

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
April 9, 2007**

A. Chairman called *the meeting to order at 7:08 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. Roll:

Mrs. Allen	present
Mr. Cook	present
Mrs. Duffy	present
Mrs. Filler	present
Mrs. Flynn	present
Mr. Gatti	present
Mr. Klotz	present
Mr. Monaco	present
Mr. Smith	present – arrived at 7:30 p.m.
Madam Chair	present

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. March 26, 2007– Mr. Monaco made a motion to approve the minutes. Mrs. Allen seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded.*

D. CORRESPONDENCE:

Madam Chair asked Mr. McEldowney for clarification about the letter from the Hunterdon County Engineer dated March 23, 2007, referencing the replacement of County Culvert R-99. Mr. McEldowney was not aware of this letter, but informed everyone that he would look into the matter and report back to the board.

Mr. Klotz was concerned about the report from Clark Caton & Hintz regarding the Calvary Bible Church. Mr. McEldowney stated that the main issue is the landscaping that did not conform to the approved landscaping plan. He stated that they are in the process of working the issues out. Mrs. Allen stated that this is scheduled to come before the Planning Board at the

next hearing. Madam Chair requested that this report should be forwarded to Mike Kovonuk in the Code Enforcement Office.

Madam Chair was interested in the correspondence dealing with Robert Jones wetlands restoration project. Mrs. Allen stated that it is similar to a project that is being worked on at the Cushetunk Nature Preserve with an NRCS grant.

E. RESOLUTIONS:

- 1. Rockaway Creek, LLC
Preliminary Major Site Plan
Block 39, lot 57**

This matter is carried to the next meeting.

- 2. Whitehouse United Methodist Church
73 Old Highway
Block 13, lots 34.01 and 36
Capital improvement review**

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

Roll call:

Mr. Cook	aye
Mrs. Duffy	aye
Mrs. Filler	aye
Mr. Klotz	aye
Mr. Monaco	aye
Madam Chair	aye

F. TECHNICAL REVIEW COMMITTEE:

- 1. Mountain Woods
Preliminary Major Subdivision
Block 4, lot 57
Action date: April 29, 2007**

Madam Chair stated that the TRC determined that this application remains incomplete.

- 2. Aurora R. Pipeling
Minor Site Plan**

118 Main Street
Block 34, lot 7
Action date: May 13, 2007

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

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

G. OTHER BUSINESS:

1. Ordinance #11- 2007

Mr. McEldowney stated for the board that this is an ordinance that the board had actually passed on the first reading last year and it was forwarded to the township committee. At that level the ordinance also had a first reading. It has subsequently been amended not in substance, but in organization and the modification to the definitions. The one significant change had to do with the applicability of the ordinance. The State Stormwater Management regulations apply to all major projects which are defined involving one quarter of an acre impervious cover or one acre of land disturbance. This ordinance will apply to all development applications, even those that are not defined as major applications. The board would retain the discretion to waive the application of those requirements for the smaller applications if the applicant has requested same.

Dr. Souza stated that he had made the recommendation to the board to accept this threshold. There are other townships in Hunterdon County that have similar language in their Stormwater Ordinance; Union Township is one of them. This ordinance would come into play in a redevelopment situation. For example, there was a gas station application a while ago, and it could have skirted the need for any stormwater management improvements because they weren't tripping any of the thresholds. But at the same time they were making modifications to the site and there was opportunity to make an improvement in terms of what was happening with the stormwater. There have been other applications that came before the board in the past, for example a minor subdivision that just tripped the threshold. You have to work with the applicant to decrease the amount of impervious cover so that they wouldn't be required to provide stormwater management. It adds an additional level of review.

Mr. Sullivan stated for an overall standpoint, the applicability section was the last part that was resolved.

Dr. Souza stated that the mitigation section is more consistent with the State regulations.

Mr. Monaco wanted to know if this would be onerous to the single family homeowner. Dr. Souza states that the applicability does state that any applicant that would come before the planning board or the zoning board of adjustment would be subject to these rules. But, there is language within the applicability section that provides the board to either waive or dictate a lower or lesser level of stormwater management in those situations.

The Board reviewed the above mentioned ordinance and approved the ordinance signifying that it is consistent with the master plan. The board recommended the following minor changes: On Page 22, Section 5, Section 148-65.3 A. Applicability – definition, add the word “subdivision”. This would include site plan and subdivision approvals. The word “disturbance” is misspelled on the first page of the ordinance. On page 3, the definition “Pollutant Loading Analysis”, the word “lake” should be replaced with “receiving water body”. On page 3, the definition “Pollutant Removal Efficiency” definition, delete the word “urban”. On page 3, “Stormwater” definition, delete the word “means”.

Mrs. Duffy made a motion that the ordinance is consistent with the Master Plan and to refer same to the governing body. Mr. Klotz seconded the motion.

Roll call:

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

2. Responsibilities of board members and policies

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

H. PUBLIC HEARINGS:

- 1. Solberg Aviation Co.
Preliminary Major Subdivision
Block 40, lot 1
Signed extension to April 30, 2007**

Mrs. Allen, Mrs. Duffy, Mr. Gatti, Mr. Smith and Mr. Monaco recused themselves from hearing this application. Pursuant to the MLUL, Michael Denning and Richard Thompson from the Board of Adjustment have filled in the Planning Board vacancies. This was required so that a quorum could be reached and the board could continue with the application.

Lloyd Tubman, Esq., from the law office of Archer & Greiner stated that she is the attorney for the applicant. She stated that this is the second public hearing. Since the last meeting, there was a site visit that occurred on March 10, 2007. There were some members from the Environmental Commission in attendance. Susan Lawless, Esq., from the law firm of Purcell, Ries, Shannon, Mulcahy & O'Neill and Dr. Souza were also present. There was no substitutive discussion during the site visit.

At the last meeting, a concept layout produced by Clark, Caton & Hintz and was incorporated into their report dated February 6, 2007 was addressed. It proposed 6 lots all with frontage and driveways on to Magnolia Lane.

Exhibit A-3 Concept layout produced by Clark, Caton & Hintz.

Ms. Tubman stated that they have not engineered, but produced a concept plan that is similar to their plan. However, this plan would require variances for lot circle, and lot depth more than 3 times the frontage.

Exhibit A-4 – Alternate Driveway for Solberg Aviation Company

Edward Herrman of Van Cleef Engineering remained under oath from the prior hearing. He stated that the plan is in the disposition of the report that was created by Clark, Caton & Hintz. It would be a more viable layout to take their driveway access off of Magnolia Lane rather than have the 2 external lots access County Line Road. They are proposing to have a dedicated driveway easement along lots "B" and "E" for the use of lots "A" and "F". A new home site is depicted on Lot "A". This is the revised house location. There are revised soil tests that are currently being conducted. Previously the home site was shown fronting closer to County Line Road. For Lot "F", the easement is shown coming across Lot "E" to a home site that has been moved back away from County Line Road. The concept plan eliminates the two driveways on County Line Road. The lots remain fully conforming.

Mr. Klotz wanted to know how far apart the driveways on the north side of Magnolia Lane are. Mr. Herrman answered that they are staggered. They are all contained in an approximately 200 foot stretch. The driveway locations could be re-located if need be.

Mr. Sullivan stated based upon his review this evening, the driveways are not on County Line Road. In the proposed layout that his office created, their objective was to consolidate the footprint of the disturbance as close to Magnolia Lane as possible. Additionally, by having all of the homes closely associated with Magnolia Lane it creates a better sense of “neighborhood”. The last thing you do when planning a lay out, is place one home behind the other. This configuration is odd. He stated that a lot of buffering would have to be planted. However, the applicant has solved the driveway issue and the lots all conform, but now they need variances. If the driveway could be taken off of County Line Road and the footprint of disturbance could be consolidated along Magnolia Lane it could be a good trade.

Dr. Souza stated that from an environmental standpoint, this layout eliminates some of the clearing that would be required.

John Klotz stated that he felt that this plan was improved over their original submission, but he is uncomfortable with the right-of- way issue. This would appear to create a flag lot.

Mrs. Filler was not comfortable with the fact that the house is so close to the stream corridor. She requested that the applicant provide something more along the line of what Mr. Sullivan had previously suggested at a prior meeting. She indicated that there has been a lot of disturbance in the areas where there had been testing for the septic.

Mr. Denning agreed with everyone else’s comments. He stated that by having the 6 houses closer to Magnolia Lane it would be a more desirable layout.

Mr. Thompson stated that this layout is an improvement over what was previously submitted, however, he is concerned about some of the homes being built behind others.

Jerry Cook stated that he agreed with the other members. It has been his experience on the board that flag lots are generally not approved.

Madam Chair informed the applicant that she prefers the layout created by Mr. Sullivan’s office.

PUBLIC COMMENTS:

Minnie Albaum – Magnolia Lane. She wanted to know what kind of buffering they are proposing between the houses and the condo complex.

Mr. Herrman answered that they are obligated to maintain the required setback which is 40 feet.

Ms. Albaum was also concerned about the traffic that exists on Magnolia Lane.

Mr. Herrman answered that the RSIS recommends that there would be 10.1 trips per day, so they are looking at approximately 60 trips per day.

Jennifer Alexander stated that she is the attorney for the Cedarbrook Association. She wanted to know who was enforcing this section of Magnolia Lane. Mr. Herrman answered that it is a private lane. Ms. Alexander wanted to know if the applicant has a plan as to who would enforce this road. Mr. Herrman stated that he is not qualified to answer that question.

Mr. McEldowney stated that there is no sign indicating that Magnolia Lane is a secondary access road. The use of this road is a function of convenience for the residents. The road is acting like a public road. His general sense is that he agrees with Mr. Herrman in that the impact of the traffic that might be generated by the 6 homes would be fairly small in comparison to what the roadway is experiencing presently. The ultimate disposition of ownership for Magnolia Lane has to be determined.

Madam Chair indicated that in her opinion, it would not be dangerous to add another 6 cars. She was also concerned about the school children. She was fearful that the children might have to walk to County Line Road in the morning if the school buses don't come down Magnolia Lane.

Mr. McEldowney wanted to know if it would be possible to relocate the septic field and reserve for Lot 1. Mr. Herrman answered that they are bound by the requirements of septic code. The tests are generally located at the corner of the property. At best, they could probably shift it approximately 15 feet.

Ms. Tubman answered that this is something that they will address in the future. They can test next January and then get on the Board of Health agenda.

Madam Chair preferred to reconfigure the septic location so as to have the plan as similar as possible to the design prepared by Clark, Caton & Hintz. The mitigation of having the homes in more of a neighborhood configuration and less disturbance of the land would outweigh the impact for the variances.

Mr. Klotz stated that he felt that variances should be granted when it is in the best interest of the community.

Mrs. Filler stated that she would be willing to grant some variances. She is still concerned about the amount of disturbance. She wants to make sure that the disturbance is minimized.

Exhibit A- 5 Minutes of the Readington Township Planning Board meeting on April 9, 1990 and copy of the resolution that was adopted on May 29, 1990.

Ms. Tubman stated that the Planning Board minutes dated April 9, 1990 contemplated the possibility in the future of a public road. The road had traffic studies conducted at that time. Mr. Giblin stated that 48% of the site traffic would exit directly on to County Line Road and he predicted that 52% would exit on to Industrial Avenue. This was a secondary road to serve 250 units in a Mt. Laurel development in Branchburg Township. It was designed to that standard. There was discussion, although not a commitment, that this would possibly be a future public road. This is a decision for the Township Committee. It was constructed under the RSIS standards.

Exhibit A-7 Deed from Solberg Aviation.

Ms. Tubman stated for the record that a deed dated April 4, 1985, entitled Solberg Aviation Company, Block 17, lot 14 deeded to the Township of Branchburg, together with a 60 foot wide easement for a secondary access known as today as Magnolia Lane. The Planning Board approved and the resolution granting site plan approval for that road and later improvements for County Line Road. These approvals were all associated with the 250 unit condominium association in Branchburg. The original conveyance was in April 4, 1985 for an easement to Branchburg Township reserving the right to use the right-of-way until same becomes a public road. There was a subsequent deed dated February 1, 1991 from Solberg Aviation Company to K. Hovnanian which was the developer, by deed dated May 7, 1990 and recorded in the Somerset County Clerk's office dated May 14, 1990 in deed book 1776, page 234, indicating that the Township of Branchburg conveyed block 17, lot 14 in the township of Branchburg to K. Hovnanian at Branchburg Three, Inc., together with the 60 foot wide right-of-way. Ms. Tubman stated that she has been informed that in the master deed to the condominium association there is no reference of a further conveyance. The easement may still be held by K. Hovnanian. Fee title to the land underneath the easement still remains with Solberg Aviation Company. There is no reason why the road could not be dedicated to Readington Township, subject to the easement and rights for use by the residents in Branchburg. This is a matter that has to be dealt with at the committee level. Ms. Tubman stated that the applicant would not object to offering the road as a public road to Readington Township. It is not the burden of the proposed 6 lots to improve the road that serves the 250 condo units.

Attorney Kimson informed the board that the roadway is an easement and it was constructed as an easement. The Planning Board's job is to review the plan and compare the plan to our ordinances. Some of the issues that have

been discussed this evening have to do with private issues between those parties.

Ms. Kimson stated that if the board approves the application the applicant could give the township "Title 39" to the easement. This is the same as what occurs in private shopping centers, wherein they allow policing over private property.

Ms. Tubman asked permission to meet with the board's professionals so that the applicant can finalize the drawings. She requested that this matter be carried for 2 months. The attorney signed an extension to June 11, 2007.

Madam Chair announced that this matter is carried to June 11, 2007 at 7:00 p.m. and there will be no further notice sent to the public.

The board took a five minute break.

2. **Deborah Koch
Minor Subdivision
511 Locust Rd.
Block 65, lot 18.02**

William Gianos, Esq., stated that he is the attorney for the applicant. He informed the board that this is a minor subdivision application. The subdivision conforms to all of the zoning requirements and does not require variances.

The professionals were sworn in.

James Hill stated that he is employed by Thomas L. Yeager and Associates. He is a licensed engineer in the State of New Jersey.

Exhibit A-1 Page one of three of Subdivision Plan

Mr. Hill stated that the existing lot consists of 15.741 acres. The plan shows the wetlands and stream corridor. The applicant has received an approved letter of interpretation. Soil logs were completed on the property in the year 2000. Mr. Hill stated that the lot as it exists today; there is a single family dwelling and garage on the property. On the proposed lot there is a barn and a shed.

Exhibit A-2 Sheet two of three proposed minor subdivision plan.

The driveway is shown on the plan. The intent is to have the project design meet the current standards of the township regarding the grading and stormwater. They issued a plan report for stormwater and an operation and

maintenance manual for the project's stormwater control. The drywells for the house meet the requirement of the recharge for the lot. There are two water quality infiltration trench areas to control any of the runoff from the driveway. The septic design meets the current requirements of the State. The drainage that comes from the adjoining properties is handled by an existing swale.

The proposed house is located equally distanced from the road as the existing house. The intent is to maintain agriculture in the front of the house. The driveway is located in an area to eliminate disturbance to the lot.

Regarding Mr. McEldowney's letter dated February 19, 2007, Mr. Hill stated that the contents of this letter were previously addressed with Mr. McEldowney. One of the remaining items of concern is the small ditch located on Lot 23. Mr. McEldowney is requesting a conservation easement surrounding that area. The other comment was the placement of monumentation. Item number 3 dealt with noting the limit of disturbance on the plan. Mr. Hill stated that he would add a note to the plan with regard to the impervious area. Number 5 of Mr. McEldowney's report dealt with the requirement of stormwater rules. Mr. Hill felt that he has properly addressed this item. Number 6 of his report indicates that the privately owned drywells, recharge beds and bioretention basins should be protected by an easement or deed restriction. Mr. Hill stated that he generally has this area deed restricted. Number 7 deals with the reserve sewage disposal area shown on proposed Lot 18.05 which is located within the Pleasant Run stream corridor. Mr. Hill states that this was approved in September of 2000 before the Board of Health.

Mr. McEldowney stated that the only unresolved issue of his report is the reserve area located within the conservation easement and the stream corridor. This is an obvious violation of the current standards.

Dr. Souza stated that the impervious cover amounts to approximately ¼ acre. He stated that the Operating and Maintenance Manual concerns him. In looking at the types of maintenance that would be required, he is uneasy as to how a homeowner is going to understand that they are required to have the bioretention and infiltration beds inspected and submit reports to the township. Dr. Souza felt that this would be difficult to enforce.

Mr. Hill informed the board that he tried to make this system as simple as possible.

Mr. Gianos stated that he was planning that when the subdivision deeds were finished, he would reference this in the deed.

Mr. McEldowney informed the board that if this is a condition, reasonable costs for inspections should be set aside in order for him to be able to certify completion of the stormwater management provisions to the construction code official.

