

READINGTON TOWNSHIP PLANNING BOARD

MINUTES

September 24, 2007

A. Madam Chair called the meeting to order at 7:12 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	present
Mr. Cook	absent
Mrs. Duffy	present
Mrs. Filler	present
Mr. Gatti	absent
Mr. Klotz	present
Mr. Monaco	present
Mr. Smith	present
Marygrace Flynn	present

Michael Sullivan- Clarke – Caton & Hintz

Valerie Kimson, Esq. Purcell, Ries, Shannon, Mulcahy & O'Neill

H. Clay McEldowney - Hatch, Mott & McDonald

Dr. Steve Souza – Princeton Hydro

Board of Adjustment members present:

Diana Hendry	present
Betty Ann Fort	present

C. APPROVAL OF MINUTES

1. September 10, 2007 – Mrs. Allen 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

There were no comments regarding the correspondence.

E. RESOLUTIONS:

1. Heather Liardo

**Minor Subdivision
92 Dreahook Rd.
Block 51, lot 25**

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

Roll Call:

Mrs. Allen	aye
Mrs. Duffy	aye
Mr. Smith	aye
Madam Chair	aye

- 2. David & Lisa Lewis
Minor Subdivision
Block 73, lots 38 & 40**

This matter has been carried to the next meeting.

F. TECHNICAL REVIEW COMMITTEE:

- 1 Ridge Road Realty, LLC
Preliminary Major Subdivision
Block 38, Lots 54, 74, 75
Pearl Street
Action date: October 6, 2007**

Mrs. Filler stated that the TRC determined after their review that the application remained incomplete.

G. OLD BUSINESS:

- 1. An ordinance amending §148-50**

This matter has been carried to October 9, 2007 meeting.

H. OTHER BUSINESS:

- 1. Responsibilities of board members and policies - carried to the next meeting.**
- 2. Pleasant Run Greens
Concept Plan
Block 70, Lot 31.1**

Victor E. Vinegara stated that he is a professional engineer and planner licensed in the State of New Jersey retained by the applicant. He informed the board that they had previously proposed a conforming subdivision layout showing 6 lots. They reconfigured the plan to indicate a variety of conservation easements and open space concept. Lot 1 would consist of over 4 acres and include a conservation easement. Lot 2 would consist of 2.88 acres; lot 3 is 3 acres; lot 4 is 1.7 acres, lot 5 is 1.88 acres and lot 6 would be 2.62 acres. The remaining area could be maintained by a homeowners association. The homeowners association would also maintain the pond. He stated that the board's planner had recommended reducing the size of the lots and opening it up to generate more open space area. They meet the lot circle requirements. There is a large portion of lot 1 that would be deeded as open space. In this layout, they are seeking to preserve the open space, but not the structures.

Mr. Vinegara stated that this concept would permit the reduction of lot size to the cluster zone, and to open up more area for green space. There are existing conditions on the property that they can utilize. All lots front on the road. The layout would depend on how the green space is divided.

Dr. Souza wanted to know if they were showing the regulated features on the site. Mr. Vinegara stated yes, this is a complete conceptual. Dr. Souza informed the board that that the actual conservation easement would expand further than what is shown on the plan to include the buffer area.

Dr. Souza wanted to know if they planned on using the pond as part of the stormwater management system. Mr. Vinegara answered no.

Mr. Sullivan mentioned to the board that when he originally suggested that the cluster be utilized, he envisioned that the cluster would be used so that the perception of the road and the front half of the site would be retained within an open space area. The developed residential lots would be behind the stream corridor. Mr. Vinegara answered that they could not get all of the lots to work in that area.

Mrs. Duffy stated that in her opinion, it would be more desirable to have the pond fall within the open space conservation easement.

Tim Jones, the owner of the property, showed projection photographs of the buildings that are located on the site.

Mr. Vinegara informed the board that they looked at trying to save the duplex structure, but the location is very close to the existing road and bridge. Therefore, they do not propose to keep the house.

Mrs. Filler asked if they meet the requirements for open space set aside. Mr. Vinegara answered yes. Because of the configuration of the wetlands, pond and road they do not meet the 50% requirement.

Mrs. Flynn stated that she preferred this layout. She is concerned that the greenway would be used for dirt bikes on the open space. She would prefer no structures at all on the open space.

Mrs. Allen stated that she did not feel they could justify keeping the house. It might be a big problem for the township. One possibility would be to have the house dismantled so that it could be re-cycled. Mr. Vinegara answered that they have already been in contact with someone to dismantle one of the barns to be reused.

Mr. Vinegara agreed to meet with the board's professionals to work out the details and will provide the Historic Commission with a copy of the CD depicting the structures.

They agreed to return to the Planning Board on October 22, 2007.

I. VOUCHER APPROVAL:

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

J. PUBLIC HEARINGS:

- 1. Wilmark Building Contractors
Final Major Subdivision
Block 25, lot 38.01
Motion for reconsideration**

Mrs. Allen and Mrs. Duffy recused themselves from this application and left the courtroom.

Betty Ann Fort and Diana Hendry members of the Board of Adjustment combined with the Planning Board in order to obtain a quorum for this matter.

Mr. Richard Clark stated that he is the attorney for the applicant Wilmark. The first matter that was addressed was the matter of reinstating the application. The application was previously dismissed without prejudice at a prior meeting. According to the minutes, it appears that occurred because he and his client did not appear. The only question that is left is the remaining tract and how it will be designated. This is reason for reinstatement.

Attorney Kimson stated for the record that very late on this day after 4:30 p.m., she received documentation via email from Mr. Clark's office. She did not have the opportunity to review the documentation at this point. She also received correspondence from Mr. Clark and she wasn't clear if the board had received a copy of that letter. Mr. Clark answered that the board has probably not received the letter. Therefore, Ms. Kimson stated that the board is without any of the backup documentation. Noting for the record, Ms. Kimson indicated that she had previously informed Mr. Clark that there were errors in his previous submission on July 23, 2007 and today is September 24, 2007 and those corrections are just now being submitted to the board's counsel at the last minute. At the July 23, 2007 meeting the applicant did not appear and the board had several questions about the submission and the cover letter. There was no applicant or counsel appearing at that time.

Mr. Clark stated that in February this was the only issue remaining. He put together the documents and counsel wanted it corrected. The documents were again submitted. He did not feel that there was a reason to appear at the July meeting. He will comply with whatever the board wants. Mr. Clark distributed copies of the documents to the board members.

Madam Chair asked Mr. Clark to articulate his reason for the motion for reconsideration. Mr. Clark found it difficult to put into words so he stated he would try to put it into an analogy. Lots of times, boards approve applications subject to submission of deeds; in this case he created the deeds and documents for that remaining tract and submitted it to be reviewed by professionals. He has nothing more to offer other than to say they will comply with what counsel has recommended. He stated that the board's counsel has recommended that certain changes be made to the documents and he has completed that, and there are no other planning issues left. That is the reason neither the applicant nor Mr. Clark appeared at the last meeting.

Mrs. Filler stated that it is up to counsel to review documents to make sure that they are in legal order, but it is up to the board to decide as to whether or not it is acceptable. The board at the last meeting had numerous questions regarding issues with the paperwork. She did not have a problem

with re-opening the matter for reconsideration, but her questions need to be answered to the board, not to counsel.

Ms. Hendry stated that counsel for the applicant has indicated that this is an issue where certain legal documents need to be reviewed by professionals, but the board's counsel has stated that they received correspondence and other documents late today. Have all of the documents that need to be considered been submitted and reviewed and considered? Ms. Kimson answered that she was unable to perform her analysis because of the fact she did not receive them until late today.

Madam Chair announced that all of the documentation has always been submitted late and are incorrect, and the board never had the opportunity to function adequately. Mr. Clark disagreed that they were incorrect. Ms. Kimson answered that Madam Chair is correct; that Ms. Leo from his office did submit the incorrect documents.

Ms. Hendry stated that based upon Mr. Clark's comments, the board has to be advised by counsel. If our counsel has not had the opportunity to review the documents, then where are we? Ms. Kimson informed the board that the board could consider Mr. Clark's motion for reconsideration tonight. Additionally, they could then take the time to review the documents and have Mr. Clark appear at a later date to address the questions by the board.

Ms. Hendry made a motion to grant the applicant's request for reconsideration of the application. Mr. Klotz seconded the motion.

Roll Call:

Mrs. Filler	aye
Mrs. Fort	aye
Ms. Hendry	aye
Mr. Klotz	aye
Mr. Smith	aye
Madam Chair	aye

Mr. Clark stated that he will wait to hear from counsel as to whether or not they have complied with what was requested.

Madam Chair requested that the applicant be present at the next scheduled meeting in order to answer the board's questions.

Mr. Clark signed an extension to November 26, 2007.

Betty Ann Fort and Diana Hendry left the dais and Elizabeth Duffy and Julia Allen returned to their places on the board.

2. **John Nichodemus**
Lot Line Adjustment
45 Pleasant Run Rd.
Block 64, lot 36
Action date: September 27, 2007

Mark Wetter, Esq., stated that he is the attorney for the applicant. He indicated to the board that the application is a lot line adjustment. His clients' neighbors the Hansens' have agreed to this application. The property lies in the AR zone that allows for a 6 acre zone.

Attorney Kimson swore in the applicants and board's professionals and Mr. Nichodemus.

Christopher A. Melick stated that he is registered with the State of New Jersey as a professional land surveyor and professional planner. He has 25 years worth of experience in the Somerset County Engineer's office, the bulk dealing with land development use issues. He has had his own surveying and planning business since 1994 and has testified before numerous boards on similar matters.

Mr. Melick stated that he has prepared the plan for this evening's hearing.

Exhibit A-1 Subdivision plan for proposed lot line adjustment dated May 16, 2007 prepared by Christopher Melick.

He stated that the plan shows lots 36 and 37. Lot 36 consists of approximately 17 acres. It has frontage along Pleasant Run Road. It is an unusually shaped lot. Lot 37 consists of 4.85 acres. Both of the lots are in the agricultural residential zone. Some of the deeds date back to the mid 1980's. There are a number of existing non-conformities, particularly with lot 37. The issue is that there is a fence line encroachment between the two properties. The property owners got together and agreed on a lot line adjustment that would accomplish the elimination of the encroachment; and bring the smaller lot more into conformity. The back of the dwelling on lot 37 is close to the rear set back line. The width of the lot line adjustment is 30 feet so it will enhance the rear yard setback from the existing dwelling to the property line.

Regarding Mr. Sullivan's report dated August 6, 2007, Mr. Melick referred to the comments regarding that in this zone, 6 acres are required. The existing acreage of lot 37 is 4.85 acres. The parcel that they are proposing to transfer is a little less than 8,000 square feet. If the lot line adjustment is approved it will increase this acreage to over 5 acres. The 350 foot diameter circle is supposed to be contained within lot and it is also supposed to be 150

feet from the front right of way line. On Lot 36 the 350 foot circle can be accommodated, but it is more than 150 feet from the road.

Item number 4 of Mr. Sullivan's report deals with the stream corridor easement requirement. Mr. Melick stated that based upon the ordinance, the applicants are required to dedicate the stream conservation buffers of 100 feet on either side of the stream. The applicant is seeking a waiver for this item in addition to seeking a waiver for number 5 of his report which deals with the net lot area since this is a small application and there is no disturbance proposed.

Mr. Klotz wanted to know if there were any structures located on the property. Mr. Melick answered that there are no structures.

Regarding Mr. McEldowney's report dated August 2, 2007, the proposed monuments will be installed delineating the new property line. The plan should include the location of the existing septic and well on lot 36. Mr. Melick stated that he located all of the surface features that he could find. He would have to go through the Board of Health records to ascertain the location of the septic area. Since the area in question is wooded, he did not feel that either the well or the septic would be located in this area.

In his opinion, Mr. Melick feels that under the MLUL granting this application will benefit the purpose and intent of the zone plan. The two lots are residential lots, and the increase buffer will enhance the enjoyment of the back yard on lot 37 at the same time it will not detract at all from lot 36.

Mrs. Duffy stated that they need to know where the well and septic are located because they do not want to realign the property line and then find out that the other person's septic is within the other person's property line.

Mr. Melick stated that he will confirm the location of the well and septic. Regarding the comment about merging a narrow strip of equivalent area across the entire rear property line of Lot 37 to address the fence encroachment and result in a more regular lot line between the two properties, Mr. Melick stated that he originally had that laid out on the plan and it came very close to the driveway. The applicant wanted the new corner further away from the driveway and they selected this layout.

Mr. Nichodemus stated that Mr. Hansen, his neighbor, or himself had an issue with this layout. He stated that originally they proposed the line to lie diagonally.

The board did not have an issue with the way the property line was laid out.

