

**TOWNSHIP OF UNION  
PLANNING BOARD RESOLUTION**

*Application for:  
Final Major Subdivision Approval*

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**Owner/  
Applicant:** *Brinkerhoff Home Builders, Inc.*

**Property:** *Block 29, Lot 2  
Union Township, Hunterdon Cty*

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**WHEREAS**, Brinkerhoff Home Builders, Inc. are the owners of property located in the Township of Union, County of Hunterdon, State of New Jersey and known as Block 29, Lot 2 on the Tax Map of the Township of Union; and

**WHEREAS**, the Planning Board of the Township of Union previously granted preliminary major subdivision approval to the previous owner/applicant, Brass Castle, Inc., by Resolution signed and dated on December 30, 1987; and previously granted minor subdivision approval and merger by Resolution signed and dated on July 28, 1988; and

**WHEREAS**, Brinkerhoff Home Builders, Inc. applied for and was granted an initial one-year extension of the preliminary major subdivision approval through December 30, 1991; and United Jersey Bank, a primary mortgagee of the subject property, applied for and was granted a second one-year extension through December 31, 1992; and

**WHEREAS**, Brinkerhoff Home Builders, Inc. further applied for, and pursuant to the Permit Extension Act, N.J.S.A. 40:55D-13, preliminary major subdivision approval was extended through December 31, 1996; and further, the owner/applicant applied for and received a one year extension of preliminary approval through December 1, 1997 as set forth in the Resolution of the Planning Board of December 5, 1996; and

**WHEREAS**, the owner/applicant has submitted an application for final major subdivision approval and certain technical changes to their "preliminary construction plans"; and

**WHEREAS**, the owner/applicant submitted a plan entitled "Final Construction Plans - Brass Castle Estates" (not to be confused with as-built construction plans) prepared by the Chester Partnership which plans are dated November 30, 1994 with revisions through February 6, 1997 and consisting of 34 sheets; and final plats with modifications for Sections 1, 2 and 3 totaling 9 sheets, dated March 6, 1995 and revised to February 6, 1997; and

**WHEREAS**, on behalf of the Township of Union and its Planning Board, the Township's various professional consultants have reviewed the 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 December 31, 1996 and February 20, 1997 and the Professional Planner in written reports dated January 14, and February 19, 1997; and

**WHEREAS**, the Planning Board has reviewed the application for final major subdivision approval and the written reports of its consultants and other agencies having jurisdiction over the application, and considered the testimony of the owner/applicant's representative, Wayne Brinkerhoff, their engineer, Michael Pucci, P.E., of Chester Partnership, and Andrew Higgins, P.E. of Applied Wastewater, as well as Tom Argyris, Vice President of Toll Brothers, Inc., and as presented through the owner/applicant's Attorney, Raymond B. Drake, Esq. at Planning Board meetings conducted on February 27<sup>th</sup>, March 27<sup>th</sup>, April 24<sup>th</sup>, and May 22, 1997, and based thereon, has made the following findings of fact:

1. The owner/applicant submitted a proper application for final major subdivision approval with the Administrative Officer, which application as to form (not content) 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 owner/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 owner/applicant also submitted the certified receipts together with an Affidavit of Service attesting to the mailing of the notice to the said adjoining property owners.
4. 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 at least ten days prior to the date of the public hearing. The following documents were marked into evidence:
  - "A-1" - Notice Documents;
  - "A-2" - Original Preliminary Plat approved - key map of Brass Castle;
  - "A-3" - Requested Modifications from Preliminary approval;
  - "A-4" - Requested Modifications from Preliminary approval including phasing;
  - "A-5" - Hand drawn sketch;
  - "A-6" - Colored rendering of A-3 - larger scale;
  - "A-7" - Buildable area exhibit by Eastern State Engineering dated 3/27/97;
  - "A-8" - Notice package for 4/24/97 meeting;
  - "A-9" - Architectural rendering of proposed replication of historical farm house
5. The owner/applicant's plan has been revised to include one additional deed-restricted farmette lot, bringing the lot total to 72 single family residential lots and 3 farmette lots, one of which has been subdivided off in accordance with Resolution granting minor subdivision approval and merger executed on July 28, 1988.

