

READINGTON TOWNSHIP PLANNING BOARD

MINUTES

August 27, 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:

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

Brent Krasner - Clarke – Caton & Hintz

Susan Lawless, Esq. Purcell, Ries, Shannon, Mulcahy & O'Neill

H. Clay McEldowney - Hatch, Mott & McDonald

C. APPROVAL OF MINUTES

- 1. August 13, 2007 – Mr. Cook 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

Madam Chair referenced a the letter that was written by Attorney Tubman dated August 13, 2007 regarding Calvary Bible Church. The request was for permission to transfer the excess ADA parking spaces to general parking.

Ms. Tubman stated that this request is for a minor field change. Michael Kovonuk, Readington Township's Chief Code Enforcement Officer indicated to her that he did not have a problem with the change, but wanted the planning board to make the decision if it was a minor change or not.

Mr. McEldowney commented that the applicant must provide an "as built plan" that would reflect the change.

Mr. Cook made a motion to approve the change to the parking spaces. Mr. Monaco seconded the motion.

Roll call:

Mr. Gatti	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

E. RESOLUTIONS:

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

This matter has been carried to the next meeting.

F. TECHNICAL REVIEW COMMITTEE:

- 1 Winfield Management
Preliminary & Final Major Site Plan
Block 8, Lot 3
18-22 Route 22 West
Action date: September 17, 2007**

The TRC determined that this application remained incomplete.

G. OTHER BUSINESS:

- 1. Responsibilities of board members and policies**

Madam Chair announced that this matter will be carried to the next meeting.

- 2. Renaissance at Readington
Block 36, lot 49
Request for extension (2 year request)**

Lloyd Tubman, Esq., stated that she is the attorney for the applicant. She indicated that she appeared on August 13, 2007 before the Planning Board with her

clients. At that time, the board indicated that since the project was approved in August 11, 2003, her client should address the COAH obligation that currently exists. After discussion with her client, they will accept the new requirement of One Percent.

Mr. McEldowney mentioned that one of the conditions of the approval was that upgrades be performed on the Oakland Avenue pumping station. He stated that he is concerned about the delay since there is a coordination issue with another development, Country Classics and also the middle school.

Ms. Tubman answered that the applicant will work out the timing for that project with the township.

Mr. Monaco made a motion to approve the two year extension subject to the COAH obligation being increased to One Percent and that the timing for the pumping station will be worked out with the township's engineer. Mr. Cook seconded the motion.

Roll call:

Mr. Gatti	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

H. OLD BUSINESS:

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

Madam Chair announced that this matter will be carried to the next meeting.

I. VOUCHERS:

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

J. PUBLIC HEARINGS:

- 1 David & Lisa Lewis
Minor Subdivision

Block 73, lots 38 & 40
Action date: September 6, 2007

Lloyd Tubman, Esq., stated that she is with the firm of Archer and Greiner and that she is the attorney for the applicant. Ms. Tubman stated that this is a proposed 2 lot subdivision in the AR zone with a 6 acre lot minimum. There are two variances requested that are caused by the limited shape of the property and its limited frontage on Rockafellow's Mill Road. The minimum frontage on that road in this zone is 50 feet. The applicant has 45.44 feet of frontage.

Attorney Lawless swore in the board's professionals and Mr. David Lewis and his engineer, Steve Risse.

Steve Risse stated that he is a professional engineer licensed in the State of New Jersey and Pennsylvania. He is employed by Bayer-Risse Engineering, Inc.

A-1 Dated August 27, 2007 – Minor Subdivision plan for Block 73, lot 40, revised date June 7, 2007

The exhibit is the same plan that was distributed to the board. The property is located on the western side of Rockafellow's Mill Road. The net lot area for lot 40 is 6.5 acres and the net lot area for lot 40.04 is 6.31 acres. The property has frontage at the end of the cul-de-sac on Stockton Road. It also has frontage on Rockafellow's Mill Road.

Mr. Risse stated that currently the property is a Christmas Tree Farm. All of the trees except the Cedar trees are identified on the plan.

A-2 Dated August 27, 2007 – Sheet 2 of the plan "Grading, Soil Erosion and Sediment Control Plan.

Mr. Risse stated that this is the same plan that was submitted to the board. He has indicated the trees that are located in the limited area of disturbance to demonstrate that they are not proposing to remove any trees. He stated that there is an existing farm lane located off of Rockafellow's Mill Road used for accessing the Christmas tree farm. They are proposing to maintain that road for the agricultural use on the property. There is an unnamed tributary of the South Branch/Raritan River that runs through the property in a southerly direction. They are proposing to protect the stream within a stream corridor conservation easement which is shown on the plan. They have a primary and reserve area for their septic systems for each lot. There is an additional farm lane for the management of the woodlands and the Christmas trees. This access is off of Stockton Road. The applicant is proposing to maintain this lane as a shared common driveway to gain access to both of these lots. The driveways are already in place so that there will be no disturbance to the trees to create new driveways for the residences. They are proposing that lot 40.04 would gain access through Stockton Street rather than through Rockafellow's Mill

through a shared common driveway easement that would run across lot 40. Regarding Mr. McEldowney's letter dated August 27, 2007, Mr. Risse indicated that they will comply with the placement of monuments and signs along the conservation easement; they are proposing natural plantings; signage and visible delineation element will be placed along the conservation easement line located in the flag stem of proposed lot 40.04. Since the plan does not depict actual grading or house locations, the development plans should be submitted simultaneously for review to assure that the cumulative project thresholds are not exceeded, however, they are not proposing to develop the lots at this time. Ms. Tubman suggested as a substitution to provide individual lot grading plans for the first lot as an "as built plan" when it is completed and then an individual lot grading plan for the second lot. Mr. McEldowney agreed. Regarding the estimated share off tract contribution of \$10,000, \$5,000 per lot, to be used for the improvement of the adjacent access road, the applicant disagreed with that amount.

Ms. Tubman requested that at the time that the agricultural use on the property ceases, that they would install the physical barriers within the stream corridor. They would install signage at this time.

Brent Krasner referred to his July 19, 2007 report wherein it was recommended to delineate the easement. He stated that his firm should choose the types of plantings. Additionally, Mr. Krasner wanted details on how the maintenance of the driveway will be handled. Mr. Risse stated that they would provide a shared driveway maintenance agreement. Ms. Tubman indicated that this would also be included to both deeds.

PUBLIC COMMENTS:

Walter Hrynyk, 119 Hoffman Road wanted to know why they needed two roads. Mr. Risse answered that there is an existing farm lane only. Mr. Hrynyk wanted to know if he could have a road off of Stockton Road to allow him to remove trees. Madam Chair stated that this would be a subject for the township committee.

Janet Munk, 123 Rockafellow's Mill Road wanted to know if there would be an increase use of the farm road from Rockafellow's Mill Road. Mr. Risse answered that that roadway is strictly for the Christmas tree farm.

Mr. McEldowney wanted the board to contemplate what would happen if the two lot owners had a dispute regarding the common driveway. He stated that lot 40.04 owner's would have 27 feet of public road frontage on a cul-de-sac to put another driveway in. He suggested that the legal disposition of the cul-de-sac should be clarified on the plan. Mr. Monaco stated that if this is approved it could be made a condition that there will only be one driveway.

Mr. McEldowney stated that the lot circles for both lots fall within 150 feet of Stockton Road. Technically, he asserts that both lots conform and do not need a variance for a lot circle.

Exhibits: A-3 photographs

Mr. Lewis stated gave a history of the property. He resides on lot 38 which is contiguous to this subdivision. His purpose for the subdivision is to provide building lots for his children. Regarding the frontage he would request that the board approve the latitude that if in the future the homeowner wanted a driveway it would be allowed. Additionally, the assessment of \$5,000 per lot is excessive. Currently this is a building lot. They have been paying taxes for 30 years. They have used Stockton Road for years and they are only created one lot. If there is going to be an assessment, it is only fair that the improvements be imposed for one lot. Also, if the township approves the subdivision, he is requesting relief from the monuments installation and plantings and additionally blocking off the access from using the land until such time as the land comes out of farm land assessment.

Ms. Tubman stated that the applicant would grant the stream corridor easement and place in the deeds the obligation to place the monumentation and do the demarcating planting at such time as farmland assessment ceased on either of the lots.

Ms. Tubman reminded the board that there is currently excess stream corridor near Rockafellow's Mill Road because it didn't make sense to have some unrestricted portions. They could submit a stream corridor averaging plan.

PUBLIC COMMENTS:

Bill Munk, 123 Rockafellow's Mill Road wanted to know what variances would the applicant require.

Mr. Risse answered that he would need a variance for the road frontage on Rockafellow's Mill Road.

Janet Munk mirrored her husband's comments.

Attorney Lawless recited the following conditions: The applicant agrees that signs shall be field placed to the satisfaction of the township's engineer; any species of plantings that would be required along the conservation easement shall be to the satisfaction of the township's planner; since the lots would be developed at two different times, the applicant agrees as to whichever lot is constructed first, the applicant will provide grading plans before a building permit is issued and an as built plan setting forth applicable stormwater management rules must be submitted before certificate of occupancy is issued; such conditions must be placed in the

deeds subdividing the properties; an off tract assessment shall be imposed at the time that a building permit is sought for one of the lots and the amount of that assessment shall be calculated by the township engineer is in the amount of \$5,000; regarding the placement of monuments to demarcate the conservation easement, the applicant shall submit a revised plan which utilizes averaging to straightened out some of the lines that appear on Exhibit A-1 and A-2 to reduce the number of monuments and therefore ease the tilling of the agricultural land. This plan shall be submitted and accepted to the satisfaction of the township engineer. Any signage along the line of the conservation easement which is currently used for agricultural services shall be placed in the field by the township engineer; the applicant agrees to maintain a fence or gate at the existing farm lane along Rockafellow's Mill Road to reduce access and shall remain unpaved; there shall be limited language placed in the deeds at the time of subdivision to indicate that only a shared driveway shall be installed, there will be deed restrictions that there will be no driveway access to either lot via Rockafellow's Mill Road and any existing farm roads to Rockafellow's Mill Road will be restricted for agricultural purposes only; access to the proposed lots shall be from Stockton Road; the board will defer the obligation to plant trees along the demarcation line within the agricultural field at this time, but there will be a notice placed in the deed of both properties that such plantings will be required at such time as the property ceases to be dedicated to agricultural use; no plantings will be required in the wooded track; and board deemed it appropriate to grant a variance for the 50 feet required for Lot 40.04 on Rockafellow's Mill Road to approximately 45.05 feet because it is an existing condition that resulted from a surveyor's error; a variance required for the placement of monuments along the conservation easement within the agricultural area from strict adherence to stream corridor requirements shall also be granted so that the applicant continues to dedicate the property to agriculture use; through the board's professionals it was determined that a variance for the lot circle for lot 40.04 was not required because of the proximity of Stockton Road; and a variance of the metes and bounds description in the conservation easement; the dimensions of the lot circle from the road should be added to the drawing; the applicant shall comply with the all of the conditions of Mr. McEldowney's August 27, 2007 letter; existing structures and features in the stream corridor may remain.

Mr. Monaco made a motion to approve the application with the above mentioned conditions. Mr. Smith seconded the motion.

Roll call:

Mr. Gatti	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

K. ADJOURNMENT

Mr. Cook made a motion to adjourn the public meeting at 9:10 p.m. Mr. Smith seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz