

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
February 26, 2007**

A. Chairman called *the meeting to order at 7:10 p.m.* announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised. The Board saluted the flag.

B. Roll:

Mrs. Allen	absent
Mr. Cook	absent
Mrs. Duffy	absent
Mrs. Filler	present
Mrs. Flynn	present
Mr. Gatti	absent
Mr. Klotz	present
Mr. Monaco	present - left at
Mr. Smith	present
Madam Chair	present

The following Board of Adjustment members attended the meeting:

Michael Denning present
Richard Thompson present

Brent Krasner - Clarke – Caton & Hintz
Valerie Kimson, Esq. Purcell, Ries, Shannon, Mulcahy & O’Neill
H. Clay McEldowney, Hatch, Mott & McDonald

C. APPROVAL OF MINUTES

1. January 22, 2007 – 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.*

2. January 22, 2007 – Executive Session - Mrs. Filler made a motion to approve the minutes. Mr. Smith seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

D. CORRESPONDENCE:

Mrs. Filler referred to the correspondence from H. Clay McEldowney addressed to William Scopetto. She wanted to know if he was referring to the conservation fence. Mr. McEldowney answered that the applicant wanted to change the specification for the fence. The resolution stated that any

specification for that fence had to be subject to the planner's approval. Mr. McEldowney stated that this was forwarded to Michael Sullivan and he wrote back approving the fence.

Mrs. Filler referred to the letter from Angela Kane and William Kane of 628 Old York Road. It was agreed that their letter should be answered and that they should be informed that their letter would be forwarded to Michael Kovonuk, Chief Code Enforcement Officer for his input and comments.

E. RESOLUTIONS:

1. Professional Services Resolution

Mrs. Filler made a motion to approve the resolution. Mr. Klotz seconded the motion.

Roll call:

Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye
Madam Chair	aye

F. OTHER BUSINESS:

1. Responsibilities of board members and policies - This matter is carried to March 26, 2007.

**2. Iellimo
Block 70, lot 21.01
Request for extension to approval**

Mr. Iellimo testified for the board that he is having difficulty trying to find monuments that are located on the property. The power company will not accept the plans that were provided. He stated that due to the cold weather, they are unable to dig. Since grounding cables are located in the ground, they cannot dig with a machine, only a shovel. He requested an extension.

Mrs. Filler made a motion to grant the extension for 6 months. Mr. Monaco seconded the motion.

Roll call:

Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye

Madam Chair aye

3. Ordinance No. 04-2007
Amend the administrative checklist of the land development ordinance

Mr. McEldowney stated that the checklist items are technical details that the board had previously agreed and needed to be added to the checklist for all development applications. The township committee previously reviewed the ordinance and accepted it. The ordinance has come back to the planning board for a second review.

Mrs. Filler made a motion to approve the ordinance amendment and return same to the committee. Mr. Klotz seconded the motion.

Roll call:

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

G. TECHNICAL REVIEW COMMITTEE:

- 1. Deborah Koch**
Minor Subdivision
511 Locust Rd.
Block 65, lot 18.02
Action date: March 17, 2007

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

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

H. VOUCHER APPROVAL
(See attached – submitted 2/13)

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

I. NEW BUSINESS:

**1. Maria & Michael Renda
Street Vacation Request
Block 38, lots 54, 74 & 75**

Lloyd Tubman, Esq., with the law firm of Archer and Greiner, stated that she the attorney for the applicant. She indicated that they are proposing a subdivision. The paper streets were created by a 1954 subdivision which was never developed. The roads were created and show on the filed map as dedicated to Readington Township. The Renda family members plan to subdivide their property, although currently the plans are not finalized. She stated that she had appeared with her client before the township committee several months ago to request that the roads be vacated. The proposed subdivision would include a cul-de-sac extension of Sophie Street which would not connect through to Pearl Street. The township committee recommended that this matter go before the Planning Board for their review and recommendation. There is a report from Clarke, Caton and Hintz signifying that any recommendation be held pending the consideration of a subdivision application. Ms. Tubman stated that their concern with the paper streets is that there would be strips of property that would not be owned by anyone. Another concern is that the paper streets if they were developed would create a connection between Ridge Road through the subdivision to Route 22.

Mr. Krasner informed the board that they reviewed this project from different angles. There is one priority that improves connectivity in town and getting traffic off of Route 22. However, as the streets presently exist today they are rural lanes which are very narrow. They have a certain type of character that is important to preserve. His office saw no huge detriment to vacating Pearl Street. Regarding Sophie Street which is currently a dead end street and comes off of Route 22, the residents can only access their homes from Route 22. He indicated that there might be some benefit to open this street so that it would allow those residents another way to access their homes other than Route 22. This is a bad intersection. They don't want to be hasty to vacate the Sophie Street portion without finding out more about the subdivision and how the residents would feel on Sophie Street about that option. His office is leaning toward not vacating Sophie Street. They are more comfortable vacating Pearl Street.

Attorney Kimson swore in the witness.

Mr. Vincent Renda stated that with respect to lots 75 and 74 they consist of approximately 43 acres.

Mr. Monaco made mention that the potential is for approximately 50 lots. Mr. Renda answered that that is not possible since there is no sewer capacity. Ms. Tubman stated for the board that in the R-1 zone where there is no sewer capacity it reverts to the lot sizes for the R-3 zone. Mr. Monaco stated that since they do not know what the ultimate plan is for these lots, it makes sense to him that they do not vacate the two rights-of-way, but at the most vacate one. He accepts what Mr. Krasner stated. Ms. Tubman stated that the applicant would be content with the alignment of Pearl Street or both streets.

Mr. McEldowney stated that there is a process and expense in vacating a street. If the board appears to be receptive to recommend to the township committee that at least vacate Pearl Street with the idea that Sophie Street would be subject to further analysis which would be conducted during the preliminary stage of the subdivision. The vacation of the streets could be included in the general terms and conditions of the approval. When they go to final subdivision, it would reflect on the final plat.

Ms. Tubman stated that this would be acceptable. It could be done as a condition of preliminary to be perfected at final approval.

The Planning Board could make the recommendation to the committee that the preliminary discussion was that they agreed that the one street should be vacated but the time of the vacation would be when the subdivision plan comes in.

Mrs. Filler suggested that the applicant should come in with an application and give the board an opportunity to decide at that point if the streets should be vacated.

Mr. Monaco made a motion to recommend to the township committee that no vacation of either street be done and the board will wait until there is an application before the planning board and will consider the vacation of the streets at that point in time. Mr. Klotz seconded the motion.

Roll Call:

Mr. Denning	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

Ron Monaco recused himself from both of the following hearings and left the meeting at 7:29 p.m.

J. PUBLIC HEARINGS:

- 1. Wilmark Building Contractors, Inc.
Final Major Site Plan
6 Lake Drive
Block 21.12, lot 46.08
Action date: March 8, 2007**

Attorney Kimson stated for the record that one of the alternate board members had some work done by a relative of the applicant. The work has been completed and the services have been paid for. There is no current relationship. She wanted to know if counsel or anyone in the public had a problem with him remaining on the board. No one voiced that there was a problem.

Geoffrey Soriano from the law firm of Soriano and Soriano stated that he is the attorney for the applicant. This is an application for final major site plan approval. The township planners', Mr. Sullivan and Mr. Krasner prepared a report dated January 8, 2007, the township engineer Mr. McEldowney's created a report dated January 15, 2007, the environmental consultant Princeton Hydro created a report dated January 17, 2007 and additionally the TRC created their summary which is dated January 27, 2007. Mr. Soriano informed the board that in reviewing all of the reports, there were 2 issues that the applicant was left to deal with. One item was the need to prepare a metes and bounds description, which will be submitted to the township engineer, the other item has to do with the compliance with the growth share ordinance. Mr. Soriano suggested that this be a condition of final approval. The applicant will comply with the township's growth share ordinance. They previously agreed to an "in lieu" payment amount. This can be deposited into the escrow account. Ms. Kimson stated for the board that the COAH rules had been challenged successfully in the appellate division. COAH has made a petition for certification to the Supreme Court. Therefore, the township's 3rd. round rules may not be applicable at this point. Ms. Kimson stated that the applicant has agreed to comply with the current growth share ordinance and possibly strike a developer's agreement to indicate that the money will be collected by the municipality and held in escrow pending the ultimate determination on this decision. The applicant agreed.

Mr. McEldowney stated that regarding his report dated January 15, 2007, there is a standard recommendation for performance guarantees to be in place since the improvements have not been completed. Any essential improvement must take place before the occupancy occurs. Anything that is not complete would be subject to a performance guarantee that must be

submitted to the administrator's office and approved by the township committee's attorney and Mr. McEldowney.

Mr. Smith made a motion to approve the application subject to the terms and conditions previously mentioned. Mrs. Filler seconded the motion.

Roll Call:

Mr. Denning	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Smith	aye
Mr. Thompson	aye
Madam Chair	aye

**2. Solberg Aviation Co.
Preliminary Major Subdivision
Block 40, lot 1**

Ben Smith recused himself from this application. Pursuant to the MLUL, Michael Denning and Richard Thompson from the Board of Adjustment have filled in the Planning Board vacancies that were created by several members recusing themselves from this application. This was required so that a quorum could be reached and the board could continue with the application.

Lloyd Tubman, Esq., with the law firm of Archer & Greiner stated that she is the attorney for the applicant. She stated that the applicant proposes a 6 lot subdivision. This is located in the Rural Residential zone and requiring 3 acre lots. The property is bisected by the existing Magnolia Lane. This lane was originally associated with a 250 unit development by K. Hovnanian in Branchburg Township. According to the records, Branchburg at some point in time attempted condemnation of the property in order to provide a secondary access for their Mount Laurel project. Solberg Aviation Company dedicated a 60 foot wide right-of-way easement, through the property that came before the Readington Township Planning Board for site plan approval for a 24 foot cart way and associated with that significant improvements to County Line Road. Pursuant to resolution dated May 29, 1990, Readington Township approved the site plan for Magnolia Lane and for the improvements to County Line Road. The 24 foot cart way was constructed to which Solberg Aviation Company reserved the right of access. On February 1, 1991, Solberg Aviation Company granted to K. Hovnanian a right of way for the improvements on County Line Road which were constructed under the supervision of Readington Township's Engineer Robert Bogart. Two of the lots have frontage solely on Magnolia Lane. The other 4 lots have frontage on County Line Road. In McEldowney's letter, he

raised the question as to whether or not all lots have to have frontage on a public road. She stated that there is no evidence that Readington Township ever accepted the road from Branchburg Township, after the easement was dedicated to Branchburg Township. Ms. Tubman stated that nothing in the land use law requires frontage on a public road, only on an improved road.

Attorney Kimson swore in the witness:

Edward Herrman stated that he is a licensed professional engineer in the State of New Jersey. He is a graduate of Rutgers University and has been practicing for approximately 10 years. He is employed by Van Cleef Engineering Associates.

Exhibit A-1 Grading, drainage, utility and permeability test location plan dated September 1, 2006, last revised November 2, 2006. (Sheet 4 of 17 of the subdivision set)

Mr. Herrman stated that the subject track is approximately 25 acres. It is situated approximately one mile south of Route 22, along County Line Road. The lot layout is conforming to the RR zone, which is a minimum lot size of three acres. The smallest lot consists approximately of 3.3 acres and the largest lot consists of approximately 4.6 acres. The primary and reserve septic fields are located on the map. They have received Board of Health approval for the soil testing. The total area of disturbance is approximately 5 ½ acres.

Ms. Tubman stated that the applicant wanted to point out that there is some artificial slope disturbances for driveways. The steep slope ordinance and the environmental constraint ordinance allow roads to go through. Additionally 2 septic beds were approved by the Board of Health just prior to the adoption of the amendment to the stream corridor ordinance.

Mr. Herrman identified for the board the stream corridor in the steep slope area. He stated that he would need guidance from the board regarding this area.

Ms. Tubman asked the board for their comments regarding the two septic locations.

Madam Chair stated that pursuant to the reports submitted from the Clark Caton & Hintz and Princeton Hydro, they are suggesting a different configuration.

Attorney Kimson swore in Brent Krasner of Clark, Caton & Hintz and Geoffrey Goll of Princeton Hydro.

Exhibit A-3 Report from Clark, Caton & Hintz dated February 6, 2007 and the proposed re-configuration are located on page 6 of 11 of that report.

Ms. Tubman stated that this configuration shows that the 6 lots all having their primary access off of Magnolia Lane.

Mr. Krasner stated that when they reviewed the application, they had concerns about the way the lots were configured. First of all, the proposal placed too many driveway openings on a portion of County Line Road which is very narrow. This proposal also encroaches into the stream corridor particularly lot F. For those reasons, they should front the lots on Magnolia Lane.

Mrs. Filler stated that the Environmental Commission recommended that a site visit take place prior to moving any further on this application. She stated that there were environmental concerns about the stream corridor, and the habitat.

The board decided to perform a site visit on March 10, 2007, at 9:00 o'clock a.m. Everyone will meet at the Magnolia Lane location.

Mr. Herrman referred to Dr. Souza's letter. He indicated that there might be a wetland component that would require a 150 foot buffer. Ms. Tubman stated that Mr. Kuc, the applicant's environmental consultant, would appear at the next meeting. It might be that this could be handled on a permitting basis with a transitional waiver.

Mr. Goll answered that this is a DEP issue. It will be a question of how they are going to handle the buffering.

Mr. Herrman stated for the record that they do possess a letter of interpretation that was signed off by the State. He stated that there are no special conditions attached to the letter of interpretation.

Mr. Krasner informed that board that he would at least like to see their configuration explored. It seemed as though it was very close to being able to meet the lot circle requirements. The variance would be very small.

Ms. Tubman stated that they will bring a layout of this configuration that would not be fully engineered to the next meeting. It would address the potential variances and the location of the approved septic beds relative to the lot lines.

Mr. Goll stated that if they reconfigure the lots, the septic would be too far away. The whole idea is to limit tree clearing area.

Ms. Tubman stated that is the extent of her presentation.

PUBLIC COMMENTS:

Ted Peters stated that this is not a good time for his statement. He will withhold his comments to another time.

Caroline Podchaski, 150 County Line Road. She was concerned about the environment. She thought that there was public sewer service for this site. Mr. McEldowney informed her that Readington Township does not have public sanitary sewer near this site.

Candy Whitaker 826 Magnolia Lane, Branchburg showed photographs of the existing site. There are piles of soil and erosion exists.

Exhibit 0-1 Photographs taken by Ms. Whitaker dated December 20, 2006.

Ms. Whitaker wanted to know when this would be cleared up.

Mr. Herrman stated that the client is not here at this meeting, but he will be made aware of Ms. Whitaker's concerns. All permits that were required by the applicant were obtained.

Mr. McEldowney informed the board that what is occurring at the site is "pre-approval" disturbance. Once a subdivision is approved, the township committee and in turn the engineer takes over jurisdiction of the site. The site improvements would be monitored. Additionally the Hunterdon County Soil Conservation District would be involved.

Angela Michelle - 1307 Magnolia Lane, Branchburg. She wanted to know how far away from the condos would the homes be located and what type of stormwater management is proposed. Mr. Hermann answered the zoning requirements dictate where the home will be placed. As far as the stormwater management under the stormwater rules, they are required to meet the 3 part equation which is quantity, quality and recharge. He indicated that they would comply with that requirement. They are still in a state of flux regarding the driveway locations.

Jennifer Alexander, Esq., stated that she represents the home owner's association in Branchburg. She wanted to know where the lot line locations would be on Magnolia Lane. Mr. Herrman demonstrated the lot locations on the map.

Ms. Alexander wanted to know if part of the road would be owned by each lot owner. They homeowner's association would just maintain their easement right.

Ms. Tubman stated that the only evidence that they show in their record is an easement dedication to Branchburg Township, not to the Cedar Brook. Legally the lot lines run to the center of the easement. At present it is maintained by and served by a 250 unit development in Branchburg. But the land to the centerline of the road would be owned by each of the individual landowners.

Ms. Tubman stated that it would be a simple task to perform a “run down” search on the deed from Solberg to Branchburg to check if there was a subsequent conveyance. It is not relevant to her client, but she will perform this search for the board’s information.

Ms. Alexander stated that her client is not concerned about the homes being built; they are concerned about the road. The homeowner’s association is maintaining the road presently. She requested that the road be dedicated to the township or that the applicant negotiate with the condominium associations.

Ms. Kimson wanted to clarify for the board that the land use law and the ordinance require is frontage on a road that is set forth on a filed map or on a public road. This is not a public road because it has never been dedicated to a municipality as a roadway. It is filed on a map. When the condominium association was formed in Branchburg Township, the reason they came before Readington Township was to create the Magnolia Way easement. This board had jurisdiction just to permit the easement to be created as an access road into the association constructed in Branchburg Township. If you look at the April 4, 1985 deed, it is between Solberg Aviation Company and Township of Branchburg. It does not mention successors or assignments. It also does not list lot and block. There is a question as to who has the obligation to do the plowing and maintenance of the roads for any of the new homes created on Magnolia Way,

Ms. Tubman signed an extension to April 9, 2007. This matter is carried to March 10, 2007 for the site visit and then to April 9, 2007 for the next hearing date. The applicant will not be required to send additional certified letters of the next hearing date.

- 3. Adner Ebeb Realty Corp.
Minor Subdivision
Block 39, lot 8.01
Signed extension and carried to March 12, 2007**

Madam Chair announced that this matter was carried to March 12, 2007. No further notice will be given to the public.

4. **Wilmark Building Contractors**
Final Major Subdivision
Block 25, lot 38.01 –
Signed extension and carried to March 26, 2007

Madam Chair announced that this matter was carried to March 26, 2007.
No further notice will be given to the public.

K. ADJOURNMENT

Mr. Denning made a motion to adjourn the public meeting at 8:46 p.m. Mrs. Filler seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

Respectfully submitted,

Linda A. Jacukowicz