

RESOLUTION OF PLANNING BOARD
TOWNSHIP OF UNION
HUNTERDON COUNTY, NEW JERSEY

DOUGLASS FARMS
APPLICATION: PB-09-05

Applicant: Township of Union
Location: Perryville Road and CR513/Pittstown Road
Tax Lot: Block 29, Lot 15
Hearing Date: July 23, 2009
Request: Use variance to permit construction of second dwelling
on a single lot.
District: AP2, Agricultural Preservation 2 District
Relief requested:

Use variance to facilitate the preservation and sale at
auction of the former Douglass Farm by permitting the
construction of a suitable new residence in addition to
the existing residential structure.

Relief Granted:

Use variance to permit construction of a second
dwelling on a single lot.

Plans: Entitled "Exception Area Exhibit for Union Township Block
29, Lot 13", prepared by Maser Consulting P.A., dated July
21, 2009.

WHEREAS, Applicant has applied to the Union Township Planning
Board for a use variance pursuant to the provisions of N.J.S.
40:55D-70d, for the Relief Requested; and

WHEREAS, a public hearing on the Application was held by the
Board on the Hearing Date, at which time the Applicant,
represented by attorney Peter Jost, was given the opportunity to
present testimony and legal argument, and the Board's
consultants and members of the public were given an opportunity
to comment on the Application;

WHEREAS, members of the public appeared to ask questions and
present testimony on the application;

WHEREAS, the Applicant presented testimony to the Board as more
fully set forth on the record from the following individuals:

1. Robert Haynes, Township Committeeman;
2. Rick Roseberry, Applicant's Planner;
3. Rick Steffey, Hunterdon County Planning and Agricultural Development Boards;
4. Earl Steeves, Vice President of Max Spann Auction Company;
5. Michele McBride, Vice Chair, Union Township Environmental Commission; and

WHEREAS, the Applicant's witnesses testified in part as follows:

1. Robert Haynes testified that the Township purchased the property from the Douglass family in 2000.
2. Mr. Haynes testified that the Township intends to preserve the property as a working farm.
3. Rick Roseberry described the property as consisting of over 100 acres and including an equestrian trail easement along the Northern portion of the property, woods, cultivated fields, an existing farmhouse and other buildings.
4. Mr. Roseberry testified that the property contains approximate forty-acres of flexible area that would be most appropriate for a dwelling.
5. Mr. Roseberry testified that approximately two acres of that forty-acre area could be designated as the site for the second dwelling, called the Home Exception Area.
6. Mr. Roseberry testified that the existing farmhouse would become an accessory use once the new dwelling was constructed and would likely be occupied by family members of the owner or farm staff.
7. Mr. Roseberry testified that stream buffers are being preserved along the Capoulin Creek in order to meet the bulk requirements of the Zoning Ordinance.
8. Mr. Roseberry testified that the property is adjacent to historic properties in Pittstown.
9. Mr. Roseberry testified that preserving the property will preserve more than 80% of prime farmland.
10. Mr. Roseberry testified that the existing house is not suitable to be considered a prime farmhouse.
11. Mr. Roseberry testified that the prime agricultural soils would not be fully utilized unless the property is actively farmed.
12. Rick Steffey testified that the property is ideal for preservation and that it would be desirable for the purchaser to live on the property.

13. Mr. Steffey testified that Hunterdon County would prefer that access for the second dwelling be from a municipal road rather than a county road.
14. Mr. Earl Steeves testified that subdivision would be detrimental to the value of the property.
15. Mr. Steeves testified that the original Douglass house was typical of a house on a hundred-acre farm.
16. Michele McBride testified that the Union Township Environmental Commission Stewardship Group prepared a final draft of the Deed of Easement for the property.
17. Ms. McBride testified that the Deed provides for one additional home site on the property.
18. Ms. McBride testified that the deed restrictions include a floor area ratio of 1%, or 45,000 square feet, for farm and non-farm structures, both temporary and permanent.
19. Ms. McBride testified that the total impervious surface coverage would be 2.5% and a ten-foot wide riding trail on the Northerly portion of the property.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Applicant has shown sufficient evidence to substantiate the need for relief pursuant to N.J.S. 40:55D-70d, subject to certain conditions.

2. The grant of the Relief Granted will not alter the general character of the neighborhood.

3. The Applicant has demonstrated sufficient hardship as to the Relief Granted.

4. The granting of the Relief Granted, as conditioned in this Resolution, will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Planning Board does hereby GRANT the Relief Granted as noted above, subject to the following:

1. Applicant is required to comply with the following condition(s):

- a. All construction to be substantially as shown on the Plans, except as noted in paragraph 4 below.

- b. Applicant shall comply with the recommendations in the report of Kevin M. Smith, P.E., Planning Board Engineer, dated July 21, 2009, under "Technical Comments".

c. Applicant shall restrict the further subdivision of the property in the deed, to the satisfaction of the Board Attorney.

d. Applicant shall submit the location for any residential improvements to the Planning Board for review and shall stipulate the foregoing in the deed, to the satisfaction of the Board Attorney.

e. Applicant shall limit the Home Exception Area to its practical minimum, but not to exceed two acres.

f. Applicant shall submit any intended modifications of the barn and the exterior of the existing home to the Historical Preservation Committee and the Township for review to ensure the historical integrity of any proposed change.

g. Applicant shall construct the new driveway for the second dwelling East/Northeast of the Home Exception Area.

2. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the Township of Union Land Use Ordinance, other Township Ordinances, or the requirements of any Township agency, board or authority, except as specifically stated in this Resolution.

3. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.

4. Applicant is required to comply with Applicant's representations to and agreements with the Board of Adjustment during the hearing on this application.

5. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the Highlands Water Protection and Planning Act, NJS 13:20-1, et seq. If applicable, Applicant must comply with the requirements of the Highlands Water Protection and Planning Act prior to any construction.

6. All fees assessed by the Township of Union for this application and the hearing shall be paid prior to any construction.

7. 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, if 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 its approval.

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 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.

WHEREAS, A Motion was made by Mr. Walchuk and seconded by Mr. Ryland to grant approval of the Extension of the major subdivision and variance approval as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on August 13, 2009, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Taibi, Ryland, Nace, Ford, Kirkpatrick, Walchuk; No: NONE; Abstain: NONE; Not Eligible: Bischoff; Absent: Dziubek, Corcoran, Badenhausen.

RESOLUTION DATE:

ATTEST:

Grace Kocher
Grace Kocher,
Board Secretary

Brian Kirkpatrick
Brian Kirkpatrick,
Chairman

VOTE ON RESOLUTION