

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

**AMENDING RESOLUTION DATED JUNE 13, 2019**

**FALLONE GROUP, LLC  
APPLICATION: 2018-08**

Applicant: Fallone Group, LLC

Location: Perryville Road

Tax Lot: Block 22, Lot 34

Hearing Dates: January 10, 2019; January 24, 2019; March 28, 2019;  
April 11, 2019; May 9, 2019; and "Whispering Woods"  
hearing settling litigation December 19, 2019

Request: Amended Preliminary and Final Major Subdivision and  
Preliminary and Final Major Site Plan

District: VR: Village Residential

Relief Requested:

Amended Preliminary and Final Major Subdivision and  
Preliminary and Final Major Site Plan approval to subdivide  
Block 22, Lot 34 (the "Property") into 74 residential lots  
which will contain 74 single family market rate dwelling  
units, and 1 open space lot which will contain limited  
recreation facilities and a common wastewater disposal  
system. No variances are requested.

Relief Granted:

Amended Preliminary and Final Major Subdivision and  
Preliminary and Final Major Site Plan Approval to subdivide  
Block 22, Lot 34, consisting of 55.416 acres, into 75 lots,  
74 residential lots and 1 open space lot, and to construct 74  
single family dwelling units, without income restrictions, on  
the 74 residential lots, together with limited recreation  
facilities and a common wastewater disposal system on the  
open space lot, as well as related site improvements, as  
conditioned by this Resolution.

Plans and Documents Submitted:

Union Township Planning Board Application dated July 18, 2018;

Union Township Checklist: Checklist "A" documents referenced in the Robert Fallone submission letter dated July 23, 2018; Checklist "B" for Preliminary and Final Subdivisions;

New Transfer Deed dated June 18, 2018;

Letter to Union Township Tax Assessor, dated July 20, 2018;

NJDEP-LOI dated March 9, 2018 with LOI Map, received September 19, 2018;

NJDEP-FHA dated March 8, 2018, with FHA Verification Map received September 19, 2018;

Preliminary Subdivision Plans prepared by James J. Mantz, PE & LS, consisting of 35 sheets, dated July 20, 2018, last revised February 24, 2019, now consisting of 45 sheets;

Final Subdivision Plat prepared by James J. Mantz, PE & LS, consisting of 2 sheets dated July 20, 2018, last revised February 24, 2019;

Final Subdivision Plat for Block 22, Lot 34 prepared by James J. Mantz, P.E. & L.S., consisting of one sheet dated July 20, 2018 and revised through November 22, 2019;

Stormwater Management Documents prepared by James J. Mantz, PE & LS, including Calculations and Drainage Design Report, dated July 2018, last revised February 2019; and Operations and Maintenance Manual dated July 20, 2018, last revised February 2019;

Landscape Plan prepared by Thomas J. Biro dated July 17, 2018, last revised February 2018, consisting of 2 sheets;

Impact Statement prepared by James J. Mantz, PE & LS, dated July 20, 2018;

Phase 1 checklist submission dated September 5, 2018;

Soil Data Sheet Report prepared by James J. Mantz, PE & LS, dated September 5, 2018 consisting of 4 Basin Flood Test, 3 Pit Bail Test and 17 Soil Logs, all incorporated into the Drainage Design Report (F-1);

Letter from Project Engineer James J. Mantz, PE & LS, dated December 14, 2018;

Letter from Douglas J. Polyniak, PE, Dolan & Dean, dated February 26, 2019 including summary and traffic survey data counts;

Letter from Project Engineer James J. Mantz, PE & LS, dated March 5, 2019;

Report entitled "Supplemental Detention Basin Design Data" prepared by James J. Mantz, PE & LS, dated March 30, 2019;

Report entitled "Supplemental Storm Sewer Design data" prepared by James J. Mantz, PE & LS, dated March 30, 2019;

Stormwater Management Calculations and Drainage Design for Block 22, Lot 34 prepared by James J. Mantz, PE & LS, dated July 2018, revised through October 4, 2019;

Stormwater Operations and Maintenance Manual for the Subdivision of Block 22, Lot 34 prepared by James J. Mantz, PE & LS, dated July 20, 2018, revised through October 2018;

Preliminary and Final Major Subdivision of Block 22, Lot 34 - Preliminary and Final Major Site Plan of Block 22, Lot 34.77 (to be created) prepared by James J. Mantz, PE & LS, consisting of 45 sheets, dated July 20, 2018, revised through October 20, 2019

; and

WHEREAS, the Applicant has applied to the Union Township Planning Board (the "Board") for Amended Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan (the "Amended Application") pursuant to the provisions of the New Jersey Municipal Land Use Law; and

WHEREAS, the Board considered the following reports submitted by its experts:

Memorandum from Andrea Malcolm, PP, AICP, Board Planner dated November 30, 2018, last revised March 26, 2019;

Memorandum from Andrea Malcolm, PP, AICP, Board Planner for Amended Preliminary and Final Subdivision, Preliminary and Final Site Plan dated December 12, 2019;

Memorandum from Robert Clerico, PE, Board Engineer dated March 27, 2019, last revised April 11, 2019;

Memorandum from Robert Clerico, PE, Board Engineer for Fallone Group - Amended Preliminary & Final Subdivision/Site Plan, Preliminary Review Comments dated December 16, 2019;

Memorandum of Eric DeRicco, CET, Board Geologist dated September 20, 2018, last revised October 25, 2018;

; and

WHEREAS, at the public hearing on the underlying Application for Preliminary and Final Major Subdivision approval, the Applicant, represented by attorneys Steve Warner and Jolanta Maziarz, was given the opportunity to present testimony and legal argument, and the Board's consultants were given an opportunity to comment on the Application; and

WHEREAS, at the "Whispering Woods" public hearing on the Amended Application, the Applicant, represented by attorney Jason Tuvel, was given the opportunity to present testimony and legal argument, and the Board's consultants were given an opportunity to comment on the Amended Application;

WHEREAS, the Applicant presented testimony to the Board as summarized herein and as more fully set forth on the record by the following individuals:

James J. Mantz, PE, LS

Robert Fallone, Principal of Fallone Group, LLC

Douglass Polyniak, Traffic Engineer, PE, Dolan & Dean

Adam Stern, Sewer Engineer

; and

WHEREAS, the Applicant submitted the following exhibits:

- A-1 Proposed Road, sheet 1 of 35 of submitted Plan
- A-2 Re-alignment of driveway, sheet 10.01 of 36 of submitted plan
- A-3 Natural resource calculations, sheet 18 of 35 of submitted plan
- A-4 Plan and Profile of proposed road stations 0+0 to 0+13, sheet 4 of 35 of submitted plan
- A-5 Landscape Plan
- A-6 Basin #2, sheet 8 of 35 of submitted plan
- A-7 Preliminary and Final Major Subdivision of Block 22, Lot 34 - Preliminary and Final Major Site Plan of Block 22, Lot 34.77 (to be created) prepared by James J. Mantz, PE & LS, consisting of 45 sheets, dated July 20, 2018, revised through October 20, 2019

; and

WHEREAS, James Mantz, PP, LS, was sworn and qualified as a Professional Engineer and testified in part as follows:

Mr. Mantz showed exhibit A-1, a portion of Sheet 1 of 35 of the Plan submitted to the Board. It demonstrates the proposed Road as it aligns with the Elementary School Driveway. The exhibit also shows drainage, storm water management and waterline and conservation easements. Mr. Mantz displayed exhibit A-2, Sheet 10.1 of 36. It shows a re-alignment of the Driveway. Mr. Mantz testified that additional soil testing has been performed and that a third detention basin has been added to address drainage and storm water runoff issues. Mr. Mantz also testified that The Town of Clinton will be providing water to the residents. An on-site Sanitary Sewer Treatment System and Disposal Beds are proposed. The beds are located within an easement in the open space.

Mr. Mantz testified that he did not know if there was a need to reserve an area for disposal beds. Mr. Mantz testified that the design flow is the same when Mr. Ford stated that he

did not think the approved System could be relied upon because the previous Plan is different from the one presently before the Board.

Mr. Mantz displayed exhibit A-3, sheet 18 of 35 that shows Natural Resource Calculations, Steep Slopes, Wetlands, Easements and Woodland Associations. Mr. Kirkpatrick advised Mr. Mantz to review the Ordinance regarding steep slope calculations.

Mr. Mantz referenced the RSIS Standards for streets. He testified that there are access streets and neighborhood streets. The Applicant estimates there will be approximately seven-hundred and fifty cars using the site daily. Mr. Mantz chose the neighborhood design that has thirty-feet of paving and has curbing and sidewalks on both sides. Mr. Mantz testified that it would be in compliance with RSIS Standards. Mr. Mantz also testified that driveways are proposed to be eighteen-feet wide and each unit has a two-car garage. Mr. Mantz testified that there are restrictions including steep slopes, riparian buffers, and conservation easements with the access when Mr. Eschbach voiced a concern about emergency vehicle access through Midvale. Mr. Mantz testified that there is a driveway that provides access to Storm Water Detention Basin 2. Mr. Mantz also stated that water lines from Midvale will be installed along the southerly side of Basin 2. Mr. Mantz testified that the Applicant would be willing to limit parking to one side of the Street when Mr. Clerico voiced that parking should be restricted around the curve.

In response to a question from a Board member, Mr. Mantz said that he did not think that reducing the width to allow better circulation of emergency vehicles would work. Mr. Mantz suggested smaller parking areas around the loop and restricted parking on the street.

Mr. Mantz testified that Mr. Fallone contacted the School Board and they wanted two school bus stops, one in the area of the recreational facility and one near Lots 34.3, 34.4 and 34.5. Mr. Mantz testified that sidewalks are allowed to parallel the grade of the street. Mr. Mantz said there is an ADA Ramp at the intersection of Perryville Road across from the School Driveway.

Mr. Mantz testified that the sanitary sewer system could be owned and operated by the HOA. He referred to Section 30-6.5 Environmental Restrictions Section 3 in that regard. In response to a question from Mr. Mazza regarding solids versus grey water, Mr. Mantz testified that everything will go to the Waste Water Treatment Plant. Mr. Mantz said he did not know what type of treatment was proposed at the pump station.

Mr. Mantz testified that an eight-inch water line is proposed and will tie into a six-inch line. The Town of Clinton will be supplying the water. Mr. Mantz also testified that if there are more than twenty units on a cul-de-sac an eight-inch line is used when asked how the eight-inch line tying into the six-inch line would work. Mr. Mantz testified that the fire hydrants will be shown on a revised Plan. Mr. Mantz also testified that he would verify whether the water lines are eight inches or six inches.

Mr. Mantz displayed exhibit A-4, sheet 4 of 35, Plan and Profile of Proposed Road Stations 0+0 to 0+13. The utility lines are shown on A-4. The issue of trees in conjunction with the utility lines was discussed. Mr. Clerico mentioned considering a geometric layout of the trees and sidewalks. Ms. Malcolm requested that the utility lines be shown on the Landscaping Plan.

Mr. Mantz referenced the applicant's Landscape Plan which is marked as exhibit A-5. Mr. Ford asked Mr. Mantz to describe buffering. Mr. Mantz testified that the Plan shows inter planting of trees with those that exist and that there is approximately 320 feet from the proposed home to Ms. Horvath's.

Mr. Mantz testified that a dual access to the Subdivision was a RSIS requirement. Mr. Mantz indicated the depth of the lot range was sixty to one-hundred and forty feet and that there will be space to install a pool or build a deck and Sheet 1 of the Plan will be modified to show restricted areas. Mr. Mantz emphasized that the turning radius is RSIS compliant for emergency vehicle access and circulation. Mr. Mantz said it was not customary to meet with the Fire Company to review the proposed layout. Mr. Mantz said he would revisit the issue and revise the Plan, eliminating parking in the tight areas on the street.

Mr. Ford mentioned the retention basin on the west side of the site that ultimately drains onto Perryville Road and Mr. Mantz testified that it traverses to Mechlin's Corner Road and has the capacity to handle the flow.

Mr. Nace referenced the size of the water line from Midvale Drive and Mr. Mantz testified that the line is eight inches and includes the need for fire suppression. Mr. Kirkpatrick said the ownership of the land between Midvale and the Property was still in question and Mr. Mantz testified that the land was dedicated to Union Township by virtue of the Subdivision. Mr. Mantz said that the applicant had not secured Township approval to construct the water line but he will obtain necessary permission.

Mr. Mantz displayed exhibit A-6, sheet 8 of 35, showing the easterly detention basin. He testified how the water would dissipate through a level spreader across the ground. Mr. Mantz anticipated about fifteen to forty gallons of water per minute would traverse the ground. Mr. Mantz also testified that it is the HOA's responsibility to maintain the detention basins, outlet structures and to correct any discharge problems. Mr. Mantz testified that water from the leaders on the homes would flow into the collection basins.

Mr. Mantz testified that by controlling the rate of flow the duration of the flows would be extended. Mr. Mantz said he would also like to revisit the design and Mr. Clerico said the riparian buffers should be shown on the Plan. Mr. Mantz testified that the applicant must meet Soil Conservation Standards (SCS) and that the Plan has not been provided to Soil Conservation.

; and

WHEREAS, Robert Fallone, Principal Owner of Fallone Group, LLC, was sworn testified in part as follows:

Mr. Fallone testified that the Group has a Sewer Engineer who prepared the Sewage Treatment Plan and Disposal Beds that were approved for their previous application. He also testified that the TWA Permit for that application is still valid.

Mr. Fallone testified that there is an agreement to provide potable water for the proposed 74 Units with the Town of Clinton and that the previous iteration of this Plan was designed and provided to the Town of Clinton's Water Engineer, Suburban Consultants. Mr. Fallone testified that the Plan before the Board has not been submitted to the Clinton Water Engineer.

Mr. Fallone testified that they will comply with the Ordinance and will comply with the statutory requirement regarding a comment raised by Mr. Clerico concerning the ownership of the storm water management system. Mr. Clerico voiced concerns regarding the ownership of the utility in the public street and that it needs to be owned by a public facility and owned by a regulated authority. Mr. Fallone further testified that they will comply with what the ordinance requires. Mr. Clerico further stated regarding when the facility is designed, permits will be required to build, and there will need to be a site plan, referencing landscaping, fencing, lighting. Mr. Fallone testified that under the Ordinance, site plan is not required for subdivisions of single- and two-family lots. Mr. Fallone also testified that the application is not seeking any site plan approval for the sewer treatment plant and if at any point a site plan is required, they will return back before this Board. (The Amended Application includes a request for Preliminary and Final Major Site Plan approval for the sewer treatment plant as well as the limited recreational facilities proposed on the open space lot.)

Mr. Fallone addressed comment 2.2 of Mr. Clerico's report regarding an abundance of parking spaces designed on the project and testified that they have agreed to limit parking spaces to the exterior loop, which includes the area in front of the recreation center. Mr. Fallone further testified regarding the question of front end parking to alleviate congestion in the area that the plan complies with RSIS.

Mr. Fallone spoke to page 6, item 2.3A1 and item 2.3A2 of Mr. Clerico's report and testified that information was provided on March 5, 2019. Mr. Fallone also addressed item 2.3A3 of Mr. Clerico's report regarding the requirement to either have students walk to school or have the students bused to school. Mr. Fallone noted that Mr. Clerico said the board should confirm with the Board of Education for their policies for

busing. Mr. Fallone testified that he previously submitted to the Board of Education indicating the bus path and accordingly the Board of Education already opined as to the availability of the buses for this project and the busing of them. Mr. Fallone further testified that they are complying with the Board of Education's request.

Mr. Clerico raised a comment to the Board that they need to decide if sidewalks are to be continued out to Perryville Road. Mr. Fallone testified that they will comply either way with what the Board wishes. Mr. Fallone further testified that they provided sidewalks on both sides because it meets the RSIS, but if the Board feels it is excessive or unnecessary, they will recommend the inter-loop be removed, because parking is on the exterior of it. Mr. Fallone said that he did not know if he is willing to build sidewalks from Perryville Road down to the school because it is very tight and it seems dangerous. Mr. Fallone further testified that he measured it at the pinch point where the driveway would get to the end, where there is a walkway in front of the school. It measures less than 4 feet, and a standard sidewalk is 4 feet wide. There are active cars and a very large retaining wall on the northern side of that driveway, so the grass strip where you would put a sidewalk does not seem conducive to suggest or recommend pedestrian walking, especially for elementary students. Mr. Fallone testified that he would like to take time to consider, but will have a decision before the end of the hearing.

Mr. Fallone addressed comment 2.3c of Mr. Clerico's report on page 7 and testified that walking paths are not required for the open space and none are proposed. Mr. Fallone also spoke to comment 3.4A on page 7 of Mr. Clerico's report regarding a question about the intersection of the Boulevard Street with Perryville Road. Mr. Fallone testified that the layout was modified and provided to Mr. Clerico and that it complies with RSIS.

Mr. Fallone spoke to item 2.4B and 2.4C on page 7 of Mr. Clerico's report and testified that the traffic engineer concluded the left turn lane for the project for the school driveway is not warranted, and the Board may want to have the Township Traffic Engineer review and comment. Mr. Fallone further testified that a traffic study is required by Ordinance when there is a hundred or more units proposed in a

development, and this application does not trigger that. Mr. Fallone addressed Mr. Clerico's question about traffic studies and testified that they retained a traffic expert who performed a traffic analysis for the intersection to confirm the intersection is well below what would require a dedicated left turn lane. Mr. Fallone further testified that they would not consent to having an additional traffic engineer review the information provided in response to Mr. Clerico.

Mr. Fallone testified that he will provide emails and the letter that Jim Mantz wrote in response to comment 2.4 on page seven of Mr. Clerico's report pertaining to emergency services. Mr. Fallone further testified that section 30.90U of the Ordinance says if an outside agency approval is required, the Board has the ability to condition its approval on the applicant obtaining approval from that outside agency. Mr. Fallone testified that they would stipulate to such a condition of approval since it pertains to all outside agencies, including sanitary sewer.

Mr. Fallone addressed items 3.3, 3.4, and 3.5 on page 10 of Mr. Clerico's report and testified that although approval for gas, electric, phone, and cable are not conditions of approval, they are public utilities and they design those themselves. Mr. Fallone testified that he is not in agreement with all comments on this section of Mr. Clerico's report and further testifies that he cannot stipulate as to what they will require but does stipulate to what the Township requires to design. Mr. Fallone then testified that they are not requesting any relief or providing any documentation of what they do to comply with the RSIS standards. Mr. Clerico explained that the only condition is the water system has to be documented and it has to be compliant with the standards. Mr. Fallone further testified that they will come back to the Board and request such relief if the Township desires it and we are required to ask for such relief.

Mr. Fallone addressed item 2.1E on page 9 of Mr. Clerico's report and said that testimony was provided and the latest version of the plans show two alternate disposal fields now being proposed within a hundred feet of adjoining residents.

Mr. Fallone spoke to item 4.1A on page 11 of Mr. Clerico's report and testified that Mr. Mantz's response letter

identified the nonstructural storm water management strategies that Mr. Clerico requested and that he is asking it to be incorporated into the storm water management report. Mr. Fallone testified that he would stipulate that as a condition of approval. Mr. Fallone further testified that it provides water quality, benefits wetlands and riparian zones which are to be shown within the proposed easements. In response to this, section 30-6.4B2 of the Ordinance requires these particular items to be in open space, not in their own individual easement and what is proposed complies with the Ordinance. Mr. Fallone then testified that the rest of the Property is going to be in a conservation-like easement in the open space, so that is what is proposed and what is reflected in the notes. Mr. Clerico then read what was being addressed regarding areas that provide water quality benefits that are to be shown in proposed easements and the proposed easement areas shall be provided to the Township Engineer for review and approval. Mr. Fallone then testified that as long as they are in easements, it does not restrict open space calculations that may affect other aspects of the application, and he stipulated that and will put those in specific easements. Mr. Fallone also testified that the email of the Fire Marshal was forwarded to attorney Jolanta Maziarz and he will forward it to Mr. Clerico for the record and will stipulate to that.

Mr. Fallone moved on to item 4.2A on page 12 of Mr. Clerico's report and testified that if ground water mounding is required then they will provide it. Mr. Clerico clarified item 4.2A which requests the applicant to provide a ground water mounding analysis in accordance with the requirements of the Township's storm water management and RSIS standards where the assessment must demonstrate that the proposed storm water basin will not have impact on the ground water table beyond the limits of the Property and if it does have impact then the basins will need to be modified to address the issue. Mr. Fallone further testified that Mr. Mantz said there are certain designs that are assumed to be okay for storm water management that do not require ground water mounding analysis which is why they stated if required they will provide it as a condition of approval. Mr. Fallone also testified that if Mr. Clerico provides the citation of the Township Ordinance and RSIS then we will meet it, and stipulate to that but as a conditional stipulation.

Mr. Fallone spoke to item 4.2D of Mr. Clerico's report which describes the issue of the criteria of the water runoff. Mr. Fallone testified in agreeance that the drawing shows the one on the right smaller, and the one on the left bigger and deeper. Mr. Fallone then testified that the design basin closer to the intersection of Perryville Road and Boulevard was designed solely for obtaining 90 percent suspended solids, because there was some water that could not be captured due to grades, and we had to overclean the water there to meet the 80 percent required by the Ordinance. Mr. Fallone testified that Mr. Mantz had indicated he could increase the size of the basin or potentially make the large basin on the western side a terrestrial forested basin which will give 90 percent suspended solids and do the same weighted calculations he did for the small one and potentially eliminate that small basin. He also said it can be complied with by doing one of those two things but will need to look into it more to see what can work and we would stipulate to meeting those requirements. Mr. Fallone further testified that he believes the volume is set and the question is the water quality aspect which will be complied with.

Mr. Fallone addressed item 4.3E page 15 of Mr. Clerico's report testified that it was addressed about the detention basin. Mr. Fallone testified that they will also stipulate to item 4.4B on page 16 about the basin.

Mr. Fallone spoke to item 4.5E on page 17 of Mr. Clerico's report regarding the access to basin one on Perryville Road. Mr. Fallone testified that the access has been removed from the plan, but an alternate location has not yet been provided. The original design of Mr. Mantz has a separate accessway off of Perryville Road which they agreed was not the best location. There is a drainage easement that is believed to be 45 feet wide in total between Lots 32.28 and 34.29 with a drainage easement of 40 feet wide between 34.0 and 34.1. That would provide access to those detention basins. Mr. Fallone further testified that if an access of stone to provide for a machine to gain access to the basin is requested, they would comply with a stipulated condition of approval and amend the plans accordingly. Mr. Clerico clarified that it will require some sort of construction access road to the facility. Mr. Warner stated that he stipulates to that, subject to the reasonable discretion of the Township Engineer. Mr. Fallone further testified that

the easement is not a swale. They are underground pipes and that is how the storm water from the road will get carried to the detention basin. Mr. Fallone also testified that he did not know if it will be able to handle construction traffic, to get in and maintain the basin. Mr. Fallone said it is a design issue. If it is an open field, it can be dirt and if it is vehicular on a road, it has to meet traffic requirements. Mr. Fallone also confirmed and testified that it will be traffic bearing and similar to what is proposed through the open space to the other detention basin and septic disposal fields.

Mr. Fallone addressed item 5.2 on page 18 of Mr. Clerico's report regarding cut fill calculations and testified that the Applicant does not agree to provide the requested information at this time. Mr. Fallone also spoke to item 5.2 regarding the Hunterdon County Soil Conservation District. Mr. Fallone testified that a temporary waiver was granted at the October 25, 2018 meeting and confirmed by the Hunterdon County Soil Conservation District that an application was dropped off at their office on March 5, 2019, and a cover letter responding to the Hunterdon County Soil Conservation District comments on the application was provided to the Board on April 1, 2019. A cover letter was dropped off to the Board which responded to Hunterdon County Soil's application about an incompleteness letter. Mr. Fallone testified that Mr. DePalma agreed his fee calculation was not correct, then corrected it and a check was hand delivered to him to satisfy the outstanding item. Mr. Fallone further testified that he has not heard from the District to date. Mr. Fallone then testified that he provided the amount requested in documentation by them and that it is a complete application, paid in full.

Mr. Fallone spoke to item 5.5 on page 19 of Mr. Clerico's report regarding the outfall structure. Mr. Fallone testified that the Hunterdon County Soil Conservation District has approved the type of outfall structure Mr. Mantz designed for detention basin two. It is a requirement of Hunterdon County Soil Conservation District and their approval will be made and they will stipulate it as a condition of approval. Mr. Fallone further testified that the plan had been sent to Transco Gas Company for their review and approval with a cover letter on March 5, 2019. He received an incompleteness letter on March 28, 2019 and all

of that was addressed on April 1, 2019. Mr. Fallone testified that he can provide a copy of the cover letter he sent and would stipulate if the location of that outfall structure is significantly beyond where it is currently, such as it crosses the pipeline and onto wetlands, or if there are associated buffers. Mr. Fallone testified that they will come back to the Board and ask for a revised approval and the Board will be made aware of the stage in those locations, and not just crossing over the pipeline changes.

Mr. Fallone addressed item 7 on page 19 of Mr. Clerico's report regarding construction details and Mr. Fallone testified that they will stipulate to that being a condition of approval. Mr. Fallone also spoke to item 6 on page 19 and item 8 on page 20 and testified that they will stipulate as a condition of approval.

The hearing proceeded to address the Planners report and Mr. Fallone testified that 37.814 is the correct number of acres for the open space lot.

Mr. Fallone also testified that the sewer easement has a separate reserved area dedicated on the one part of the Property identified by Mr. Stern. It is not the same on the Storm Water Management easement, because Mr. Mantz testified that individual homeowners can refer to the impervious number on sheet 2. There is an impervious area number on the chart which identifies the impervious area on each of the lots on sheet 1 of Jim Mantz's subdivision plan dated February 24, 2019.

Mr. Fallone addressed item 3.1.6E and further testified that the open space calculation is 37.814 acres and what is proposed is in conformance with the Township Ordinance, which defines this as active open space and that it is part of the open space itself.

Mr. Fallone testified that Mr. Mantz identified a manufacturer of the retaining wall block and a note to the plans which specified a fence will be put along the retaining wall where it is required by Building Code.

Mr. Fallone further testified that he addressed tree removal requirements in his letter which states there is compliance

with section 30-6.3.B.5. It is not required; it is exempt under section 30-6.B.5.A.3B.

Mr. Fallone testified that conservation easements are on the final plat and part of the chain of title. They will provide a blanket conservation easement that addresses each individual lot that can be recorded and approved by Mr. Anderson and the metes and bounds for Mr. Clerico, as a stipulated condition of approval.

Mr. Fallone spoke to item 3.25B regarding tree removal and sediment control plans not identifying any tree protection around existing trees. Mr. Fallone testified that if the Planner is requesting a specific detail, they will provide it as a condition of approval. Mr. Fallone further testified that grading on the plans is illustrative only, so trees on individual lots that are in easements will not be disturbed. Mr. Fallone also testified that if the 24-inch tree, noted in section 3.25C of the Planners report, cannot be saved, exceeding the threshold, the 28-inch tree will be tweaked so that it can be saved and they will trade a tree if necessary, as a condition of approval.

Mr. Fallone addressed item 3.33 of the Planner's report and testified that additional plantings around either basin are not required by the Ordinance and therefore not provided. Mr. Fallone also testified to section 5, treatment facility screening and also stated that there is nothing in the Ordinance to require any plantings.

Circling back to the sidewalk to the school and in connection with the concern for snow plowing, Mr. Fallone testified and proposed a stipulation of conditional approval that if the Board wishes, they will recommend removing the inner sidewalk loop to the development, that will help provide areas for snow removal that can be pushed onto properties within the right-of-way and not disturb sidewalks. They will provide a 4-foot sidewalk from Boulevard intersection down to Perryville Road with a striped crosswalk across Perryville Road, and would propose an off-site sidewalk from that intersection down along the northern part of Perryville, along the driveway of the school to the point where there is currently a gate where the sidewalk to the school picks up. Mr. Fallone further testified that they will provide a 4-foot wide sidewalk as well as a chain link fence to protect the

students. Mr. Fallone stated that they do not want to be responsible for any storm water management as it pertains to that sidewalk. Since it is on the Board of Education property, the Board of Education has the right to deny it, and if it is denied, Mr. Fallone testified that they will provide a \$20,000.00 check to the Township as an off-site contribution, to be used for other off-site projects that the Township may wish to do within the municipality. Mr. Fallone testified that is what they would stipulate as a condition of approval. Mr. Fallone further testified that he understands that the Township can utilize the check as they wish.

In answer to a question from Mr. Clerico, Mr. Fallone agreed that if they eliminate the sidewalk, it would require concession from the Township. Mr. Fallone said that the sidewalk will be provided on both sides for the school. Mr. Fallone confirmed that it is something that will have to be filed with the State.

; and

WHEREAS, Douglas Polyniak was sworn and qualified as a Traffic Engineer and testified in part as follows:

Mr. Polyniak addressed the Environmental Commission's concerns. He testified that the traffic impact would not be substantial. The intersection will be designed to align appropriately with the existing Elementary School Driveway. The traffic flow to and from the proposed development would be at different times than the traffic to and from the School. Mr. Polyniak also testified confirming that the information was based on observation of the traffic flow. Mr. Polyniak testified that there has not been a study of traffic conditions at nearby intersections.

Mr. Polyniak testified that there would be very little delay of movement at the intersection and that he did not think there was a need for designation of the left turn at the intersection. Mr. Polyniak testified that he did not think a boulevard style entrance, as well as the left-hand turn in the Subdivision is necessary. Mr. Polyniak said consideration had been given to sidewalks and children crossing Perryville Road.

; and

WHEREAS, Adam Stern was sworn and qualified as a Sewer Engineer and testified in part as follows:

Mr. Stern gave an overview of the previously approved sewage treatment plant and the changes proposed for this development. Mr. Stern testified that the proposed volume of wastewater is 22,100 gallons per day (gpd). Mr. Stern estimated the flow would be 15,000 gallons per day (gpd) when the project was completed. He said the Discharge Permit and the Treatment Works Approval (TWA) from the previous approval are in effect. The area for the disposal beds was discussed. There is approximately 30,000 sf available for discharge. Mr. Stern testified that disturbance of steep slopes would be minimized.

In answer to a question from a Board member about who would own and operate the Sewage Treatment System, Mr. Stern said that it would be the HOA. Mr. Stern said there would be flexibility with the Facility and any odor should be negligible when asked if the System Facility would be similar to that at Lookout Pointe and if the Facility would require lighting and could there be a problem with odor or noise. Mr. Stern testified that the flow of groundwater would follow the topography of the site. Mr. Stern said he did not know the proximity of existing wells however; consideration had been given to that issue with the previous application and he did not believe the water quality would be degraded. Mr. Stern confirmed this site is located in a Category 1 Watershed.

Mr. Stern testified that it is not applicable to groundwater discharge to meet current anti-degradation Standards at the time of their previous approval. In answer to a question from a Board member, Mr. Stern said that, as designed and if properly operated, the system would not degrade nitrate levels and water quality or cause a violation of the Standards to the surface water or adjacent wells. Mr. Clerico mentioned the previous approval and Mr. Stern's reference to the storm water recharge occurring up-gradient from the disposal beds. Mr. Stern testified that any groundwater discharge from those beds is not a concern. Mr. Stern said the generator would be effective for approximately twenty-four hours, after which time a network of operators would assume responsibility. Mr. Stern testified that any changes in ground water flow patterns or quality as a result

of construction of the infiltration basin on the left side of the site would be considered as part of the modification of the discharge Permit. Mr. Stern testified that the HOA would control pesticide, fertilizer and herbicide applications. Mr. Stern referenced the ten-thousand-gallon equalization tank.

Mr. Stern testified that the treatment facility design could be consistent with the Lookout Pointe Facility. Mr. Stern also testified that State-Licensed Operators would be at the site five-days a week and would utilize a small pickup truck. Mr. Stern testified that the plan was to minimize encroachment into the steep slopes and lengthen and widen the four beds with the reduced number of disposal beds from six to four. Mr. Stern said the Facility would be implemented when the flow reached the five-to-eight-thousand (gpd) range. Prior to that, the equalization tank would be utilized. Mr. Stern described access to the Facility. Mr. Stern estimated the potential lifespan of the Facility to be more than fifty years. Mr. Stern said notification of the modification to the discharge Permit to property owners within two-hundred feet would not be required for the TWA Permit; however, it would be for the NJPDES Permit.

; and

WHEREAS, the following members of the public spoke to the question before the Board:

1. Tracy Horvath, resident at 156 Perryville Road, said she and her neighbors' backyards have been flooded. Mr. Mantz asked if the flooding was surface flooding or ground water surfacing. Ms. Horvath said "Both". Mr. Mantz said that, in his opinion, by raising the detention basin and the permeability of the soil that the infiltrated water would meet the existing ground water table and would not cause an additional problem. Mr. Ford asked how the proposed improvements would impact the existing conditions. Mr. Mantz explained and Ms. Horvath mentioned the storm sewer by her driveway that does not function well. Mr. Ford asked if the applicant had provided the Plan to the Fire Company for their review. That had not been done. Mr. Clerico indicated that Fire Company input was important. Mr. Kirkpatrick said it was customary that the developer obtain input from the Fire Company. Ms. Horvath asked if

applicant would consider planting more trees that would provide additional privacy to her property. Ms. Horvath also mentioned a traffic accident on Interstate 78 that resulted in increased traffic by her house. Mr. Polyniak did not think the traffic from the proposed development would be significant.

2. Mark Carlson, resident at 5 Midvale Drive, asked about the outflow of the proposed detention basin on his property. Mr. Carlson said he has a detention basin on his property. Mr. Mantz referenced Detention Basin #2, Sheet 8 of 35 that was marked exhibit A-6. Mr. Mantz explained the water flow from that Basin. Mr. Carlson also asked about chemical waste. Mr. Stern said residents would be given information regarding items that should not be discarded into the system.

Mr. Carlson then spoke to comment on the application. Mr. Carlson stated that he is very concerned about a lot of things with this project and the biggest concern is about water entering into a channel that the pipeline is in, which runs right down Midvale. With a gas main, there can be an explosion, and that is three doors away from where he lives.

3. John Corcoran, resident at 17 Midvale Drive, voiced a concern about the pipe from the basin clogging. Mr. Mantz said there is an emergency spillway that would discharge into a Gabion spreader. Mr. Corcoran asked about trees, grass and brush, and if it would remain. Mr. Mantz said "Yes". Mr. Corcoran asked who would maintain the grass road and Mr. Mantz said that would be maintained by the HOA. Mr. Corcoran also asked about odor protection from the sanitary features on the site. Mr. Mantz did not think he could provide that information. Mr. Corcoran asked about dust control during construction. Mr. Mantz said the roads would be wetted or whatever Hunterdon County Soil Conservation required of contractors. He said plans will be submitted to Soil Conservation. Mr. Corcoran also asked Mr. Stern to elaborate on monitoring well sampling; what type of tests, and how often. Mr. Stern indicated that the Licensed Operator, who is hired by the owner of the System, would have to comply with DEP requirements. Mr. Corcoran asked Mr. Fallone if he knew how long the construction duration will be once shoveling begins. Mr. Fallone said

he did not know since he has not done the marketing on the plan yet. Mr. Corcoran asked if the project could go on for 10 years and Mr. Fallone answered that he hopes it goes on less than 1 year. Mr. Corcoran then asked if there will be any blasting done for Highland Ridge and Mr. Fallone answered that he did not know. Mr. Corcoran asked Mr. Fallone if he anticipates any construction activity on Midvale Drive and Mr. Fallone said that there is no reason for other than the water line but he cannot say entirely for sure. Mr. Corcoran asked the same question for the basin and Mr. Fallone stated he has not looked at construction mechanics or spoken to contractors yet but he believes the majority of the construction will come from Perryville Road but he cannot say it could never happen. Mr. Corcoran asked if an answer could be given based off the soil erosion plan and Mr. Fallone explain that the tracking pad is off Perryville Road and would come from there. Mr. Corcoran questioned if the tracking pad is for cleaning truck tires with gravel and Mr. Fallone confirmed yes that it is for large stone.

4. Kathleen Corcoran, resident at 17 Midvale Drive, Pittstown, asked about changes to the Plan. Mr. Stern said the changes were required because the septic fields are in an environmental buffer area. He also said the Treatment Plant Site changed. Mr. Stern told Ms. Corcoran that membrane treatment is proposed and an ultra-violet method will provide disinfection. He said monitoring wells are proposed and results will be shown on the Permits. Ms. Corcoran voiced a concern about seepage from the disposal beds into the storm basins. She asked about back up disposal beds. Mr. Stern indicated that was taken into account. Mr. Clerico, Mr. Kirkpatrick and Ms. Corcoran asked about the proposed flow from individual units and the possibility of illicit hookups. Ms. Corcoran voiced a concern about ground water levels below basement floor levels. Mr. Ford said Messrs. Mr. Fallone and Mr. Mantz would address the issue. Ms. Maziarz said Mr. Clerico had raised an issue about an increase in the number of units. What would be the impact of doubling the number of units and reducing the number of bedrooms to two per unit. Mr. Stern said the design flow generation determines flow usage, not the number of units. Ms. Corcoran also asked about the drainage. Mr. Mantz said there is a gabion spreader that discharges the storm water into the

conservation easement at the northeastern corner of the Property and ultimately toward Block 22.02, Lot 26. Ms. Corcoran questioned if the water line is installed by Clinton and Mr. Fallone said that is something that needs to be checked by the contract but he believes the owner installs the line and then Clinton would take over. Ms. Corcoran asked if they will put out a contract and Mr. Fallone answered that he did not know at this point in time. Ms. Corcoran also asked if the contract is still valid and Mr. Fallone assured her that yes, it is still valid. Ms. Corcoran then asked if the TWA for the additional Township treatment plant and disposal beds is final and Mr. Fallone explained that from Mr. Stern's testimony, that plan will have to be updated and approved by the DEP. If they can be used, they will use them in the limited spans, but if not, they will use alternate facility designed to DEP standards.

Ms. Corcoran then spoke to comment on the application. Ms. Corcoran expressed that she does not think the project meets the setback requirements of the Ordinance. She stated that this application is very fluid and there are numerous unknowns. The plan does not show what is being proposed. The easements to the basin and basin locations are not confirmed. The demonstrated ground water mounding analysis may not work. The Fire Department comments have not been provided to the Board; they are supposed to be e-mailed at some point. Blasting may be proposed. There are three very large Transco gas pipelines running across the Property. The trenches for the Transco pipeline, a Board member made a very valid comment, the water will go to the path of least resistance, and that will be that path. So that water will be running down along those pipelines. If there is water running across land, it will follow that trench and come right down and there are many homes right down there, including mine. Ms. Corcoran then stated that there are so many unknowns it is crazy to be asking for final approval at this point.

5. Steve Perdue, resident at 6 Deer Run, Pittstown, asked if any of the Permits might require a Water Quality Management Plan Amendment. Mr. Stern said "Yes". Mr. Perdue asked if a Highlands' Review would be triggered. Mr. Stern said it would not because the volume of flow has not been increased. Mr. Perdue asked if the original

Permits had been reviewed by Highlands and Mr. Stern said there had been no review. Mr. Perdue asked if there had been a full Highlands' Review and Mr. Stern answered that he did not know.

6. John Nordstrom, resident at 5 Carhart Court, had a question about cleaning of the Treatment Facility. Mr. Stern explained the mechanics would be similar to pumping an individual residential system. Mr. Nordstrom asked if rainwater would run off the disposal beds or leach into the beds. Mr. Stern said there would not be ponding and run off would be limited.

7. David Van't Slot, resident at 12 Midvale Drive, asked if there was a second infiltration system to correct any catastrophic error and what would happen if something got in the beds. Mr. Stern indicated that there are provisions to address emergency issues. Mr. Mantz confirmed that there will be more water in a concentrated area than if the site was not developed.

8. Michael Fariello, resident of Charlestown Road and representing the Board of Education, raised a question regarding the sidewalk and bussing. Mr. Fariello explained that the Board of Education submitted a formal letter to the Township addressing concerns, and even though the Planning Board did not receive it, he asked that the Planning Board consider the Board of Education's expectations or hopes when completing the hearing. Mr. Fariello asked Mr. Fallone if he knew the dates and time of when the traffic study was conducted and Mr. Fallone said not specific dates and time but that it was performed when school was in session to pick up the school buses and parents transporting their children. Mr. Fariello asked about the recreation center and Mr. Fallone stated that there will be a pickleball court, a dog run that is chained in, and a swing set, monkey bars, and slide as well as some seating and benches. Mr. Fariello asked if the park is intended for any resident of the Township or just the residents of the development and Mr. Fallone stated that it will be on private property, owned by the homeowner's association for that development. Mr. Fallone clarified the location of the park being northeast corner of Boulevard Road, the southernmost facility and everyone can get there by walking or parking on the street, on the

exterior loop where there are no driveways or entryways. Mr. Fariello addressed confusion regarding that since it is a public road and Mr. Fallone stated that it is the responsibility of the homeowner's association to monitor it. Mr. Fariello then voiced concerns about surface water going down into the gas line and Mr. Fallone clarified that it is a condition of approval on getting approval from the Hunterdon County Soil Conservation District.

Mr. Fariello then spoke to comment on the application. Mr. Fariello stated that he thinks things need to be taken into consideration, whether there are ordinances or not. From what he understands, the twin houses don't meet the town ordinance. He knows there is a contest about that, but as a resident he wants to make sure that everybody is compliant. A new development should be held to regulations. Mr. Fariello stated that he thinks if a study could be done it would give the people, the residents down around the Midvale area, a little bit more peace of mind and mentioned a woman who owns a home on Perryville Road who is already complaining about flooding from the site. He asked if before digging, before paving and having impervious surface, what can be done to put people at ease because these are people's homes and their safety. He explained having sat through a couple of the hearings and listened to what he considers a remarkable amount of outstanding detail or lack thereof, he does not envy anybody on this Board, because he understands there is a time frame but it leaves a lot of questions. The water runoff thing that came up regarding the pipeline and about construction traffic, traffic on Perryville Road at the intersection, quite frankly, and the school busing. Mr. Fariello expressed that he appreciates the fact that the study was done while school was in session, but it didn't involve tractor trailers with excavators, dump trucks lined up with gravel and everything else that could potentially cause a hazard. Mr. Fariello stated that he understands all of this is unforeseen and does not know if anything can be done, but believes it would be a good idea if something could be done.

9. Mike Chen, resident at 18 Midvale Drive, had a question about the access road being removed. Mr. Fallone confirmed that the access road is being removed and the only thing on the current plan is a waterline easement, to pick up water

for the development from Midvale Drive, but no access. Mr. Chen also asked if there is an exception that there will be foliage, or if there is a requirement, or if it will be wide open. Mr. Fallone pointed to the conservation easements on the map and confirmed that those buffers are governed by the State and there is no contemplation of doing anything in those areas. Mr. Chen asked if he will be able to see all the backyards or will the foliage cover it. Mr. Fallone explained that the green area is an existing tree row which will not be removed, as well as the dense foliage within the first 50 to 100 feet along the property lines of the owners. Mr. Chen questioned if the electrical plans will be on the same grid and if it will have any impact on the neighborhood and Mr. Fallone answered that he did not know.

10. Donna Chen, resident of 18 Midvale Drive, voiced concerns about the disposal beds being near the properties. Mr. Fallone stated that Mr. Stern testified that the four disposal beds are under the requirements of the Township Ordinance by the State and believed they can be expanded within the easement as currently shown to not increase disturbance and take actual sewerage. Mr. Fallone continued to address that Mr. Stern has not done the actual analysis to confirm the ground can accept it. The Ordinance requires a buffer of 50 feet and Mr. Mantz has been instructed to make sure the easement is a hundred feet, doubling the buffer to make sure there is no disturbance. Ms. Chen also voiced concerns about the retention basins since their property is downhill, and with changes to the basins, who does she call if there is water in her basement. Mr. Fallone explained that there was no question regarding the shape of the basins and the design on the actual basin has not changed. Mr. Fallone clarified the distinction of all the basins and explained that tests were performed which confirmed the design is acceptable. Ms. Chen also raised a question regarding the anticipated number of children after revising the plans. Mr. Fallone explained that Mr. Mantz prepared the impact statement and realized his calculation of 23 children was inaccurate, and that the number is closer to 44 to 48 children.

; and

WHEREAS, pursuant to the terms of a Consent Order of Remand filed by the court in connection with certain litigation docketed in the Superior Court of New Jersey, Hunterdon County as Docket No. HNT-L-000238-19 and Docket No. HNT-L-000302-19, and the scheduling of a Whispering Woods hearing, the Applicant prepared and submitted, and the Board considered at the Whispering Woods hearing, a Preliminary and Final Major Site plan showing the proposed common wastewater disposal system limited recreation facilities on the open space lot, in accordance with the Ordinance and the applicable provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

; and

WHEREAS, the Board approved the subdivision of lots in its Resolution dated June 13, 2019 and those lots were designed and approved, without variances, as meeting the Other Residential Uses Performance Regulations, and this Resolution, amending the conditions of approval of the June 13, 2019 Resolution, does not modify the subdivision of lots granted prior to July 1, 2019, but the Board acknowledges that Ordinance 2019-9 applies to the development approved hereunder with the amended conditions.

WHEREAS, the Board has made the following findings of fact and conclusions of law with regard to the Amended Application:

1. The property is located in the Village Residential Zone, Block 22, Lot 34, fronting on Perryville Road. The property contains a gross land area of 55.416 acres and is currently undeveloped.
2. The Applicant proposes to subdivide the property into 75 lots, 74 residential lots and 1 open space lot. The open space lot will accommodate recreation facilities, three stormwater management basins, and a common wastewater disposal system serving the 74 residential lots.
3. The 74 residential lots and 1 open space lot all conform to the minimum subdivision requirements of the VR Zone. No bulk variances are requested or required for the subdivision.
4. The Applicant has proposed public streets and parking that conform to the State RSIS standards.

5. Certain *de minimis* exceptions to RSIS standards are appropriate and are approved, specifically that sidewalks are to be provided along only one side of the loop road; the sidewalk along the eastern side of the of the boulevard road between Perryville Road and the intersection with the loop road; and the omission of street lights, as desired by the Township.

6. A design waiver for no sidewalk along Perryville Road is appropriate and approved.

7. The application is for Amended Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan Approval to subdivide the Property (Block 22, Lot 34), consisting of 55.416 acres, into 75 lots, 74 residential lots and 1 open space lot, and to construct 74 single family dwelling units, without income restrictions, on the residential lots, with the one (1) open space lot to contain limited recreation facilities and a common wastewater disposal system, and there will also be related site improvements on the Property.

8. The Board finds that the application for Amended Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan can be properly granted, if made subject to the conditions set out in this Resolution.

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 Board does hereby GRANT the Relief Granted as noted above, subject to the following conditions:

1. The application made to and considered by the Board, and the approval granted by this Resolution, is for the subdivision of the lots proposed and the construction of seventy-four (74) single family market rate dwelling units thereon, which shall be treated as "other residential" units in accordance with Ordinance No. 2019-9.

2. The Amended Application made to and considered by the Board requested, and this Amended Resolution grants, Amended Preliminary and Pinal Major Subdivision and Preliminary and Final Major Site Plan approval. Site plan approval for all above ground structures not applied for or included in this Amended Resolution shall be applied for

and obtained separately. This requirement does not apply to any above ground structures on the 74 fee simple lots.

3. The Applicant and its successors and assigns, including the Homeowners Association, shall be responsible for arranging for an appropriate entity to own, operate and maintain the entire sanitary sewer system, including infrastructure in streets. In no event shall the Township and/or any Township agency become responsible for owning, operating and/or maintaining it.

4. The Applicant shall provide to the satisfaction of the Township Road Department and the Board Engineer a detailed snow removal plan for the site and shall include on the subdivision plan paved spaces at appropriate locations for on-site storage of snow and ice that may be removed from the streets. (The Board Engineer has advised that this condition has been satisfied by virtue of a sketch provided on April 19, 2019.)

5. The Applicant shall demonstrate to the satisfaction of the Board Engineer that every emergency services vehicle which is currently in use in Union Township can safely maneuver all parts of the proposed streets with all permitted on-street parking or shall return to the Board with a modified subdivision plan.

6. No parking shall be permitted on the inner side of the loop street, and signs shall be placed indicating that prohibition. No parking shall be permitted on the boulevard entry street and signs shall be placed indicating that prohibition. No parking space shall conflict with the snow removal plan or movement of emergency or service vehicles.

7. The Applicant shall demonstrate to the satisfaction of the Board Engineer and Board Planner that the subdivision plan complies in all respects with the RSIS parking standards or shall return to the Board with a modified subdivision plan.

8. The Applicant shall demonstrate to the satisfaction of the Board Engineer and Board Planner that the subdivision plan complies in all respects with the RSIS sidewalk standards, except as specifically permitted by this

Resolution, or shall return to the Board with a modified subdivision plan.

9. The Applicant shall demonstrate to the satisfaction of the Board Engineer that the subdivision plan complies in all respects with ADA compliance standards or shall return to the Board with a modified subdivision plan.

10. The Applicant shall remove the inner sidewalk from the loop road but shall instead install a four foot sidewalk from the boulevard intersection to Perryville Road, a striped crosswalk across Perryville Road, and an off-site sidewalk from that interaction along the northern part of Perryville Road, along the driveway of the school to the point where there is currently a gate where the sidewalk to the school starts, and a chain link fence between the driveway and that sidewalk to protect the students. The Applicant shall not be responsible for any storm water management as it pertains to that sidewalk. If the Board of Education does not accept the construction proposed on its property, the Applicant shall pay in lieu to the Township the sum of \$20,000, to be used for any Township project.

11. The Applicant shall demonstrate to the satisfaction of the Township Traffic Engineer that left turn lanes for the subdivision entrance and school driveway at Perryville Road are not warranted or shall return to the Board with a modified subdivision plan. (The Board Engineer has advised that this condition has been satisfied.)

12. Following design and approval of the layout of the water distribution system, the Applicant shall demonstrate to the satisfaction of the Board Engineer that the water distribution system complies in all respects with the RSIS standards, including fire hydrants, or shall return to the Board with a modified subdivision plan.

13. The Applicant shall provide basic layouts for water, sewer and storm sewer and demonstrate to the satisfaction of the Board Engineer that those layouts do not conflict with each other and any other underground infrastructure.

14. The Applicant shall incorporate into its Stormwater Management Report to the satisfaction of the Board Engineer the nine strategies listed in N.J.S.A. 7:8-5.3(b).

15. The Applicant shall dedicate by appropriate recorded deed or easement, approved by the Board Engineer and Township Attorney, with metes and bounds descriptions and specific restrictions, all open space areas and all land areas that provide water quality benefits, i.e., wetlands, transition areas and riparian zones. This condition shall be satisfied prior to the issuance of any zoning and construction permits for each lot in the subdivision.

16. The Applicant shall provide a Ground Water Mounding Analysis in accordance with requirements of applicable Township and RSIS standards to the satisfaction of the Board Engineer. The analysis shall demonstrate that the proposed stormwater management facilities will not have any negative impact on the elevation of the ground water table beyond the limits of the Applicant's property. If an adverse impact is shown, the Applicant shall return to the Board with a modified subdivision plan. (The Board Engineer has advised that this condition has been satisfied.)

17. Other than the elimination of Basin #3 which has already been reviewed and approved by the Board Engineer, any other changes (with the exception of field changes that can be administratively approved by the Board Engineer), to the subdivision plan that modify the location or coverage area of any stormwater management facilities shall return to the Board with a modified subdivision plan for review and approval prior to implementation of the change.

18. Other than the elimination of Basin #3 which has already been reviewed and approved by the Board Engineer, any changes to the location of any stormwater management facilities and/or structures shall be to the satisfaction of the Board Engineer as to design in conformance with State and Township requirements or the applicant shall return to the Board with a modified subdivision plan.

19. The Applicant shall add a note to the Sequence of Construction to the satisfaction of the Board Engineer that post-construction permeability testing of the bioretention

basins must be witnessed by a Township representative upon completion.

20. The Applicant shall modify the subdivision plan to the satisfaction of the Board Engineer to provide for maintenance access for vehicular traffic to all stormwater management facilities or shall return to the Board with a modified subdivision plan. (The Board Engineer has advised that this condition has been satisfied.)

21. The Applicant shall provide a Cut/Fill Calculation for the subdivision road. The Applicant shall also provide the Board engineer with a statement regarding its intended methods of excavation and add a note to the plans indicating that if blasting is required, it shall be performed in conformance with the governing State regulations along with a notification to Transco, as required by Transco's easement.

22. The within approval is subject to review and approval by the Hunterdon County Soil Conservation District.

23. The stormwater design for Basin #2 and its outfall, including the proposed outlet discharge through a "level spreader", is subject to review and approval by the Hunterdon County Soil Conservation District. If the Hunterdon County Soil and Conservation District requires a redesign that involves changes to the location of any stormwater management facilities and/or structures, the Applicant shall return to the Board with a modified subdivision plan.

24. The Applicant shall modify the subdivision plan to the satisfaction of the Board Engineer to remove depictions of building envelopes for twin houses that are not part of the subdivision approval process and/or are inconsistent with the Township ordinance as interpreted by the Board. The Applicant shall revise the subdivision plan to include single family dwelling building envelopes consistent with Ordinance 2019-9. The Applicant acknowledges that all construction in the subdivision must comply with all use and bulk requirements of the Land Use Code of the Township of Union, as amended by Ordinance 2019-9.

25. The Applicant shall modify the subdivision plan to the satisfaction of the Board Engineer to remove depictions of building footprints for twin houses that are not part of the subdivision approval process and/or are inconsistent with the Township ordinance as interpreted by the Board.

26. The Applicant shall comply with all of the comments of the Board Engineer's memo of December 16, 2019.

27. The Applicant shall include on the subdivision plan and in every conveyance of a subdivided lot a statement approved by the Board Engineer and Township Attorney placing buyers on notice that no building permit for a subdivided lot will be issued unless the building permit applicant demonstrates that the impervious coverage of proposed improvements is consistent with the subdivision stormwater system design. This condition shall be satisfied prior to the issuance of every zoning permit and construction permit for each lot in the subdivision.

28. The Applicant shall include on the subdivision plan and in every conveyance of a subdivided lot a statement approved by the Board Engineer and Township Attorney placing buyers on notice that the subdivision stormwater system design may require that addition of impervious coverage on a lot may require the implementation of an individual stormwater mitigation plan for that lot. This condition shall be satisfied prior to the issuance of every zoning permit and construction permit for each lot in the subdivision.

29. The Applicant shall record by individual deeds, approved by the Board Engineer and Township Attorney, with metes and bounds descriptions and specific restrictions, all easements and restrictions affecting individual lots. This condition shall be satisfied prior to the issuance of every zoning permit and construction permit for each lot in the subdivision.

30. The only access through Midvale Drive shall be for construction of the water line in Midvale Drive.

31. The Applicant shall demonstrate to the satisfaction of the Board Engineer that the stormwater design is acceptable

to and approved by Transco or shall return to the Board with a modified subdivision plan.

32. Any private streets in the subdivision shall be subject to the jurisdiction of Title 39 of the New Jersey Statutes.

33. Except as may be specifically stated in this Resolution, the Board has not granted any exceptions from the RSIS standards, and the Applicant shall comply with the RSIS standards.

34. The Applicant shall comply with all of the comments of the Board Planner's memo of March 26, 2019, as codified in her e-mail dated July 23, 2019 and modified on July 24, 2019, and all of the comments of the Board Planner's memo of December 12, 2019 except section 3.3.5, to the satisfaction of the Board Planner.

35. The Applicant shall provide fire hydrants as required by the RSIS and in locations approved by the Fire Chief, Pattenburg Volunteer Fire Company.

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

37. The Applicant is required to comply with the Applicant's representations to and agreements with the Planning Board during the hearing on this application including, but not limited to, all of its stipulations and agreements placed on the record on April 11, 2019, and/or during the Whispering Woods hearing.

38. 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 over the proposed development.

39. The Applicant shall provide the Board with copies of all transmittal letters of formal submissions, review letters,

approvals and permits of third-party agencies from which approvals or permits are required at the time such approvals or permits are received by the Applicant.

40. If any modification of the subdivision plan is required by any third-party agency involving a location change that is more than a *de minimis* field change, the Applicant shall return to the Board for approval of a modified plan. The Board Engineer has the authority to administratively approve *de minimis* field changes.

WHEREAS, a Motion was made by Mr. Kastrud and seconded by Mr. Nace to grant amended approval of Preliminary and Final Major Subdivision as set forth herein;

BE IT FURTHER RESOLVED, that this Resolution memorializes the action of the Board taken on December 19, 2019 with the following vote: Yes: Kastrud, Nace, Mazza, Stothoff, Eschbach, Neary, Dix, Ford; No: None; Not Eligible: Wardell; Abstain: None; Absent: Kirkpatrick; Not Voting: Petitt.

RESOLUTION DATE: *January 9, 2020*

ATTEST:

*Grace Kocher*  
Grace Kocher,  
Board Secretary

*Alan Ford*  
Alan Ford,  
Chairman

VOTE ON RESOLUTION					
Members	YES	NO	NOT ELIGIBLE	ABSTAINED	ABSENT
Frank Mazza, Mayor	✓				
David Stothoff	✓				
Alan Ford, Chairman	✓				
Brian Kirkpatrick, Vice-Chairman			X		
James Eschbach	✓				
Robert Nace	✓				
Chuck Neary	✓				
Christian Kastrud	✓				
David Dix	✓				
Daniel Petitt (Alt. 1)			X		
Justine Maglio Wardell (Alt. 2)			X		