

MINUTES OF THE HARDYSTON TOWNSHIP PLANNING BOARD SPECIAL MEETING HELD MAY 16, 2019

CALL THE MEETING TO ORDER: Chairman Hickerson called the meeting to order at 7:00 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.

FLAG SALUTE: Mr. Hickerson led the Pledge of Allegiance.

ROLL CALL:

Leslie Hamilton (Class I) – Present
Carl Miller (Class III) – Present
Bob Schultz (Class II) – Absent
Jim Homa – Present
Randy Roof – Present
Robert T. Cook – Present
Bob Neubig (Vice Chairman) – Absent
Bill Hickerson (Chairman) – Present
Sally Goodson (Alternate 1) – Present

OTHERS PRESENT: Thomas J. Molica, Esq.; Robert P. Guerin, P.E., P.P.; Carrine Piccolo-Kaufner, P.P., A.I.C.P.

HEARING: PB-4-19-1, Crystal Springs Resort, LLC, Preliminary and Final Site Plan, Special Events Tents, Block 14 Lot 24.01 and 24.02; Block 16 Lots 1, 1.09, 6.02, and 8.01; Block 16.31 Lot 1. Thomas J. Molica, Esq., reviewed notice and determined the Board had jurisdiction to hear the matter. Bernd E. Hefele, Esq., appeared on behalf of the Applicant. Mr. Molica considered a potential conflict recusal for Sally Goodson and determined, in agreement with Mr. Hefele, that Ms. Goodson could hear the matter. Applicant's witnesses Thomas F. Graham, P.E., William Polchinski, General Manager, and Andy Mulvihill were sworn.

Board members discussed completeness, waiver requests, and a memorandum prepared by Robert P. Guerin, P.E., P.P., dated May 16, 2019. Thomas F. Graham, P.E., confirmed that all event tents would be placed within setbacks and no variance relief is required. A motion to grant waivers of the checklist items noted below was made by Carl Miller and seconded by Leslie Hamilton. Roll Call: Leslie Hamilton – yes, Carl Miller – yes, Jim Homa – yes, Randy Roof – yes, Robert T. Cook – yes, Sally Goodson – yes, Bill Hickerson – yes. The motion carried. Waivers were granted for the following items: Preliminary Site Plan Checklist Items 10 and 34; Final Site Plan Checklist Items 1, 7, 24, and 25.

Thomas F. Graham, P.E., provided an overview of the matter. Plan sheets submitted as part of the application were entered as exhibits and described as follows:

- Exhibit A-1: *Title Sheet, Crystal Springs Resort, Block 14- Lots 24.01 & 24.02, Block 16 Lots 1, 1.09, 6& 8.01; Block 16.31 Lot 1, NJSH RT 94 & Wild Turkey Way, Township of Hardyston, Sussex County, New Jersey, Sheet 1 of 6, dated 4/23/19, prepared by Thomas F. Graham, P.E.;*
- Exhibit A-2: *Temporary/Special Event Tent Location Plan – A, Crystal Springs Resort, Block 14- Lots 24.01 & 24.02, Block 16 Lots 1, 1.09, 6& 8.01; Block 16.31 Lot 1, NJSH RT 94 & Wild Turkey Way, Township of Hardyston, Sussex County, New Jersey, [colorized] Sheet 2 of 6, dated 4/23/19, prepared by Thomas F. Graham, P.E.;*
- Exhibit A-3: *Temporary/Special Event Tent Location Plan – B, Crystal Springs Resort, Block 14- Lots 24.01 & 24.02, Block 16 Lots 1, 1.09, 6& 8.01; Block 16.31 Lot 1, NJSH RT 94 & Wild Turkey Way, Township of Hardyston, Sussex County, New Jersey,[colorized] Sheet 3 of 6, dated 4/23/19, prepared by Thomas F. Graham, P.E.;*
- Exhibit A-4: *Temporary/Special Event Tent Location Plan – C, Crystal Springs Resort, Block 14- Lots 24.01 & 24.02, Block 16 Lots 1, 1.09, 6& 8.01; Block 16.31 Lot 1, NJSH RT*

94 & Wild Turkey Way, Township of Hardyston, Sussex County, New Jersey, [colorized] Sheet 4 of 6, dated 4/23/19, prepared by Thomas F. Graham, P.E.;

- *Exhibit A-5: Temporary/Special Event Tent Location Plan – D, Crystal Springs Resort, Block 14- Lots 24.01 & 24.02, Block 16 Lots 1, 1.09, 6& 8.01; Block 16.31 Lot 1, NJSH RT 94 & Wild Turkey Way, Township of Hardyston, Sussex County, New Jersey, [colorized] Sheet 5 of 6, dated 4/23/19, prepared by Thomas F. Graham, P.E.; and*
- *Exhibit A-6: Temporary/Special Event Tent Location Plan – E, Crystal Springs Resort, Block 14- Lots 24.01 & 24.02, Block 16 Lots 1, 1.09, 6& 8.01; block 16.31 Lot 1, NJSH RT 94 & Wild Turkey Way, Township of Hardyston, Sussex County, New Jersey,[colorized] Sheet 6 of 6, dated 4/23/19, prepared by Thomas F. Graham, P.E.*

Mr. Graham reviewed the exhibits with the Board and identified nine proposed event tent locations. He stated the tents would not be up at the same time and noted the proposed event tent locations as the croquet field, Vista 180, the front of the biosphere area, Cascades Hole 9, Leadbetter Academy, beer garden tent, farmers' market area, CAVA Winery, and the Village Center North field. Mr. Graham explained that 41 tents are proposed. He stated 20 of the 41 are associated with CAVA Winery. He explained that 20 x 20 tents are used by vendors and for support functions.

Mr. Polchinski added that certain events are annual happenings. He stated the Beer Garden Festival is a one-day event that takes place on Father's Day weekend; the biosphere area expands the pool area for New Year's Eve and the Wine Festival; the croquet tent would provide space for golf outings and the Vista 180 area is used for seminars during the Wine Festival. He explained the extended tent space allows movements of people to different events, and the movement is part of the experience. He further noted that event location is affected by anticipated attendance. Mr. Polchinski stated the company aspires to maintain a one person per 20 sq.ft., and there is no intent to pack people in.

Board members expressed concern about aesthetics, noting the croquet tent as an area of concern. Mr. Mulvihill presented that the golf business is not easy to sustain and 250 golf courses close each year. He stated the parties, events, and outings are the key to success. He told the Board he needed their help. He explained the delay in submitting the application in spite of having an agreement with the Town Council to do so by 10/3/18. Mr. Mulvihill stated the business is seasonal and he is the process of refinancing. He stated he had to come up with \$250,000 to pay taxes in order to submit the evening's application. Following discussion, Mr. Mulvihill agreed to limit croquet tent events to six per year with the event tents being up four days. He explained that time is needed to assemble and take down the tents.

Board members expressed concern about parking. Mr. Graham confirmed that the parking fields are grass and "No Parking" signs are already up along Wild Turkey Way. Mr. Mulvihill stated there is plenty of land and parking. He acknowledged the Board's concerns and stated they are getting better at parking. The Applicant noted valet, shuttle, and event specific employee parking strategies have been utilized.

Thomas J. Molica, Esq., swore in Board Witness Carrine Piccolo-Kaufner, P.P., A.I.C.P. She stated that she agreed no variance relief was required. She recommended that shuttle or valet parking service be implemented for any event projected to have attendance in excess of 200 people; that the Applicant apply for Zoning and Fire Permits for each event; and she recommended the approval be limited to a two-year period of approval. The Applicant agreed to utilize shuttle and valet parking as stated and agreed to file for Zoning and Fire Permits for each event, Mr. Hefele however; disagreed with the limited approval suggestion noting it does not square with the ordinance. Following discussion, the Applicant agreed to prepare an annual written report to the Board. It was stipulated the report would include a summary of the prior year's events and a calendar projecting the following year's events. The Applicant also agreed to limit outdoor events beyond the Leadbetter event area to one event at a time.

Thomas J. Molica, Esq., swore in Board Witness William Walsh, Hardyston Township Fire Official. Mr. Walsh stated he took a series of photographs at Crystal Springs Resort. He submitted and identified photographic Exhibits B1-B15, as follows:

- Exhibit B1 – Photograph of a golf cart parked in roadway with tent in background dated 9/12/18.
- Exhibit B2 – Photograph of tents, barbecues, and vehicle parked in roadway dated 9/12/18.
- Exhibit B3 – Photograph of tent, grills, and golf carts parked in roadway dated 9/12/18.
- Exhibit B4 – Photograph of cars, golf carts, and tents in roadway dated 9/12/18.
- Exhibit B5 – Photograph of cars parked along one side of the street of boulevard dated 9/12/18.

- Exhibit B6 – Photograph of cars parked on one side of the street dated 9/12/18.
- Exhibit B7 – Photograph of one large and one smaller tent dated 5/9/19.
- Exhibit B8 – Photograph of a “For Sale” sign dated 5/9/19.
- Exhibit B9 – Photograph close-up of a “For Sale” sign dated 5/9/19.
- Exhibit B10 – Photograph of a “For Sale” sign dated 5/9/19.
- Exhibit B11 – Photograph close-up of a “For Sale” sign dated 5/9/19.
- Exhibit B12 – Photograph of a platform on the golf course dated 4/23/19.
- Exhibit B13 – Photograph of a tent on the golf course dated 5/7/19.
- Exhibit B14 – Photograph of a car on the road and a tent in the foreground off the road dated 6/15/18.
- Exhibit B15 – Photograph of a car on the road and a tent in the foreground off the road dated 6/15/18.

Mr. Walsh stated tents and barbeques should not be located in the roadway. Mr. Hefele reviewed the photographs with the Board. He noted some of the photos showed open roadways. Mr. Walsh explained those photographs were provided to show what the condition should be.

Mr. Walsh also questioned if a fire truck could fit under the canopy proposed from the clubhouse to the croquet field tent. Following discussion, the Applicant agreed to submit a plan to Mr. Guerin. Mr. Walsh asked who inspects the site on nights and weekends during the events. He opined the Fire Department could not get to the tent proposed on Hole 9. Mr. Mulvihill stated there were no current plans to hold an event there, and he would like to have the option to do so. Mr. Guerin noted future residential development might be impacted by a tent event on Hole 9. Following discussion, the Applicant agreed to return to the Board if development does occur adjacent to Hole 9 and safety is a concern as determined by the Board Engineer.

Board Witness Jeff Stabile, Zoning Officer, was sworn. He stated he agreed that the Board should retain jurisdiction and suggested the Police Department review the plans.

Chairman Hickerson opened the meeting to the public. Donna Ricco was sworn. She stated she is an employee at the Crystal Springs Resort, which employs thousands. She stated the management is good to the employees. She asked the Board to “be good to them.”

Susan Chipoletti was sworn. She stated she is an employee of Crystal Springs. She presented she has experienced being shuttled during events. She stated the resort is turning it around and getting better at parking.

Elaine Olesky was sworn. She stated she is a resident at Crystal Springs and she expressed concern about multiple events occurring at once. Mr. Mulvihill stated it has been done dozens of times.

Daniella Testino stated she is an employee of Crystal Springs and counts on seasonal business. She stated the employees work very hard.

Brittany Bowen stated she is an employee at Crystal Springs Resort. She presented that the resort learns from mistakes. She stated she is looking to the future.

No other members of the public addressed the Board. Chairman Hickerson closed the meeting to the public.

Mr. Hefele summarized the matter and stated the application was filed in accordance with the ordinance. He noted the Applicant employs a lot of people and has tried to address safety concerns.

A motion to approve was made by Carl Miller seconded by Leslie Hamilton. Board members reviewed and affirmed the specific conditions of approval as follows: the Applicant will provide shuttle and valet services in accordance with the Board Engineer’s report and testimony of the Board Planner; the Applicant shall obtain any and all government approvals, including fire and construction code provisions; the Applicant shall comply with the plans filed, reports of the Board Engineer and Fire Official, and testimony of the Board’s professionals; the Applicant shall restrict simultaneous outdoor events to two; the Applicant shall limit the number of annual croquet tent events to six events of a one-day duration; the Applicant shall return to the Board when development occurs adjacent to Hole 9 and a safety concern exists as determined by the Board Engineer; the Board shall retain jurisdiction if township enforcement officials determine there is a problem; the Applicant shall submit an annual written report noting the events of the prior year and a calendar of the upcoming year’s events; the Applicant shall return to the Board if an event is scheduled at Hole 9 and the Board Engineer

determines a Board review is warranted; and there shall be no tents placed on roadways except as depicted on the plans. There was no further discussion. Roll Call: Leslie Hamilton – yes, Carl Miller – yes, Jim Homa – yes, Randy Roof – yes, Robert T. Cook – yes, Sally Goodson – yes, Bill Hickerson – yes. The motion carried.

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 9:45 p.m.

Minutes respectfully submitted by,

Anne-Marie Wilhelm
Land Use Administrator