

**MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD MEETING  
HELD AUGUST 23, 2001**

**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:**

Jim Armstrong	Present
Leslie Hamilton	Present
Maribeth Boffa	Present
Randy Roof	Present
William Castiglione	Excused
Thomas Zygmunt	Present
Robert Neubig	Excused
John Eskilson	Present
Greg Eisenecker	Present
Ed Frisbie	Excused
Ed Zinck	Present

It was noted that Ed Zinck, Alternate No. 2, would vote in the absence of Robert Neubig and William Castiglione.

**OTHERS PRESENT:** Robert Guerin, P.E., Thomas Collins, Esq., Marianne Smith, Planning/Community Development Director, and Anne-Marie Wilhelm, Secretary, were present.

**APPROVAL OF MINUTES:**

A motion to approve the minutes of the July 26, 2001, meeting was made by Maribeth Boffa and seconded by Randy Roof. Roll Call: Leslie Hamilton - yes, Maribeth Boffa - yes, Randy Roof - abstain, Ed Zink - abstain, Thomas Zygmunt - yes, Greg Eisenecker - yes, John Eskilson - yes, Jim Armstrong - abstain. The motion carried.

**RESOLUTIONS:**

**Estelle Manor - Block 75, Lot 11, PB-4-01-1, Preliminary Major Subdivision:** A motion to adopt a resolution approving a preliminary major subdivision relating to Block 75, Lot 11, was made by Leslie Hamilton and seconded by Maribeth Boffa. Roll Call: Leslie Hamilton - yes, Randy Roof - yes, Greg Eisenecker - yes, John Eskilson - abstain, Jim Armstrong - yes, Maribeth Boffa - yes, Tom Zygmunt - yes, Ed Zink - yes. The motion carried.

**YMCA - Block 67, Lot 2.08, PB-6-01-2, Preliminary and Final Site Plan Approval:** A motion to adopt a resolution approving a YMCA building Phase I and Phase II for a conditional use and as an institutional use, and preliminary and final site plan was made by Leslie Hamilton and seconded by Maribeth Boffa. Roll Call: Leslie Hamilton - yes, Greg Eisenecker - yes, Jim Armstrong - yes, Maribeth Boffa - yes, Tom Zygmunt - yes, Ed Zinck - yes, Randy Roof - abstain, John Eskilson - abstain. The motion carried.

It was noted that Chairman Zygmunt stepped down. Leslie Hamilton assumed the role of Chairman.

**Crystal Springs Builders, The Tarryall: PB-7-01-1, Construction/Final Subdivision and Preliminary and Final Site Plan:** A motion to adopt a resolution approving the preliminary and final site plan and final major subdivision for The Tarryall at Crystal Springs and the Roadway through The Bracken section was made by Leslie Hamilton and seconded by Maribeth Boffa. Roll Call: Leslie Hamilton - yes, Greg Eisenecker - yes, Maribeth Boffa - yes. The motion carried.

**Crystal Springs Builders, The Craige: PB-7-01-2, Construction/Final Subdivision and Preliminary and Final Site Plan:** A motion to adopt a resolution approving the preliminary and final site plan and construction plans and final subdivision plan of Crystal Springs Builders for The Craige was made by Leslie Hamilton and seconded by Maribeth Boffa. Roll Call: Leslie Hamilton - yes, Greg Eisenecker - yes, John Eskilson - yes, Maribeth Boffa - yes, Randy Roof - abstain. The motion carried.

It was noted that Tom Zygmunt resumed the Chair.

**AT & T Wireless, PB-7-01-3, Minor Site Plan Amendment:** A motion to adopt a resolution approving the minor site plan amendment relating to Block 16, Lot 34, and located on the water tower lot was made by Leslie Hamilton and seconded by John Eskilson. Roll Call: Leslie Hamilton - yes, Greg Eisenecker - yes, John Eskilson - yes, Maribeth Boffa - yes, Tom Zygmunt - yes. The motion carried.

#### **APPLICATIONS:**

#### **H.F.H. Development, Block 67, Lot 16.01 - PB - 8 - 01, Construction/ Final Subdivision and Site Plan for 119 Townhouses:**

Lewis Goldshore, Esq., appeared on behalf of the Applicant and Joseph Barbieri, P.E., was sworn. It was noted that Mr. Barbieri submitted a Revised Master Plan, Indian Field, Lot 16.01, Block 67, dated August 17, 2001. Mr. Barbieri reviewed the attached report of Robert Guerin, P.E., P.P. dated August 20, 2001, and commented as follows:

Item No. 2 - Mr. Barbieri stated he will comply with the recommendation that the number of proposed units be added to the zone schedule;

Item No. 3 - Mr. Barbieri stated he will comply with the recommendation that the section line for Section One be modified so that the second access from White Tail Way is included in this section in order to avoid a long cul-de-sac condition;

Item No. 4 - Mr. Barbieri stated that easements for the drainage system will be obtained and included on the plans;

Item No. 5 - It was noted that discussion regarding the Applicant's number of proposed patio homes (37% of the overall master plan) highlighted a legal requirement mandating a revision of the submitted plans. Mr. Barbieri stated that he will modify the Indian Field Master Plan prior to the completion of Phase IV and V to achieve conformance so as not to exceed the 35% patio home to 65% townhouse maximums set by ordinance. Mr. Guerin stated that the filed master plan should be revised as a condition of approval. With reference to the road profiles, Mr. Barbieri stated that he will meet the K values associated with a design speed of 25 m.p.h.;

Item No. 6 - Mr. Barbieri agreed to upgrade the minimum centerline radius to a 100 foot radius;

Item No. 7 - Mr. Barbieri agreed to include a minimum tangent section of 50 feet between reverse horizontal curves whenever possible;

Item No. 8 - Mr. Barbieri agreed to increase the pavement radius within the Black Bear Court cul-de-sac to 45 feet and create roadway surfaces consisting of two inches of F.A.B.C. pavement;

Item No. 9 - Mr. Barbieri agreed to provide construction details regarding the number of retaining walls and guide rails;

Item No. 10 - Mr. Barbieri agreed to remove the reference to Forest Hill Way on the construction detail;

Item No. 11 - Mr. Barbieri stated he will find a way to design the proposed detention pond so as to eliminate the need for a dam;

Item No. 12 - Mr. Barbieri stated that he agreed with Mr. Guerin's recommendation to construct tiered walls. With reference to the driveways, it was agreed that Mr. Barbieri and Mr. Guerin would meet to review this issue and that Mr. Guerin's conclusions regarding same, would become conditions of approval;

Item No. 13 - Mr. Barbieri stated that he agreed to provide a drainage inlet behind Building 2;

Item No. 14 - Mr. Barbieri stated that the construction of the storm sewer outfall line is underway. Once completed, the roadway to gain access to the well field will be done. Mr. Barbieri stated that the

roadway should be in place by September 15, 2001. Following the completion of the roadway, the well testing program will begin. Mr. Barbieri stated that the Applicant was not seeking building permits prior to assessing the available water supply. He requested that the Board consider allowing the construction of one townhouse building containing six units (water supply available) to serve as a model home (no occupancy) and starting point. He agreed that this unit will not be built prior to the completion of the access road;

Item No. 15 - Mr. Barbieri agreed to add comply with all roof drain recommendations;

Item No. 16 - Mr. Barbieri stated that a Wetlands Application has been submitted to the NJDEP;

Item No. 17 - Mr. Barbieri agreed to provide a conceptual plan update;

Item No. 18 - Mr. Barbieri agreed to add street lights as recommended;

Item No. 19 - Mr. Barbieri stated he was in agreement;

Item No. 20 - Mr. Barbieri stated he would change the name of White Tail Lane.

Board members inquired about the proposed townhouse design. Mr. Goldshore presented Mr. Joseph Lipari, Developer, for testimony. Mr. Lipari was sworn. Mr. Lipari stated that the townhouses have basements and contain two or three bedrooms. The patio homes have basements and contain three bedrooms.

