

**READINGTON TOWNSHIP PLANNING BOARD
MINUTES
September 8, 2008**

A. Chairman Flynn called the meeting to order at 7:34 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

B. Attendance:

Mrs. Allen	present
Mr. Cook	present
Mrs. Duffy	present – left the meeting @9:15
Mrs. Filler	present
Mr. Getz	present
Mr. Klotz	present
Mr. Monaco	present
Mr. Smith	present
Madam Chair	present

**Valerie Kimson, Esq., Purcell, Ries, Shannon, Mulcahy & O’Neill
H. Clay McEldowney – Hatch, Mott & McDonald
Brent Krasner – Clark, Caton & Hintz**

C. MINUTES

1. July 28, 2008 Mrs. Allen made a motion to approve the minutes. Mr. Cook seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

D. CORRESPONDENCE:

Regarding correspondence identified as number 27, Mrs. Allen informed everyone that the Township Committee sent a letter to the county representing that they were not in favor of changing the elevation of Rockafellows Mill Road. The plan showed a considerable amount of fill in the floodplain area. Mrs. Allen made a motion to have the Planning Board forward a letter to NJDEP objecting to the plans that have been submitted that include filling the flood hazard area. Mrs. Filler seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

Mr. McEldowney informed the board that he reviewed the LOI application and he noted that they are proposing to impact 125 feet of the road due to this project. Readington Township owns the road and the county is barred from working on the road without permission of the governing body. Mr. McEldowney stated that they are proposing to pave 75 feet of the road and the rest of the road would remain graveled.

Mrs. Allen made a motion to have Mr. McEldowney write a letter to the County opposing the application. Mrs. Filler seconded the motion. *Motion* was carried with a vote of *Ayes all, Nays none recorded*.

Mrs. Filler referred to item number 28 which is an invitation extended by the Environmental Commission to all of the board members. The event is scheduled for October 28, 2008, beginning at 7:30 p.m.

Attorney Kimson stated that there was a correspondence from Mr. Clark, counsel for Wilmark Builders. He requested a 60 day extension to revise their plans for Block 25, lot 38.01.

Mrs. Duffy made a motion to grant the 60 day extension to the applicant within which to revise and submit their plans. Mr. Klotz seconded the motion.

Roll call:

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

E. TECHNICAL REVIEW COMMITTEE:

1. Tom Jr. Properties
Preliminary Major Subdivision
Block 36, Lot 7
1 Railroad Lane

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

F. RESOLUTIONS:

- 1 American Classics, LLC
Final Major Subdivision
Block 69, Lot 12

This matter has been carried to the next meeting.

G. OLD BUSINESS:

1. Michael Eng
Block 97, Lots 2 & 2.32
Request for extension of approval

Mr. Klotz made a motion to grant an extension to the approval. Mrs. Filler seconded the motion.

Roll call:

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

H. OTHER BUSINESS

1. Hunterdon County Planning Board
Wastewater Management Process updates
Presented by: Kyle Zenlea, Assistant Planner

On behalf of the Hunterdon County Planning Board, Kyle Zenlea, Assistant Planner informed the board that the County is going to be the leading entity for the municipal wastewater management. A workshop is scheduled to take place on September 30, 2008, beginning @5:00. They will need information to be submitted by the municipalities regarding sewer service areas, etc. A GIS department will assist the municipalities. A follow-up breakfast meeting has been scheduled for December 3, 2008, beginning @7:30 a.m.

Mr. Zenlea stated that they have just released their transportation plan. They have a coalition with HART. They have proposed strategies and action items that they received from feedback from their public information meetings. Within the next month, he recommended that the Planning Board should get back to the county to let them know what they can do to assist the municipality.

The Planning and Design Award event has changed. They are seeking to receive more nominees. They have to nominate by December 1, 2008. The actual time and date is March 31, 2009, at 6:00 p.m. to be held at the Clinton Holiday Inn. They are looking for transportation nominations.

Mrs. Allen suggested that Readington submit the "Senior Walkway". Mr. Monaco volunteered to follow-up with this matter.

I. PUBLIC HEARINGS

1. TC& D Builders, Inc.
Minor Subdivision
636 Old York Road
Block 97, Lot 4
Action Date: September 11, 2008

Larry Vastola, Esq., stated for the record that he is the attorney for the applicant.

Attorney Kimson swore in the following witnesses: Craig Stires, H. Clay McEldowney, Brent Krasner and Stephen Souza.

Craig Stires stated he is a professional engineer within the State of New Jersey. Madam Chair accepted his credentials on behalf of the full board.

Exhibit A-1 Colored rendering of the minor subdivision plat – revised date - June 16, 2008

Mr. Stires stated that the tract consists of approximately 42 acres. It is located on the south side of Old York Road. To the west of the property lies Summer Road and to the east lies Pleasant Run Road. There is an existing lot identified as Lot 4.03 which is a flag lot located near the center of the property. On the east side there is an area with frontage consisting of 257 feet. On the west side of Lot 4.02 there is another entrance on to the site consisting of approximately 52 feet. The lot consists of Block 97, lot 4 in Readington Township and a small triangular piece identified as Block 80, lot 5 located in Branchburg Township. There are two PSE&G easements that traverse the property. There is also an existing unnamed 50 foot right-of-way located off of Robin Way that is situated on the southwest side of the property. There is a drainage way located to the rear of the property. There are steep slopes located on the property. The applicant is proposing to subdivide the property into 2 lots. One lot would consist of 17.7 acres. The westerly lot would consist of 24.3 acres. The western lot has received septic approval from the Board of Health. The eastern lot is currently has an application before the Board of Health.

Exhibit A-2 Composite of sheets 2 and 3 of the plans

Mr. Vastola referred to Dr. Souza's report dated September 4, 2008. Mr. Vastola stated that applicant agreed to comply with all of the conditions in Dr. Souza's report.

Dr. Souza stated that he would defer to the planner as far as monumenting the conservation easement. Mr. Stires testified that one of the lines to the conservation easement would be the edge of the PSE&G easement. The applicant is requesting a waiver from delineating the conservation easement since it will be on private property.

Mrs. Duffy summarized for the record that the board was comfortable having the conservation easement follow the PSE&G line, but if the owners of the property wanted to use that little piece of property they can move the fence in along the borders of the conservation easement.

Regarding item number six of Dr. Souza's report, Mr. Stires stated that he will comply and update the EIS. Mr. Stires added that they would make the conservation easement consistent with the required riparian buffer associated with the drainage way.

Regarding the stormwater management issue, in number 2 of Dr. Souza's report, Mr. Stires stated that he analyzed the property in the existing and proposed conditions and the information is contained in the conclusion of the drainage report. Dr. Souza agreed with Mr. Stires information, but his comment is regarding the runoff that would be generated specifically by the driveway as it exists on to Old York Road. Mrs. Allen informed the board that the house that is situated on Block 97, lot 9 floods.

Dr. Souza stated for the record that he is not sure if the applicant's proposed stormwater plan will be adequate. He testified that there will be approximately 4,000 square feet of disturbance. He felt that something could be designed to intercept the runoff, but the majority on his remaining comments focus on the fact that details have not been provided on the trench.

PUBLIC QUESTIONS:

William Rees - 115 Robin Way wanted to know if the concept plan would apply to this situation. Mr. Stires answered that it is a site specific concept plan. They have prepared a drainage report and have designed parameters that deal with the stormwater management in accordance with the regulations.

Dr. Souza wanted to let the board know that the maintenance of the “Best Management Practices” is on a cumulative scale. Regarding the stormwater solution, the maintenance is typically either cast on to the township of another entity. In this case, it will be a subsurface rock line trench, so it will be an infiltration system. The long term operational maintenance of the system will be provided by the homeowner. Mr. Vastola recommended that a declaration should be created and recorded in the clerk’s office indicating that the obligation of the system will be on the homeowner.

Regarding Mr. McEldowney’s report dated July 21, 2008, the way that the plan is prepared the easement line or the stream corridor line terminates at the utility easement line and that must be clarified if those lines are to be extended into the utility easement. Mr. Stires answered that based upon the discussions that have taken place at this meeting, the easement will follow the PSE&G easement.

Mr. Stires stated that the zoning requirement calls for the lot circle to be within 150 feet of a street as defined in the ordinance. It is their belief that the unnamed right-of-way located in the southwest corner of the plan meets the definition of the street because it is a plotted right-of-way. Some time ago the applicant inquired if they could use this right-of-way as a private driveway. After some discussion by the board, Mr. Vastola informed the board that there is no impact on this application as to whether or not this is a street. It is not going to increase the density and it is not going to change the location of houses.

Mr. McEldowney stated that in his report he mentions that the soil tests that were performed in support of the adequacy of the properties need to be submitted and included as part of the information package. Mr. Stires answered that he would comply with that request.

PUBLIC QUESTIONS:

Gloria Weber – 119 Robin Way stated that she owns one of the properties that have the easement. She was concerned about if the existing trees would remain. Mr. Stires answered yes.

Regarding the report from Clark, Caton & Hintz dated July 22, 2008, Mr. Stires referred to page 3, number 4 which speaks to a rectangular piece of property along the south east line of the property. This property was part of another development. At the time of approval, they applicant did not want to come to Readington Township. Therefore, the property got approval and was built in Branchburg Township and this piece was ignored. Mr. Krasner stated that there is no block and lot listed for the property.

Mr. Stires informed the board that regarding proposed lot 4.05, on the westerly strip of property a group of trees exists. Rather than cutting down those trees to install the driveway, they shifted the driveway over and hugged the easterly property line. Dr. Souza stated that root damage might occur and this would be a moot point. It was decided that the driveway would be field located with the guidance of the board’s planner and engineer.

PUBLIC QUESTIONS:

Mary Capawana - 117 Robin Way. asked if the tree line would be disturbed. Mr. Stires answered no. The development is going to be north of the PSE&G power lines.

Steve Flayer, 630 Old York Road questioned where the driveway would be located. He was concerned that his trees would be affected by the swale. Mr. Stires indicated that when they field locate the driveway and they will be careful not to damage his trees.

Angela Kane 628 Old York Road wanted to know if the trees are taken down would they be replaced and also where would the new house be located. Mr. Stires answered that stated that the house location has been shifted. If the trees are removed, they would have to be replaced. Mr. Vastola answered that the applicant will plant a buffer so Mrs. Kane's pool is shielded.

Brian Battrell - 632 Old York Road stated that they are proposing to construct a home directly in front of his house. Mr. Stires stated that the location for the house was based on limiting the area of disturbance.

The board requested that the location of the house be relocated. Mr. Stires answered that he would try to work with the board.

Mr. McEldowney stated for the record that they could move the location of the proposed house by having the rear left corner of the house become the approximate front right corner of the re-located house. This would re-locate the proposed dwelling location by sliding it back the width of the house and sliding it to the northeast the length of the house.

Mr. Battrell stated for the record that he was in favor of the proposed new location with the trees remaining in the set back area. Mr. Stires stated that he would work with the board's professionals to minimize the limit of disturbance near the property line.

The board requested that the buffer be maintained.

Dr. Souza wanted to make a correction to his testimony. Regarding the riparian buffer is only 50 feet, not 150 feet. The delineated stream corridor buffer that was prepared for the town encompasses the flood hazard area.

Tom Fleming stated that he is the agent for 638 Old York Road stated that the house floods all of the time. He introduced pictures to the board showing the house during a flood. He stated that his ex-wife took the pictures. Mr. McEldowney stated that this flooding area has been an ongoing problem for years. It is the responsibility of the township committee. Mr. Stires stated the intent of the applicant is not to exacerbate the problem. Dr. Souza informed the board that he had asked the applicant to install drywells and this would help mitigate some of the problem.

PUBLIC COMMENTS:

Brian Battrell - 632 Old York Road. stated that his lot is very large. They want to build 3900 square foot homes, which is larger than any home on that road. There is construction materials dumped on the property, including an "in ground" heating oil tank that is leaking fuel on to the soil.

Anthony Ciarlotta of TC&D Builders stated that he is the owner and builder. The oil tank belongs to him. He left it at the site until he could find a place to install it.

Mrs. Allen suggested that a condition of approval would be to our professional satisfaction that all man made debris on the 40 acre site must be removed and including a proper cleanup from the oil tank and pollution to the satisfaction of the township. Additionally, the NJDE will be notified about the tank.

BOARD COMMENTS:

Mr. Cook was not comfortable approving the application with all of the outstanding issues.

Mr. Monaco stated that if it is true that there is a leaking oil tank on the site, then it should be cleaned up.

Mrs. Allen was concerned that there are so many conditions, she would like to have some of them met prior to approving the application.

Mr. Smith stated that he is not comfortable since they have to supply additional engineering information.

Mrs. Filler stated that she concurred with everyone comments.

Mr. Getz stated that there are too many conditions at this point. He agrees with everyone else's comments.

Mr. Klotz he concurred with everyone else's comments.

Madam Chair stated that this matter has been carried to October 13, 2008.

J. VOUCHER APPROVAL

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

K. OTHER BUSINESS:

Mrs. Filler mentioned that on another application there was a category one stream indicated by an applicant on another piece of property. It was further than the 200 feet. Because it is a category one, it has a 300 foot buffer. She wanted to have Clark Caton and Hintz draft an ordinance to change the checklist to make it 300 foot inspection. Mrs. Allen seconded the motion.

Roll call:

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

L. ADJOURNMENT:

Mr. Cook made a motion to adjourn at 10:13 p.m. Mrs. Filler seconded the motion. Motion was carried with a vote of Ayes all, Nays none recorded.

Respectfully submitted,

Linda A. Jacukowicz