

**TOWNSHIP OF UNION
PLANNING BOARD RESOLUTION**

***Application for Minor
Subdivision Approval and "C"
Variance***

Applicants/Owners: *Robert A. Jurgensen
509 Little York-Mt. Pleasant Road
Milford, New Jersey 08848*

*Kenneth C. Jurgensen
131 Little York-Pattenburg Road
Milford, New Jersey 08848*

Property: *Block 16, Lot 3
430 County Route 614, Asbury
Union Township, Hunterdon County*

WHEREAS, the applicants, Robert A. Jurgensen and Kenneth C. Jurgensen, are the owners of property located at 430 County Route 614, in the Township of Union, County of Hunterdon, State of New Jersey and known as Block 16, Lot 3 on the Tax Map of the Township of Union and which property is located in the "AP-2" District; and

WHEREAS, the applicant has filed the necessary application for a minor subdivision and variance, together with the appropriate filing fee with the Administrative Officer; and

WHEREAS, the applicant has submitted a plan entitled "*Minor Subdivision for the Jurgensen Farm*" dated August 13, 2002, and revised through December 12, 2002, which plan was prepared by Brian D. Taylor, P.L.S. of Rettew Associates; and

WHEREAS, on behalf of the Township of Union and its Planning Board, the Board's various professional consultants have reviewed the various plans and testimony presented to the Planning Board, and submitted their written and/or verbal reports including the Planning Board Professional Planner, Carl Hintz, P.P. in a written report dated January 20, 2003; and

WHEREAS, the Planning Board has reviewed the application for a minor subdivision and variance, and the written reports of its Consultants and other agencies having jurisdiction over the application, and considered the testimony of the applicants, Robert A. Jurgensen and Kenneth C. Jurgensen, witness Effie Jurgensen, and N.J.D.E.P. Project Manager, Pamela Thier, and as presented

through their Attorney, James Lance, Esq. at a public hearing conducted on February 27, 2003, and based thereon, has made the following findings of fact:

1. The applicants submitted a proper application for a minor subdivision and variance with the Administrative Officer, which application as to form (not contents) and the required documentation was deemed complete by the Administrative Officer.
2. The Board reviewed the application and related documents and the recommendation of the Board's Engineer and based thereon deemed as complete the application for minor subdivision and variance approval on January 23, 2003.
3. The applicants secured a certified list of neighboring property owners (and others as required by the Board) within two hundred feet of the said property and submitted proof of service of notice (for preliminary minor subdivision approval and such other waivers or variances as may arise during the hearing) of the said application on the adjoining property owners, which notice was served by certified mail, return receipt requested, and the applicant also supplied the certified receipts together with an Affidavit of Service attesting to the mailing of the notices to the said adjoining property owners (and others as required by the Board). A copy of the notice of development served on neighboring property owners was submitted to the Board. A proper Notice was published in the Newspaper at least ten days prior to the date of the initial public hearing.
4. The following documents were marked as Exhibits into evidence:
 - "A-1" Hearing Notice documents;
 - "A-2" Certification of Payment of Taxes;
 - "A-3" "*Minor Subdivision for the Jurgensen Farm*" dated August 13, 2002 and revised through December 12, 2002, prepared by Brian D. Taylor, P.L.S. of Rettew Associates;
 - "A-4" Contract of Sale of Property from the Jurgensens to the State of New Jersey, Department of Environmental Protection, dated March 15, 2002 and amendment of April 6, 2002;
 - "A-5" G.I.S. aerial map provided by Hunterdon County and taken of Jurgensen Farm and overlaid with grids showing the property lines.
5. The applicant paid all appropriate application fees and testified that the taxes and escrow accounts on the property were current.
6. The applicant's property consists of 78.11 +/- acres and is known as Block 16, Lot 3 and located on County Route 614 in the Township of Union, with 1,688.38 feet of

frontage along County Route 614. The applicants are proposing a minor subdivision to create two lots; with the bulk portion of the property under Contract of Sale to the State of New Jersey and the remainder to be retained by the applicants/owners.