Mr. Gianos stated that the applicant has no objection to Mr. McEldowney's request and to provide the appropriate escrow.

Dr. Souza stated that the system is being designed primarily to meet removal requirements. In a situation like this, it would be more efficient in the long run to have a less sophisticated design because it would be easier to build and maintain and probably would function the way everyone intended it to function. This could be a grass swale. This is only a single house; with approximately one-third of the impervious cover being associated with the rooftop which leads him to believe that this is over designed.

Mr. McEldowney stated that the system could be similar to what was used on the "bikeway". Mr. Hill agreed.

Dr. Souza asked if the amount of impervious cover could be reduced. Mr. Hill answered that the house has been reduced to 2,500 square feet.

Regarding the report from Clark, Caton & Hintz, the house location was questioned. Mr. Hill informed the board that the applicant has requested that the house be located in this area. Number 5.0-2 of the report states that shade trees are required. Mr. Hill stated that the applicant is proposing that on the top of the bank it would be replanted with grasses or meadow grass. The trees will be planted on top of the bank wherever they were removed. Additionally, the applicant does not propose to install sidewalks.

Madam Chair was concerned that if there are improvements made to the road that will allow cars to drive faster on the road. Mr. Hill answered that he is required to provide sight distance. Whether or not people will speed up when they approach the corner, he was unsure. He felt that the corner itself is the best traffic calmer.

Mr. Klotz stated that one of the important issues has to do with the length of the driveway. He wanted to know if the house could be re-located closer to the other house. Mr. Hill informed him that the applicant wanted to keep the front of the property in agriculture. This area is currently an open field.

Mrs. Filler agreed with Mr. Klotz. She would prefer to have the house relocated closer to the lot circle and use the area that is designated for the gas pipe line for the pasture. This would eliminate a lot of impervious cover. She is totally against having the reserve septic in the stream corridor.

Mrs. Duffy stated that the applicant has approved soil logs that express where they want to locate the house. They do not want to go back before the Board of Health to get new soil logs that are located down by the road.

Madam Chair stated that she agrees with Mrs. Filler. The reserve septic should not be in the stream corridor.

Mr. McEldowney suggested that since this is not the primary field, only the reserve field would not be built as a part of the house construction. They should impose a requirement for an alternate field to be adequately tested and presented for approval before a building permit is issued for this house. The applicant would have to go back to the Board of Health. Another question he had is whether or not they would be willing to share the first 400 feet of the driveway, so that the front part of the driveway for the new lot would not have to be constructed. The driveway to serve the lot in the rear would come off of the existing stoned drive.

Mr. Gianos suggested an option that prior to the obtaining a certificate of occupancy, the applicant must provide a reserve area outside of the conservation easement.

Mr. Hill stated that a wire fence will be erected to delineate the conservation area which will also be used to fence in livestock. The conservation area signage will also be installed.

PUBLIC COMMENTS:

There were no comments from the public.

Mr. Smith made a motion to approve the application subject to the following conditions: there should be a reasonable cost for inspections to be paid to the township for purposes of inspecting the installation of any proposed drainage facility; that the applicant agrees to work with the board's professional engineer; the applicant will work with the board's professionals to design a stormwater facility acceptable to the board's professionals; the O& M manual must be referenced in the deed and filed with the deed; the board will grant a waiver from section 148-68 (a & e) because of the configuration of the lot; the applicant will install shade trees per the recommendation of the board's professional planner; no sidewalks will be required on Locust Lane; the approval will be subject to obtaining a reserve bed outside of the conservation easement prior to the issuance of certificate of occupancy for the newly proposed home; the limit of the conservation easement shall be expanded so as to include the 40 foot rear yard set back so as to address item number one of the engineer's letter; the applicant shall be permitted to install a wire fence in lieu of post and rail and the details of the fence shall be placed on the plan to the satisfaction of the board's professionals and the

conservation easement signage will be installed prior to obtaining any permits for the property. Mr. Klotz 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

- 3. Wilmark Building Contractors
Final Major Subdivision
Block 25, lot 38.01 –
Signed extension and carried to April 23, 2007**

Madam Chair announced that at the request of the applicant, this matter has been carried to April 23, 2007.

I. ADJOURNMENT

Mr. Monaco made a motion to adjourn the public meeting at 10:06 p.m. Mr. Cook seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz