

**TOWNSHIP OF UNION**  
**PLANNING BOARD RESOLUTION**

*Application for Final Preliminary Major  
Subdivision Approval  
"Highland Ridge"*

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**Applicant:** *Matzel & Mumford Organization  
100 Village Court  
Hazlet, New Jersey 07730*

**Owner:** *Barbara & Anthony Colorafi  
306 Mountain Avenue  
New Providence, N.J. 07974*

**Property:** *Block 22, Lot 32  
Race Street & Frontage Road  
Union Twsp., Hunterdon Cty.*

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**WHEREAS**, Barbara and Anthony Colorafi are the owners of property located on Race Street and known as Block 22, Lot 32 in the Township of Union, County of Hunterdon and State of New Jersey, and which property is primarily located in the "VR" - Village Residential Zone with a small portion being located in the "VC" - Village Commercial Zone; and

**WHEREAS**, the Planning Board of the Township of Union previously granted preliminary major subdivision approval to the applicants at its Planning Board meeting on December 18, 1995 for a 37 lot major subdivision comprised of an existing farmhouse, 35 single family detached dwellings and one open-space lot, together with individual on-lot septic systems and an extension of public water service (Town of Clinton) from Race Street; and

**WHEREAS**, the applicants have submitted an application for final major subdivision approval together with a final plat entitled "Final Plat for Highland Ridge" dated March 15, 1996, revised through July 6, 1996 and which plan was prepared by Richard Pelizzone, P.E. of Brokaw DeRiso Assoc., Inc.; and

**WHEREAS**, the applicant's plan has been reviewed by the Township Engineer and he has submitted his written reports to the Planning Board dated June 20th and July 25th, 1996; and

WHEREAS, the Planning Board has reviewed the application and final plat of the applicant; and considered the testimony of the applicants and their representatives including John DeRiso, P.E., and Roy DeBoer, PP, CLA, AICP, and as presented through their Attorney, Law Office of Anthony Vaida, Pamela Matarrese, Esq. appearing, at a public hearing held on July 25, 1996; and the written reports of the Township Engineer and his verbal supplemental comments on the application; 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 Officer, which application as to form (not contents) and the required documentation was deemed complete by the Administrative Officer.

2. All application fees have been paid and a statement has been signed by the Tax Collector of the Township of Union indicating that there are no current payments due for real estate taxes on the subject property.

3. The Board reviewed the application and related documents and based thereon, has deemed as complete, the application for final major subdivision approval.

4. The following exhibits were marked into evidence:

FA-1 3/1/96 Preliminary Subdivision Construction Drawings - filed;

FA-2 7/6/96 revision of Final Plat;

FA-3 6/21/96 letter and hammerhead;

FA-4 7/25/96 list of approvals of other agencies as of 7/25/96.

5. The property being subdivided consists of 90.8 +/- acres of which approximately 46 acres will be developed, and is located primarily in the Village Residential (VR) Zone with a small portion adjacent to Frontage Road being located within the Village Commercial (VC) Zone, and which property fronts on both Race Street and Frontage Road.

6. The Board has reviewed the final report of the Township Engineer of July 25, 1996 and has determined that the recommendations contained therein had either been resolved or could be incorporated by way of conditions of this approval, and subject to the engineer's final review and sign-off, and the review and approval of documents by the Township Planner, Engineer and/or Attorney.

7. A preliminary draft of the homeowner association documents had previously been submitted to the Planning Board professionals, and based upon the project having moved forward to the application for final subdivision approval, the documents will be reviewed by the Planning Board Attorney and Planner and shall be subject to modifications which they request and their final approval.

8. During the course of testimony, the rural nature and configuration of Race Street dictate that heavy equipment and traffic usage of this roadway during the course of construction of the project is less desirable than the routing of all such construction traffic through Frontage Road for access to the project site and construction thereon. Accordingly, the developer will require that all contractors and suppliers utilize the Frontage Road access to the project.

9. The application was open to the public for comment, however, no public comment was received.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Union, Hunterdon County, New Jersey, on the 25th day of July, 1996, that the application for final major subdivision approval be conditionally approved 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 final plat presented to the Board, and upon the agreement by the applicant that it would accept and incorporate as conditions of the final major subdivision approval, all commitments made in the application, final plat 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 final major subdivision application and the accompanying final plans and other documents as referenced in the Planning Board Engineer's review reports of June 20, and July 25, 1996, 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 applicants and their representatives in their recorded testimony and 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 as contained in the Planning Board Engineer's review reports of June 20, and July 25, 1996, which items are hereby made a condition of this final major subdivision approval.

4. There is hereby incorporated and made a part hereof, all of the conditions of the previously granted, preliminary major subdivision approval.

5. All easements referenced in the preliminary approval Resolution and Subdivision Plan 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.

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. The applicant shall comply with all requirements of the Development Regulations of the Township of Union, this conditional approval, and any Developer's Agreement entered into with the Township, and such compliance shall also be binding upon the owner and the applicant's agents, servants, successors and assigns. Further, compliance shall include, but not be limited to pre-construction conference, payment of inspection fees, replenishment of review escrow accounts, submission of Performance Guarantees acceptable to the Township Attorney.

8. All homeowners association documents, including the initial Public Offering Statement, Master Deed, Certificate of Incorporation, By-Laws and Rules and Regulations shall be submitted to the Planning Board Attorney and Planner for their review, comment and/or request for modification, and final approval.

9. All construction traffic associated with the development of this project, including but not limited to, contractors and suppliers, equipment and supplies, shall only be permitted to enter and exit from the project site through the Frontage Road entrance to the property. No construction traffic shall be permitted to use Race Street, unless there exists some extenuating circumstance, which situation shall be first reviewed by the Developer/Contractor with the Township Engineer and prior approval for such use shall be secured from the Township Engineer.

10. Approval has been received from the N.J. Department of Transportation authorizing a 30 M.P.H. speed limit on the entire length of Race Street, which speed limit is being enacted by action of the Township Committee. Accordingly, the final subdivision plan, including roadway improvements and signage, shall be constructed in accordance with the specifications set forth in the major subdivision plan under the continuing review and supervision of the Township Engineer.

The improvements to be installed by the applicant to Race Street and the development intersection shall be designed for a 50 M.P.H. speed limit as previously agreed by the

applicant, regardless of the 30 M.P.H. speed limit on Race Street. Because of the reduced speed limit, the existing farmhouse may continue to use the present driveway entrance onto Race Street. Guardrails shall be of the type which are brown in color.

11. The Fair Share, Affordable Housing Contribution Fee as approved by C.O.A.H., and set forth in the Union Township Ordinance shall be paid by the developer.

12. Final approval by the Hunterdon County Planning Board.

13. The easement document for the hammerhead cul-de-sac which affects two lots shall provide that upon the cul-de-sac road being extended to an adjoining property, the title to the land comprising the "bubble" portion of the cul-de-sac which is no longer required because of the road extension, shall revert to the affected property owners, free of the burden of the prior easement.

The hammerhead cul-de-sac shall be revised so as to provide an additional 25 feet at the end for purposes of traffic circulation (turn-around) and snow removal.

The applicant shall use on the roadways in the development, the names provided by the Union Township Historical Society.

14. 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.

15. The Union Township 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 subdivision 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.

A Motion to grant final, major subdivision approval as conditioned herein, was made by Mr. Hess and seconded by Mr. Dean.

VOTE ON  
DECISION

Yes  
Yes  
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Yes  
Yes  
Yes  
Yes

BOARD MEMBER

Carlton  
Haynes  
Rossi  
Hess  
Dean  
Martin  
Niemic

VOTE ON  
RESOLUTION

Yes  
Yes  
---  
Yes  
Yes  
Yes  
Yes

The foregoing Resolution memorializing the action taken by the Township of Union Planning Board was duly adopted at its regular meeting on the 19th day of December 1996, by a vote of a majority of the aforesaid members approving the original Resolution.

\_\_\_\_\_  
Susan Kane, Secretary  
Township of Union Planning Board

*Lawrence Carlton*  
Lawrence Carlton, Chairman  
Township of Union Planning Board

I hereby certify this to be a true copy of a Resolution memorialized at a meeting of the Union Township Planning Board on December 19, 1996.

*Grace A. Kocher*  
Grace A. Kocher, Secretary

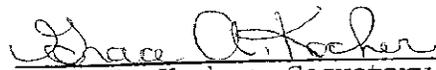
<u>VOTE ON DECISION</u>	<u>BOARD MEMBER</u>	<u>VOTE ON RESOLUTION</u>
<u>Yes</u>	Carlbon	<u>Yes</u>
<u>Yes</u>	Haynes	<u>Yes</u>
<u>---</u>	Rossi	<u>----</u>
<u>Yes</u>	Hess	<u>Yes</u>
<u>Yes</u>	Dean	<u>Yes</u>
<u>Yes</u>	Martin	<u>Yes</u>
<u>Yes</u>	Niemic	<u>Yes</u>

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 Grace A. Kocher, Secretary