

**TOWNSHIP OF UNION  
PLANNING BOARD RESOLUTION**

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*Application for Minor Subdivision Approval*

**Applicant  
and Owner**     *Milky Way Farm Trust, (Helen Barrett)*  
                         140 Route 513  
                         Pittstown, New Jersey 08867

**Property:**     *Block 25 Lot 35 & 35Q*  
                         *Township of Union, Hunterdon Cty.*

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**WHEREAS**, the applicant, Helen Barrett for Milky Way Farm Trust, is the owner of the property fronting on both Pittstown Road (County Route 513) and Cooks Cross Road in the Township of Union, County of Hunterdon, State of New Jersey and known as Block 25, Lots 35 & 35Q on the Tax Map of the Township of Union; and

**WHEREAS**, the subject property is located in the Township Agricultural Preservation District; and

**WHEREAS**, the applicant has filed the necessary application for minor subdivision approval together with the appropriate filing fee with the Administrative Officer; and

**WHEREAS**, the applicant has submitted a Plat entitled "Boundary Survey for Block 25; Lot 35 Remaining Lands" prepared by Errol Melnick, Professional Land Surveyor for VanCleaf Engineering Associates dated January 14, 2000 and also "Boundary Survey and Minor Subdivision for the State of New Jersey, Block 25, Lot 35" prepared by Errol Melnick, Professional Land Surveyor for VanCleaf Engineering Associates, dated January 14, 2000; and

**WHEREAS**, on behalf of the Township of Union and its Planning Board, the Board's various professional consultants have reviewed the various surveys and testimony presented to the Planning Board, and submitted their written and verbal reports including the Planning Board Engineer, Robert C. Bogart, P.E. in written reports dated February 17, 2000 and March 8, 2000 and Professional Planner, Carter VanDyke, P.P. in a written report dated March 14, 2000; and

**WHEREAS**, the Planning Board reviewed the application for minor subdivision approval, and the written reports of its Consultants and other agencies having jurisdiction over the application, and considered the testimony of the applicant, applicant's representatives, as presented through their Attorney, John R. Dusenberre, Esq., and based thereon, has made the following findings of fact:

1. The applicant submitted a proper application for minor subdivision approval with the

Administrative Officer, which application as to form (not contents) and the required documentation was deemed complete by the Administrative Officer.

2. The applicant paid all appropriate application fees and testified that the taxes on the property were current.
3. The Board reviewed the application and related documents and the recommendation of the Board's Engineer on February 14, 2000, and based thereon deemed as complete the application for preliminary minor subdivision approval.
4. The subject property is located within the "AP" Agricultural Preservation District and is comprised of approximately 155.48 acres at the northwest corner of Cook's Cross Road and Pittstown Road (County Route 513). A 5.709 acre lot is proposed to be sub-divided from the farm and will contain the two existing dwellings, a barn and other structures. The remaining 149.77 acre lot will be sold to the State of New Jersey and restricted from further development (with one building site opportunity) and permanently preserved as farmland.
5. The purchase of the remaining farm land parcel is a cooperative effort with funding being provided by The State of New Jersey, County of Hunterdon and the Township of Union.
6. The Milky Way Farm property is located within the Rural Historic District as delineated by the Union Township Master Plan. The main dwelling is of stone construction, two and a half stories in height, with gable roof and built in approximately 1854. The outbuildings include a springhouse, wagonhouse and english barn. As such, the location of the structures on the lot in relation to the Pittstown-Clinton Road (County Route 513) pre-exist zoning setback requirements established in the Township, and are grandfathered as pre-existing non-conforming setbacks.
7. In addition, it was determined that a side yard setback is not required as to the location of the pre-existing barn structure on the property which is proposed to be 77.7 feet from the property line. The ordinance requirement for such side yard setbacks is associated with farm crop agriculture and due to the unique nature of the remaining lands being sold to the State of New Jersey and which will carry upon such lands a permanent farm land restriction, such variance requirement was determined not to be applicable.
8. It was determined by the Planning Board that the Applicant has satisfied all of the ordinance requirements for the granting of minor subdivision approval. The public hearing was opened, however no public testimony was offered other than laudatory comments on the proposed subdivision and permanent farmland preservation of the remaining lands.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Union, County of Hunterdon, State of New Jersey, on the 23rd day of March, that minor subdivision approval be granted as follows:

In its deliberations and conditional approval, the Planning Board relied upon and gave specific consideration to the representations made by the Applicant and the statements made in the application for minor subdivision approval, and the subdivision plans and related documents presented to the Board, and upon the agreement by the applicant that it would accept and incorporate as conditions of the minor subdivision approval, all commitments made in the applications, subdivision plan and associated documents, and testimony before the Board and which are hereby made a condition of this approval as follows:

1. All the information as shown on the minor subdivision plan and the accompanying application and documents as referenced in the Planning Board Engineer's report and the Board Planner's reports, and as may be required to be amended in accordance with this Resolution are adopted by reference as though the complete application and modified plans were set forth herein and the same are made a part hereof. Further, the commitments made by the applicant and its representatives in their recorded testimony and as set forth in the previous findings of fact shall be satisfied.
2. The applicant shall prepare and submit to the Planning Board Attorney and Engineer for their prior review and approval, a new Deed for the subdivided lot and the remaining lands lot. Upon approval, the Deeds shall be stamped and signed by the Planning Board Secretary and the Chairman, and recorded by the Applicant in the Hunterdon County Clerk's Office in accordance with the Municipal Land Use Law.
3. Approval by all other Agencies having jurisdiction on the within application, including but not limited to the Hunterdon County Planning Board, Department of Health and Soil Conservation District; and the State of New Jersey regarding all permits necessary, including but not limited to access, drainage, wetlands interpretation, etc. from the Department of Transportation, Department of Environmental Protection, etc.

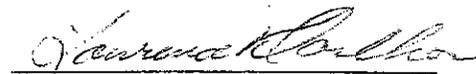
Motion was made by Mr. Carlbon and seconded by Mr. Hess to grant conditional minor subdivision as set forth herein.

<u>VOTE ON</u> <u>DECISION</u>	<u>BOARD MEMBER</u>	<u>VOTE ON</u> <u>RESOLUTION</u>
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<u>yes</u>	Dean	<u>—</u>
<u>yes</u>	Hirt	<u>Yes</u>
<u>yes</u>	Hess	<u>—</u>
<u>yes</u>	Carlbon	<u>Yes</u>
<u>yes</u>	Martin	<u>Yes</u>
<u>yes</u>	Ricker	<u>—</u>
<u>yes</u>	Rossi	<u>Yes</u>
<u>yes</u>	Panvarino	<u>Yes</u>
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<u>yes</u>	Carten (1 <sup>st</sup> . Alt)	<u>Yes</u>
<u>yes</u>	Gallagher (2 <sup>nd</sup> Alt)	<u>—</u>

The foregoing Resolution memorializing the actions taken by the Township of Union Planning Board was duly adopted by the Planning Board by a vote of a majority of the aforesaid members at its regular meeting held on April 27, 2000.

  
 Grace Kocher, Board Secretary  
 Union Township Planning Board

  
 Larry Carlbon, Acting Chairman  
 Union Township Planning Board