

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
December 14, 2009**

A. Chairman called the meeting to order at 7:35 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

B. Attendance:

Mrs. Allen	present
Mr. Cook	present
Mrs. Duffy	present
Mrs. Filler	present
Mr. Shamey	present
Mr. Klotz	present
Mr. Monaco	present
Mr. Smith	present
Marygrace Flynn	present

**Michael Sullivan, Clark – Caton & Hintz
Valerie Kimson, Esq.
John Hansen, Ferriero Engineering**

C. APPROVAL OF MINUTES:

1. October 26, 2009 Mrs. Filler made a motion to approve the minutes. Mr. Klotz seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

(November 9, 2009 & November 23, 2009 meetings were cancelled)

D. CORRESPONDENCE:

An application for a “Letter of Interpretation” was received and it referenced Timber Creek. Mrs. Filler wanted to know where Timber Creek was located. The secretary was asked to find out more information regarding the location of “Timber Creek” and report back to the board.

E. RESOLUTIONS:

None

F. TECHNICAL REVIEW COMMITTEE:

1. James Kay and Concetta Morgan-Kay

**Block 4, Lots 82 & 82.01
5 – 5A Central Avenue
Minor Subdivision (Lot Line Adjustment)
Action Date: December 17, 2009**

Mrs. Filler stated that the TRC recommended that this matter be deemed complete.

Mrs. Filler made a motion to deem the application complete. Mrs. Allen seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

**2. Antonio Ferreira
Block 39, Lot 53.14
31 Tannery Road
Action Date: December 27, 2009**

Mrs. Filler stated that the TRC recommended that this matter be deemed complete. A variance was identified.

James Hill, PE stated that he is the engineer for the applicant. The intent was to file a plan and not attend a public hearing. He indicated that this is just a minor amendment to change a parking dock area to an install a ramp. The applicant will narrow the ramp. They were not anticipating a full hearing, but rather an informal discussion. The cost of the ramp would be under \$50,000. Attorney Kimson stated that if the applicant can provide plans that show reduced impervious coverage, she will look into the procedure for a minor site plan. Mr. Hill provided a copy of the revised plan and it will be forwarded to Kevin Smith.

Mrs. Filler made a motion to deem the application complete. Mrs. Allen seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

G. OTHER BUSINESS:

1. Voucher Approval

Mr. Smith made a motion to approve the vouchers as submitted. Mr. Monaco seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

**2. Toll/Daniels
Ag Division
Block 94, L. 6.02, 8, 11 15.01 & 19**

Julia Allen and Gerry Shamey recused themselves from this application and left the dais.

Sharon Dragan, Esq., stated that she is presenting the application on behalf of the Township Committee. On October 29, 2009, the Township Committee closed on the property identified as Toll/Daniel that consisted of six pieces of property ending litigation in State and Federal Court. There were a total of six lots that consisted of approximately 310 acres. The Township Committee is seeking to adjust the lot lines. The properties that are being adjusted are lots 6.02, 8, 11, 15.01 and 19. Block 94, lot 11 is the one that is closest to Route 202. This began as 31.22 acres. This will increased to 52.688 acres. They are incorporating some of the acreage from former lot 8. This will make the new lot more agricultural viable for farming. They have already made application to enroll this property into the Hunterdon County Planning Incentive Grant for 2010. The plan is to auction this farm off sell it deed restricted to allow only one house in the future. The property is ranked #10 and there are 27 properties in the PIG round.

Regarding Block 94, lot 8, began as 90.49 acres. After the ag division it will consist of 144 ½ acres and have merged it with 15.01 and 6.02. As a result of this application there is no longer lot 15.01 and lot 6.02. The Township Committee intends to make application to preserve the farm through Green Acres. The township would retain this property and it will be made available for farming.

Regarding lot 19, it will be increased from 79 ½ acres to 84.02 acres. The acreage will be taken from lot 15.01 which will include some frontage on Summer Road. An application has already been submitted to enroll this property into the County PIG program for 2010. This property is ranked #4, out of 27 properties. This property is intended to be sold for public auction. It has a farm house and large barn on the property.

Attorney Dragan requested that the Planning Board classify this application as an ag division.

Mr. Klotz informed the board that this application was reviewed by the Open Space Advisory Board and there were no objections to this application. There are plans to create a recreational trail on the property.

PUBLIC COMMENTS:

Mrs. Allen informed the board that the township has already spent the money for the property. One way that the township will receive compensation reimbursement for this property will be from the auction for the deed restricted property and the other from sale of the easement. The easement is refunded at a rate of eighty percent. The township will be reimbursed sixty percent from the State and twenty percent from the county. Two of the farms ranked 4th and 10th in the county. This means that they will be funded in the 2010 round.

Attorney Kimson informed the board that an ag division is not within the definition of a subdivision which would fall under the jurisdiction of the Planning Board. The board has to find that the division is for agricultural purposes and that all resulting parcels are 5 acres or larger in size and deem the application is an “ag division”.

Mr. Klotz made a motion to deem this application an “ag division”. Mrs. Duffy seconded the motion.

Roll call:

Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

H. PUBLIC HEARINGS:

1. Comprehensive Farmland Preservation Plan Element and Environmental Resource Inventory Amendment to the Master Plan

Mr. Sullivan stated that two years ago they were alerted that by the close of 2007, a Comprehensive Farmland Preservation Plan had to be submitted in order for the State Ag. Development Committee to continue considering funding for Planning Incentive Grants. The township submitted a plan that was adopted at the end of 2007. In the spring of 2009, the State Ag. Development Committee issued their comments on the plan. His office has now assembled the data that they were searching for and now a draft has been provided for the board’s approval. A memo was also forwarded with corrections to the draft. The corrections are not substantive. He recommended that absent any other changes, the plan could be adopted. He will provide complete copies that include these changes to the board shortly.

Mr. Monaco complimented on the contents. He found the material very interesting.

Mr. Smith made a motion to approve the plan with corrections as enumerated in December 10, 2009 memo from Clark, Caton & Hintz. Mr. Monaco seconded the motion.

Roll call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Shamey	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

Mrs. Filler informed the board that the Environmental Commission updated the maps for the landscape project in the ERI to mirror the State.

The Environmental Resource Inventory will be noticed and placed on the January 11, 2010 agenda for a public hearing.

2. Wastewater Management Plan

Mr. Sullivan informed the board that Ken Bogan from the Hunterdon County Planning Board is coordinating the Wastewater Management Plans for each of the townships and it was agreed that Readington Township was in compliance with the NJDEP proposals. The county will be receiving an extension to 2010, so the pressure has been reduced. He stated that he had been pressuring the county for a model resolution for the planning board and the governing body. The county is looking for a “build-out” number.

**3. Ridge Road Realty, LLC
Preliminary Major Subdivision
Block 38, Lots 54, 74, 75
Pearl Street
Signed extension and carried to January 25, 2010**

Madam Chair announced that this matter has been carried on the record to January 25, 2010.

I. OTHER BUSINESS:

1. Ordinance to limit the height of retaining walls to 2 feet

Mr. Sullivan stated that this ordinance falls under the fences and walls provision, which makes it a variance. This will limit the height of the wall.

Mr. Monaco wanted to know if the wall could be terraced. Mrs. Filler stated that the whole idea of this ordinance is to prevent people from changing the lay of the land, which means you cannot terrace. Mr. Sullivan stated that Mrs. Filler does not want to permit changes to grade anywhere on the lot. Given this discussion, Mr. Sullivan will review other ordinances from other municipalities that might deal with this subject.

2. Ordinance which creates minimum setbacks from property lines for changes in topographic elevation resulting from development

Mr. Sullivan informed the board that this ordinance would establish perimeter set-backs for the changing of a topographic elevation. This would require that the grade would be restored or preserved at a certain specified distance to the property line. This standard is applied based upon the lot size.

Mrs. Filler stated that there have been lots that the elevations have been raised which resulted in the neighbor's having serious flooding problems.

Mr. Sullivan stated that previously, the board spoke about the limitation in the extent of disturbance on properties with respect to changing elevations. The other ordinance had to do with limiting the height of the retaining walls. He created two ordinances.

Attorney Kimson stated that they should require submission of a grading plan. Mr. Hansen testified that a requirement of approval for a subdivision, the applicant would be required that the development and stormwater plans be complete. In some of the larger lots with the 20-25 foot setbacks, you might force the applicant to push the development towards the center of the lot away from the road when he otherwise might be able to build it towards the road, thereby creating less disturbance and less tree removal.

Madam Chair recommended that the ordinances be forwarded to the Code Enforcement Officer and Zoning Officer.

J. ADJOURNMENT

Mrs. Duffy made a motion to adjourn at 8:52 p.m. Mrs. Filler seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz