

**READINGTON TOWNSHIP PLANNING BOARD  
MINUTES  
July 23, 2007**

**A. Chairman Flynn called the meeting to order at 7:09 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. Attendance:**

<b>Mrs. Allen</b>	<b>absent</b>
<b>Mr. Cook</b>	<b>absent</b>
<b>Mrs. Duffy</b>	<b>absent</b>
<b>Mrs. Filler</b>	<b>present</b>
<b>Mr. Gatti</b>	<b>absent</b>
<b>Mr. Klotz</b>	<b>present</b>
<b>Mr. Monaco</b>	<b>absent</b>
<b>Mr. Smith</b>	<b>present</b>
<b>Marygrace Flynn</b>	<b>present</b>

**In order to obtain a quorum, the following Board of Adjustment members attended the meeting:**

<b>Mrs. Fort</b>	<b>present</b>
<b>Ms. Hendry</b>	<b>present</b>

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

**C. APPROVAL OF MINUTES**

**1. July 9 2007 – Mrs. Filler made a motion to approve the minutes. Mr. Klotz seconded the motion. Ms. Hendry and Mrs. Fort abstained. Motion was carried with a vote of Ayes all, Nays none recorded.**

**D. EXECUTIVE SESSION:**

**Mrs. Filler made a motion to go into executive session at 7:10 p.m. Mr. Klotz seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.**

**RESOLUTION  
(Open Public Meetings Act – Executive Session)**

**WHEREAS, N.J.S.A. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and**

**WHEREAS, this public body is of the opinion that such circumstances presently exist:**

**NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Readington, County of Hunterdon, State of New Jersey, as follows:**

**The public shall be excluded from discussion of the hereinafter specified subject matters.**

**The general nature of the subject matter to be discussed is as follows:**

**1. Potential litigation**

**It is anticipated at this time that the above matter will remain confidential because of potential litigation.**

**This Resolution shall take effect immediately.**

**Certified to be a true copy of a Resolution adopted on July 23, 2007.**

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**Linda Jacukowicz, Coordinator**

**Mrs. Filler made a motion to exit executive session at 7:57 p.m. Mr. Klotz seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.**

**E. CORRESPONDENCE**

**No comments.**

**F. RESOLUTIONS:**

- 1. Heather Liardo  
Minor Subdivision  
92 Dreahook Rd.  
Block 51, lot 25**

**This matter has been carried to the next meeting.**

- 2. Luberto**

**Block 60, lot 12  
Request for extension**

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

**Roll Call:**

**Mrs. Filler            aye  
Mr. Klotz            aye  
Mr. Smith            aye**

**G.     TECHNICAL REVIEW COMMITTEE:**

- 1.            David & Lisa Lewis  
              Minor Subdivision  
              Block 73, lots 38 & 40  
              Action date: August 10, 2007**

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

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

**H.     OTHER BUSINESS:**

- 1.            Responsibilities of board members and policies**

**This matter has been carried to the next meeting.**

**I.     OLD BUSINESS:**

- 1.            An ordinance amending §148-50  
              Mandatory language to be included in conservation easements**

**This matter has been carried to the next meeting.**

**J.     VOUCHER APPROVAL:**

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

**K. PUBLIC HEARINGS:**

- 1 Michael Eng  
Minor Subdivision  
Block 97, lot 2  
Action date: signed extension and carried to August 27, 2007**

**Madam Chair announced that his matter has been carried to the August 27, 2007 meeting.**

- 2. Wilmark Building Contractors  
Final Major Subdivision  
Block 25, lot 38.01 –  
Requested extension to July 23, 2007**

**Madam Chair stated that the applicant has submitted a proposal for the disposition of the open space. The applicant has requested numerous extensions and those have been granted. This evening, the applicant and his attorney have chosen not to appear.**

**Mrs. Filler stated that if any of the agricultural practices that are being proposed in the trust document adversely affect the detention basin would the board's professionals' have to approve what is done ahead of time to make sure that they are properly mitigated.**

**Attorney Kimson stated that in the July 23, 2007 memorandum that she prepared states that the stormwater management plan is going to be subject to the engineer's review and approval. The board could request the engineer to look at applicable regulatory standards having to do with agricultural use in connection with that review.**

**Mrs. Filler stated that she had a concern that no structures will be allowed in the open space, which would include fencing.**

**Mr. Klotz stated that he did not feel that the trust document benefited the homeowners. The document is unclear.**

**Mrs. Fort stated that there is no language in the trust stating that the use cannot be detrimental.**

**Ms. Hendry stated that there is a difference between the use being detrimental and the trust being for the benefit of the homeowners.**

**Ms. Kimson stated that the resolution of preliminary approval already requires that there be a right to farm deed restriction in each of the residential**

**deeds. The potential homeowners would be put on notice that there might be agricultural use on that lot.**

**The board decided to require the applicant to amend the trust agreement to indicate the rights and obligations of the homeowners and tenants in the development.**

**Mr. Klotz was still uncomfortable with solution since the board has not given the applicant any guidance.**

**Ms. Kimson stated that the trust will show up during a title search, therefore, a potential purchaser will be alerted as to what they are buying and what their rights and obligations are with the open space. The developer should be required to comply with Section 4 to amend the trust documentation to set forth the rights and obligations of the homeowners in the development.**

**Ms. Hendry stated that she agreed with the proposal that the rights and obligations of the homeowners should be spelled out so that they have notice. However, this is still separate from whether or not the trust spells out what the benefit to the homeowner is.**

**Ms. Kimson stated that if the board would approve the application conditionally, the applicant would have to submit all of the documentation prior to the municipality signing off on the plan. The deed to the open space lot could not be deeded to the open space trust until such time as the plans would be approved.**

**Mr. Klotz also wanted to know what the “under protest” language meant in Mr. Clark’s letter. Attorney Kimson stated that she was not clear as to what Mr. Clark meant by that.**

**Attorney Kimson stated that the board could require that no building permit shall be issued until such time that the open space deed has been unconditionally filed with the County Clerk’s office. Additionally, the conditions would reflect that the applicant would comply with the May 8, 2006 report from H. Clay McEldowney with the exception of item number 3 which reads, plans shall be detailed to include that all utilities within roadway shall be backfilled with select material; it shall be modified to provide that it should be backfilled in accordance with RSIS standards. The applicant also agreed to comply with the March 26, 2006 letter from Michael Sullivan, the board’s professional planner. The April 20, 2005 report from Dr. Souza, the applicant still needed to perform a soil test outlined in item number three and determine the type of filter to be used in the water discharge system.**

**Mrs. Fort stated that the applicant placed the board at a disadvantage by not appearing this evening so that some of the questions could be answered and the board could move forward.**

**PUBLIC COMMENTS:**

**Ingelore M. Krug stated that the county clerk's office will record only the paper, they do not look at the contents.**

**PUBLIC COMMENTS CLOSED**

**Mrs. Filler stated that she is uncomfortable approving this application. There are issues that are outstanding and they did not appear this evening so that the board could ask their questions.**

**Attorney Kimson stated that they submitted a July 23, 2007 letter to agree with all of the conditions set forth in the July 23, 2007 comments that she made. The additions to that letter are that Mr. McEldowney is going to review the applicable regulations dealing with stormwater monitoring for ag use; there shall be no structures constructed which shall include fences; the trust document shall be amended to set forth the rights of obligations of the homeowners in the residential development; the trust document shall be amended to clarify the benefits to the homeowners and that there shall be no building permit issued until such time as the open space deed has been filed unconditionally with the county clerk's office.**

**Mrs. Filler made a motion to deny the application without prejudice. Mr. Klotz seconded the motion.**

**Roll call:**

<b>Mrs. Filler</b>	<b>aye</b>
<b>Mrs. Fort</b>	<b>aye</b>
<b>Ms. Hendry</b>	<b>aye</b>
<b>Mr. Klotz</b>	<b>aye</b>
<b>Mr. Smith</b>	<b>aye</b>
<b>Madam Chair</b>	<b>aye</b>

**L. ADJOURNMENT**

**Mrs. Filler made a motion to adjourn the public meeting at 8:40 p.m. Mr. Klotz seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.**

**Respectfully submitted,**

**Linda A. Jacukowicz**