READINGTON TOWNSHIP PLANNING BOARD
MINUTES
July 10, 2006

A. Chairman Flynn called the meeting to order and announced 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	**absent**
Mr. Auriemma	**present**
Mr. Cook	**present**
Mrs. Duffy	**present**
Mrs. Filler	**present**
Mrs. Flynn	**present**
Mr. Klotz	**present (arrived at 7:10 p.m.)**
Mr. Monaco	**present**
Mr. Smith	**present**

Andrea Malcolm, Clarke-Caton & Hintz
Valerie Bollheimer, Esq., Purcell, Ries, Shannon, Mulcahy & O'Neill

C. APPROVAL OF MINUTES

1. June 26, 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:

The board received correspondence from the Hunterdon County Engineer dated 6/26/06 concerning Luberto, Block 60, lot 12. Ms. Filler reminded the board that when this application was approved, the board requested that the applicant leave the driveway position at its current location. If there were any issues, the applicant was to have the township's engineer review the problem. The Hunterdon County Planning Board indicates that due to the lack of site visibility along the property frontage they wanted the applicant to conduct an analysis to determine a driveway location that would have adequate site distance. Ms. Filler recommended that a letter should be forwarded to the Hunterdon County Planning Board

indicating that it was the township's suggestion that the applicant not move the driveway because of the environmental sensitivity.

Another item was the LOI for Block 64, lot 19. Madam Chair suggested that a letter should be forwarded to NJDEP indicating the township's apprehension to allow the applicant to fill in the buffer area. The board requested that the NJDEP examine this application closely due to all of the recent flooding in the area.

Ms. Duffy addressed the LOI for the Emmet application. She felt that this matter should come to the board again. It was indicated that they are scheduled to come before the Planning Board Technical Review Committee on July 24, 2006.

Mr. Smith addressed the letter from the Hunterdon County Planning Board regarding the Joint Purchase Agreement with the County and the Township. He stated that he had asked the question during the informal review if there were any encroachments of any neighboring properties. He was told at that time there would be none. However, in reviewing this letter it states that there is a shed on the property and an encroaching paddock. Madam Chair stated that this was an informal review sent to the Planning Board for capital improvements by the municipality. In light of this letter the Planning Board is concerned about the plans that were presented in the event that this letter means that there are some changes. Therefore they should they make another presentation to the Planning Board.

E. RESOLUTIONS:

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

This matter is carried to the next meeting

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

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

Roll Call:

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

3. Anthony Malinowski
Block 53, lot 14
Extension of time to perfect plans

Mr. Klotz made a motion to approve the resolution. Mr. Auriemma seconded the motion.

Roll Call:

Mr. Auriemma	**aye**
Mr. Cook	**aye**
Mrs. Duffy	**aye**
Mrs. Filler	**aye**
Mr. Klotz	**aye**
Mr. Smith	**aye**

4. Country Classics
Final Major Subdivision
Block 36, Lot 93, 94 & 95
Action date: July 6, 2006

This matter is carried to the next meeting.

F. PUBLIC HEARINGS:

1. Wilmark Building Contractors
Final Major Subdivision
Block 25, lot 38.01
Action date: July 10, 2006 signed extension

This matter has been carried to July 24, 2006.

G. OTHER BUSINESS:

1. Elizabethtown Water Co.
Mountain Road Booster Station
Extension to Final Site Plan approval
Block 4, lot 42

Glenn C. Geiger, Esq., stated that he is with the law firm of Pitney Hardin, LLP and is the attorney for the applicant. He stated that in his letter to the board he had requested three one-year extensions of the final site plan approval.

By way of background, the property is located along Route 22 Westbound. The property was the subject of an application for preliminary site plan approval with conditional use, waiver and variance relief to permit the construction of a water pump station, with associated parking. That application was granted preliminary site plan approval on September 9, 2001 and memorialized by resolution on September 24, 2001. The applicant came back to the board and was granted final site plan approval on August 9, 2004.

Mr. Geiger informed the board that the pump station supports the provision of a potable water line extension together with fire safety within a franchise area both within Readington Township and in Clinton Township. Mr. Geiger stated that since the demand within the franchise area did not materialized due to the fact that the project has been tied up in litigation, they are in need of an extension to the approval. Accordingly, the applicant requests a one year extension.

Mr. Geiger did speak to Patricia Fisher Olsen of the Historic Commission regarding the old structure on the property and she informed him that there was no interest in the 2 story shed. At the time of the original approval, the applicant contemplated the removal of that structure. The applicant has not submitted a revised plan.

Mr. Smith stated that he had noticed the reference to the structure when he reviewed their LOI application. He recommended that it be referred to the Historic Commission. He stated that if the Historic Chairman feels that there is no interest, he will agree with her recommendation. He will speak to the Historic Commission on Wednesday, when they have their meeting.

Attorney Bollheimer swore in the following witnesses: Andrea Malcolm and Victor Sestokas.

Victor Sestokas stated that he is the Senior Planning Engineer for Elizabethtown Water Company for the past 23 years. He stated that the structure in question used to be a bait shop. Originally on the approved site plan this structure was scheduled for demolition. There is no documentation as to when the structure was constructed. If the Historic Commission would like to have a site visit, they should just let the applicant know so that they are given access.

Mrs. Filler made a motion to extend the approval for one year. Mr. Auriemma seconded the motion.

Roll Call:

Mr. Auriemma	**aye**
Mr. Cook	**aye**

Mrs. Duffy	**aye**
Mrs. Filler	**aye**
Mr. Klotz	**aye**
Mr. Smith	**aye**
Madam Chair	**aye**

2. Ordinance revisions

Andrea Malcolm addressed Ordinance #22-2006. The intent was to answer all of the issues that were raised by the committee.

Mrs. Filler stated that after her review, she noticed that "Ag" was supposed to be removed from the open space remaining as a cluster in the RR zone. In Section 148-16 #5 it talks about new agriculture construction. She is concerned with this because if this is open space there should not be new ag buildings constructed. She wanted to limit what can be placed on the open space and not to include buildings. She would prefer to take AG out of the RR zone.

Ms. Malcolm stated that by doing this there could be a problem with the SADC. In the past, they have not provided funding when there is this type of limitation. Ms. Filler stated that is only for preservation, not for open space as a result of clustering.

Mrs. Duffy suggested that the board wait to hear from Mr. Sullivan since it continues to re-appear in the ordinance.

Attorney Bollheimer stated that the open space is supposed to be for the use and benefit of the homeowner's association. Ms. Bollheimer asked Ms. Malcolm if the Master Plan addresses that open space shall or can or may be used for farming purposes. If it does, and the board is inclined, that language should be amended. If not, and the ordinance is only amended, it may not be consistent with the Master Plan.

Regarding page 8, number 4, Ms. Filler was concerned about the changes of types to the stormwater mechanisms. Depending on the application, if there is another type stormwater management that would work, this is not covered in the ordinance.

Ms. Duffy suggested to revise the ordinance to state, "Stormwater management elements shall not be located within the open space created as part of cluster subdivision. Stormwater management elements may include but are not limited to…" Or examples of stormwater management elements are……..."

Madam Chair suggested that this matter be carried to the next meeting in order to have the engineer provide a list of what developers are maintaining their stormwater management facilities.

Mr. Klotz stated that the township should be aware if a developer wanted to put the retention facility in the middle of the open space.

Attorney Bollheimer stated that the RSIS will not allow a detention basin on a single family lot. In the past there could have been a 10 lot subdivision and a homeowner would get a large lot with a detention basin. They would be deed restricted to own, operate and maintain the basin.

Madam Chair wanted to know if there was a stormwater management definition in the ordinance.

Ms. Duffy stated that the language that she suggested should be reviewed by Mr. Sullivan, along with replacing the word "elements" with word "facilities". She felt that the word facilities would make it clearer that you are not talking about a stream.

Mrs. Filler confirmed that they were trying to get the definitions out of the main part of the ordinance. This is a definition. She was also concerned about the "new agriculture structures".

Mrs. Duffy stated that in the paragraph one, at page seven, she indicated to remove the word agriculture and then also at paragraph "5" and removing paragraph five at page eight.

3. 148-9 Definitions

Madam Chair addressed this ordinance. She was uneasy about footnote #1.

Ms. Malcolm stated that it was her interpretation that they were overlapping a slope. They decided that the language should be changed to the following: "If a specific portion of a lot contains more than one overlapping constraint, the constraint with the greater reduction shall apply."

It was agreed that this change should be forwarded to the Township Committee.

Mrs. Filler made a motion to the change in the ordinance and to send same to the Township Committee. Mr. Smith seconded the motion.

Roll Call:

Mr. Auriemma aye

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

The board determined that this ordinance should be forwarded to Dr. Souza.

4. LOI review

Madam Chair stated that currently Studer & McEldowney's office is reviewing the LOI's as they are received by the Township. The Planning Board does receive the LOI memos; however, the original intent was for the engineer's office to take immediate action if there was an LOI that raised environmental concerns. In that case, the engineer's office should immediately communicate the Township's concerns to the State. She recommended that the Township Committee direct Mr. McEldowney and his office to perform this task immediately. The board concurred with the Chair.

H. VOUCHER APPROVAL

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

I. PUBLIC COMMENT:

Ingelore M. Krug addressed that board that she had problems with a development that was being constructed adjacent to her property. Madam Chair instructed her that unfortunately the Planning Board was not the venue to address her problems and that she would have to direct her concerns to Michael Kovonuk, Chief Code Enforcement Officer and/or the Township Engineer, H. Clay McEldowney.

J. 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