7. Proposed Lot 3 would consist of 8.3 acres and contain the existing house, shed and barn, and has been configured to comply with the acreage requirements of the "AP-2" district. Lot 3.01 would consist of 68.2 acres and which land is being sold to the New Jersey Department of Environmental Protection's Green Acres Program. A 1.61 acre area would be dedicated to the County of Hunterdon to increase the right-of-way along County Route 614.
8. The New Jersey Department of Environmental Protection's Green Acres testified through its Project Manager, Pamela Thier, that the purchase of Lot 3.01 is a tract of land that contains the head waters of the Mulhockaway Creek, and the Division of Fish and Game could better protect the quality of water of the Spruce Run Watershed by purchasing and protecting this subject land. The minor subdivision is being sought because the New Jersey Department of Environmental Protection does not want to purchase the existing buildings on the subject property. No development would occur on the vacant land being purchased by the N.J.D.E.P.

In addition to the protection of Lot 3.01 and the dedication of 1.61 acres to Hunterdon County, the proposed Lot 3 consisting of 8.3 acres has been proposed to be restricted from further development by the applicants.

9. The applicants testified that the location of the house on the remaining proposed Lot 3 has existed prior to zoning, and they utilized an 1860 Union Township historic map located in the Township building to illustrate to the Planning Board the existence and location of a house on this lot at that time. The house structure is currently located off the paved area of County Route 614, and with the dedication of the 1.61 acres of additional right-of-way required by the County of Hunterdon, the house structure would be located 12.42 feet from the edge of the County right-of-way.
10. The application was open to the public for comment but there were no questions or concerns or comments made.
11. Based upon the testimony presented by the applicants and the N.J.D.E.P. Project Manager, as well as the comments received by the Board from its professional consultants and in response to questions generated by the Board, it was determined by the Board that there was sufficient testimony presented to grant the front yard Setback Variance and the grant of such variance can be made without substantial detriment to the public good, and will not substantially impair the intent and purpose of the Zone Plan and Township Zoning Ordinance. The Board recognized and applauded the Jurgensen family for the significant contribution which they are making in the sale of the major portion of their property to the N.J.D.E.P. for future watershed and conservation purposes.

A motion was made by Mrs. Nargi and seconded by Mr. Roth to grant a Front Yard Setback from the required 75 feet to 12.42 feet from the edge of the right-of-way line and subject to the conditions as hereinafter set forth as part of the minor subdivision/variance approval:

BOARD MEMBER	VOTE ON DECISION
<u>Rossi</u>	<u>DNP</u>
<u>Mazza</u>	<u>Y</u>
<u>Lukasik</u>	<u>Y</u>
<u>Grossi</u>	<u>Absent</u>
<u>Bischoff</u>	<u>Y</u>
<u>Roth</u>	<u>Y</u>
<u>Nargi</u>	<u>Y</u>
<u>Martin</u>	<u>Recuse</u>
<u>Brandt</u>	<u>Absent</u>

<u>Rosol (1st Alt.)</u>	<u>Absent</u>
<u>Scott (2nd Alt.)</u>	<u>Y</u>

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Union, County of Hunterdon, State of New Jersey, on the 27th day of February, 2003 that minor subdivision and variance approval be granted as follows:

In its deliberations and conditional approval, the Planning Board relied upon and gave specific consideration to the representations made by the Applicants and the statements made in the application for a minor subdivision and setback variance, and the subdivision and related documents presented to the Board, and upon the agreement by the applicants that they would accept and incorporate as conditions of the variances, waivers and minor subdivision approval, all commitments made in the applications, subdivision plan and associated documents, and testimony before the Board and which are hereby made a condition of this approval as follows:

1. All the information as shown on the Minor Subdivision Plat and the accompanying plans and other documents as referenced in the Planning Board 's Professional Planner, Carl Hintz's report dated January 20, 2003, and as may be required to be amended in accordance with this Resolution are adopted by reference as though the complete application and modified plans were set forth herein and the same are made a part hereof. Further, the commitments made by the applicants and their representatives in their recorded testimony and as set forth in the previous findings of fact shall be satisfied.
2. The applicants must obtain the approval of the Hunterdon County Planning Board and satisfy all conditions herein before the signing of any Deeds and/or Maps by the Township.
3. The Deed to perfect the minor subdivision of Lot 3 shall contain a metes and bounds description and consist of 8.3 acres with a restriction contained therein against any further subdivision of the lot.

4. Lot 3 shall be comprised of a 1.5 acre net-buildable area and a 6.3 acre Agricultural Conservation Easement area with the configuration of such areas to be determined between the applicants and the Township Engineer. This configuration shall be subject to possible future modification upon the owner of the subject property first making application to the Planning Board for an amendment of this Resolution, so as to allow such reconfiguration. A reduced copy of the Survey Map reflecting the respective areas shall be attached to and made part of the Deed to be recorded with the lot, which Deed shall be submitted to the Planning Board, the Planning Board Engineer and Attorney for their prior review and approval. A separate recordable document evidencing the 6.3 acre Agricultural Conservation Easement, in a form as approved by the Planning Board, shall be submitted to the Planning Board, the Planning Board Engineer and Attorney for their prior review and approval, and such Easement document shall be filed simultaneously with the Deed for the said Lot 3 and referenced therein.

5. A separate Deed for the 68.2 acres comprising Lot 3.01 containing a metes and bounds description shall likewise be submitted to the Planning Board, the Planning Board Engineer and Attorney for their review and prior approval.

This Deed for Lot 3.01 shall contain a restriction against further subdivision or development by the owner of the said lot, and shall also have incorporated therein, the standard New Jersey Department of Environmental Protection restrictions (which the N.J.D.E.P. requires be placed on all lands in which it has provided funding) and which shall be binding upon the applicant/owner, its successors and assigns. Further, the said Lot 3.01 shall have no access to County Route 614 along or through the 50 feet wide flagpole section along the western boundary line of the property and any use of this area for ingress or egress shall be strictly prohibited. A reduced copy of the subdivision plat illustrating Lot 3.01 and specifically the 50 feet wide flagpole area shall be attached to and recorded with the subdivision Deed.

6. The Township of Union Planning Board reserves the right to revoke and withdraw any approval granted in the event that there is any deviation from or alteration of the plan hereby approved, unless prior written approval for such deviation or alteration has been obtained from the Planning Board/Board of Adjustment. Minor deviations and field changes may be authorized in writing by the Township Engineer.

7. In the event this developer sells or otherwise transfers all or part of this project to any other developer, assignee, person or entity, the escrow accounts posted by the developer herein, shall not be released in whole or in part, until the successor developer, assignee, person or entity has posted sufficient review and inspection escrows as determined by the Township Attorney and Chief Financial Officer.

8. All performance requirements as set forth in the findings of fact herein shall be satisfied by the applicants as a condition of this approval whether or not repeated at length in this conditions-section of the Resolution.

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

10. Neither the Board nor its employees nor any of the Board's professional consultants will perform any services in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant will have a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid.

A Motion was made by Mrs. Nargi and seconded by Mr. Mazza to grant conditional, minor subdivision approval as set forth herein.

VOTE ON MOTION

BOARD MEMBER

VOTE ON RESOLUTION

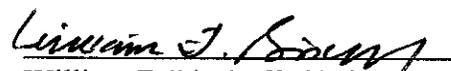
<u>DNP</u>	
<u>Y</u>	
<u>Y</u>	
<u>Absent</u>	
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<u>Rossi</u>	
<u>Mazza</u>	
<u>Lukasik</u>	
<u>Grossi</u>	
<u>Bischoff</u>	
<u>Roth</u>	
<u>Nargi</u>	
<u>Martin</u>	
<u>Brandt</u>	
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<u>Rosol (1st Alt.)</u>	
<u>Scott (2nd Alt.)</u>	

<u>DNP</u>	
<u>Y</u>	
<u>DNP</u>	
<u>Y</u>	
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<u>Y</u>	
<u>Y</u>	

The foregoing Resolution memorializing the actions taken by the Township of Union Planning Board was duly adopted by the Planning Board by a vote of a majority of the aforesaid members at its regular meeting held on March 27, 2003.


 Grace Kocher, Board Secretary
 Union Township Planning Board


 William F. Bischoff, Chairman
 Union Township Planning Board