6. The owner/applicant is further requesting the following additional modifications as part of the final major subdivision application:
- (a) Designating the area for the on-site sewage disposal system as a separate lot instead of an easement which was previously approved on Lot 2.1 and revising the design of the sewage disposal system in accordance with current regulations of the NJDEP.
  - (b) Modifying the stormwater management system including relocating the detention basin off stream and related storm sewer pipes necessitated by changes in the freshwater wetlands regulations.
  - (c) Removing a proposed future school site from the property.
  - (d) Requesting a lot line adjustment to increase the area of the former school site, which is no longer to be used for that purpose, and including additional net buildable area yielding an additional farmette with a flexible location of the buildable area.
  - (e) Moving the location of the farmette buildable area on the previously approved farmette lot 2.1, approximately 150 feet to the North of the previously shown location.
  - (f) Requesting that the streets and roads which were previously shown on the preliminary plan as private to become public roads.
  - (g) Requesting the phasing of the development project into three sections.
  - (h) Requesting that the net buildable area on each individual lot be shown on individual performance subdivision plot plans to be submitted to the Township Engineer at the time of issuance of Building Permits provided that the total amount of net buildable area noted on the Preliminary Plan be maintained on each individual performance subdivision lot.
  - (i) Elimination of a stub street off of Road "B", and the shortening of the cul-de-sac on Road "C".
7. Andrew Higgins, P.E. of Applied Wastewater, Inc. testified as to the modifications of the on-site disposal system brought about by new technology since the plan was preliminarily approved, and including increasing the disposal bed from 6 to 8 beds, and reducing the disposal area from 84,000 s.f. to 40,000 s.f. based upon reduced requirements of the New Jersey Department of Environmental Protection.
8. The owner/applicant testified regarding its intention to sell the 72 single family lots to Toll Brothers, Inc. for development, while maintaining the farmette lots for development by Brinkerhoff Home Builders, Inc. Representatives of Toll Brothers attended all of the public hearings and gave testimony regarding the need for some of the requested changes. The changes since preliminary approval have been necessitated by engineering redesign, enactment

of the Freshwater Wetlands Act, re-acquisition of the "school" lot and proposed sale of a major part of this development.

9. Since the granting of preliminary subdivision approval, pursuant to Statute, the Township of Union adopted Ordinance No. 94-8 entitled "Development Fees for Affordable Housing" and imposed standards for the collection, maintenance and expenditure of development fees pursuant to the Rules of the Council on Affordable Housing. Fees collected pursuant to this Ordinance are to be used solely for the purposes of providing low and moderate income housing. Under the terms of the Ordinance, developers were exempt from paying the development fee unless the developer sought a substantial change(s) in the approval. The Planning Board in its deliberation, reviewed the number, extent and significance of the changes sought by the owner/applicant as part of the final major subdivision approval, and determined that the "developer (owner/applicant) seeks a substantial change in the approval" as enunciated in the Union Township Development Fees for Affordable Housing Ordinance #94-8, thus requiring the developer, or its successors in interest, to make the subject C.O.A.H. contributions in accordance with the terms of the Ordinance. The applicant/owner and potential contract-purchaser both indicated on the record and in their testimony presented to the Board, that they would satisfy their fee contribution obligations for all the lots under the Development Fee Ordinance.
10. The owner/applicant has created a new lot, noted as Lot 17, Block 29.03, which totals 14.172 acres. This lot is to be subdivided from Lot 18, Block 29.03 which shall remain as a 36.968 acre parcel that is to be reserved as a deed restricted parcel which will remain as permanent open space with one residential farmette. Lot 17, Block 29.03 will also be deed restricted as permanent open space and shall be used for sewage treatment and storm water detention purposes only. It is noted that Detention Basin Number 3 is to remain on Lot 17, Block 29.03.
11. The owner/applicant has modified the storm water management plan in order to eliminate a storm water detention pond from within the area of a stream and wetlands within Lot 2, Block 29.02, which comprised a total of 7.287 acres. A new detention basin, Detention Basin Number 1, has been located outside of the area of the stream and the wetlands within the area of the same lot in order to comply with recent Statewide Legislation. During the hearing process, this lot was to be merged with the former Lot 1, Block 29.02 which was a total of 31.764 acres. These two lots, when merged will total 39.051 acres. The remaining lot will be deed restricted as permanent open space which shall permit agricultural uses, one farmette, and a detention basin. The maintenance of the detention basin shall be the responsibility of a Home Owners Association to be established.
12. The owner/applicant has removed a separate lot totaling 20 acres for the purposes of dedicating such lot to the School Board of Union Township. As part of the Approved Preliminary Plan the owner/applicant had a choice of providing the parcel or paying the Township a fee in lieu for the repurchase of the twenty acre parcel of ground. The Owner/applicant has, prior to submission to the Township for Final Plan approval, repurchased the twenty acres from the Township. Consequently, such lot will not be dedicated to the Township for future use as a school site and shall become incorporated into the new Lot 1, Block 29.02 which shall total 39.051 acres as noted above. The Conservation and Restriction Easement and Outline of Open

Space, approved as part of the Preliminary Plan Approval, shall be amended accordingly to include this new parcel, as revised. }

13. Lot 1, Block 29.02 shall be converted into one more additional farmette than was originally approved as part of the preliminary approval. The final location of the farmette was determined by the Planning Board. Two location areas were approved by the Planning Board, one at the top of Lot 1, with access off Road "A", and one location at the lower elevation of the lot with access off Road "D". The net buildable portion of the farmette shall be a minimum of 10,000 square feet in area. The net buildable portion for the farmette shall be located in one of the two location areas approved by the Planning Board, each measuring approximately two acres.
14. All of the roads proposed for this development, Roads A, B, C, and D, were to remain as private roads as part of the Preliminary Plan approval and resolution signed and dated December 30, 1987. As part of the Final Plan approval process, it was deemed that the roads noted above would be dedicated to the Township.
15. It was noted during the public hearing process, that the owner/applicant would like to develop the project into three phases. The preliminary approved plans did not distinguish phases. The owner/applicant presented Exhibit "A-4" which described three phases for the development of the project.
16. As part of the preliminary approved plan, the owner/applicant was to restore the existing historic farm house that is situated on Lot 18, Block 29.03. After review by the Union Township Historic Preservation Committee, it was agreed that the existing structure was beyond repair. For that reason, it was agreed that the owner/applicant could relocate the allocated 10,000 square foot site area for the farmette unit approximately 150' to the north of the existing farm dwelling provided that the owner/applicant adheres to the following conditions:
  - (a) The new farmette dwelling must be in keeping with the architectural character of the farm building that will be demolished as part of this process, and further, that such unit and construction shall be subject to the review and inspection by the Union Township Historic Preservation Committee.
  - (b) The construction of the dwelling shall commence within 19 months of the date of approval of this memorializing Resolution and shall be completed by the end of the 26<sup>th</sup> month after the date of approval of this Resolution. The owner/applicant, Brinkerhoff Home Builders, Inc. shall deposit with the Township of Union, the sum of \$77,500.00 on or before August 1<sup>st</sup>, 1997 or the date of closing in its sale to a contract purchaser, whichever dates occurs first, and to insure the replication of the existing farm structure on Lot 18. As construction of the replicated dwelling progresses, and upon each 25% of the replicated dwelling project being completed, the owner/applicant may apply for an inspection of the dwelling by the Township Engineer, and upon it being certified that satisfactory progress has been completed, 25% of the deposited escrow amount will be deducted from the account and paid over to the owner/applicant.

17. The (1) Restriction Easement and (2) Outline of Open Space Resolutions, as revised, are made a part of this Resolution and are subsequently further revised accordingly to address the use of the conservation easements within the individual fee simple lots.
18. Within all lots there shall be a minimum of 10,000 square feet of net buildable area as per the Township of Union Land Use Code. Such net buildable area shall include the area of the driveway, walkway, and the remaining area to the rear of the building setback line, provided that the sum total does not exceed the net buildable area stipulated on the recorded plan. Further, the area within the fee simple lot that is outside of the net buildable area shall remain as a conservation area in keeping with the spirit of the Township of Union Land Use Code and shall be subject to further restrictions:
- (a) There shall be no structures, decks, patios, pools, or other structural features within these conservation areas. However, landscaping walls, fences, grading, and landscaping are permitted.
  - (b) Any tree removal within the conservation areas shall be in strict accordance with the restriction easement and outline of open space resolutions.
  - (c) The delineation of the conservation areas shall be recorded on a plot plan which shall be recorded with the deed. Any application for a building permit shall include a copy of the plot plan delineating the boundary of the conservation area and shall be reviewed by the Township Engineer prior to construction and prior to the issuance of a certificate of occupancy.
  - (d) It was noted that the Brass Castle development abuts to the east Lot 10, Block 29 which are the lands of J. & D. Bowers of RD1 Box 368, Pittstown, New Jersey 08867. Since the date of preliminary plan approval, the Bowers have sold their development rights and therefore remain as deed restricted open space for agriculture purposes. For this reason, it is not necessary, or recommended to have a proposed stub street between Lots 2.15 and 2.16, Block 29 or the extension of Road "C" to the adjoining Lot 10.
19. The application was opened to the public at each hearing date, and various neighboring and interested parties asked questions and offered comments on the application.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Union, Hunterdon County, New Jersey on the 22<sup>nd</sup> day of May, 1997 that the 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 owner/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 owner/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 plans and other documents as referenced in the Planning Board Engineer's review report of February 20, 1997 and the Planner's report of February 19, 1997, 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 owner/applicant and its representatives in their recorded testimony and as set forth and enumerated in the previous findings of fact shall be satisfied as conditions of this approval.
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 owner/applicant securing the approval and permits of all other agencies having jurisdiction of any aspects of the proposed development.
3. The owner/applicant shall comply with all items as contained in the Planning Board Engineer's review reports of February 20, 1997 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. The Planning Board in its deliberation, reviewed the number, extent and significance of the changes sought by the owner/applicant as part of the final major subdivision approval, and determined that the "developer (owner/applicant) seeks a substantial change in the approval" as enunciated in the Union Township Development Fees for Affordable Housing Ordinance #94-8, thus requiring the developer, or its successors in interest, to make the subject C.O.A.H. contributions in accordance with the terms of the Ordinance. The applicant/owner and potential contract-purchaser both indicated on the record and in their testimony presented to the Board, that they would satisfy their fee contribution obligations for all the lots under the Development Fee Ordinance.

In the event that a lot(s) is/are conveyed to a third party, the obligation for the payment of the fees shall be provided for in the Agreement of Sale.

6. The Deed for the farmette lot comprised of 39.051 acres known as Block 29.02, Lot 1, shall contain a conservation easement and shall also be restricted from further subdivision.
7. Any disturbance on wooded lots shall be minimized to the maximum extent practicable by the owner/applicant on each lot. Plot plans shall show clearly proposed areas of disturbance. No trees larger than 8 inches in diameter shall be removed prior to review and approval by the Township Engineer.

8. Owner/applicant and their successors and assigns shall use every reasonable effort to keep site construction-related heavy equipment, trucks, and construction and delivery vehicles off Cooks Cross Road to the extent possible; and shall post signs as directed by the Township Engineer to accomplish this condition. To facilitate this, the road to Route 579 shall be used as a "haul road". Wood Road and Finn Road are not to be used for access to the site. Owner/applicant, its successors and assigns shall repair any damage caused to Cooks Cross, Wood and Finn Roads by the developer, its agents, employees, as determined by the Township Engineer, and including but not limited to contractors, subcontractors, material suppliers etc., in addition to the on/off tract contribution work.
  
9. The owner/applicant shall satisfy the following conditions. However, if for any reason whatsoever the Owner/applicant does not proceed with construction of the new home on Block 29.03, Lot 18 and instead conveys the property, the following restrictions shall be placed in the Deed of conveyance to fulfill the intentions of the Union Township Historic Preservation Committee and the conditions of subdivision approval contained herein:
  - (a) The stone spring house on the property shall be repaired;
  - (b) The owner/applicant shall replicate the existing old farmhouse from the stacked bay windows which are about the center of the front of the home to the right hand corner. The basic design which shall be similar to the original portion of the old house, shall be incorporated in any new dwelling or addition constructed upon the premises. The original portion can be defined as exterior only.
  - (c) The stone from the old home's foundation and adjacent structures, including the old garage and any other appropriate timbers or building materials, will be salvaged and used on the new home construction replicating the old historic structure.
  - (d) The Union Township Historic Preservation Committee shall have 14 business days after receipt of building plans for the entire proposed house in which time to review the plans or architectural prints and to reply with any comments. The final drawing shall incorporate the comments of the commission members.
  - (e) The Union Township Historic Preservation Committee agrees that so long as the new elevations for the new home are similar to the original, an approval will not be unreasonably withheld.
  - (f) In its review, the Union Township Historic Preservation Committee shall have the right to recommend particular kinds of materials to be used, the types of windows, species of wood, building techniques or the total design of the new home.

- (g) The grantor has supplied photos and renderings of the old home which were prepared for the purposes of matching the original portion of the old home into any new dwelling construction.
10. The construction of the replication dwelling on Block 29.03, Lot 18, shall commence within 19 months of the date of approval of this memorializing Resolution and shall be completed by the end of the 26<sup>th</sup> month after the date of approval of this Resolution. The owner/applicant, Brinkerhoff Home Builders, Inc. shall deposit with the Township of Union, the sum of \$77,500.00 on or before August 1<sup>st</sup>, 1997 or the date of closing in its sale to a third party, whichever dates occurs last, but in no event later than November 1, 1997, and to insure the replication of the existing farm structure on Lot 18. As construction of the replicated dwelling progresses, and upon each 25% of the replication project being completed, the owner/applicant may apply for an inspection of the dwelling by the Township Engineer, and upon it being certified that satisfactory progress has been completed, 25% of the deposited escrow amount will be deducted from the account and paid over to the owner/applicant.
  11. All easements shown or referenced in the approvals must be shown on the final plat and shall be submitted to the Planning Board Attorney and Engineer (and Planner on conservation easement) for their review and approval, and thereafter, proof shall be provided as to the recording of each of the said easements.
  12. 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.
  13. The owner/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/applicant and the owner/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.
  14. All homeowners association documents, including the 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. The following statement shall be included in the Homeowner Association documents, and shall also be included in the Deed for the sewage treatment lot: "All open space, including the sewage treatment lot and drainage swales and basin, shall be mowed on a regular basis during the growing season".
  15. 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.

16. 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.
17. The "stub" roads to the Bowers property are to be eliminated since that farm is now restricted from development. The cul-de-sacs in this area may be shortened provided they provide sufficient lot frontage for the adjoining proposed lots.
18. A franchise must be obtained for operation of the sewage treatment facility. The collection and treatment plans are to be submitted to the Township Engineer for his review and approval.
19. A continuing review escrow shall be posted to cover review of future submittals resulting from conditions of approval or construction plan refinements.
20. The owner/applicant shall convey to the adjoining property owners, Brand (Block 29, Lot 24) and Yankielun (Block 29, Lot 25.01), a portion of existing Block 29, Lot 2 whereby the existing easterly and westerly sidelines of Block 29, Lot 24 shall be extended to the south to intersect with the northerly right-of-way line of the new public road, thereby creating two (2) new parcels to be merged with the respective adjacent existing lots. The first (westerly) parcel (Parcel A) is that bounded by the existing southerly property line of Block 29, Lot 25.01 to the north, the extended westerly sideline of Block 29, lot 24 to the east and the new public road right-of-way to the south, containing 1,836 s.f. or 0.0421 acres. The second (easterly) parcel (Parcel B) is that bounded by the existing southerly property line of Block 29, Lot 24 to the north, the extended easterly property line of Block 29, Lot 24 to the east, the new public road right-of-way to the south and the extended westerly sideline of Block 29, Lot 24 to the west, containing 16,764 s.f. or 0.3848 acres.

Within Parcels A and B, the owner/applicant shall reserve a 10' wide landscape easement adjacent and parallel to the new public road right-of-way for the purpose of providing landscape buffering. This easement shall not preclude the owner of Block 29, Lot 24 the ability to cross said easement with a proposed access driveway, provided that the owner of Block 29, Lot 24 obtain all requisite permits and approvals and bear all costs associated with any new driveway construction.

The owners of Block 29, Lot 24 currently have an access easement across Block 29, Lot 2 for purposes of ingress and egress. This easement shall be continued across Parcel A and proposed Block 29.02, Lot 1 (farmette lot), as indicated on the approved plans.

Parcel A shall be merged into the existing Yankielun property and a new description of their entire property shall be incorporated in the Deed of conveyance. Such Deed of conveyance shall be made at no cost to the adjoining property owner, Yankielun. Parcel B shall be merged into the existing Brand property and a new description of their entire property shall be incorporated into the Deed of Conveyance. Such Deed of conveyance shall be made at no cost to the adjoining property owner, Brand. The deeds of easements and conveyance shall be subject to review by the Planning Board Engineer and Attorney. The Grantees shall pay their own recording fees.

The maximum accessory use impervious coverage on a farmette lot is five (5%) percent in accordance with the Township of Union Land Use Ordinance. For the purpose of calculating the maximum accessory use impervious coverage for the proposed farmette on Block 29.02, Lot 1, the area of the dedications of Parcel A and Parcel B shall be included with the remaining area of the farmette on Block 29.02, Lot 1 after the dedications.

21. All streets shown on the approved final subdivision plan shall become public streets upon dedication to and acceptance by the Township.
22. Within all lots there shall be a minimum of 10,000 square feet of net buildable area as per the Township of Union Land Use Code. Such net buildable area shall include the area of the driveway, walkway to the dwelling, and the remaining area to the rear of the "front building line". Said "front building line" is to be within ten (10) feet of the Ordinance-required front set-back line. The sum total of all net buildable areas may not exceed the net buildable area stipulated on the recorded plan. Further, the area within the fee simple lot that is outside of the net buildable area shall remain as a conservation area in keeping with the spirit of the Township of Union Land Use Code and shall be subject to further restrictions:
  - (a) There shall be no structures, decks, patios, pools, or other structural features within these conservation areas. However, landscaping walls, fences, grading, and landscaping are permitted.
  - (b) Any tree removal within the conservation areas shall be in strict accordance with the restriction easement and outline of open space resolutions.
  - (c) The delineation of the conservation areas shall be recorded on a plot plan which shall be recorded with the deed. Any application for a building permit shall include a copy of the plot plan delineating the boundary of the conservation area and shall be reviewed by the Township Engineer prior to construction and prior to the issuance of a certificate of occupancy.
  - (d) It was noted that the Brass Castle development abuts to the east Lot 10, Block 29 which are the lands of J. & D. Bowers of RD1 Box 368, Pittstown, New Jersey 08867. Since the date of preliminary plan approval, the Bowers have sold their development rights

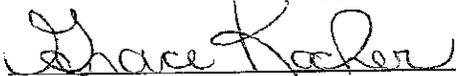
and therefore remain as deed restricted open space for agriculture purposes. For this reason, it is not necessary, or recommended to have a proposed stub street between Lots 2.15 and 2.16, Block 29 or the extension of Road "C" to the adjoining Lot 10.

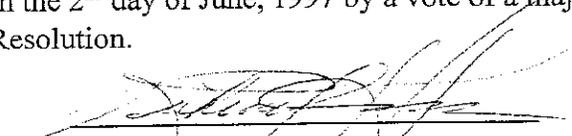
- 23. The applicant/owner shall pay its fair share of the off-tract contribution (as set forth as a condition of the preliminary approval) in accordance with the standards set by Ordinance, that is, off-tract contribution to Union Township \$143,000.00; on-tract contribution to Union Township \$36,000.00; off-tract contribution to Hunterdon County \$43,000.00
- 24. This Resolution shall be binding on the successors, heirs and/or assigns of the owner/applicant or subsequent party in interest.

A Motion to grant final major subdivision approval as conditioned herein, was made by Ms. Hirt and seconded by Mr. Carlbon.

<u>VOTE ON DECISION</u>	<u>BOARD MEMBER</u>	<u>VOTE ON RESOLUTION</u>
<u>---</u>	Hess	<u>---</u>
<u>Yes</u>	Rossi	<u>Yes</u>
<u>---</u>	Strube	<u>---</u>
<u>Yes</u>	Carlbon	<u>Yes</u>
<u>Yes</u>	Dean	<u>---</u>
<u>Yes</u>	Niemiec	<u>Yes</u>
<u>Yes</u>	Hirt	<u>Yes</u>
<u>Yes</u>	Martin	<u>Yes</u>
<u>Yes</u>	Grill	<u>Yes</u>

The foregoing Resolution memorializing the action taken by the Township of Union Planning Board was duly adopted at its regular meeting on the 2<sup>nd</sup> day of June, 1997 by a vote of a majority of the aforesaid members approving the original Resolution.

  
 Grace Kocher, Secretary  
 Township of Union Planning Board

  
 Richard Hess, Chairman  
 Township of Union Planning Board