The meeting was opened to the public. Ms. Cicerale was sworn in and questioned the realignment of Post Road in relation to her property, the placement of a stone wall, and the design of the detention basin. Mr. Barbieri stated that when the plan for 77 homes was submitted, the proposed realignment of the Post Road right-of-way created a small triangular section at Post Road. A portion of the section owned by the Applicant could be annexed to the adjacent lot at the top, so that the top property would have full road frontage. With regard to the capacity of the detention basin, Mr. Barbieri stated that same was designed based upon the square footage of the area. It was noted by the Board that these questions pertained to another application, (Phase IV) and further questions about that application could be presented at that matter's review. Ms. Cicerale questioned the Board as to the Board's knowledge of the builder erecting buildings without a permit. Board members stated that they have no knowledge of such actions by the builder.

Having no other public participants, the meeting was closed to the public.

A motion to approve the application for preliminary subdivision and preliminary and final major site plan subject to the conditions listed below was made by John Eskilson and seconded by Randy Roof. Roll Call: Leslie Hamilton - yes, Randy Roof - yes, Greg Eisenecker - yes, John Eskilson - yes, Jim Armstrong - yes, Maribeth Boffa - yes, Thomas Zygmunt - yes, Ed Zink - no. The motion carried. The conditions of approval are as follows: compliance with any and all recommendations of Robert Guerin, P.E., to include: adjustment of the submitted master plan to achieve conformance with the 35/65 percentage ratio of patio homes to townhouse; completion of the access road to the wells prior to building; Applicant agreed to defer final subdivision plan; remove dam; drainage and grading to be reviewed with Robert Guerin, P.E. - any and all disputes will be returned to the Board for review; only one building may be constructed and will be used as a model home only, the permitted access road to same will be Indian Field Drive/Forest Hill Way, which must be paved prior to issuance of CO's for the model home, and there will be no additional building of the pod, including roads and infrastructures to serve the pod, prior to DEP review of the well test results.

**HFH Development Corporation, Block 67, Lot 16.01, PB-8-01-2, Indian Fields Phase 4, Preliminary and Final Subdivision, 52 Zero Lot Line Detached Single Family Homes:**

The matter was carried to the September 27, 2001, meeting. The Applicant agreed to renote and include all variances in the notice, or carry without notice and revise the submitted plans eliminating the variances.

**DISCUSSION:**

**PB-11-99-01, Sussex National Development, Wild Turkey Golf Course and Clubhouse:**

It was noted that Chairman Zygmunt recused himself and Leslie Hamilton assumed the Chair. Andrew Mulvihill requested permission to extend the allowable building permits to 515. He presented an update of progress to date at Crystal Springs. He stated: the bridge has been passable since the opening of the Wild Turkey Golf Course, there has been a substantial amount of grading of the road to Route 94 and around the bridge, 90% of the drainage is in, the Van Decker brothers are providing the easement allowing the grading, the DOT permit is pending, work is being done on the area below the driving range, the first level of the clubhouse is complete and back-filled, the second level walls are just about done but the steel workers are behind schedule, and an aquatic firm has been engaged to design pools.

Board members inquired about the status of the wells/water problems reported by several Crystal Springs home owners. Mr. Mulvihill stated that his company is complying with DEP regulations and providing water trucks to those homeowners in need. He stated that a correlation between the watering of the golf course and homeowners water problems has not been firmly established. Board members stated they require additional information to include a cause and effect analysis. Mr. Mulvihill agreed to direct his team to provide same. An alternative solution to the specific water problems discussed included the drilling of deeper wells, or the homeowners tying in to the Hamburg water system at Crystal Spring's expense. Mr. Mulvihill stated that he will pay for what is determined to be his responsibility.

Board members reviewed a letter dated August 20, 2001, forwarded to Andrew Mulvihill by Mr. Guerin. The letter informed Mr. Mulvihill of numerous encroachments caused by the improper placement of golf holes. The letter set a 60-day time frame for the encroachments to be eradicated.

Board members reviewed a memorandum dated August 23, 2001, directed from Bob Guerin, P.E., to Andrew Mulvihill. The memo informed Mr. Mulvihill of several encroachments onto adjoining lots caused by the construction of a golf cart path and the installation of a rock retaining wall to support same. With reference to the building of the cart path and retaining wall on a homeowner's property, and subsequent drainage problems possibly created by same, without an easement or permission, Mr. Mulvihill produced a homeowner's agreement reportedly given to each homeowner, which provides easements allowing the performed improvements. He stated that Crystal Springs has the right to maintain the golf course. To address the concerns regarding the safety of the golf cart path while assessing the severity of the situation and possible solutions to the problem, the golf cart path will be closed. As per Mr. Guerin's directive of August 23, 2001, an alternative path must be constructed, the retaining wall removed along with the cart path, and the area of disturbance will need to be re-graded and sod will have to be put in place. It was noted that all work must be completed prior to August 31, 2001, or a stop work order will be issued.

The meeting was opened to the public. Ms. Debbie Stroeble informed the Board of the impact the cart path construction has had on her property and family life. She provided pictures and read a statement into the record. Ms. Amanda Gilbert informed the Board that she will be obtaining a survey of her Crystal Spring's property to determine if there are any encroachments on same.

There were no other public participants. The meeting was closed to the public.

Board members denied Mr. Mulvihill's request for additional building permits. He was directed to resolve the water issue, fix The Stroebel's property, and resolve the encroachment issues. The matter was carried to the meeting of September 27, 2001.

**DISCUSSION:** It was noted that Mr. Zygmunt assumed the Chair. John Eskilson reported that Hardyston Township will be a participant in the County's Detailed Municipal Growth Analysis. He stated that work on the project will begin later in the year as the Committee is waiting on soil test analysis.

Board members reviewed a proposed ordinance of the Township Council amending Chapter 33 entitled "Land Use Procedures" to modify certain land use procedures and update the administrative checklists and amending Chapter 147 entitled "Site Plan Review" to amend the Site Plan details to conform with the checklists. A motion to recommend the adoption of the proposed resolution to the Council was made by Ed Zink and seconded by Randy Roof. All were in favor. The motion carried.

**BILLS:** Following review by the Bill Committee, a motion to approve and recommend payment of the bill list cited below was made by Maribeth Boffa and seconded by Randy Roof. All were in favor. The motion carried.

Vogel, Chait, Collins, Schneider & MacDonald	O & E	\$437.50
Vogel, Chait, Collins, Schneider & MacDonald	PB-3-00-2, HFH Development Corporation	62.50
Vogel, Chait, Collins, Schneider & MacDonald	PB-10-99-2, Estelle Manor	250.00
Vogel, Chait, Collins, Schneider & MacDonald	PB-1-01-2, YMCA	250.00
Vogel, Chait, Collins, Schneider & MacDonald	PB-2-01-1, AT & T Wireless	437.50
Vogel, Chait, Collins, Schneider & MacDonald	PB-6-01-3, Crystal Springs, The Bourne	50.00
Vogel, Chait, Collins, Schneider & MacDonald	PB-7-01-1, Crystal Springs, The Tarryall	375.00
Vogel, Chait, Collins, Schneider & MacDonald	PB-7-01-2, Crystal Springs, The Craige	312.00
Guerin Engineering, Inc.	PB-5-01-1, Sussex National Development	2615.00
Guerin Engineering, Inc.	O & E	340.00
Guerin Engineering, Inc.	PB-5-01-2, Sussex National Development	802.50
Guerin Engineering, Inc.	MCS-01, Crystal Springs	332.50
Guerin Engineering, Inc.	MCS-01, Crystal Springs	310.00
Guerin Engineering, Inc.	MCS-01, Crystal Springs	1342.50
Guerin Engineering, Inc.	PB-7-01-1	1317.50

**PUBLIC PARTICIPATION:** The meeting was opened to the public. Ms. Diane Paine questioned the Board's action with reference to Sussex National Development's request for additional building permits and inquired about her property rights. Board members reviewed the disposition of the Sussex National Development review and referred her to an attorney when seeking information about her property rights. Having no further public participation, the meeting was closed to the public.

**ADJOURNMENT:** Having no further business, the meeting was adjourned.

Minutes prepared by:

Anne-Marie Wilhelm