

TOWNSHIP OF UNION
PLANNING BOARD RESOLUTION
RESOLUTION No. 8 -98

Application for Final Major Subdivision Approval

Applicant: *Henry Lewis
PO Box 282
Whitehouse Station N.J. 08889*

Owner *Henry Lewis (Lot 31)
PO Box 282
Whitehouse Station, NJ 08809*

*Fallone at Highland Ridge, LLC
(Lot 32.14)
1117 Rt. 31 S
Lebanon, NJ 08833*

*Gennaro & Diane Palumbo (Lot 32.15)
7 Carhart Ct.
Pittstown, NJ 08867*

Property: *Race St. & Carhart Court
Block 22 Lots 31; 32.14; 32.15
Township of Union, Hunterdon Cty.*

WHEREAS, the applicant, Henry Lewis is the contract purchaser of property located on Race Street in the Township of Union, County of Hunterdon, State of New Jersey and known as Block 22, Lots 31, 32.14 and 32.15 on the Tax Map of the Township of Union and which property is located in the "VR Residential " Zone; and

WHEREAS, the applicant received preliminary major subdivision approval by action of the Planning Board memorialized in its resolution of January 28, 1999; and

WHEREAS, the applicant has filed the necessary application for Final Major Subdivision Approval together with the appropriate filing fee and plans with the Administrative Officer; and

WHEREAS, the applicant has submitted a plan entitled "Final Subdivision Plat for Lake View Estates" prepared by James J. Mantz, P.E., dated March 8, 1999; and

WHEREAS, on behalf of the Township of Union and its Planning Board, the Board's various professional consultants reviewed the various plans and submitted their written and verbal reports including the Planning Board Engineer, Robert C. Bogart, P.E. in a written report dated May 20, 1999; and

WHEREAS, the Planning Board reviewed the application for Final Major Subdivision Approval and considered the testimony of the applicant, Henry Lewis, and as presented through their Attorney, Raymond Trombadore, Esq. at a public meeting on May 27, 1999 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. The applicant's representative testified that all appropriate application fees and the taxes on the property were current.
3. The Board reviewed the application and related documents and the recommendation of the Board's Engineer and based thereon deemed as complete the application for Final Major Subdivision Approval.
4. The applicant, Henry Lewis, previously received Preliminary Major Subdivision Approval for its proposed 14 lot major subdivision comprised of single family homes located on 32.5 acres through two separate cul-de-sac roads, and including a cul-de-sac to 8 of the lots, from Race Street, and an extension of the existing Carhart Court from neighboring Highland Ridge development to 6 new lots on the tract.
5. The Board reviewed the written reports of its Engineer, and determined that the recommendations made by these professionals have either been resolved or could be incorporated by way of conditions of this final approval, such that approval would be granted subject to incorporating as conditions of approval the final review and sign off by the various Township Professionals, including the Township Engineer and Planner and Board Attorney.
6. The Board discussed with the applicant the notice requirement for commercial activity on the neighboring properties and the form of notice which had been previously supplied by the applicant's Attorney. The resolution of the exact language of the notice will be resolved between the Planning Board Engineer, Attorney and the applicant.
7. The applicant's Attorney acknowledged receipt of the May 20, 1999 report of the Township Engineer, and based upon his review, the enumerated conditions with the applicant, Henry Lewis, advised the Board that all items listed therein had been resolved or would be acceptable as conditions to be completed by applicant.

8. The application was opened to the public for comment, however, no public comment was offered.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Union, County of Hunterdon, State of New Jersey, on the 27th day of May, 1999, that application for final major subdivision 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 letter of May 20, 1999, 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 letter of May 20, 1999 which items are hereby made a condition of this final major subdivision approval, which shall be fully satisfied by the applicant.

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

5. All easements associated with the preliminary approval shall be submitted to 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 Union Township, this conditional approval and the Developer's 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 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 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. In the event this developer sells or otherwise transfers all or part of this development to any other developer, assignee, person or entity, the escrow accounts and Bonds posted by the developer herein, shall not be released in whole or in part, until the successor developer, assignee, person or entity has posted sufficient review and inspection escrows and Bonds as determined by the Township Attorney and Chief Financial Officer, and countersigns the existing Development Agreement or executes a new Development Agreement with the Township as directed by the Township Attorney.

11. The terms and conditions of this approval shall be binding upon the applicant, the applicant's successors in interest and assigns. Further, each of the terms and conditions of this approval are material elements of the approval based upon the submission of the application and property in its entirety, and the non-compliance with any term or condition by the applicant or his successors or assigns shall be deemed a material default subjecting the application to revocation of this approval. The request to change any single condition since all conditions are integrally related shall open the entire application to the Planning Board for re-consideration, possible re-approval and new terms and conditions in addition to those terms and conditions presently existing in this approval.

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

VOTE ON
DECISION

No
Yes
No
Yes

BOARD MEMBER

Rossi
Dean
Hirt
Haynes

VOTE ON
RESOLUTION

Yes

Yes

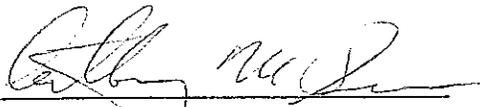
Yes
Yes
Yes
No

No

Hess
Carlbon
Martin
Ricker
Panzarino
Carten
Gallagher

Yes
Yes

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 affirmative voting members at its regular meeting held on June 24, 1999.



Anthony Dean, Chairman
Union Township Planning Board



Grace Kocher, Board Secretary
Union Township Planning Board

TOWNSHIP OF UNION
PLANNING BOARD RESOLUTION

*Application for Preliminary
Major Subdivision Approval*

Applicant: *Henry Lewis
PO Box 282
Whitehouse Station, NJ 08889*

Owner: *Fallone at Highland Ridge, LLC
1117 Rt. 31 S
Lebanon, NJ 08833*

*Phillipsburg National Bank
PO Box 4969
Phillipsburg, NJ 08865*

Property: *Block 22 Lots 31, 32.14, 32.15
Township of Union, Hunterdon Cty.*

WHEREAS, the applicant, Henry Lewis, is the contract purchaser of property located on Race Street in the Township of Union, County of Hunterdon, State of New Jersey and known as Block 22, Lots 31, 32,14 and 32.15 on the Tax Map of the Township of Union and which property is located in the "VR Village Residential" Zone; and

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

WHEREAS, the applicant has submitted a plan entitled Preliminary Subdivision Plat for Henry Lewis, which plan is dated June 15, 1998 and revised through November 3, 1998 and November 19, 1998, and was prepared by James J. Mantz, P.E. L.S., and

WHEREAS, on behalf of the Township of Union and its Planning Board, the Board's various professional consultants have reviewed the various plans 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 July 14, 1998, September 17, 1998, October 27, 1998 and December 10, 1998, and Professional Planner, Carter vanDyke, P.P. in written reports dated September 17, 1998, October 28, 1998, November 4, 1998 and December 14, 1998, and

WHEREAS, the Planning Board has reviewed the application for preliminary, major subdivision approval, and the written reports of its Consultants and other agencies having jurisdiction over the application, and considered the testimony of the applicant, Henry Lewis, and applicant's representatives, James Mantz, P.E.,L.S., John Madden, P.P., and Stephen Malvey, and as presented through their Attorney, Raymond Trombadore, Esq., at meetings conducted on November 5, 1998, November 9, 1998 and December 17, 1998, and based thereon, has made the following findings of fact:

1. The applicant submitted a proper application for preliminary 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. The applicant secured a certified list of neighboring property owners within two hundred feet of the said property and submitted proof of service of notice of the said application on the adjoining property owners, which notice was served by certified mail, return receipt requested, and the applicant also supplied the certified receipts together with an Affidavit of Service attesting to the mailing of the notices to the said adjoining property owners.
3. A copy of the notice of development served on neighboring property owners was submitted to the Board together with an Affidavit of Proof of Publication of the said document in the official newspaper of the municipality at least ten days prior to the date of the initial public hearing. The following documents were marked into evidence:

- "A-1" Hearing Notice documents;
- "A-2" Composite Board Showing Plans
- "A-3" Set of Plans Revised to 11/3/98
- "A-4" Environmental Impact Statement - Thonay Associates
- "A-5" Consent of Property Owners - PNC Bank
- "A-6" Consent of Property Owners - Fallone
- "A-7" Hunterdon County Planning Board Approval - 10/12/98
- "A-8" Hunterdon County Board of Health Approval
- "A-9" Conservation Easement Plan
- "A-10" Signing Sketch for Cul-de-Sac
- "A-11" Alternate Plan for Lot Layout
- "A-12" NJ DEP LOI - No Wetlands and no Buffers
- "A-13" E.I.S. - Supplemental Report Incorporating Carter Van Dyke's Comments
- "A-14" November 19, 1998 Revised Preliminary Subdivision
- "A-15" December 10, 1998 Letter from Lackland Building to Town of Clinton - Waiver - Public Works Administration.

4. The applicant paid all appropriate application fees and testified that the taxes on the property were current.
5. The Board reviewed the application and related documents and the recommendation of the Board's Engineer and based thereon deemed as complete the application for preliminary major subdivision approval.
6. The applicant is proposing a fourteen (14) lot major subdivision for its property located on Race Street, in the Township, which property is comprised of 32.526 acres. The existing fourteen (14) lots will be provided through two separate cul-de-sac roads, and including a cul-de-sac to eight (8) of the lots from Race Street and an extension of Carhart Drive from the neighboring Highland Ridge development to six (6) new lots on the tract.
7. The lots within the subdivision range from 1.5 to 5.8 acres and comply with the VR Village Residential District for single family detached homes on medium sized lots. The application complies with all elements of the Union Township zoning requirements.
8. The fourteen (14) lots will be serviced by individual, on-lot septic systems. Individual lot wells will be provided on each of the eight (8) lots adjacent to Race Street; whereas, the public water available in the Highland Ridge development will be extended and service the new six (6) lots on the extended Carhart Drive.
9. The applicant acknowledged the existence of the Commercial Use Zone immediately adjacent to its residential property, which can include a twenty-four hour a day operations, as well as the existence of a rifle range. Accordingly, a notice of such commercial activity and the rifle range shall (1) be placed on the final subdivision plat; (2) in the initial listing agreement to sell the lots; (3) in each Contract of Sale on the initial sale of each lot (with a copy of each Contract to be filed with the Township Planning Board Secretary to verify compliance); and (4) a written notice of the existence of such commercial activity and the rifle range at the time of subdivision approval, shall be placed in the Deed of Conveyance for each of the said lots in the subdivision. The proposed language providing such notice shall be provided to the Planning Board Engineer and Planning Board Attorney for their prior review and approval.
10. As a result of the continuing review and recommendations by the Planning Board and its consultants, Carhart Drive will be extended to pass through the existing cul-de-sac with a twenty-four (24) foot wide paved area.
11. The Board reviewed the continuing reports and considered in its deliberations and findings the comments made by the Planning Board Engineer, Robert C. Bogart, P.E., and the Township Planner, Carter Van Dyke, P.P.

12. The application was opened to the public at each hearing. Neighboring property owners raised questions regarding buffering, tree planting, the existing cul-de-sac right-of-way, driveway aprons to the new roadway and removal of the old driveway aprons, which issues the Planning Board took into consideration and required be addressed by the applicant in accordance with the direction of the Board and the Board's professional consultants as set forth in their reports and this Resolution.

NOW THEREFORE. BE IT RESOLVED by the Planning Board of the Township of Union, County of Hunterdon, State of New Jersey, on the 17th of December, 1998, that conditional preliminary major 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 preliminary major subdivision approval, and the subdivision and site 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 preliminary major 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 preliminary major subdivision and the accompanying subdivision plans and other documents as referenced in the Planning Board Engineer's report(s) dated 7/14/98; 9/17/98; 10/27/98 and 12/10/98, and the Board Planner's reports dated 9/17/98; 10/28/98; 11/4/98 and 12/14/98 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 comply with all terms and provisions of the Planning Board Engineer's report of 12/10/98, as well as the Planner's report of 12/14/98. All provisions as set forth in the Planning Board Engineer's reports, and the Planner's reports, and including but not limited to the posting of all review and inspection escrow for fees and the replenishment of same as required, a cost estimate on improvements, a Performance Guarantee to be reviewed and approved by the Township Attorney with the costs therefor to be paid from the developer's escrow account, and a pre-construction conference between the parties as directed by the Planning Board Engineer and the Planning Board Planner as necessary to review the tree protection and landscaping standards; on-tract and off-tract contributions as per the Township Ordinance; street names approved by the Planning Board Historic Preservation Committee; lot numbering as directed by the Tax Assessor, and house numbering by Township Clerk.

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.
4. The preliminary subdivision plans shall be revised to show all roads being constructed with a total pavement thickness of seven (7") inches, five (5") inches of base and two (2") inches of top course pavement and to show a sight easement on Lot 32.15 within the Highland Ridge Development. This easement must ensure the proper sight distance on the inside of the new curve that will replace the existing cul-de-sac.
5. The applicant must also comply with all comments of the Town of Clinton Water Company's engineering report dated December 10, 1998 as they apply to the extension of the water lines. It is understood that the lower lots, those with access to Race Street, will be served by individual wells.
6. For the lots fronting on Carhart Drive it was noted in the testimony from the applicant that a number of trees will be removed on the lots fronting on this road in order to accommodate the road and the placement of the houses and the septic system fields. It was discussed and agreed that the applicant would stake out the trees for removal. Prior to the issuance of a building permit, the applicant would meet with the Township professionals to review the trees that would be coming down and a mitigation plan for new trees that would be planted to make up for the trees that would be coming down. This will be done on a lot by lot basis. At the end of the lower cul-de-sac where the plan showed a buffer planting of white pines, it was agreed by the applicant and his consultant that these trees would be changed to spruce trees.
7. The applicant agreed to place a conservation easement on all the open space within the lots as shown on the plans. Such conservation easement would prohibit the building of structures, fences, and walls and removal of trees; however, such an easement would permit landscaping. The proposed language for the conservation easement shall be provided to the Planning Board Engineer and Attorney for their prior review and approval.
8. With the recommendations of the Fire Department, two fire hydrants shall be installed on Carhart Drive and in the location as recommended by the Fire Department and as recommended by the Township Engineer.
9. A notice of such commercial activity and the rifle range shall (1) be placed on the final subdivision plat; (2) in the initial listing agreement to sell the lots; (3) in each Contract of Sale on the initial sale of each lot (with a copy of each Contract to be filed with the

In the event this developer sells or otherwise transfers all or part of this development to any other developer, assignee, person or entity, the escrow accounts and Bonds posted by the developer herein, shall not be released in whole or in part, until the successor developer, assignee, person or entity has posted sufficient review and inspection escrows and Bonds as determined by the Township Attorney and Chief Financial Officer, and countersigns the existing Development Agreement or executes a new Development Agreement with the Township as directed by the Township Attorney.

16. The developer shall provide a listing of each plan/page comprising the preliminary major subdivision documents, with the original date and latest revision date of each of the said documents for inclusion in the Development Agreement.
17. During construction, the applicant shall comply with all requirements of the Development Regulations of the Township of Union this conditional approval, and the Developer's Agreement entered into with the Township of Union, and such compliance shall also be binding upon the applicant's agents, servants, successors and assigns.
18. Approval of this preliminary subdivision application 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 retain or exercise jurisdiction over such street, drainage system or other improvement.
19. The approval herein memorialized shall not constitute, nor be construed to constitute, any approval, direct or indirect, of any aspect of the subdivision, or its improvements, which are subject to third party agency jurisdiction and which requires approvals by any third party agencies.
20. The approval herein memorialized is limited to general terms and conditions only, in accordance with N.J.S. 40:55D-49, and shall not constitute, nor be construed to constitute approval of the detailed drawings, specifications, and estimates required of an application for final major subdivision approval.
21. The Freshwater Wetlands Act is monitored and enforced by the State of New Jersey, Department of Environmental Protection and Energy. In granting this approval, the Planning Board makes no findings of fact as to the existence, or lack thereof, of wetlands on the subject property other than as may be reflected in specific findings stated herein, and the applicant is subject to and shall comply with, all Federal and State Regulations on wetlands.
22. All performance requirements as set forth in the findings of fact herein shall be satisfied by the applicant as a condition of this approval whether or not repeated at length in this conditions-section of the Resolution.

23. The terms and conditions of this approval shall be binding upon the applicant, the applicant's successors in interest and assigns. Further, each of the terms and conditions of this approval are material elements of the approval based upon the submission of the application and property in its entirety, and the non-compliance with any term or condition by the applicant or his successors or assigns shall be deemed a material default subjecting the application to revocation of this approval. The request to change any single condition since all conditions are integrally related shall open the entire application to the Planning Board for re-consideration, possible re-approval and new terms and conditions in addition to those terms and conditions presently existing in this approval.

Motion was made by Mr. Dean and seconded by Mr. Carlbom to grant conditional, preliminary major subdivision as set forth herein.

<u>VOTE ON</u> <u>DECISION</u>	<u>BOARD MEMBER</u>	<u>VOTE ON</u> <u>RESOLUTION</u>
<u>No</u>	Rossi	<u>---</u>
<u>Yes</u>	Dean	<u>Yes</u>
<u>---</u>	Hirt	<u>---</u>
<u>Yes</u>	Haynes	<u>Yes</u>
<u>Yes</u>	Hess	<u>Yes</u>
<u>Yes</u>	Carlbom	<u>Yes</u>
<u>Yes</u>	Martin	<u>---</u>
<u>---</u>	Panzarino	<u>---</u>
<u>No</u>	Ricker	<u>---</u>
<u>No</u>	Carten (1 st . Alt)	<u>---</u>
<u>Yes</u>	Gallagher (2 nd Alt)	<u>Yes</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 January 28, 1999.


 Grace Kocher, Board Secretary
 Union Township Planning Board


 Bruce A. Rossi, Chairman
 Union Township Planning Board