

TOWNSHIP OF UNION  
PLANNING BOARD RESOLUTION

*Preliminary and Final Major Site Plan*

---

**Applicant/Owner**     *Township of Union  
140 Perryville Rd.  
Hampton, NJ 08827*

**Property:**             *Lot 20, Block 22  
80 Route 513*

---

**WHEREAS**, the applicant, Township of Union, has applied for preliminary and final major site plan approval for property located on 80 Route 513 and further described as Lot 20 in Block 22 of the Union Township Tax Map; and

**WHEREAS**, at a hearing on November 14, 2006, the applicant submitted a site plan prepared by Ferriero Engineering, Inc., dated October 24, 2006; and

**WHEREAS**, due notice has been served and published as required by law and all procedures have been followed as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Code of the Township of Union; and

**WHEREAS**, the Board after hearing pursuant to law and after due consideration of the testimony and argument of the applicant and/or its representatives or witnesses and on the evidence introduced at the hearing made the following determinations and findings of fact:

1. The Township of Union is proposing to develop property known as Milligan Farm and the subdivision application and approval provided for the creation of 9 new lots plus an access road on 13.95 acres in the northeast corner of the property on which will be constructed a maximum of 5 COAH approved low/moderate income dwelling units per

lot for a total of 45 COAH dwelling units. A tenth lot consisting of a farm house plus 2.393 acres is also to be subdivided and sold as a residence with a historic preservation easement. The remainder of the property consisting of approximately 85.618 acres will be permanently preserved as open space.

2. The subject property is located in the RM-multi-family residential zone, all of the lots conform to the bulk requirements of the zone and no variances are required.

3. The Township of Union was represented by J. Peter Jost, Esq. and presented the testimony of the following individuals:

(a) John Hansen, P.E., Ferriero Engineering, Inc.

(b) Matthew Mulhall, a member of the Township Committee. (Mr. Mulhall is also a member of the Planning Board and recused himself from this hearing).

(c) Carl E. Hintz, PP, COA, AICP.

(d) Michael Hanrahan, Architect.

4. The applicant submitted the following documents in support of the application.

(a) Preliminary Major Subdivision and Site Plan, Milligan Farm Development, Lot 20, Block 22, Township of Union, Sheets 1 to 12, prepared by Ferriero Engineering, Inc., dated October 24, 2006.

(b) Stormwater Management Report for Milligan Farm Development prepared by Ferriero Engineering, Inc. dated October 24, 2006.

(c) Milligan Farm Municipally Sponsored Construction Site, Sheets L-1 and L-2, with attached floor plans, prepared by Clarke Caton Hintz, dated October 24, 2006.

(d) Project Review Letter, Preliminary Major Subdivision and Site Plan Application, prepared by Maser Consulting, P.A., dated November 10, 2006.

5. The applicant introduced the following exhibits into evidence.

A-1 Aerial photograph of the property.

A-2 Rendering of site plan.

A-3 Plan of First Floor.

A-4 Plan of Second Floor.

A-5 Concept Elevation.

A-6 Aerial photograph of sites surrounding Milligan Farm property.

A-7 Aerial photograph with project overlay.

6. The Board received a report dated November 13, 2006 from Stephen J. Souza, Ph.D., of Princeton Hydro, LLC.

7. The testimony presented by the applicant included the following:

(a) The development on the site is limited to approximately 14 acres of the entire tract of 102 acres, however, some regulated slopes are being disturbed.

(b) A prior application for development submitted by Hovnanian had obtained a permit for much more extensive water usage.

(c) The COAH development on the site is part of the 3<sup>rd</sup> round COAH requirements which have to be met by the Township.

(d) Applicant's experts indicated that the conditions of the reports from Maser Consulting, P.A., dated November 10, 2006, and Princeton Hydro, LLC, dated November 13, 2006, would be satisfied.

(e) That the development meets RSIS standards, stormwater regulations, municipal ordinances and COAH requirements for adaptability.

**WHEREAS**, the Board has granted approval of the preliminary and final major subdivison on November 14, 2006 and now seeks to memorialize that action.

**NOW THEREFORE, BE IT RESOLVED**, by the Union Township Planning Board on this 30<sup>th</sup> day of November 2006, that this Board does hereby adopt this resolution granting approval of preliminary and final site plan approval, subject to the following conditions:

1. That all of the conditions of this resolution, where applicable, shall be incorporated in a revised site plan, subject to the review and approval of the offices of the Planning Board Engineer and Planner.

2. That the development and the construction of the site and property shall be the same as represented to the Board on all submitted site plans, plats, drawings and renderings and in accordance with amendments to said documents as required in this resolution of approval.

3. In the event this approval is subject to review and approval from applicable federal, state, county, regional or municipal authorities having jurisdiction over this development, then any substantial revision in the development plans ;which may occur as a result of said review and approval shall be subject to the additional review and approval of this Board or the township Engineer, as the case may be, prior to the issuance of a building permit. This Board reserves the right to modify or amend this approval as may be required by such revisions.

4. This approval has taken into consideration and is subject to the terms and conditions of all maps, reports and documents in the applicant's file in the office of the Planning Board to the same extent as if said maps, reports and documents had been read into the record and marked into evidence.

5. That this approval is subject to the applicant complying with all of the conditions set forth in the reports of Robert C. Bogart, P.E., of Maser Consulting, P.A., dated November 10, 2006, and Stephen J. Souza, Ph.D., of Princeton Hydro, LLC, dated November 13, 2006.

6. 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, 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. So called minor deviations 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 it approval.

7. The deed for the remaining lot of 85.618 acres shall contain a permanent restriction that no further subdivision of the lot may take place either under the Municipal Land Use Law or in any other manner such as testamentary devise or otherwise as may be defined in the Municipal Land Use Law under the definition of a subdivision or exception to subdivision.

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 of any aspects of 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.

9. That the applicant shall install a fire water tank in accordance with the Union Township Ordinance unless an adequate water supply may be provided from the Town of Clinton, subject to the review and approval of the Fire Company having jurisdiction of this property.

10. That the applicant shall obtain unconditional approval from the Hunterdon County Planning Board.

11. That the applicant shall provide a report from Vincent Uhl, P.E., confirming that an Aquifer Stress Test and Analysis of Groundwater Quality is not required due to the prior reports and permits issued for the Hovnanian application.

12. That the applicant shall provide an amended site plan delineating the regulated slopes which are being disturbed.

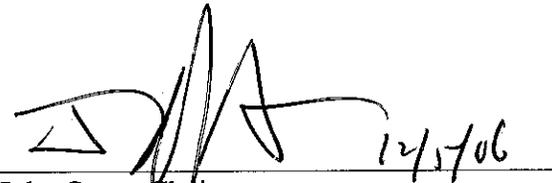
13. That the applicant shall amend its plans, specifically Sheet 5, to set forth complete plans and profiles of utilities.

A Motion was made by Mr. Lukasik and seconded by Mr. Brandt to grant approval of the preliminary and final major site plan as set forth herein.

VOTE ON MOTION	BOARD MEMBER	VOTE ON RESOLUTION
	Rossi	
	Mulhall	
Y	Martin	Y
Y	Brandt	Y
Y	Lukasik	Y
Y	Bischoff	Y
	Roth	
	Scott	
Y	Rosol	Y
Y	Grossi	Y

The foregoing Resolution memorializing the actions taken by the Township of Union Planning Board was duly adopted by the Planning Board at its regular meeting held on November 30, 2006.

  
 Grace Kocher, Board Secretary  
 Union Township Planning Board

  
 John Scott, Chairman  
 Union Township Planning Board

TOWNSHIP OF UNION  
PLANNING BOARD RESOLUTION

*Preliminary and Final Major Subdivision*

---

**Applicant/Owner**     *Township of Union  
140 Perryville Rd.  
Hampton, NJ 08827*

**Property:**             *Lot 20, Block 22  
80 Route 513*

---

**WHEREAS**, the applicant, Township of Union, has applied for preliminary and final major subdivision approval for property located on 80 Route 513 and further described as Lot 20 in Block 22 of the Union Township Tax Map; and

**WHEREAS**, at a hearing on November 14, 2006, the applicant submitted a subdivision plat prepared by Ferriero Engineering, Inc., dated October 24, 2006; and

**WHEREAS**, due notice has been served and published as required by law and all procedures have been followed as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Code of the Township of Union; and

**WHEREAS**, the Board after hearing pursuant to law and after due consideration of the testimony and argument of the applicant and/or its representatives or witnesses and on the evidence introduced at the hearing made the following determinations and findings of fact:

1. The Township of Union proposes a subdivision and site plan for Lot 20 in Block 22 in order to create affordable housing. The 101.96 acre tract will be subdivided to

create 9 new lots on 13.95 acres upon which will be constructed a total of 45 low/moderate income houses at a density not to exceed 5 units per lot. An additional lot having an approximate acreage of 2.4 acres, which includes an existing farm house and structures, will also be subdivided from the original lot and the remaining lands, totaling approximately 85.6 acres, will be set aside as permanently preserved open space. The applicant was represented by J. Peter Jost, Esq. and presented the testimony of John Hansen of Ferriero Engineering, Inc.

2. This resolution addresses the application for preliminary and final major subdivision approval and is subject to the applicant also receiving preliminary and final major site plan approval.

**WHEREAS**, the Board has granted approval of preliminary and final major subdivision on November 14, 2006 and now seeks to memorialize that action.

**NOW THEREFORE, BE IT RESOLVED**, by the Union Township Planning Board on this 30<sup>th</sup> day of November 2006, that this Board does hereby adopt this resolution granting approval of preliminary and final major subdivision, subject to the following conditions:

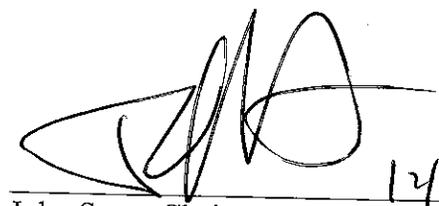
1. That the development and construction of the site and property is subject to the applicant receiving preliminary and final major site plan approval.

A Motion was made by Mr. Rosol and seconded by Mr. Brandt to grant approval of the preliminary and final major subdivision as set forth herein.

VOTE ON MOTION	BOARD MEMBER	VOTE ON RESOLUTION
	Rossi	
	Mulhall	
Y	Martin	Y
Y	Brandt	Y
Y	Lukasik	Y
Y	Bischoff	Y
	Roth	
	Scott	
Y	Rosol	Y
Y	Grossi	Y

The foregoing Resolution memorializing the actions taken by the Township of Union Planning Board was duly adopted by the Planning Board at its regular meeting held on November 30, 2006.

  
 Grace Kocher, Board Secretary  
 Union Township Planning Board

  
 John Scott, Chairman  
 Union Township Planning Board

12/5/06

**TOWNSHIP OF UNION  
PLANNING BOARD RESOLUTION**

---

*Application for Extension of  
Final Site Plan & Subdivision Approval*

---

---

**Applicant:** *K. Hovnanian Companies of  
North Central New Jersey, Inc.  
110 Fieldcrest Avenue  
Edison, New Jersey 08818*

**Owner:** *Genevive Milligan Alier,  
Phyllis M. Eichlin & Joseph  
Milligan*

**Property:** *Block 22, Lot 20  
Route 513, Union Township  
Hunterdon County, N.J.*

---

---

**WHEREAS**, K. Hovnanian Companies of North Central New Jersey, Inc., previously applied to the Planning Board of Union Township for final site plan and subdivision approval of its property located on Route 513 and known as Block 22, Lot 20 on the Union Township Tax Map, Hunterdon County, New Jersey; and

**WHEREAS**, the Union Township Planning Board granted final site plan and subdivision approval to K. Hovnanian Companies of North Central New Jersey, Inc., at its meeting held on August 10, 2000 and memorialized its action by resolution adopted on October 26, 2000; and

**WHEREAS**, K. Hovnanian Companies of North Central New Jersey, Inc. has applied for an Extension of its final site plan and subdivision approval pursuant to *N.J.S.A. 40:55D-52d*, and in furtherance thereof, appeared before the Planning Board of Union Township at its regular meeting on September 26, 2002; and

**WHEREAS**, the applicant, in support of this Extension request submitted various exhibits which were marked into the record before the Board, and presented the testimony of Thomas Piscatelli, the President of the applicant, as well as their Professional Planner, Art Bernard, as presented through their Attorney, Peter Buchsbaum, Esq., which testimony was submitted to outline

the events occurring over the past two years which prevented the Developer from proceeding with construction of its development; and

**WHEREAS**, the following exhibits were marked and received into the record on the extension application:

- “A-1” Order granting the Defendants, K. Hovnanian Companies of North Central New Jersey, Inc. and Union Township Planning Board Summary Judgment dated July 27, 2001;
- “A-2” Notice of Motion filed by K. Hovnanian Companies of North Central New Jersey, Inc. to expedite hearing before the Appellate Division dated October 29, 2001;
- “A-3” Letter brief of K. Hovnanian Companies of North Central New Jersey, Inc. submitted in support of Motion dated October 29, 2001;
- “A-4” Order of the Appellate Division granting motion to expedite appeal dated November 21, 2001;
- “A-5” Order of the Appellate Division upholding Summary Judgment dated July 2, 2002;
- “A-6” Order of the Appellate Division denying motion by respondent to intervene; dated November 15, 2000;
- “A-7” Order of the Appellate Division denying Neus application (In the matter of Stream Encroachment etc.);
- “A-8” Order of the Supreme Court of NJ, denying petition for Certification dated September 19, 2001;
- “A-9” Correspondence dated September 13, 2000 to DEP from Applied Water Management;
- “A-10” Correspondence dated June 7, 2001 from the State of New Jersey to Paul Schneider re: antidegradation submittal;
- “A-11” Correspondence dated June 15, 2001 from Giordano to State of New Jersey; reply to 6/7 letter;
- “A-12” Correspondence dated August 15, 2001 from Giordano to DEP re: failure to act after receipt of antidegradation study;

"A-13"Correspondence dated October 16, 2001 from DEP to Joe Riggs re:  
Antidegradation analysis;

"A-14"Correspondence dated November 8, 2001 from Giordano to DEP responding  
to 10/16/01.

"A-15"Correspondence dated February 26, 2002 from Giordano to DEP in response  
to Borden's letter;

"A-16"Correspondence dated April 8, 2002 from Giordano to DEP re: Modifications  
of NJPDES permit.

**WHEREAS**, the applicant's representative testified as to the delays which were encountered including litigation on the stream encroachment permit, the continuing requirement for compliance with NJ DEP regulations on the sewer permit, and the litigation against the Planning Board on its granting of approval which was finally concluded by an affirmation of the Union Township Planning Board's approval through a decision by the New Jersey Supreme Court denying the Plaintiff's request for Certorai. The applicant's Professional Planner confirmed that the subject property continues to be an affordable housing site which is part of the Union Township COAH plan; and

**WHEREAS**, the Planning Board concluded that the developer's testimony and proofs met the standard of proof required by N.J.S.A.55D-52d and that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approval.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Union on this 24<sup>th</sup> day of October, 2002 that the final site plan and subdivision approval originally granted on the subject property is hereby extended for a period of one year through and until October 26, 2003.

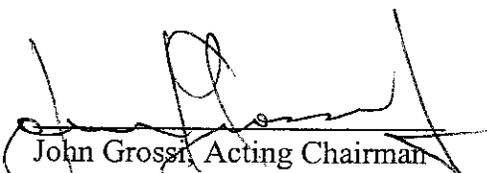
**AND BE IT FURTHER RESOLVED** that the terms and conditions of the original final site plan and subdivision approval are continued and reimposed as a condition of this Extension

A Motion to grant an extension of final site plan and subdivision approval through October 26, 2003 was made by Mr. Brandt and seconded by Mr. Bischoff

<u>VOTE ON DECISION</u>	<u>VOTE ON BOARD MEMBER</u>	<u>RESOLUTION</u>
<u>Abs</u>	Hirt	<u>_____</u>
<u>Abs</u>	Grossi	<u>_____</u>
<u>Y</u>	Martin	<u>Y</u>
<u>Y</u>	Brandt	<u>Y</u>
<u>Y</u>	Haynes	<u>Y</u>
<u>Abs</u>	Hess	<u>_____</u>
<u>Y</u>	Bischoff	<u>Y</u>
<u>Abs</u>	Nargi	<u>_____</u>
<u>Y</u>	Roth	<u>_____</u>
<hr/>		
<u>Y</u>	Rosol (1 <sup>st</sup> Alt)	<u>Y</u>
<u>Y</u>	Lukasik (2 <sup>nd</sup> Alt)	<u>Y</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 October 24, 2002.

  
 Grace Kocher, Board Secretary  
 Union Township Planning Board

  
 John Grossi, Acting Chairman  
 Union Township Planning Board