

**READINGTON TOWNSHIP PLANNING BOARD  
MINUTES  
November 13, 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:**

<b>Mrs. Allen</b>	<b>absent</b>
<b>Mr. Cook</b>	<b>present</b>
<b>Mrs. Duffy</b>	<b>present</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>absent</b>
<b>Marygrace Flynn</b>	<b>present</b>

**Board of Adjustment member  
Richard Thompson present**

**Michael Sullivan- Clarke – Caton & Hintz  
Valerie Kimson, Esq. Purcell, Ries, Shannon, Mulcahy & O'Neill  
Joseph Modzelewski - Hatch, Mott & McDonald  
Steve Souza, Princeton Hydro**

**C. APPROVAL OF MINUTES**

**1. October 22, 2007 – Mrs. Filler made a motion to approve the minutes. Mrs. Duffy seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.**

**D. CORRESPONDENCE**

**There were no comments from the board.**

**E. RESOLUTIONS:**

- 1. John Nichodemus  
Lot Line Adjustment  
45 Pleasant Run Rd.**

**Block 64, lot 36**

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

**Roll Call:**

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

- 2.        Michael Eng  
          Minor Subdivision  
          Block 97, lot 2**

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

- 3        Adolfinia Estrada  
          ECHO Unit – Minor Site Plan  
          Block 13, Lot 25  
          47 Old Highway 28**

**Mrs. Duffy made a motion to approve the resolution. Mrs. Cheryl seconded the motion.**

**Roll Call:**

**Mrs. Duffy            aye  
Mrs. Filler           aye  
Madam Chair         aye**

**F.       EXECUTIVE SESSION:**

**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. Pending litigation**
- 2. It is anticipated at this time that the contents of the above discussions will remain confidential.**

**This Resolution shall take effect immediately.**

**Certified to be a true copy of a Resolution adopted on November 13, 2007.**

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**Linda Jacukowicz, Coordinator**

**Mr. Klotz made a motion to approve the resolution and enter executive session. Mr. Cook seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.**

**Mrs. Duffy made a motion to enter open session at 7:34 p.m. Mr. Klotz seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.**

**G. TECHNICAL REVIEW COMMITTEE:**

**None**

**H. 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.**

**I. OTHER BUSINESS:**

- 1. Responsibilities of board members and policies.**

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

- 2. An ordinance amended §148-50  
Mandatory language to be included in conservation easement**

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

**J. PUBLIC HEARINGS:**

- 1. Solberg Aviation Co.  
Preliminary Major Subdivision  
Block 40, lot 1  
Signed extension and carried to November 13 2007**

**Elizabeth Duffy recused herself from the application and left the court room. Richard Thompson from the Board of Adjustment attended the prior hearings and was therefore eligible to participate on behalf of the board in the application.**

**Lloyd Tubman, Esq., stated that she is with the law firm of Archer & Greiner and represents the applicant. This matter is a continuation of a public hearing for a 6 lot subdivision on County Line Road. At the last meeting, the board asked the applicant to consider limits of clearing in connection with stormwater management.**

**Attorney Kimson swore in Joseph Modzelewski - Hatch, Mott & McDonald. All other professionals were previously sworn.**

**Exhibit A-8 – Grading Drainage Utility and Permeability Test location plan sheet 4 of 18 of the submission, dated September 1, 2006, revised November 1, 2007.**

**Ed Hermann of Van Cleef Associates stated that applicant met with the board's professionals to go over the outstanding issues. The changes on the plan reflect the revised limits of clearing pursuant to that meeting. The plan has been adjusted to include the reserve septic areas. The vegetative filter strips are indicated on Lots D, E and F located on the southerly side of Magnolia Lane. They clarified the swale and manufacture treatment device for water quality purposes on the northern side of Magnolia Lane. Also, in order to provide an extra measure of mitigation, they added conservation easements in two locations.**

**Dr. Souza stated that at some point in time, the homeowner might install a swimming pool or tennis court and what do you do in the future with that additional stormwater runoff. In this case, they would compute the additional amount of impervious area associated with the addition and then increase the size of the recharge system and the drywell system, to compensate for the additional volume of runoff. This will provide the township with a tool to make sure that all of the stormwater runoff is being suitably managed on each lot. This would be something that would be reviewed at during the time of construction. This would have to be approved by the township engineer.**

**Joseph Modzelewski added that this method is a good approach. His office already anticipated this type of development for the future. Typically the applicant would**

have to produce a final grading and stormwater management plan based upon the actual development that is going to be built because it is understood that this is a conceptual design.

Mr. Hermann addressed the report from Hatch, Mott and McDonald wherein it stated that the first item addressed was an inconsistency between the interpretation of various information between the applicant's deed and the Peters' deed.

Mr. Hermann stated that the existing Magnolia Lane was designed for the condominium complex usage, with some portion of the property for the residential units in Branchburg Township. He did not feel that the RSIS standards should apply to this case because they are not proposing to improve Magnolia Lane. The roadway is a 24 foot wide physical pavement that was designed and approved by Readington Township for use as a roadway to handle this traffic. Their position that they are adding 6 lots, effectively 6 peak hour's trips or 60 trips of average daily traffic, to the roadway and that does not represent a significant increase. The drainage improvements must be submitted prior to the issuance of a Certificate of Occupancy. Regarding the \$5,000 per lot improvement to County Line Road, Ms. Tubman stated that she has not seen this in prior review letters and does not know where that figure came from. Mr. Modzelewski stated that Mr. McEldowney's calculated this based upon the amount of frontage and the standard of the road.

Mr. Hermann stated that according to Dr. Souza's report, they have met all of the outstanding conditions. Attorney Tubman stated for the record that the applicant has requested relief from the 90% TSS removal standard. Dr. Souza replied that this arises due to the fact that this is a small subdivision. There is no centralized basin for the collection and management of the runoff. It was magnified by lots D, E and F which do not drain towards the road and as a result do not end up with the benefit of some type of treatment by the roadside swale and the basin. The applicant added the grass filter strip at the end of the driveways. It is difficult to calculate how much pollutant removal you can achieve with those grass filter strips. In addition for further protection to the stream and wetland, the applicant agreed to expand the buffer. At least then, there is a permanent mechanism in place. With the combination of those two items. Dr. Souza informed the board that the applicant is definitely above the 80% TSS removal.

Mr. Sullivan informed the board that the subdivision plan has been revised to 99.9% to where he wants it to be after reviewing the first plan. As far as the way the applicant has worked out the conservation easement as it relates to the stream corridor that is located on the opposite side of County Line Road, he feels that it is an acceptable compromise since there is a significant amount of land that they are placing in the conservation easement along the stream corridor and the rear portion of the property. He stated that the applicant will place conservation signs on every fifth tree and monuments will be set.

**Madam Chair stated that she would prefer to see sidewalks installed. Dr. Souza stated that it would have to be installed on the south side of the road. They would have to cut into grade creating additional disturbance and the swale is on that side of the road too. He was not sure of the total impact that the installation of the sidewalk would be to the stormwater calculations. Mr. Modzelewski informed the board that he did not think that the installations of the sidewalk would make that much difference to the stormwater runoff.**

**Mr. Cook did not think that the children would use the sidewalk, but did feel that the board should provide a sidewalk. Mr. Thompson stated that he felt the same way as Mr. Cook. Mrs. Filler did not think that the children would use the sidewalk. Mr. Klotz felt that the younger children would use the sidewalk. Therefore, the general consensus of the board was to install a sidewalk.**

**PUBLIC COMMENTS:**

**Mr. Ted Peters was concerned about the comment from Hatch, Mott & McDonald concerning the boundary line discrepancy. He did not feel it was a minor matter. He read a letter into the record regarding his concerns about the subdivision and the boundary. A copy of his letter will be forwarded to the applicant. Attorney Tubman stated for the board that the applicant makes no proposal to expand the 33 foot right-of-way. When the Planning Board of Readington Township approved Magnolia Road, they also required some County Line Road improvements. This was back in 1990. There is no widening or modification to the right-of-way proposed.**

**Attorney Kimson read a paragraph from the report from Hatch, Mott & McDonald dated November 8, 2007 which stated that "The boundary survey of the subject tract and the adjacent township farmland preservation survey of the Peters' tract, Block 39, Lot 49 and Block 40 Lot 2, should be coordinated or modified such that the common boundary lines between the two surveys are consistent." Attorney Kimson stated that there will not be a meeting between the township professionals and the applicant's professionals to coordinate the boundary. The Planning Board engineer just suggested to the applicant to take a better look at the survey descriptions. Mr. Peters requested that the boundary line not be referred to as the center line of County Line Road.**

**Dean Seymour, from the law firm of Griffin, Griffin and Alexander PC, he stated that he represents Cedar Brook at Branchburg Condominium Association. He stated that the maintenance and responsibilities that the association have regarding Magnolia Lane have not been addressed. He stated that at the meeting that took place August, 2007 the board was not ready to accept dedication of the road. He was also concerned about who was going to be responsible for the sidewalk that the board suggested be installed.**

**Madam Chair stated that why should Readington Township assume responsibility for the maintenance of a road that the condominium association uses.**

**Attorney Tubman stated that when the Magnolia Lane easement was acquired by the township of Branchburg in 1985 it was part of a Mount Laurel settlement, preceded by threatened condemnation. Solberg Aviation conveyed that easement to Branchburg Township subject to the rights of the Solberg to utilize the easement area. This is a private title issue. It is not something that this board should be resolving.**

**Attorney Kimson stated that the sidewalk will be installed within the easement area, but the applicant has agreed that the maintenance of the sidewalk will be responsibility of the individual homeowners upon whose frontage that sidewalk is located.**

**John Rinehart, 428 Azalea Terrace, stated that he represents the Board of Trustees of Cedar Brook Condominium Association. He wanted to know who would be responsible and who would be liable for the right-of-way regarding snow and ice removal. Attorney Tubman stated that those responsibilities are that of the homeowners of the association conveyed to the condominium association in their homeowner's deeds. He was concerned that if they would not meet the requirements of the new homeowners association. Attorney Tubman stated that this is a private matter to be worked out between the homeowners associations.**

**Attorney Kimson stated that the sidewalk should be installed prior to any Certificate of Occupancy so that everyone has the opportunity to utilize it rather than having it done in segments. Dr. Souza stated that once one house is being constructed all of the stormwater features such as the swale, the storm sceptor and the improvements should be installed along Magnolia Lane.**

**The following variances were granted by the board: steep slope for driveway on Lot 1.03 and 3; slopes greater than 15% abutting stream corridor; and no fencing required. Additionally, an exception was allowed for Lots 1.05 and 1.04 and 1.03 which have slightly irregular side lot lines; and a waiver from the township ordinance 90% TSS removal standard, however, the record shows that the applicant has met the State's 80% TSS removal requirement; also a note should be added to the plan to indicate efforts will be taken to preserve as many trees within the limits of disturbance as possible during the clearing improvements phase. Regarding the driveways for lots 1.03 and 3 the cutting and grading of critical slope areas should be minimized. The recharge system drywell must be increased if additional stormwater runoff is added if the area of the proposed tree clearing limitation is expanded. The final grading and stormwater management plans must be submitted for prior approval to the township engineer prior to a building permit being issued. The \$5,000 for road improvements will be payable upon the issuance of each Certificate of Occupancy and a note on the filed map will be inserted to advise future property owners of such, the storm corridor will be monumented and**

**the signage will be field located and fencing will not be required. A 4 foot wide sidewalk will be installed on the south side of Magnolia Lane and will be installed within the right-of-way and the individual lot owners will maintain the sidewalk. The sidewalk will be installed before the issuance of the first Certificate of Occupancy. All swale, storm sceptors and other stormwater features to be located in the road must be installed prior to the issuance of the first Certificate of Occupancy.**

**Madam Chair requested that the site be maintained appropriately. Currently the site has large piles of earth that are sprouting weeds. She requested that the site be maintained suitably. The applicant agreed to comply with that request.**

**Mrs. Filler made a motion to approve the application with the aforementioned conditions. Mr. Cook seconded the motion.**

**Roll call:**

<b>Mr. Cook</b>	<b>aye</b>
<b>Mr. Thompson</b>	<b>aye</b>
<b>Mrs. Filler</b>	<b>aye</b>
<b>Mr. Klotz</b>	<b>aye</b>
<b>Madam Chair</b>	<b>aye</b>

**K. OTHER BUSINESS:**

**Madam Chair stated that Clark, Caton & Hintz provided a draft report of the Re-Exam. She requested that everyone review the document and forward their comments to Clark, Caton & Hintz as soon as possible.**

**L. ADJOURNMENT:**

**Mrs. Filler made a motion to adjourn the meeting at 9:15 p.m. Mr. Klotz seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.**

**Respectfully submitted,**

**Linda A. Jacukowicz**

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