

READINGTON TOWNSHIP PLANNING BOARD

MINUTES

February 27, 2006

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	present
Mr. Auriemma	absent
Mr. Cook	present
Mrs. Duffy	present
Mrs. Filler	present
Mrs. Flynn	present
Mr. Klotz	present
Mr. Monaco	present

**Michael Sullivan, Clarke – Caton & Hintz
Valerie Bollheimer, Purcell, Ries, Shannon, Mulcahy & O’Neill
H. Clay McEldowney, Studer & McEldowney**

C. APPROVAL OF MINUTES

1. February 14, 2006- Mr. Cook made a motion to approve the minutes. Mr. Monaco seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

D. CORRESPONDENCE:

The board had no comments regarding the correspondence.

E. RESOLUTIONS:

**1. Jay & Eileen Gladstone
Lot Line Adjustment
Block 1.01, lots 1.12 & 1.13**

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

Roll Call:

Mrs. Allen **aye**
Mr. Cook **aye**
Mrs. Filler **aye**
Mr. Klotz **aye**
Mr. Monaco **aye**

2. Support Petition for upgrade to the NB Rockaway Creek to C1 status.

Mrs. Filler stated that the Environmental Commission submitted the petition for rule making on Friday. She requested a resolution of approval from the Planning Board in support of the petition. Mrs. Filler read the resolution into the record.

Mrs. Allen made a motion to approve the resolution. Mrs. Duffy seconded the motion.

Roll call:

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

3. Wellhead Protection Resolution

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

Roll Call:

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

F. OLD BUSINESS:

**1. Hunterdon Properties to Emmet
Block 12.01, lots 14.01 & 15**

Consent for an extension of time to perfect deeds

Mr. Klotz made a motion to extend their approval 60 days beyond April 19, 2006. Mrs. Filler seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

G. WORK SESSION:

- 1. Abby Schenkman
14 Gibson Terrace
Bridgewater, NJ
Clarification of approval for subdivision of Block 45, lot 26.03**

Ms. Schenkman stated that this was a subdivision originally approved for Mr. Van Cleef. She stated that she has been trying to purchase lot 26.08 for approximately 8 months. The seller does not want to get involved. The resolutions that refer to this property suggest a different lot number. The tax assessor informed Ms. Schenkman that the lot number was incorrect and it should be Lot 26.08.

The issue that Ms. Schenkman is concerned about is in Resolution #2003-119. In number 3 of the resolution it states that the applicant agrees to delineate the edge of the conservation easement with a fence. It shows on the plan that the applicant is supposed to do that. But the applicant did not post a bond for the fence, nor did he construct the fence. American Dream, purchased a few of these lots, and there is still no fence on the property. She did not want to be obligated to put a fence up on everyone else's property. She is willing to delineate the conservation easement on the piece that she is trying to purchase, but not on the rest of the property.

Attorney Bollheimer stated that the obligation runs with each lot. She stated that if final approval was allowed to proceed without collecting the bonds for the installation of the fence from the original developer, a condition should be imposed that that fence must be installed on each lot prior to the issuance of building permit.

Attorney Bollheimer stated that a short amendment to the resolution shall be made stating that before a permit construction on each individual lot is issued, a fence should be installed.

PUBLIC COMMENTS:

There were no comments from the public.

Mrs. Filler made a motion to approve this matter. Mrs. Allen seconded the motion.

Roll Call:

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

2. Oaks Developers, LLC
2 Railroad Avenue
Block 22, lot 66
Concept Plan

Elizabeth McKenzie stated that she is a professional planner and they are in a quandary because the Planning Board would not have jurisdiction over the application for a concept plan.

Attorney Bollheimer stated for the board's information that this particular applicant filed an objection to Readington Township's Third Round Housing Element and Fair Share Plan which has recently been filed by the township with the Council of Affordable Housing. The Planning Board does not have jurisdiction over this application and this applicant is presently pending before the Board of Adjustment. The board has discretion to entertain any private citizen's request for a zoning change, but she cautioned the board that there is pending application. No board member or board collectively has given this applicant direction about what to do with this property.

Ms. McKenzie stated that they have not gotten direction from one board or another. They cannot process this application before the Board of Adjustment if they are not being considered as part of the COAH plan. The applicant is requesting a re-zoning of this property.

Ms. Bollheimer stated that many times people make a request for a zoning change and many times the municipalities are not inclined to do so. The municipality may not be inclined to make the change. The board is without any paper documentation so they are not able to make any comment to the applicant.

Mr. Monaco wanted to know what the process is for a zoning change. Ms. Bollheimer stated that the request for a zoning change can be made to the governing body, or to planning board because they have the ability to change the master plan. The board can take that request into consideration.

Mr. Monaco stated that there the Planning Board is very limited since there is no documentation submitted. Ms. McKenzie offered to proceed as a concept plan.

Mrs. Flynn stated that the subcommittee that was created to meet with this applicant was not prepared to make recommendation on the density. The subcommittee felt that it was the township committee's decision in light of the Smart Growth process that the Planning Board is going through.

Mr. Sullivan informed the board that it would be helpful to have a re-zoning proposal. This way the board would have an opportunity to evaluate the zone change.

Madam Chair suggested that a concept plan be submitted and then come back to the Planning Board.

3. Flag lot ordinance

Mrs. Duffy reviewed the ordinance. There is a definition for a "flag lot". The definition states Lot, Flag, a lot having its major size and area behind another lot and having access to a street by a strip of land not less than 50 feet wide and a minimum frontage of 50 feet as measured at the cord or straight line distance between the side property lines at the street line. Ms Duffy stated essentially what we are doing is defining what Lot, Flag means. When we look through each of the zones, every zone seems to have frontage requirements. In a subsequent sub-part the ordinance speaks about maximum distance of lot circle from street right-of-way. This criterion seems to vary. Some are 150', and some are 125' depending on the zone.

Ms. Duffy stated that her concern is that it is defined and it speaks to the frontage, and if you have the frontage but you don't have the lot circle within the correct distance from the street, the application will be denied. She wanted to clarify that the frontage requirements must be read in direct conjunction with the maximum distance of lot circle from the street so that people purchasing these properties will fully understand that flag lots are not permitted.

Mr. Sullivan suggested adding a sentence in the definition section of the flag lot, that they are prohibited.

Attorney Bollheimer suggested the following language: "Flag lots are prohibited unless they comply with the lot circle requirement in the zone." Michael Sullivan and Clay McEldowney will assist the attorney as to where this language should be inserted in the ordinance.

H. ADJOURNMENT

Mrs. Filler made a motion to adjourn. Mrs. Cook seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz