

**TOWNSHIP OF UNION  
PLANNING BOARD RESOLUTION**

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*Application for Final Major Subdivision Approval*

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**Applicant/  
Owner:**      *Union County Savings Bank*

**Property:**      *Block 25, Lots 28 and 30  
Township of Union, Hunterdon Cty.*

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**WHEREAS**, the applicant, Union County Savings Bank, is the owner of property located in the Township of Union, County of Hunterdon, State of New Jersey and known as Block 25, Lots 28 and 30 on the Tax Map of the Township of Union and which property is located in the "R-2" Zone; and

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

**WHEREAS**, the Township of Union Planning Board granted variances and preliminary major subdivision approval to the applicant's predecessor on December 16, 1985, and amended preliminary approval on January 6, 1987; and

**WHEREAS**, the applicant has submitted a plan entitled "Fox Chase - Final Plat" dated November 7, 1996, with no revisions, which plan was prepared by Storch Engineers - Joseph D. Greenaway, P.L.S.; and

**WHEREAS**, on behalf of the Township of Union and its Planning Board, the Township's professional consultants have reviewed the final plat and testimony presented to the Planning Board, and Robert Bogart, P.E., the Town's engineer, submitted his written report of December 11, 1996, and also a verbal report to the Planning Board at public hearings held on July 24<sup>th</sup> and September 25<sup>th</sup>, 1997 (the applicant having requested and provided extensions to the Planning Board on the time for which the Planning Board may act on its said application).

**WHEREAS**, the Planning Board has reviewed the application for final major subdivision approval, and the written and verbal reports of its consultants and other agencies having jurisdiction over the application, and considered the testimony of the applicant as presented through their Attorney, Lawrence J. Fox, Esq., at meetings conducted on January 23<sup>rd</sup>, July 24<sup>th</sup> and September 25<sup>th</sup>, 1997 and based thereon, has made the following findings of fact:

1. The applicant submitted a proper application for final major subdivision approval with the Administrative Office, which application as to form (not contents) and the required documentation was deemed complete by the Administrative Office.
2. All application fees have been paid and the taxes on the said property are current.
3. The Board reviewed the application and related documents and based thereon, has deemed as complete (12/19/96), the application for final major subdivision approval.
4. Although the application was deemed complete, questions arose as to the viability of the soil tests conducted on the property on behalf of the predecessor in title, the ownership of those testing results, and the ability to use the past testing results to secure Hunterdon County Board of Health approval. The Board was advised by the applicant's representatives that they would either secure new tests and certifications on their property to support the lots approved in the preliminary subdivision approval, or they would secure the right to use the previous test results and duly certified and sealed plans by the former engineer reflecting the results thereon.
5. The applicant has secured the approval of the Hunterdon County Department of Health, dated 11, 1997, confirming that they have reviewed the soil test data on the project and take no exception to its approval, thus concluding that the property would be able to support the use of individual subsurface sewage disposal systems as proposed.
6. The Board considered the written report of its Engineer, Robert Bogart, P.E. dated December 11, 1996, together with his additional comments offered on the project at the public hearings, and his recommendation that final approval can be granted subject to the items contained in his said report being satisfied by the applicant, together with such other conditions as deemed appropriate by the Board.
7. The application was open to the public; however, no public comment was offered.
8. The Board concluded that the requirements of the Township of Union Development Regulations for final major subdivision approval have generally been satisfied and can be approved subject to conditions.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Union, Hunterdon County, New Jersey on the 25<sup>th</sup> day of September, 1997, that conditional, final major subdivision approval be granted as hereinafter set forth:

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 final major subdivision approval and the subdivision plat presented to the Board, and upon the agreement by the applicant that it would accept and incorporate as conditions of this approval, all commitments made in the application, plan and associated documents and testimony before the Board and which are hereby made a condition of this approval as follows:

1. All of the information as shown on the application and plat as submitted and as may be required to be amended in accordance with this Resolution and the Planning Board Engineer's requirements are adopted by reference as though the complete application and plans were set forth herein and the same are made a part hereof. The commitments made by the applicant and its representatives in their recorded testimony as set forth in the previous findings of fact shall be satisfied.
2. The approval herein memorialized shall not constitute, nor be construed to constitute, any approval, direct or indirect, of any aspect of the final 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 of any aspects of the proposed development.
3. The applicant shall comply with all items contained in the Planning Board Engineer's review report of December 11, 1996, and which items are hereby made a condition of this final approval.
4. In as much as preliminary subdivision approval was granted on this development prior to the adoption of the Fair Share, Affordable Housing Contribution Fee Ordinance of Union Township, this applicant shall be exempt from the payment of such development fees.
5. All easements associated with the preliminary and final approvals shall be described by metes and bounds description and shall be submitted to the Planning Board Attorney and Engineer for their review and approval, and thereafter, proof shall be provided as to the recording of each of the said easements and the original documents distributed to the Grantees therein.
6. The Township Engineer shall monitor all soil conservation matters to insure proper treatment of disturbed areas; and the Planning Board shall continue jurisdiction of this application to insure strict compliance with the approved plans.
7. During construction, the applicant shall comply with all requirements of the Development Regulations of the Township of Union, this conditional approval and the Developers Agreement entered into with the Township of Union. Such compliance shall also be binding upon the applicant's agents, servants, successors and assigns.
8. Final major subdivision approval shall in no way be construed as acceptance of any street, drainage system or other improvement required by the Planning Board, nor shall such approval obligate the Township in any way to repair, exercise jurisdiction over any street, drainage system or other improvement prior to acceptance of the improvement by the governing body.
9. The Township of Union Planning Board reserves the right to revoke and withdraw any approval granted in the event that 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. Minor deviations and field changes may be authorized in writing by the Township Engineer.

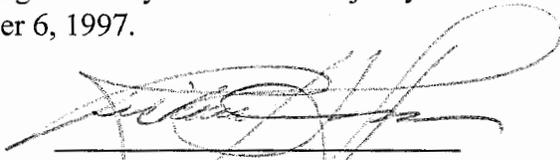
10. The applicant shall secure final approval by the Hunterdon County Planning Board and all other bodies with jurisdiction over the application including Hunterdon County Soil Conservation District and the New Jersey Department of Transportation; the Township Board of Health and the County Board of Health, and the N.J.D.E.P., as applicable.
11. The applicant shall post such additional inspection and review fees as required by the Township of Union, in addition to the execution and posting of the applicable Performance/Maintenance Bonds as approved by the Township Attorney, and the execution of a Development Agreement with the Township of Union and as prepared by the Township Attorney. In addition thereto, the applicant shall pay their pro-rata share of costs of off-tract improvements in accordance with Section 30-23 of the Union Township Development Regulations as calculated by the Township Engineer at \$1,850.00 per lot for a total of \$37,000.00, with the total amount to be paid in full prior to the issuance of a building permit for the first lot developed within the subdivision.
12. There is hereby incorporated and made a part of this conditional approval, all of the conditions of the previously granted preliminary and amended preliminary major subdivision approval.

A Motion to grant final major subdivision approval was made by Mr. Dean and seconded by Ms. Hirt.

<u>VOTE ON DECISION</u>	<u>BOARD MEMBER</u>	<u>VOTE ON RESOLUTION</u>
<u>Yes</u>	Hess	<u>Yes</u>
<u>Yes</u>	Rossi	<u>Yes</u>
<u>---</u>	Strube	<u>---</u>
<u>---</u>	Carlbon	<u>---</u>
<u>Yes</u>	Dean	<u>Yes</u>
<u>Yes</u>	Niemiec	<u>Yes</u>
<u>Yes</u>	Hirt	<u>Yes</u>
<u>Yes</u>	Martin	<u>Yes</u>
<u>Yes</u>	Grill	<u>Yes</u>
<u>---</u>	Haynes	<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 November 6, 1997.

  
 Grace Kocher, Board Secretary  
 Union Township Planning Board

  
 Richard Hess, Chairman  
 Union Township Planning Board

**TOWNSHIP OF UNION  
PLANNING BOARD RESOLUTION No.**

~~#2000-23~~

*Application for Extension of Final Major Subdivision  
Approval*

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**Applicant/Owner:** *Fox Chase of Hunterdon, L.L.C.*

**Property:** *Block 25, Lots 28 and 30  
Township of Union, Hunterdon County*

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**WHEREAS**, the Applicant, (successor-in-interest) Fox Chase, L.L.C., is the owner of property located in the Township of Union, County of Hunterdon, State of New Jersey, and known as Block 25, Lots 28 and 30 on the Tax Map of the Township of Union and which property is located in the "AP-2" zone; and

**WHEREAS**, final subdivision approval for the property was obtained on November 6, 1997; and

**WHEREAS**, a majority of on-tract improvements have been completed by the applicant as verified by the Township Engineer; and

**WHEREAS**, the Developer's Agreement has been executed with the Township and the contribution for off-tract improvements required by the Development Ordinance and Memorializing Resolution have been made by the Applicant to the Township of Union; and

**WHEREAS**, the Applicant has made application for extension of subdivision approval in accordance with *N.J.S.A. 40:55D-52 c and d*; and

**WHEREAS**, the applicant has reported that all approvals have been obtained from the County Planning Board and other agencies, and the Applicant has satisfied the requirements for an extension under *N.J.S.A. 40:55D-53d*, the application having been made within ninety-one days (91) of the last requirement approval, that being to wit, the Hunterdon County Planning Board; and

**WHEREAS**, the Applicant has also satisfied the requirements of *N.J.S.A. 40:55D-53c*; and

**WHEREAS**, the final subdivision plat for this application was filed on September 7, 2000;

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Union, Hunterdon County, New Jersey, that the final subdivision approval previously granted in Resolution dated November 6, 1997, be and hereby is extended for two years with the proviso that in accordance with *N.J.S.A. 40:55D-52c* this extension shall begin on November 6, 1999, and, accordingly, shall expire on November 6, 2001, unless application for extension is made.

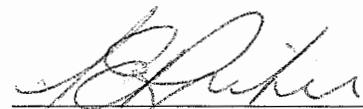
**BE IT FURTHER RESOLVED** that all terms and conditions of the Memorializing Resolution of November 6, 1997, shall remain in effect and be fully performed by the Applicant and its successors in title.

A Motion to grant an extension of final major subdivision approval was made by Hess and seconded by Hirt.

<u>VOTE ON DECISION</u>	<u>BOARD MEMBER</u>	<u>VOTE ON RESOLUTION</u>
<u>No</u>	Ricker	<u>—</u>
<u>Recuse</u>	Grossi	<u>—</u>
<u>Yes</u>	Carlbon	<u>YES</u>
<u>No</u>	Carten	<u>—</u>
<u>Yes</u>	Hess	<u>YES</u>
<u>Yes</u>	Hirt	<u>—</u>
<u>Yes</u>	Martin	<u>YES</u>
<u>No</u>	Rossi	<u>—</u>
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<u>Yes</u>	Brandt (1 <sup>st</sup> . Alt)	<u>—</u>
<u>Yes</u>	Panzarino (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 approving members at its regular meeting held on January 25, 2001.

  
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Grace A. Kocher, Board Secretary  
Union Township Planning Board

  
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Thomas Ricker, Chairman  
Union Township Planning Board

**TOWNSHIP OF UNION  
PLANNING BOARD RESOLUTION**

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*Application for Extension of  
Final Major Subdivision Approval*

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**Applicant:** *Pizzo, Pizzo & Heitz, LLC  
C/O Barnet Epstein, Esq.  
245 Green Village Road  
Chatham, New Jersey*

**Prior Owner:** *Union County Savings Bank/  
Fox Chase of Hunterdon, LLC*

**Property:** *Block 25, Lots 28 and 30  
Union Township, Hunterdon  
County, New Jersey*

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**WHEREAS**, the Applicant, Pizzo, Pizzo & Heitz, LLC is the successor in interest to Fox Chase of Hunterdon, LLC and is the owner of the property located in the Township of Union, County of Hunterdon and State of New Jersey known as Block 25 and originally known as Lots 28 and 30 on the Union Township Tax Map; and

**WHEREAS**, final major subdivision approval was granted for the Fox Chase Development by Resolution of the Planning Board dated November 6, 1997; and

**WHEREAS**, Fox Chase of Hunterdon, LLC as a successor in interest in the property applied for and received a two year extension of final approval to November 6, 2001; and

**WHEREAS**, Pizzo, Pizzo & Heitz, LLC has purchased the subject property from Fox Chase of Hunterdon, LLC and has made application to the Planning Board of the Township of Union for a one year extension of the final major subdivision approval through November 6, 2002, and covering the subject property now known as Block 25, Lot 30; Block 25.01, Lots 1,2,3,4 and 5; Block 25.02, Lots 1,2,3,4,5,6,7 and 8; and Block 25.03, Lots 1,2,3,4,5 and 6 on the Tax Map of Union Township; and

**WHEREAS**, the applicant has secured all approvals from all required governmental bodies, the Performance Guarantees have been furnished to the Municipality, a Developer's Agreement has been executed with Union Township and the final subdivision map was approved by the Planning Board and was filed in the Hunterdon County Clerk's Office on September 7, 2000; and

**WHEREAS**, substantial improvements have been constructed on the property with the exception of those improvements normally reserved for completion after the construction of homes in the development such as the final topping of macadam on the roadway; and

**WHEREAS**, the Applicant has obtained five building permits and substantially completed construction on multiple dwellings in the project and is in the process of marketing the remaining 16 homes to be constructed, with each home to be substantially custom built; and

**WHEREAS**, the Applicant presented testimony to the Planning Board at its public Hearing on October 25, 2001 through its Attorney, Barnet H. Epstein, Esq. regarding the progress in the development of the site; and

**WHEREAS**, the Township Engineer reviewed the project and the extension request and by letter of October 8, 2001 took no exception to the issuance of an extension of the final approval; and based thereon, the Planning Board found that the testimony presented substantially satisfied the requirements for a one year extension pursuant to N.J.S.A. 40:55D-52a.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Union on this 25<sup>th</sup> day of October, 2001 that the final major subdivision approval originally granted on the subject property and extended for a two year period is hereby extended for an additional period of one year through and until November 6, 2002 and subject to the following conditions:

1. The terms and conditions of the prior approvals and extension are continued and reimposed as a condition of this extension.

A Motion to grant an extension of final major subdivision approval through November 6, 2002 was made by Mr. Hess and seconded by Mr. Martin.

<u>VOTE ON DECISION</u>	<u>BOARD MEMBER</u>	<u>VOTE ON RESOLUTION</u>
---	Haynes	_____
---	Rossi	_____
Y	Ricker	Y
Y	Grossi	Y
Y	Martin	Y
Y	Hess	Y
---	Carten	-
---	Nargi	_____
Y	Bischoff	Y
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_____	Brandt (1 <sup>st</sup> Alt)	_____
Y	Lukasik (2 <sup>nd</sup> . Alt)	Y

The foregoing Resolution memorializing the action taken by the Township of Union Planning Board was duly adopted at a public meeting on November 29, 2001 by a majority of the aforesaid members approving the original Resolution.



Grace Kocher, Secretary  
Union Township Planning Board



Thomas Ricker, Chairman  
Union Township Board of Adjustment