

RESOLUTION OF PLANNING BOARD  
TOWNSHIP OF UNION  
HUNTERDON COUNTY, NEW JERSEY

P.S. Construction, Inc.  
2150 Stoney Garden Road,  
Kinterville, PA 18973

Applicant: P.S. Construction, Inc.

Location: 22 Race Street

Tax Lot: Block 22, Lot 27

Hearing Date: October 25, 2007, February 28, 2008, March 27, 2008  
and April 1, 2008

Request: Preliminary major subdivision of 16 residential  
lots and one detention basin lot

District: CR, County Residential Zoning District

Relief requested:

Preliminary major subdivision for 16 residential lots and a  
detention basin lot; and

Waiver from Section 30-22.8.h.6 of the Township of Union Land  
Use Ordinance, which requires that a cul-de-sac not exceed  
1,000'.

Relief Granted:

Preliminary major subdivision for 16 residential lots and a  
detention basin lot; and

Waiver from Section 30-22.8.h.6 of the Township of Union Land  
Use Ordinance, which requires that a cul-de-sac not exceed  
1,000'.

Plans:

Entitled "Preliminary Subdivision Plans for Rolling Hills  
Estate", prepared by Van Cleef Engineering Associates,  
dated May 8, 2007, revised to March 17, 2008, consisting  
of 15 sheets;

Entitled, "Detention Basin, Landscaping and Grading  
Exhibit for Rolling Hill Estates Block 22, Lot 27 Union  
Township, Hunterdon County, New Jersey", prepared by  
Robert J. Clerico, P.E., dated October 15, 2007,  
consisting of one sheet;

Entitled, "Existing Conditions Plan for Rolling Hill  
Estates Block 22, Lot 27 Union Township Hunterdon County,

New Jersey", prepared by James D. McEwen, dated May 8, 2007, last revised June, 27, 2007, sheet 2 of 15; and Entitled, "Cross Sections - Race Street STA 11+00 to STA 18+00 for Rolling Hill Estates Block 22, Lot 27 Union Township Hunterdon County, New Jersey", prepared by Van Cleef Engineering Associates, dated May 8, 2008, received by Land Use Office of Union Township, Hunterdon County on June 8, 2007, consisting of 7 sheets.

WHEREAS, Applicant has applied to the Union Township Planning Board for preliminary major subdivision pursuant to N.J.S. 40:55d-48 and design waiver from Section 30-22.8.h.6 of the Township of Union Land Use Ordinance, for the Relief Requested; and

WHEREAS, a public hearing on the Application was held by the Board ("Board") on the Hearing Date, at which time the Applicant, represented by attorney Jeffrey B. Lehrer, Esq., was given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application;

WHEREAS, members of the public appeared to ask questions on the application;

WHEREAS, the Applicant presented the following witnesses and reports, as more fully set forth on the record, to the Board:

1. Robert Clerico, Applicant's Engineer;
2. David Krueger, Applicant's Environmental Specialist; and
3. Peter DeMicco, Applicant's Hydrogeologist;

WHEREAS, the Applicant's witnesses testified in part as follows:

1. Robert Clerico testified that the cul-de-sac meets the RSIS standards, but not the Township Ordinance. A Waiver is required.
2. Mr. Clerico also testified that he would design plans to meet the COAH Round Three Requirements.

WHEREAS, the Board has received and reviewed the following reports from its professionals:

1. Carl Hintz, CLA, ASLA, PP, AICP, Board Planner, dated March 19, 2008 and April 22, 2008;
2. Stephen Souza, PH.D., Board Hydrologist, dated March 20, 2008; and
3. Paul Ferriero, PE, PP, CME, LEED, Board Engineer, dated February 25, 2008 and March 24, 2008.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Applicant has shown sufficient evidence to substantiate the need for relief pursuant to N.J.S. 40:55d-48 and design waiver from Section 30-22.8.h.6 of the Township of Union Land Use Ordinance, subject to certain conditions.

2. The grant of the Relief Requested will comply with Township's Growth Share Ordinance, Section 30-30.3, which requires a 16 unit residential development to construct two affordable housing units.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Planning Board does hereby GRANT the Relief Granted as noted above, subject to the following:

1. Applicant is required to comply with the following conditions:

a. Applicant shall comply with the recommendations of Paul Ferriero, PE, PP, CME, LEED, Board Engineer, dated March 24, 2008, section III, paragraphs C through E, G through I, K and M, as well as, section IV.

b. Applicant shall comply with the recommendations of Stephen J. Souza, Ph.D., Princeton Hydro, LLC., Board Hydrologist, dated March 20, 2008, section 3, "Review of Recently Submitted and Updated Data and Reports", paragraphs 3 and 4.

c. Applicant shall comply with the recommendations of Carl Hintz, CLA, ASLA, PP, AICP, Board Planner, dated March 19, 2008, section 6, "Subdivision Issues", paragraphs 2 and 3, at time of final subdivision.

d. Applicant shall comply with the recommendations of Carl Hintz, CLA, ASLA, PP, AICP, Board Planner, dated April 22, 2008 as to all, including obtaining the written approval of the Township Committee prior to creating off-site affordable units.

e. Applicant shall submit a revised plan showing all conservation easements for both individual lots and the entire project to the satisfaction of the Board.

f. Conservation easements shall be dedicated to the Township by deed acceptable to the Board Engineer and Board Attorney.

g. Applicant shall remove the balance of the garbage from the former dump on site and shall take three soil samples

from the site within ten (10) days of the adoption of the resolution. The samples are to be surface grabs with two (2) grabs to be taken from the larger farm dump site and one (1) surface grab to be taken from the smaller farm dump site. Applicant shall have the soil samples analyzed and reports submitted to the Board within thirty (30) days of the resolution. The samples are to be analyzed for priority pollutants plus forty (40) and the results are to be compared against the residential direct contact standard prior to backfill. The Applicant shall further stabilize and seed the area to the satisfaction of the Board.

h. Applicant shall replace the eight trees that were removed from the former dump site in compliance with the Township of Union Land Use Code.

i. Applicant shall comply with option B of the Water Quality Feature for the Road Apron presented before the Board on March 27, 2008.

j. Applicant shall confirm, after construction, that the detention basin evacuates to the satisfaction of the Board's Hydrologist.

k. Applicant shall form a Homeowners Association which will take responsibility for the maintenance of the detention basin, storm water facilities, conservation easements, wood turtle habitat, and the open space areas. The Homeowners Association shall submit to the Board an annual report prepared by a licensed professional engineer certifying that these features are properly maintained.

l. Applicant or Homeowners' Association shall monitor the discharge point at Race Street and the culvert under the road, and repair or replace the roadway and/or culvert to the Board Engineer's satisfaction if it fails within a period of 10 years of issuance of the final occupancy permit.

m. Applicant or Homeowner's Association shall not mow the conservation easements and/or wood turtle habitat more than once annually or before July 15 of any year. These areas shall be further maintained such that no more than ten percent of the areas are covered by invasive plant species. Invasive plant species include all nonindigenous plant species listed in the New Jersey Department of Environmental Protection's February 2004 publication entitled "An Overview of Nonindigenous Plant Species in New Jersey".

n. Applicant shall apply for any bulk variances required for the COAH units within 90 days of application for Final Major Subdivision approval. The COAH units are to be built and certificates of occupancy issued prior to the issuance of the eighth (8<sup>th</sup>) building permit for the market rate dwellings.

o. Applicant shall comply with all New Jersey Department of Environmental Protection regulations.

2. Applicant shall file all easements with the Hunterdon County Clerk before the submission of any building permit. Proof of filing shall be included in any building permit application. All conservation easements shall be clearly and permanently marked in the field in a manner satisfactory to the Union Township Environmental Commission ("Commission") prior to issuance of any building permit. A plat depicting the location of all conservation easements and markers shall be submitted to the Commission in a format acceptable to the Commission prior to issuance of any occupancy permit.

3. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the Township of Union Land Use Ordinance, other Township Ordinances, or the requirements of any Township agency, board or authority, except as specifically stated in this Resolution.

4. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.

5. Applicant is required to comply with Applicant's representations to and agreements with the Board of Adjustment during the hearing on this application.

6. All fees assessed by the Township of Union for this application and the hearing shall be paid prior to any construction.

7. The Township of Union Planning Board reserves the right to revoke or withdraw any approval granted herein, upon notice to the applicant and an opportunity to be heard at a public hearing, if there is any deviation from or alteration of the plan hereby approved, unless prior written approval for such deviation or alteration has been obtained from the Planning Board. So called "minor deviation" and "field changes" may be authorized solely by the Township Engineer in writing and only after consultation with the Chairman of the Planning Board to determine if the proposed minor deviations and field changes deviate from the intent of this Resolution. If it is determined by this consultation that the changes proposed are not minor, the matter must then be referred to the full Planning Board and no changes may be effected until the Board gives its approval.

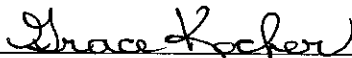
8. The approval herein memorialized shall not constitute, nor be construed to constitute any approval, direct or indirect, of any aspect of the submitted plan or the improvements to be installed, which are subject to third-party jurisdiction and which require approvals by any third-party agencies. This Resolution of approval is specifically conditioned upon the applicant securing the approval and permits of all other agencies having jurisdiction the proposed development. Further, the applicant shall provide copies of all correspondence relating to the application, reviews, approvals and permits between the applicant and third-party agencies from which approval and permits are required to the Union Township Planning Board at the same time as such correspondence is sent or received by the applicant.


WHEREAS, A Motion was made by Mayor Mazza and seconded by Mr. Ford to grant approval of the Preliminary Major Subdivision and waiver approval as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on May 22, 2008, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Mazza, Kirkpatrick, Ford, Bischoff, Taibi, Martin, Badenhausen, Corcoran, Ryland; No: none; Abstain: none; Not Eligible: Walchuk; Absent: none.

RESOLUTION DATE:

ATTEST:

  
\_\_\_\_\_  
Grace Kocher,  
Board Secretary

  
\_\_\_\_\_  
Brian Kirkpatrick,  
Chairman

VOTE ON RESOLUTION

MEMBERS	YES	NO	NOT ELIGIBLE	ABSTAINED	ABSENT
MAYOR MAZZA	X				
CHAIRMAN KIRKPATRICK	X				
VICECHAIRMAN FORD	X				
BISCHOFF	X				
WALCHUK			X		
TAIBI					X
MARTIN	X				
BADENHAUSEN	X				
CORCORAN	X				
RYLAND, ALT. 1	X				