PUBLIC COMMENTS:

There were no comments from the public.

John Nichodemus stated that he is the owner of lot 37. He has a written agreement with the Hansens' who own lot 36 for the lot line adjustment. Mr. Nichodemus had the fence professional installed. He didn't realize that the fence encroached on to the Hansens' property until after it was installed. Mr. Nichodemus is requesting the relief of a lot line adjustment because he is faced with a dilemma. The Hansens' are retiring and property is for sale. He has an agreement with them, but he has no idea what to expect from the new owners.

PUBLIC COMMENTS:

There were no questions or comments from the public on this application.

**Mr. Smith made a motion to approve the lot line adjustment application.
Mrs. Allen seconded the motion.**

Roll call:

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

The board took a break.

- 3. Mountain Woods
Preliminary Major Subdivision
Block 4, lot 57
Signed extension and carried to September 24, 2007**

Salvatore Alfieri, Esq., Cleary, Alfieri, Jones and Hoyle stated that he is retained by the applicant. He stated that he was not at the last meeting that occurred in July, nor was Mr. Beardslee, the applicant's engineer. Therefore he suggested that Mr. Beardslee should be sworn.

Attorney Kimson swore in Mr. Beardslee, and Mr. Sullivan. Mr. McEldowney and Dr. Souza remained under oath.

Mr. Alfieri updated the board stating that since the last meeting a site visit had taken place and revised plans were submitted, and they have received

revised professional reports. Mr. Beardslee will describe the plan revisions that have been made and address the professional reports.

William E. Beardslee with Beardslee Engineering. His office is located at 15 Sparta Ave., in Sparta, New Jersey. He stated that he is a professional engineer, planner, and surveyor in the State of New Jersey.

Mr. Beardslee stated that there were 2 major revisions that took place and a few clerical in nature. The two major revisions were based upon Dr. Souza's report to enlarge the retention basin. The other major change was that the driveway to proposed Lot 57.04 was realigned to go around the stream corridor and conservation easement. The application is a fully conforming application that requires no variances.

Exhibit A-2 – Copy of sheet 4 of the plan entitled stormwater management – Mountain Woods on property situated Block 4, lot 57 prepared for Scott Carbone.

Regarding the September 21, 2007 report from Hatch, Mott & McDonald Mr. Beardslee referred to page 3, item #C-3. This discusses a small strip of land that exists between the proposed right-of-way and the neighboring property line. The wedged piece of land was created because they felt that just a straight road coming out to this area would not have character. Also, the proposed road will have a new name and they wanted to have some type of delineation so that it would be obvious this is another road. This area could also be dedicated to lot 58, if that person would be willing to accept the dedication. Additionally, there was an issue as to where they would plant shade trees. He stated that the road is heavily wooded. He suggested to take the number of trees that would be required per the ordinance and find a type of tree that would be acceptable to the planner and plant in that area to offer a buffer between the new roadway and the adjacent owner.

Regarding item number C-6 of the report, Mr. Beardslee stated that rather than make road improvements to Far Knoll Lane, the applicant will contribute its fair share contribution of \$40,000 to the township. Regarding item #3 of Section E, Mr. Beardslee stated that the applicant is proposing to have the township take over the maintenance of the detention basin.

Mr. Sullivan asked if there was any flexibility with the design of the stormwater management system since the development is so small. Mr. Beardslee stated that the flexibility is very limited. There is certain criterion that has to be met. This matter was discussed at great length with Dr. Souza.

Attorney Kimson asked if the detention basin was a part of a residential lot. Mr. Beardslee stated that it is not a free standing lot. It is part of a residential lot that is described by an easement.

Dr. Souza stated that this lot and lands that are being developed present an issue in terms of creating linear features for stormwater management. There are steep slopes on the property. The basin arrangement is the best approach. Dr. Souza stated that when a homeowner's association takes over the maintenance, it usually presents a problem and correct maintenance does not occur.

Attorney Kimson wanted to know if there was a designated parking area for maintenance vehicles to park when the basin is maintained. Mr. Beardslee stated that they have not addressed that question. The vehicle could be parked either in the public right of way or in the resident's driveway.

Attorney Kimson informed the board that the Planning Board does not have the authority to encumber the municipality to assume maintenance responsibilities on a private lot. Typically, the board requires the applicant to form a homeowner's association for the purposes of maintenance of the detention basin, unless the municipality agrees to take over the maintenance.

Therefore, the plans will be revised to show the additional grading for parking of maintenance trucks which would be subject to review and approval by Mr. McEldowney.

Mrs. Filler wanted to know if Dr. Souza could make another recommendation regarding the detention basin. Dr. Souza stated that applicant redesigned the basin to achieve the proper level of TSS removal and detention times.

Regarding the access to Lot 57.03 and 57.04, Mr. Beardslee stated that they will split the driveways and allow entrances out to the road. Mr. Beardslee stated that the applicant has proposed an alternative regarding the planting of street trees. They are proposing to take whatever number of trees they are required by ordinance to plant and work with the board's planner to come up with a planting plan for the wedge of property that was left along the right of way and detention pond edge in lieu of planting them along the roadway. Mr. Beardslee stated that the applicant will comply with the remainder of items contained in Mr. McEldowney's report dated September 21, 2007.

Mr. Beardslee addressed Dr. Souza's report dated September 21, 2007. Regarding the encroachment referred to in paragraph 8, page 3, and indicates the 100 foot buffer from the stream corridor which will be added into the plan. The driveway from Lot 57.04 was relocated from a stream crossing to a northeasterly direction and along the back line of the property, there is an area of slope outside of the 100 foot buffer, but adjacent to the 100 foot buffer, and based upon the ordinance will be included in the

conservation easement. So there is an area about 20 feet long that the driveway does cross, and it is adjacent to the 100 foot stream corridor buffer. According to the planners report, page 3 item #4 this item would require a variance. Mr. Beardslee testified that the realignment of the driveway has less of impact on the elements being protected by the ordinance than would any other crossing. The last items of Dr. Souza's report, items 4 and 5.2 which deal with test pit locations and Mr. Beardslee's stated that they will comply with this request. Dr. Souza needed clarification of where the conservation easement line is located. Mr. Beardslee stated that that will be provided. Also Dr. Souza requested that the information on the test pits should be provided prior to this moving forward. Mr. Alfieri stated that this information submittal could be a condition of final approval.

The last report is the planner's report dated September 18, 2007 page 6 of 11, item number 5, required information regarding the new roadway and the alignment with Far Knoll Lane. Mr. Beardslee stated that this will be a new road, with a new name and stop sign. The other point is on page 8 of 11, item #3 that discusses the demarcation of the conservation easement boundaries. Mr. Beardslee stated that per the ordinance they are required to provide signs and some type of continuous delineation. The conservation easement is rather significant. To fence the entire area is a burden. The applicant is proposing to post signs, but they would like to limit the fencing to the exterior of the property. The board did not agree with that proposal.

Mr. Beardslee stated that regarding lighting, historically lighting has not been necessary and the applicant would request that lighting not be required. The other item is sidewalks, for this classification of roadway; they would request not to provide them. Mr. Beardslee will comply with the remainder of Mr. Sullivan's report.

Mr. Sullivan wanted the board to know that in his opinion, the detention basin will look terrible. Mrs. Duffy stated that listening to the testimony concerning curving the roadway off toward the detention basin, now she is recommending having the road go straight to allow the ability to plant near the detention basin. Mr. Beardslee did not have a problem with allowing the road to remain straight.

Mr. Beardslee stated that the bulb of the cul-de-sac would remain the same size for emergency vehicles. If the road was shortened, there would be more overland which would enable them to decrease the size of the basin. No matter what stormwater facilities are installed, it would have to be located in that same area.

Madam Chair stated that currently the board does not have enough people to vote on this application because she did not listen to the tape of the previous meeting, nor did Julia Allen.

The applicant needs direction that they would need a variance for frontage if they shortened the road. Mrs. Allen stated that she is uncomfortable granting a variance for road frontage. Mr. Smith is hesitant to shorten the street.

Dr. Souza suggested that the applicant review a different vegetation mix to plant in that basin that would not require as much mowing.

Mr. Klotz wanted to know if it would be possible to lower the elevation of the cul-de-sac so that it drains into the conservation easement. Mr. Beardslee answered that if they did that it would require another basin to treat the water going toward the wetland area.

PUBLIC COMMENT:

There were no comments from the public.

This matter has been carried to November 26, 2007.

K. ADJOURNMENT

Mrs. Filler made a motion to adjourn the public meeting at 10:02 p.m. Mr. Smith seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz