

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
June 12, 2006**

A. Chairman called *the meeting to order at 7:06 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. Members and professionals present:

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

**Andrea Malcolm, Clarke-Caton & Hintz, - Professional Planner
Attorney Valerie Bollheimer, Purcell, Ries, Shannon, Mulcahy & O'Neill
Joseph Modzelewski, Studer & McEldowney - Engineer**

C. APPROVAL OF MINUTES

1. May 22, 2006 – Mr. Cook made a motion to approve the minutes. Mrs. Filler seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

D. CORRESPONDENCE:

Mrs. Filler had a question regarding correspondence #8. She wanted to know if the access is included in an LOI. Mr. Modzelewski answered no. Only areas of disturbance are included in an LOI.

Mrs. Filler was concerned about the letter from Ted Peters dated February 16, 2006 addressed to Van Cleef Engineering. Ms. Bollheimer stated that the Planning Board would not have jurisdiction over this matter. She stated that she will write a letter to Mr. Peters explaining that this is an issue between surveyors.

E. RESOLUTIONS:

- 1. Shabbecong, LLC
Minor Subdivision
38 Forty Second Street
Block 48, lot 10**

This matter is carried to the next meeting.

- 2. Rolling Meadows
Final Subdivision Plan
Block 55, lot 7.01**

This matter is carried to the next meeting.

- 3. County of Hunterdon/Township of Readington
Block 63, lot 45.02 & 45
Capital Improvement**

This matter is carried to the next meeting.

F. VOUCHER APPROVAL

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

G. TECHNICAL REVIEW COMMITTEE

- 1. Wilmark Building Contractors, Inc.
Preliminary Major Site Plan
Block 21.12, lot 46.08
Action date: June 26, 2006**

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

H. PUBLIC HEARINGS:

- 1. Wilmark Building Contractors
Final Major Subdivision
Block 25, lot 38.01
Action date: June 26, 2006 signed extension**

Madam Chair announced that this matter was carried to June 26, 2006.

- 2. Luberto
Minor Subdivision
Block 60, lot 12
Action date: June 12, 2006**

Lloyd Tubman, Esq., from the law firm of Archer & Greiner stated that she is the attorney for the applicant. This application is for a minor subdivision approval to create a second lot. The property is located on Stanton Road. There is an existing residence on the property. The proposal is to create a new 3.33 acre lot. The remainder lot will consist of 9.2 acres. There is a variance request associated with the application. There is an existing residence on the property located to the rear of the property.

Valerie Bollheimer swore in the following professionals: Andrea Malcolm, Joe Modzelewski; Steve Souza and Paul Fox.

Paul Fox stated that he is the engineer for the applicant. He stated that he is a licensed engineer in the State of New Jersey and New York. He is employed by Apgar Associates located in Far Hills for the past 10 years.

Exhibit A-1 Subdivision plat as proposed.

Mr. Fox stated this exhibit shows their proposal to create a lot fronting on Stanton Road which would be slightly larger than 3 acres and have a remaining lot comprised of approximately 9 acres located to the rear. This configuration conforms to all of the bulk requirements of the zoning with the exception of having the 250 foot diameter circle within the required distance from Stanton Road.

Mr. Fox informed the board the county standards require that for a subdivision that a single entrance be used by both properties. The driveway that is shown on the plan is not one that would be constructed. Instead the existing driveway would be used and moved slightly to the northeast. There are 2 stream corridor areas shown on the plan. They are located to the rear and to the side of the property.

Exhibit A-2 the first alternative plan entitled "Concept Plan #1. This calls for the creation of a public road coming off of Stanton Road to the mid point of the property. The two lots that are arranged are similar to what is being proposed. The difference is that they are creating a public right-of-way to access the rear lot. By doing so, this would allow the 250 foot diameter circle to be within the required distance of a public right of way.

Exhibit A-3 second alternative plan entitled “Concept Plan #2. This plan shows another way of achieving conformance with the lot circle distance requirement by gerrymandering the new lot and wrapping it around the back in order to have the 250 foot diameter circle to be within the required distance of a public right of way. This is a contorted design in order to achieve conformance of the bulk requirements.

Mr. Klotz wanted to know if the alternative plan #2 would use the common driveway. Mr. Fox answered yes.

Dr. Souza wanted to know how much impervious coverage is associated with the alternative plan #1. Mr. Fox answered that he did not have that answer.

Dr. Souza stated that there are no provisions for stormwater management provisions relating to the runoff from the roadway. Mr. Fox answered that that was correct.

Mr. Modzelewski wanted to know if the gerrymander lot was conforming regarding the continuous useable area requirement. Mr. Fox answered yes, it calculates to 65,000 square feet.

Ms. Malcolm wanted to know if the concept of the new road was submitted to the county. Mr. Fox answered no.

Dr. Souza wanted to know if they had an LOI for the property. Ms. Tubman answered that they are waiting for DEP results.

Mrs. Katherine Luberto was sworn in by Attorney Bollheimer. Ms. Luberto stated that she is one of the owners of the property. The house was constructed in 1964.

PUBLIC COMMENTS:

There were no comments from the public.

Mr. Klotz stated that they are creating another flag lot, but they can get around it by conforming means. He stated that the board has the choice of either going along with the variance or approve the conforming lot.

Mrs. Filler did not like the construction of the road. Flag lots are usually not approved.

Mrs. Allen stated that this is an unusual situation because when there is a request for flag lot it is because it is no possible to create two conforming lots with the frontage that they have. This is unusual in that it is possible to create two conforming lots as an alternative to the flag lot, but the configuration of that fully

conforming subdivision does not make sense from a design standpoint. She stated that she would be inclined to approve the current proposal.

Mr. Smith was not in favor of the concept proposals. The best solution would be the flag lot.

Mr. Cook stated that the flag lot is not something that generally would be approved. But in this case, he would prefer this to the concept plan.

Mrs. Filler suggested that no further subdivision would be allowed on the larger lot. Mrs. Tubman answered that the applicant agreed.

Mrs. Allen suggested a deed restriction should be imposed to prevent the trees from being cleared. Ms. Tubman stated that if the county permits it, the applicant will agree to this condition.

Madam Chair stated that she agreed with the entire board's opinion. There is a possibility that conforming lots could be created, but they are not in the best interest to the township. There would be additional impervious coverage and additional area of disturbance. Therefore, she would approve the original proposal.

Mrs. Allen suggested that a deed restriction be imposed that would prevent the trees from being cleared. Mrs. Filler volunteered to work with the county regarding the tree removal. Ms. Tubman answered that her client has no interest in removing trees, unless they are required to by the county.

Mrs. Allen requested that with the exception of what the county would require that the existing vegetation as it currently exists should be maintained. Ms. Tubman stated that that would be acceptable.

Ms. Filler and board's planner will work with the county to the extent possible to preserve the trees and the applicant will deed restrict preservation of those remaining trees.

Ms. Tubman stated that at the southern end of the property, the stream corridor is virtually coterminous with the tree line. She did not want to install a fence along the tree line. She stated that they would install the markers as required, but preserve the trees.

Mrs. Filler stated that she agreed as long as there was a clause in the deed indicating that the trees are not being removed. Ms. Tubman answered that there will be in the chain of title a stream corridor easement as well as the tree preservation easement.

Ms. Bollheimer recited the conditions of approval as follows: the tree preservation easement; the stream corridor easement and no further subdivision of the remainder lot.

PUBLIC COMMENTS;

Ingelore Krug stated that she was concerned about the trees being removed. She wanted to know who would monitor that the trees are not removed.

Ms. Bollheimer answered that it would be the zoning officer who would monitor this matter.

Joe Modzelewski stated that regarding his letter dated May 17, 2006 there are some housekeeping items related to the plan.

Mr. Fox answered that he has no problem with any of the items, except the item regarding the required fencing along the conservation easement in the area of his lawn. Presently it is a maintained lawn. He was concerned on how will this area be maintained once it is fenced in.

Madam Chair stated that there should be a clause in the deed stating that when the property changes ownership the fencing would be required. The board members concurred.

Mrs. Malcolm stated that if trees had to be removed due to the county, they should be replaced in some manner.

Ms. Tubman stated that to the extent that trees may have to be removed, trees must be planted elsewhere on the property. This is acceptable to the applicant.

Mrs. Filler made a motion to approve the application with the conditions set forth. Mrs. Allen seconded the motion.

Roll call:

**Mrs. Allen aye
Mr. Cook aye
Mrs. Filler aye
Mr. Klotz aye
Mr. Smith aye
Madam Chair aye**

Mrs. Filler stated that a letter should be forwarded to the Hunterdon County Planning Board stating that Cheryl Filler and Michael Sullivan will be working on this application.

3. **American Classics, LLC
Preliminary Subdivision
Block 69, lot 12
Action date: June 12, 2006**

Ben Smith recused himself from this application.

Alan Wohl, Esq., stated that this matter was before the board in April of this year. Since that time, meetings with the professionals had taken place and they did not feel that a site meeting was necessary.

Dr. Steve Souza stated that there were photographs that were submitted and he reviewed same with the applicant's wetland's scientist and made the determination also with the applicant's engineer that a site walk was not required.

Mr. Wohl stated that he Mr. Herrman could recap for the board.

Edward Herrman, of Van Cleef Engineering, stated that sheet 4 of 11 entitled grading, drainage, utility, and permeability test location plan has a revision date of May 26, 2006.

Exhibit A-2 grading, drainage, utility, and permeability test location plan has a revision date of May 26, 2006.

He stated that the changes include the issue of the width of the cul-de-sac. They have revised it to be 30 feet continuous into the cul-de-sac bulb. The cul-de-sac bulb was shortened slightly. A fire tank has been included on the plan. Other issues were relating to the stormwater management. They came up with a design for the cul-de-sac swale. Another issue was the southern quadrant of the property where the environmentally sensitive areas are located, the two wetland swales and the conservation easement which they delineated formally encompassing all of the wetland swale, subsequently they have extended the fencing and signage which is shown on the revised plan set. The wetlands swale do not qualify as a stream under the ordinance, thereby they did not have a 100 foot buffer off of the ends of the swales.

Regarding B (1) of the June 8th letter from Mr. McEldowney, Mr. Herrman stated that this was a carryover from the last review letter. At the last board meeting, it was indicated that the fire official had reviewed the turning radius and was acceptable. The applicant will comply with Mr. McEldowney's letter dated June 8, 2006.

Regarding the fire tank the applicant will send the information to John Barczyk's office for his review.

Regarding Dr. Souza's report, the applicant will comply with his comments.

Dr. Souza stated that he had requested that the applicant's engineer prepare the DEP non point source assessment for the types of BMP's that are being used on the site. This was completed and they have demonstrated through that point analysis that they were providing an adequate amount of non structural BMP's with a management of stormwater on the site. He requested a note be placed on the plan noting that there would be no compaction or a minimal amount of disturbance around the areas where these trenches and drywells are going to be constructed.

PUBLIC COMMENTS:

There were no comments from the public.

Mrs. Filler made a motion to approve the application with the conditions that we have discussed. Ms. Bollheimer listed the conditions: an exception from the water quality as described by Dr. Souza. Mr. Cook seconded the motion.

Roll call:

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

I. INFORMAL REVIEW:

- 1. Readington Township (Accettola)
Block 63, lots 11, 12 & 13**

Julia Allen recused herself from this application.

Sharon Dragan, Esq. stated that she is the attorney for the township committee. She stated that this is a courtesy review on capital improvements. This involves the township's purchasing the farmland preservation easement on this property. This has been in negotiation since 2003. The application has been accepted into the agricultural county program and in FIG 2.

The total acreage of all 3 lots is approximately 83 ½ acres. The purpose of this application is to adjust the lot lines. It is located on West Woodschurch Road. At the rear of the property it is surrounded by county and township owned property. Lot 13 is the largest lot that has 2 single family residences located on it with barns and sheds. Lot 13 consists of 56.88 acres. Lot 11 consists of 6.4 acres and lot 12 consists of 20 acres. The purpose of the lot line adjustment is to add more property to Lot 13. It will go from its existing size of 56 acres to 67 acres. The other 2 lots will be straightened out. Lot 11 will have 7 ½ acres and lot 12 will have 8.8

acres. One of the contractual provisions is that right now all 3 lots have frontage on West Woodschurch Rd. There is an existing driveway.

Mrs. Allen stated that lot 12 will not have a driveway when one of Dr. Accettola's children constructs a house on lot 12. They won't put a driveway all the way out to West Woodschurch Rd. They will use the farm driveway to get to their property. But should that property ever be sold then that lot would lose this driveway access. Lot 11 is currently accessing West Woodschurch Road which will continue.

PUBLIC COMMENTS:

There were no comments.

Mrs. Filler made a motion to approve the above matter under the capital ordinance. Mr. Smith seconded the motion.

Roll call:

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

J. OTHER BUSINESS:

1. C-1 Petition

Mrs. Filler informed the board that the C-1 Petition was denied by DEP. They are currently looking at other options. They had 3 reasons why they denied the petition. One reason was that a fish IBI was not submitted. Dr. Souza stated that the phosphorous concentrations in a tributary segment have a history of elevated phosphorous concentration. He stated that he trying to develop a counter argument showing that although these concentrations are elevated they are not necessarily that bad. That was a weak reason. Mrs. Filler stated that another reason was that they did not include the tributaries. Dr. Souza stated that from a technical standpoint when the State refers to any water, it is the main water plus any of the unnamed tributaries. They proceeded under the assumption that DEP would use their own rule making policy in establishing what areas we were looking to protect. The threatened and endangered species have been identified are in the segment have some of the poorer water quality as compared to the main stem.

Dr. Souza stated that it was a very comprehensive submission. Since this was a petition for rule making it has to go to the Appellate Division to be challenged.

The township is not in a position to challenge it. They may resubmit something again.

Dr. Souza stated that this does not have any bearing on the issues that we have before Tewksbury Township.

K. ADJOURNMENT:

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

Respectfully submitted,

Linda A. Jacukowicz