

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
December 10, 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	present
Mrs. Duffy	present
Mrs. Filler	present
Mr. Gatti	present
Mr. Klotz	present
Mr. Monaco	present
Mr. Smith	present
Marygrace Flynn	present

**Valerie Kimson, Esq. Purcell, Ries, Shannon, Mulcahy & O'Neill
H. Clay McEldowney - Hatch, Mott & McDonald
Stephen Souza, Princeton Hydro
Michael Sullivan, Clark, Caton & Hintz**

C. APPROVAL OF MINUTES

1. November 26, 2007 – Mrs. Duffy 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

Mr. Cook referred the board to the letter from the Hunterdon County Soil Conservation District concerning the Freeman dwelling. He wanted to know if this problem had been resolved. Mr. McEldowney answered that he had no knowledge of this situation but would look into the matter.

Mr. Gatti referred to the memo that was addressed to the Historic Preservation Commission that dealt with the demolition of historic buildings. He wanted to know when that ordinance would be available for review. Mr. Sullivan

answered that they are currently researching other ordinances and a draft should be ready by the beginning of next year.

E. RESOLUTIONS:

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

This matter has been carried to the next meeting.

- 2. Solberg Aviation Co.
Preliminary Major Subdivision
Block 40, lot 1**

Mr. Klotz 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

Mrs. Allen had a question regarding Mr. Peter's property since at the time of the applicant's hearing a survey discrepancy had been noted. Ms. Kimson answered that this was discussed with Mr. Peter's at the time of the hearing. It is not uncommon that a discrepancy in a survey occurs when an adjacent property owner has a survey prepared. The Planning Board does not have jurisdiction over this discrepancy. The board requested that the applicant attempt to reconcile this matter, but the board cannot require the applicant to do so.

- 3. Rockaway Creek
Final Site Plan
Block 39, lot 57**

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

Roll Call

Mrs. Allen	aye
Mr. Cook	aye

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

F. TECHNICAL REVIEW COMMITTEE:

- 1. Serra, Anthony & Judith
 Preliminary Major Site Plan
 Block 36, Lot 96
 587 Route 22 East
 Action date: December 28, 2007**

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

- 2. Tom Jr. Properties
 Preliminary Major Subdivision
 Block 36, Lot 7
 1 Railroad Lane
 Action date: January 10, 2008**

Mrs. Filler stated that this matter is incomplete.

G. VOUCHER APPROVAL

Mrs. Filler 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.

H. OTHER BUSINESS:

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

The board determined that it was not necessary to continue with this topic since they had already adopted By-Laws.

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

Mrs. Filler stated that the Environmental Commission reviewed the ordinance. Their discussion revolved around the issue of who is going to enforce and monitor the removal of the vegetation and who can identify invasive species.

Mr. McEldowney informed the board that throughout the township utility easements exist. Property owners are not permitted to do anything within those easements other than mow grass, unless they get approval from the governing body. The same principal could be applied to the conservation easement specifying that if an owner wishes to remove an invasive species that a process would have to be followed.

It was determined to remove any reference in the ordinance permitting anyone from removing invasive species and leave it to state, "...you shall not..." A waiver could be granted to the portion of the ordinance if there was an area that needed to be mowed. Additionally, the word "native" will be removed.

Mrs. Allen stated that the ordinance should include some monitoring time lines to make sure that the easements are in their natural state. Regarding the invasive species, there should be no disturbance, unless there was an approved plan by the Planning Board to take out the invasive species.

Mrs. Allen suggested that Attorney Kimson prepare the revisions to the ordinance and prepare a draft for the Planning Board's review.

I. NEW BUSINESS:

- 1. Adner Ebeb Realty Corp.
Block 39, Lot 8.01
Request an extension of time to approval**

Ernest A. Renda, Esq., attorney for the applicant stated that he submitted a letter to the Planning Board requesting an extension of time to his approval because they are still waiting for Board of Health approval. Currently they have removed the accessory apartment and have removed the propane tank. They have received their Letter of Interpretation. Revised plans will be submitted once they receive Board of Health approval.

Mrs. Filler made a motion to extend the time of approval to May 15, 2008. Mr. Smith seconded the motion.

Roll Call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye

Madam Chair aye

J. PUBLIC HEARINGS:

**1. Amendment to Master Plan
 “Comprehensive Farmland Preservation Plan”**

Mr. Sullivan stated that this document was prepared as a pre-requisite to continued funding through the Planning Incentive Grant offered by the State Ag Development Committee. This will replace, in part, the former agriculture conservation and natural resources element that was in the Master Plan. New rules were adopted this year that mandated specific elements for a farmland preservation plan that municipalities would have to develop and submit as a condition of receiving their Planning Incentive Grant money. It includes a brief description of the existing characteristics of the township’s agricultural lands, soil types, and cover. It addresses the types of industries in the township. It references planning policies within the local land use, county and State policies. It identifies the preserved properties and the goals of the township for future preservation. The plan has to be submitted and received by the State by December 17, 2007 in order for the township to maintain its Planning Incentive Grant funding. The board’s comments were identified in a memo dated this date and will be incorporated within the plan as a final plan prior to the submission to the State along with the Planning Incentive Grant application.

Mrs. Allen had several corrections to the draft. Mr. Sullivan indicated that those changes will be reflected in the final version and will be submitted to the State.

PUBLIC COMMENTS:

Ernest Renda asked if this was a public record. Ms. Kimson answered yes.

Mr. Smith made a motion to approve the Comprehensive Farmland Preservation Plan. Cheryl Filler seconded the motion.

Roll Call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mr. Gatti	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

2. 2007 Reexamination of the Master Plan

Mr. Sullivan stated that every municipality within the State that has a land use plan element in their zoning has to prepare a re-examination plan to the Master Plan. The last reexam was completed on December 11, 2001. The re-examination report reviews the old plan and determines if those plans should be revised for the next period. The policies have not changed too much in the last 6 years. He recommended that the re-examination of AR zone; clustering thresholds within the RR zone; Steep Slope Zone; continue the boundary of the ADA and that relationship to the zoning plan. He indicated that at the end of this month there will be a new set of rules on the Council on Affordable Housing. He also has new recommendations, namely protecting the scenic attributes of the township. Regarding farmland preservation and farmland viability he recommends having a municipal farm stand so that farms would have a way to direct market products on higher visible thoroughfares. It calls for the update of the historic plan; the circulation plan; and for addressing the sewer service areas. There are new requirements for wastewater management plans. Mr. Sullivan stated that the board submitted comments and he proposes to incorporate those changes into the document.

PUBLIC COMMENTS:

There were no comments from the public.

Mr. McEldowney suggested that Code Enforcement should handle the ECHO unit process. Mr. Sullivan stated that that could be handled housing plan element.

Mrs. Filler made a motion to approve the 2007 Re-examination of the Master Plan. Mr. Monaco seconded the motion.

Roll Call:

Mrs. Allen	aye
Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Gatti	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

The board took a five minute break.

**3. Mountain Woods
Preliminary Major Subdivision**

**Block 4, lot 57
Signed extension and carried to December 10, 2007**

Salvatore Alfieri, Esq. Cleary, Alfieri, Jones and Hoyle stated that he is the attorney for the applicant. At the last hearing that took place in September, several issues were raised by the board and board's professionals that resulted in a revised plan being submitted by the applicant's engineer.

William E. Beardslee with Beardslee Engineering remained under oath.

Exhibit-A3 Stormwater Management Mountain Woods revised date 11-02-07

This plan has been revised to straighten out the road. The area to the east has been eliminated and the road is parallel to the property line. This change will allow the re-location of the detention basin away from the road and would allow room for a 10 foot planting strip. The area adjacent to the detention basin has been designated to allow a vehicle to pull in so that the basin can be maintained.

Exhibit A-4 Road re-location sketch December 10, 2007

Mr. Beardslee demonstrated that if they were to shift the road location to 50 feet off of the property line, there would be a strip along the property line that would be attached to the large proposed Lot 57.04. The alignment that was shown on Exhibit A-3 being parallel to the property line. He stated that the applicant has requested to allow the road alignment as demonstrated in Exhibit A3. It does not increase the number of lots or lot size. It does not impair the zone plan.

The next items are two driveways going to Lot 57.03 and Lot 57.04. The driveway for Lot 57.04 is on an easement crossing Lot 57.03; this was due to the stream corridor and wetlands. In the prior submission, those two driveways had a common element for about 15 feet. There was a question as to who would maintain this area. This is now solved because they are now proposing 2 driveways.

Mr. Monaco stated that the existing Far Knoll Lane is a private road leading to an accepted road. Mr. Alfieri stated that Far Knoll Lane is on the map as a street. He indicated that the applicant is responsible for paying its fair share towards the off site improvements of the road. Mrs. Allen wanted to know if it was legal to extend a private road. Is there a requirement that the entire Far Knoll Lane has to be improved to the RSIS standard? Mr. Beardslee stated that the applicant has been informed that their pro rata share for improving that portion of the road to RSIS is \$40,000. Mr. Monaco stated that it means that the rest of that share will be borne by somebody else.

Madam Chair wanted to know why the detention basin had to be located in the front of the house. Mr. Beardslee answered because of grading and maintenance.

Attorney Kimson stated that pursuant to NJSA 40:55D-35 entitled, “building lot to abut street.” Basically it says, “... that no permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure such street shall have been duly placed on the official map or shall be an existing state, county or municipal street or highway, or a street shown on a plan approved by the planning board or a street on a plat duly filed in the office of the county recording officer...”

Attorney Kimson went on further to say that there is another section which states that, “...before any such permit for a house shall be issued, the street shall have been certified to be suitably improved to the satisfaction of the governing body or as such suitable improvement shall have been assured by means of a performance guarantee in accordance with the standards and specifications for road improvements approved by the governing body as adequate with respect to public safety, health or welfare...” She stated it shows that there is another certification process about the standard of the existing questionable street.

Mrs. Duffy left the meeting.

Mrs. Allen was concerned because this road is poorly maintained. Is it really providing access to these 4 newly proposed lots? Mr. McEldowney stated that if a road has been open for over 20 years and open to the public, and if it has been maintained by the municipality, it could be considered a public road.

Mr. Monaco asked what is the applicant’s position in terms of traveling over this private road to get to this subdivision, was there a prior easement? Mr. Alferi answered that it was his understanding that the road is private only because it has not been accepted by the township.

Madam Chair asked the planner what would be the advantages of approving this application. Mr. Sullivan answered that it was incumbent upon the applicant to prove variances. Mr. Alferi interjected that all of the variances that the applicant is seeking relate to this issue.

Mr. McEldowney’s report dated November 29, 2007 was addressed. The applicant agreed to the conditions set forth in his report. The applicant agreed to install mountable curb on both sides of the road.

Regarding Dr. Souza’s letter dated December 7, 2007, the only outstanding issue was receipt of a letter from the Heritage Program. Additionally, the other items were detail related items.

Madam Chair had a comment regarding Mr. McEldowney’s report, specifically at page 3, item number 5 under technical standards, the off tract assessment is \$40,000, she wanted to know if that would be enough to bring the entire road up to municipal standards. Mr. McEldowney answered no. This amount would be

designated for improvements to allow the road to be maintained in the current non-improved state.

Mr. Monaco stated that regarding the \$40,000 off tract assessment, it was his understanding that the calculation should be based upon what it would take to bring the existing Far Knoll Lane up to the township's standards, taking that dollar amount and allocating it amongst the users which would include these 4 potential lots, plus the other users. Mr. McEldowney stated that he did not figure it that way.

Mr. Beardslee agreed to provide additional information regarding the landscaping pursuant to Mr. Sullivan's report dated December 6, 2007.

Mr. Sullivan informed the board that the detention basin is still too close to the road. He would like to see the basin removed or re-located behind the house, but if this is the way it has to be and the board approves the application, it is his suggestion that significant plant materials be re-established along that new roadway and in front of the basin and house. Mr. Alfieri stated that the applicant will willingly work with Mr. Sullivan regarding the landscaping and materials that will be planted around and in the detention basin. Mr. Sullivan informed the board that prior to that, he would recommend that an area that is acceptable for plantings be delineated and accepted by the board's engineer and Dr. Souza so that he knows the framework within which he can work. Additionally, Mr. Sullivan requested that samples of the wall should be provided to his office. Mr. Beardslee agreed to comply with these requests.

Dr. Souza stated that the basin will be somewhat dry, so they can get more creative with the type of plant material including some shrubs on the upper edge of the basin.

Mr. Alfieri recapped the items for the board. The wedge of land between the road and the adjoining property owner was discussed. Some of the board members indicated that they would rather see the road on the property line. If the road is moved, then the detention basin discussion would start over again because its location gets shifted. The board agreed to keep the plan as shown.

Mr. Monaco stated that regarding the road, it has to be specified that there is an actual determination of the cost of improvement to the township standards for the existing Far Knoll Lane and then a methodology.

Additionally, Attorney Kimson informed the board that the maintenance of the basin will be the responsibility of a homeowner's association unless the applicant offers the basin for maintenance to the governing body and that they accept the maintenance.

Attorney Kimson recited the conditions of approval: the conservation easement shall be fenced and signage installed; no street lighting shall be required; no

sidewalks shall be required; details shall be provided for the retaining walls; applicant shall submit a planting plan for replacement trees to the satisfaction of the board's engineer to plant the trees in groups rather than in a linear manner; sand filter location pits for the detention basin shall be completed prior to construction or final whichever occurs first; the applicant shall install Belgium block mountable curb on both sides of the road; the applicant shall obtain a letter from the Heritage Program; the township engineer shall perform the calculations for improvement of Far Knoll Road and pro rate among the abutting lot owners including this applicant; the applicant shall install plantings per recommendation and approval of the township planner and environmental consultant with a buffer easement to preclude any clearing within the planting area; the planting limit shall be delineated to the satisfaction of the township engineer and environmental consultant; street trees shall be planted pursuant to the recommendation of the planner; the applicant shall provide details of the retaining wall of natural stone prior to the pre-construction meeting or final whichever shall first occur to the satisfaction of the township planner; the driveway located at the upper portion of the property there shall be no construction or encroachment on to the adjacent property and the applicant shall delineate the boundary line to the satisfaction of the township engineer prior to any construction occurring. Additionally, the applicant must identify the maximum impervious coverage that would allowed on each lot and a note must be placed on the plan; prior to the issuance of a building permit, soil permeability testing in the drywells on the individual lots when the house locations are determined must be performed and results submitted to the township. The applicant will comply with all of the professional reports and comments. The variances for the other lots with driveways within 15 feet of the adjacent property line have been withdrawn. There is only one variance on the one lot. Prior to the issuance of a building permit, individual lot improvement plans based upon the actual footprint of the house shall be submitted to undergo an administrative review to insure compliance with the conditions of the subdivision.

PUBLIC COMMENTS:

There were no comments from the public.

Mr. Klotz made a motion to approve the application subject to the above mentioned conditions. Mr. Smith seconded the motion.

Roll Call:

Mr. Cook	aye
Mrs. Filler	aye
Mr. Gatti	aye
Mr. Klotz	aye
Mr. Monaco	aye
Mr. Smith	aye
Madam Chair	aye

K. 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. Contract negotiation**
- 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 December 10, 2007.

Linda Jacukowicz, Coordinator

Mr. Smith made a motion to close the public hearing and enter executive session. Mr. Cook seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

L. ADJOURNMENT

Mrs. Filler made a motion to close executive session and adjourn the public meeting. Mr. Cook seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz