr. Mulvihill stated that the clubhouse will be completed in approximately one year. Mr. Mulvihill stated that the primary reason for the delay was caused by the clubhouse builder quitting and the implementation of revisions to the interior. He also stated that many changes have been made to better the project.

In view of further questions from the public, the meeting was opened to the public for questions and commentary on this matter. Mr. Ken Brock stated that he did not see the benefit of not opening the golf course if the clubhouse is not completed. Mr. Bob Weeks stated that he did not want to see the Board prohibit the opening of the golf course because the clubhouse is not finished, however there should be a penalty for not honoring commitments. Mr. Larry Kehoe stated that he believed Mr. Mulvihill should come in on the next meeting date with a date for the clubhouse opening. Ms. Dianne Payne questioned the Board regarding the existence of a possible cash flow problem with the developer. Board Attorney Collins informed the public that the cash flow question is not within the Board's jurisdiction and referred Ms. Payne to the developer. Having no further participants, the meeting was closed to the public.

A motion to approve the application was made by Thomas Zygmunt. There was no second. A motion to carry the matter to the February meeting was made by Marbeth Boffa and seconded by Randy Roof. Roll Call: Leslie Hamilton – yes, Carl Miller – yes, Marbeth Boffa – yes, Robert Neubig – yes, Randy Roof – yes, Thomas Zygmunt – no, Ed Zinck – yes, Ed Frisbie – yes. The motion carried. The matter was carried without notice.

**Wild Turkey LLC – Various Blocks and Lots – PB-1 – 02-4, Amended and Final Site Plan Application for Wild Turkey Golf Course:** The matter was carried without further notice to the meeting of February 28, 2002.

**Wild Turkey LLC/Crystal Springs Acquisitions, Inc. – Various Blocks & Lots, PB-1-02-5, Amended Preliminary and Final Site Plan Application for Realignment of Wild Turkey Way:**  
The matter was carried without further notice to the meeting of February 28, 2002.

**BILLS:**

A motion to approve the bills listed below was made by Marbeth Boffa and seconded by Randy Roof. Roll Call: Leslie Hamilton – yes, Carl Miller – abstain, Marbeth Boffa – yes, Robert Neubig – yes, Randy Roof – yes, Thomas Zygmunt – yes, Ed Zinck – yes, Ed Frisbie – yes. The motion carried.

**JANUARY 24, 2002, BILL LIST**

Guerin Engineering, Inc.	PB-6-01-1, Polizzi	\$1870.00
Guerin Engineering, Inc.	PB-8-98-1, Morse	297.50
Guerin Engineering, Inc.	MCS-01	905.00
Guerin Engineering, Inc.	PB-11-01-3, Bargiel	340.00
Guerin Engineering, Inc.	PB-01, Bartek	255.00
Guerin Engineering, Inc.	MCS-01, Crystal Springs	725.00
Guerin Engineering, Inc.	PB-11-01-1, Sussex National Development	1537.50
Guerin Engineering, Inc.	PB-1-02-5, Sussex National Development	2070.00
Guerin Engineering, Inc.	High Ridge Properties	637.50
Guerin Engineering, Inc.	PB-5-01-1, HFH Development	510.00
Guerin Engineering, Inc.	PB-6-00-1, Kapchenko	450.00
Guerin Engineering, Inc.	Planning OE	340.00
Guerin Engineering, Inc.	ESC-01, Rotella	127.50
Guerin Engineering, Inc.	PB-10-99-1, Storage Solutions	597.50
Guerin Engineering, Inc.	PB-7-01-1, Crystal Springs-Tarryall	682.50
Guerin Engineering, Inc.	Crystal Springs MCS-01	42.50
Guerin Engineering, Inc.	PB-6-01-3, Crystal Springs-Bourne	
Guerin Engineering, Inc.	Crystal Springs, MCS-01	75.00
		1535.00
Guerin Engineering, Inc.	RWV-01, Rizzo Walden	892.50
Weiner Lesniak	PB-4-01-1, SBA Towers	474.79
Vogel, Chait, Collins, et. al	RWV-01, Walden Village	
		87.50
Vogel, Chait, Collins, et. al	Planning OE	
		12.50
Vogel, Chait, Collins, et. al	Planning OE	375.00
Vogel, Chait, Collins, et. al	PB-11-01-3, Bargiel, Gary	150.00
Vogel, Chait, Collins, et. al	PB-11-01-1, Palazzo	250.00
Vogel, Chait, Collins, et. al	PB-9-00-1, Sussex National Development	87.50
Vogel, Chait, Collins, et. al	RWV-01, Rizzo-Walden	187.50

**DISCUSSION:**

**Board of Education Courtesy Update on plans and projects for new middle school:** The presentation was carried to the February 28, 2002, meeting.

**Walden Village Upper Section – Nick Rizzo – Request for Reaffirmation of Minor Subdivision**

**Approval:** Jack Dusinberre, Esq., appeared on behalf of the Applicant and requested reaffirmation of a Minor Subdivision approval granted by the Board in 1989. Part of the 1989 approval included a Minor Subdivision involving three lots. He stated that the Board had granted a two-year extension of the existing approvals in October of 2000, however, the

190-day time constraint established for the perfection of the Minor Subdivision of the adjacent hospital tract had expired. Mr. Dusinberre requested the Board's acknowledgement that the overall Minor Subdivision approval included this tract. He stated that the YMCA will receive a parcel, Walden Village will receive a parcel, and the hospital will receive the remainder. He stated the Deeds were signed but YMCA representatives had not forwarded the documents to date. Robert P. Guerin, P.E., stated that his examination of the Deeds revealed they were set up with no overlaps or gores. He presented that a small gore had been eliminated. He stated the Deeds did not present any inherent problems. Mr. Dusinberre noted there was a slight variation on one of the bearings, which can be addressed by amending the approval. Thomas A. Collins, Esq., noted that easements not included in the Minor Subdivision may be addressed in a separate matter involving the YMCA.

Board members reviewed an exhibit illustrating the subdivision. A motion to approve the Minor Subdivision as amended was made by Robert Neubig and seconded by Marbeth Boffa. Roll Call: Leslie Hamilton – yes, Carl Miller – yes, Marbeth Boffa – yes, Robert Neubig – yes, Randy Roof – yes, Thomas Zygmunt – yes, Ed Zinck – yes, Ed Frisbie – yes. The motion carried.

**Review of Ordinance Change Recommendations:** The review was carried to the workshop meeting scheduled on February 21, 2002.

**PUBLIC PARTICIPATION :** The meeting was opened to the public. Mr. Jack Negast questioned the status of the Township's efforts to assist in the resolution of water problems experienced by specific residents at Crystal Springs. He stated that Mr. Mulvihill was not paying the water bills for the temporary solution at his residence. Marianne Smith, Deputy Manager, stated that negotiations with Hamburg Borough for a tie- in to their water system for the residents in question are pending. Ms. Mary Stickle stated that she understood that the Board of Health is supposed to be present when the wells are placed on line. Having no further participants, the meeting was closed to the public.

**ADJOURNMENT :** Having no further business, a motion to adjourn was made by Robert Neubig and seconded by Marbeth Boffa. All were in favor. The motion carried.

Minutes prepared by:

Anne-Marie Wilhelm

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