

**TOWNSHIP OF UNION
PLANNING BOARD RESOLUTION**

Application for Agricultural Division of Lands

Applicant: *Township of Union
140 Perryville Road
Hampton, New Jersey 08827*

Owners: *Paul Scheuing
485 County Route 614
Asbury, New Jersey 08802*

*Bruce Scheuing
1122277 Hutchins Court
Chaska, Minnesota 55318*

*Karl Scheuing
108 Main Street
Bloomsbury, New Jersey 08804*

*Carolyn Tinnez
PO Box 145
Pennsboro, W. Virginia 26415*

Property: *County Route 614
Block 1.08, Lot 16
Union Twp., Hunt. Co., N.J.*

WHEREAS, the applicant, the Township of Union, Hunterdon County, New Jersey, is one of the contract purchasers of property owned by Paul Scheuing, Bruce Scheuing, Karl Scheuing and Carolyn Tinnez, which property is located on County Route 614 and known as Block 1.08, Lot 16 on the tax map of the Township of Union, County of Hunterdon, State of New Jersey, and comprised of approximately 72.51 +/- acres in Union Township; and

WHEREAS, the owners of the property have entered into a Sale/Purchase Agreement with the New Jersey Water Supply Authority to acquire the property known as Block 1.08, Lot 16 located in Union Township, and also the property known as Block 10, Lot 2 located in Bethlehem Township; and subsequently, the New Jersey Water Supply Authority and the applicant, Township of Union, entered into an Agreement for Assignment of Interest in Unimproved Real Property for the Township's acquisition of the tract of land located in Union Township; and

WHEREAS, on behalf of the applicant, Union Township Committee, the Township Engineer has submitted a map to the Township Planning Board entitled "Agricultural Division Plan for Paul Scheuing" prepared by Bruce R. Blair, P.L.S., dated October 25, 2004 and revised through December 14, 2004, and

testimony was presented by the Township Engineer, Robert Bogart, P.E. and Kyle Lischak, Program Administrator of the New Jersey Water Supply Authority in support of the proposed agricultural division; and

WHEREAS, the Planning Board has reviewed the applicant's Purchase Agreement, the Application for Assignment of Interest, the Agricultural Division Map and considered the testimony as presented to the Board, and based thereon, has made the following findings of fact:

1. The applicant is the contract purchaser under an Agreement for Assignment of Interest in Unimproved Real Property with the New Jersey Water Supply Authority, for the purchase of Block 1.08, Lot 16 in the Township of Union from Paul Scheuing, Bruce Scheuing, Karl Scheuing and Carolyn Tinnez.
2. The joint purchaser of the property located in Union Township is by the Township of Union and the New Jersey Water Supply Authority and is proposed to be divided by means of an agricultural division so as to create two lots; namely, Block 1.08, Lot 16 comprised of 58.68 +/- acres; and the proposed home lot (Lot number to be assigned) also in Block 1.08 and comprised of 12.06 +/- acres, and which currently has located thereon, an existing house, garage and farm building. The "home lot" will be retained by the current owners.
3. The 58.68 +/- acre portion of property shall have standard Green Acres restrictions placed thereon, and a portion of the subject property in the immediate area of the Mulhockaway Creek shall have also additional environmental restrictions placed thereon.
4. The proposed home lot shall be Deed-Restricted against any further subdivision and access to the property shall continue along the existing driveway and shall be encompassed in a Driveway Easement for the said lot.
5. Pursuant to *N.J.S.A. 40:55D-7* (subdivision definition), the Planning Board determined that the application is an exemption to the requirements of the municipal subdivision Ordinance and the M.L.U.L. inasmuch as the division of land will (1) the result in lots which will each be greater than five acres; and (2) the resulting lots are to be utilized for agricultural, conservation and / or open space purposes; and (3) no new streets are created.
6. Likewise, the Planning Board determined that the proposed home lot of 12.06 +/- acres is exempt from *N.J.D.A. 40:55D-35*, in that no permit is sought for the erection of any building or structure on the said lot since the existing structures on the lot pre-exist zoning in the Township of Union, and also the lot is losing its public road frontage as a result of the agricultural division of the land whereby the current owners are cooperating with and assisting the Township of Union and the New Jersey Water Supply Authority in preserving a portion of their farm and in addition, protecting the watershed of the Mulhockaway Creek.
7. The application was opened to the public, however, no public comment was offered.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Union, on this 16th day of December, 2004, that the application of the Township of Union is exempt from the requirements for subdivision provisions of the Municipal Land Use Law and the Township of Union Development Ordinance pursuant to definition standards established in such regulations, and is hereby recognized as an agricultural division of land.

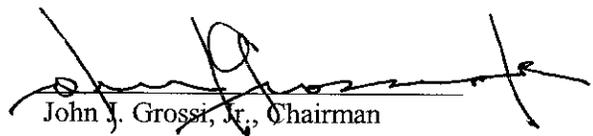
BE IT FURTHER RESOLVED that the applicant shall prepare and submit for review and approval by the Planning Board Attorney, two new Deeds containing metes and bounds descriptions of the newly created agricultural division lots, and also a separate easement for the access driveway to the home lot, in a recordable form; and following approval thereof, the same shall be recorded by the applicant and a copy of the recorded documents shall be forwarded to the Secretary of the Planning Board.

A Motion was made by Mr. Scott and seconded by Mr. Bischoff to recognize the application and an agricultural division of land, making the application exempt from the subdivision requirements of the Municipal Land Use Law and the Development Ordinance of the Township of Union.

<u>VOTE ON MOTION</u>	<u>BOARD MEMBER</u>	<u>VOTE ON RESOLUTION</u>
Recuse	Haynes	Recuse
Recuse	Mulhall	Recuse
Y	Martin	Y
Y	Brandt	Y
Abs.	Lukasik	Abs.
Abs.	Nargi	Abs.
Y	Grossi	Y
Y	Bischoff	Y
Y	Roth	Y
Abs.	Rosol (1 st Alt.)	Abs.
Y	Scott (2 nd Alt.)	Y

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 December 16, 2004


 Grace Kocher, Board Secretary
 Union Township Planning Board


 John J. Grossi, Jr., Chairman
 Union Township Planning Board