

LAND USE BOARD MINUTES
June 20, 2012

The Tewksbury Township Land Use Board met in a regularly scheduled meeting on the above date in the Municipal Meeting Hall, 60 Water Street, Mountainville, New Jersey. The meeting was called to order at 7:31 p.m.

Present: Blake Johnstone, Shaun Van Doren, Elizabeth Devlin, Bruce Mackie, Shirley Czajkowski, Arnold Shapack, Alt. #1, Eric Metzler, Alt. #2 and Ed D'Armiento, Alt. #4 arrived at 7:35 p.m.

Also present: Daniel Bernstein, Land Use Board Attorney, Andrew Holt, Township Engineer and Shana L. Goodchild, Land Use Administrator.

Absent: Mary Elizabeth Baird, Dana Desiderio, Michael Moriarty and Ed Kerwin.

There were approximately seven (7) people in the audience.

OPEN PUBLIC MEETING ACT STATEMENT

Mr. Johnstone opened the meeting by announcing that adequate notice of the meeting had been provided by posting a copy thereof on the Police/Administration Building bulletin board, faxing a copy to the Hunterdon Review and the Hunterdon County Democrat, and filing with the Municipal Clerk, all on January 05, 2012.

PLEDGE OF ALLEGIANCE

Those present stood and pledged allegiance to the American flag.

CLAIMS

Mr. Johnstone asked the Board if there were any questions or comments regarding the following claims to which the response was negative. Mr. Van Doren made a motion to approve the claim listed below and Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Land Use Board Professional Services – Attendance at June 6, 2012 meeting - invoice dated June 7, 2012 (\$450.00)

Roll Call Vote:

Those in Favor: Mr. Van Doren, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Shapack, Mr. Metzler and Mr. Johnstone

Those Opposed: None

CORRESPONDENCE

A motion was made by Mr. Van Doren and seconded by Mrs. Devlin acknowledging receipt of the following items of correspondence. All were in favor.

1. A letter dated June 7, 2012 from Andrew Holt of Suburban Consulting re: Appl. No. 11-17, Block 51, Lot 80, NJ Conservation Foundation.
2. Memorandum dated May 31, 2012 from Chief Holmes re: Appl. No. 11-17, Block 51, Lot 80, NJ Conservation Foundation.
3. An e-mail dated June 15, 2012 from Harold Wrede, Chairman of the SR&BC re: LUB Appl. No. 11-17, NJ Conservation Foundation.

MINUTES

- May 16, 2012

The minutes of May 16, 2012 were approved by motion of Mr. Van Doren and seconded by Mr. Metzler. All were in favor. Mrs. Devlin abstained.

ORDINANCE REPORT

Mr. Mackie had no ordinances to report on.

PUBLIC PARTICIPATION

Mr. Johnstone asked the public if there were any questions or comments regarding anything not on the agenda. There being no questions or comments, Mr. Johnstone closed the public portion of the meeting.

Resolutions

- **Resolution No. 12-12** – JCP&L, Appl. No. 12-04, Block 17, Lots 2.01 & 2.02

Mr. Van Doren made a motion to adopt Resolution No. 12-12. Mr. Shapack seconded the motion:

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 12-04
RESOLUTION # 12-12

WHEREAS, JERSEY CENTRAL POWER & LIGHT, A FirstEnergy Company (JCP&L) has applied to the Land Use Board of the Township of Tewksbury for permission to install driveways on property located at 4 Fox Hill Road and designated as Block 17, Lot 2.02 on the Township of Tewksbury Tax Map which is owned by Stephen P. and Gloria N. Hernick and property which is located at 6 Fox Hill Road and designated as Block 17, Lot 2.01 on the Township of Tewksbury Tax Map, which is owned by Gerald and Mary S. Kalb, which properties are located in the HL (Highland) Zone, and

WHEREAS, John J. Pascale and Marie Pascale had applied to the Tewksbury Township Planning Board for a minor subdivision in order to create Lots 2.01, 2.02, and remainder Lot 2, which lots met the then minimum lot size of 3 acres in the Rural Agricultural zone, and

WHEREAS, proposed Lots 2.01 and 2.02 had extensive frontage on Old Turnpike Road (County Route 517), but in order to minimize traffic on the county road, access was provided by a common driveway through Lot 2.02 to Fox Hill Road, and

WHEREAS, Lot 2 was located on Fox Hill Road, and

WHEREAS, the subdivision was approved and a memorialization resolution was adopted on April 2, 1986, and

WHEREAS, Condition 3 in the memorialization resolution provided:

“(3) That there be a restriction in the deeds for lot 2.01 and 2.02 that there be no access to Route #517 from either lot and that the only access to each lot be from the common driveway located on Fox Hill Road.”

AND, WHEREAS, in 2007 JCP&L applied to the Land Use Board of the Township of Tewksbury for submission waivers, a conditional use, preliminary and final site plan approval, and variances under N.J.S.A. 40:55D-70c and d for the construction of the Califon Substation (an electric substation) on property located on Fox Hill Road and designated as Block 17, Lot 2 on the Tewksbury Township Tax Map, being the same Lot 2 which was created by the Pascale subdivision, and

WHEREAS, the application, which was opposed by a number Tewksbury Township residents, was considered at 15 public hearings, and

WHEREAS, the application was denied on December 3, 2008 and a memorialization resolution was adopted on February 18, 2009, and

WHEREAS, factual finding 71 in the memorialization resolution noted:

“71. The Hernick and Kalb families were concerned about a fire or explosion at the substation blocking access to their homes. Attorney Yoskin in Exhibit Y-1 and in his summation discussed the potential for substation fires and the consequence of said fires. The concern is exacerbated by the proximity of the substation equipment to the Hernick and Kalb common driveway, in violation of the side yard setback for public utilities”

AND, WHEREAS, John Holt, who resides at 2 Fox Hill Road, west of the common driveway, was concerned with the impact of the substation on his property, and

WHEREAS, JCP&L appealed this Board’s decision to the New Jersey Board of Public Utilities (BPU) pursuant to N.J.S.A. 40:55D-19, and

WHEREAS, the BPU reversed the Land Use Board decision and was affirmed by the Appellate Division of the New Jersey Superior Court, and

WHEREAS, JCP&L has filed the present application in order to be a good neighbor and to ameliorate the impacts of the substation, and

WHEREAS, the application was reviewed by Land Use Board Engineer William H. Burr, IV, P.E. of the firm of Maser Consulting, P.A., and

WHEREAS, the application was presented by Attorney John P. Beyel, Esq. of the firm of McElroy Deutsch Mulvaney & Carpenter, LLP; Certified Tree Expert John Anderson, who is employed by JCP&L; and Civil Engineer Robert Zalewski, P.E. of the firm of Malick & Scherer, P.C. at the April 4, 2012 and May 16, 2012 Land Use Board meetings, and

WHEREAS, participating in the public hearings were Stephen Hernick, Gloria Hernick, Mary Kalb, George Cassa, Robin Love, John Holt, Angela Holt, Wilma Frey, and Deborah Close, and

WHEREAS, the Board, after considering the testimony and evidence presented by the applicant, William H. Burr, IV, P.E., benefited property owners, adjoining neighbors, and members of the public, has made the following factual findings:

A. The Proposal.

1. As a result of the concerns expressed by the Kalb and Hernick families regarding access to their property through the common driveway adjoining the applicant's substation, JCP&L proposes to install paved driveways for the Kalb family on Lot 2.01 and the Hernick family on Lot 2.02 to Old Turnpike Road (County Route 517).

2. The proposed driveway on Lot 2.01 will be 12 feet wide and approximately 360 feet long. The gravel circular turnaround at the end of the driveway will be reconfigured around an existing weeping cherry tree.

3. A paved driveway will be installed on Lot 2.02 12 feet wide and about 250 feet long connecting with the 75 feet of the existing asphalt driveway (which is to remain) closest to the garage on the Hernick property.

4. The existing gravel common driveway from Fox Hill Road leading to the Kalb and Hernick properties will be removed and covered with topsoil and planted with a wildflower seed mix. Current access to the Hernick property is provided by a 500 foot long paved driveway off of the gravel common driveway which leads to the dwelling. 425 feet of the paved driveway will be removed and top soil will be placed in the area along with a mix of native shrubs and a seed mix to be specific in the approved landscape plan. The balance of about 75 feet closest to the garage will be retained and will be connected with the new paved driveway from Old Turnpike Road (County Route 517).

5. The stone wall in front of Lots 2 and 2.02 will be extended across the existing common driveway opening along Lot 2.02 on Fox Hill Road. A total of fifteen (15) trees will be planted in the area where the driveway will be removed to buffer the Holt property, as well as buffer the substation from Fox Hill Road, as discussed in finding 7 herein.

6. The extension of the stone wall will preclude Lots 2.01 and 2.02 from having access to Fox Hill Road and will preclude JCP&L from accessing the substation from the east along the vacated driveway. Condition 8 herein requires a deed restriction precluding Lots 2.01 and 2.02 in Block 17 from having access to Fox Hill Road.

7. The applicant agreed to the planting of a total of 15 trees including two red bud, one flowering dogwood, and 12 Douglas fir on the Hernick property near Fox Hill Road to provide a vegetative buffer to the Holt parcel, Block 17, Lot 1, and to permanently maintain the buffer.

8. As a part of the application, JCP&L agreed that electric lines from its substation would be placed underground along its existing easement on the Kalb and Hernick properties to Old Turnpike Road, rather than placing the wires overhead on large poles on Fox Hill Road.

9. Landscape berms and landscaping are proposed on the Kalb and Hernick properties.

10. The landscaping along Fox Hill Road outside of the JCP&L easement will require an easement from the Hernicks. Stephen Hernick at the May 16, 2012 meeting said that he would be willing to grant such an easement.

11. The proposed driveways will require Hunterdon County Planning Board and Hunterdon County Engineer's approval in order to access Old Turnpike Road, which is also known as County Route 517. The failure to obtain County Board approval will render the within approval null and void.

12. The proposed driveways on Lots 2.01 and 2.02 will also require freshwater wetlands and flood hazard area permits by the NJDEP (New Jersey Department of Environmental Protection). Failure to obtain these NJDEP permits will render the within approval null and void.

B. Planning and Zoning Considerations.

13. Both the Kalb Lot 2.01 and the Hernick Lot 2.02 are undersized, containing 3.19 and 5.36 acres respectively. The minimum lot size in the HL Zone is 12 acres.

14. Lot 2.01 is grandfathered under Section 706F.3 with special provisions that apply to lots in the HL and other zones which contain between 3 and 5 acres.

15. Lot 2.02 is grandfathered under Section 706F.4 with special provisions that apply to undersized lots in the HL and other zones which are at least 5 acres.

16. The current application seeks to vacate condition 3 in the 1986 Pascale resolution in order to permit driveway access from Lots 2.01 and 2.02 to Old Turnpike Road.

17. Condition 3 was appropriate in 1986 when it was contemplated that homes would be constructed on each of the three resulting lots. The Township land

use boards and the County Planning Board have traditionally tried to keep traffic on local streets rather than more busy county roads. However, no one anticipated that an electrical substation would be constructed on Lot 2. The construction of the substation on Lot 2, with the neighbors' safety and aesthetic concerns, is a changed circumstance which renders Condition 3 inappropriate.

18. Lot 2.01 contains 3.189 net acres. Pursuant to Section 706F(3) of the DRO, the lot is limited to 7.94% lot coverage. The parcel now has 7.2% lot coverage which will be increased to 10.2% lot coverage with the new paved driveway.

19. A variance is required under N.J.S.A. 40:55D-70c for the excessive lot coverage.

20. Lot 2.02 contains 5.356 net acres. Pursuant to Section 706F(4) of the DRO, lot coverage is limited to 5%. There is presently 8.1% lot coverage, which will be reduced by the removal of most of the existing paved driveway (which exceeds the area of the new driveway) to 5.7%, thus not requiring a variance.

C. Justification for Variance.

21. Fox Hill Road is a designated scenic road. Harold Wrede, Chairman of the Tewksbury Township Scenic Roads and Bridges Commission in an e-mail to Shana Goodchild on May 11, 2012 stated:

“The elimination of the driveway access and installation of a berm and landscape material is a clearly positive proposal with respect to the sightlines when driving south on Fox Hill Road . . . In addition, the substation is a permanent structure, and the utility should be required to maintain the landscape screening on a permanent basis.”

22. A citizen's group called Friends of Fairmount Historic District sent a report to Blake Johnstone, Chairman of the Land Use Board, on January 17, 2012

which was presented to the Land Use Board by John Holt, a member of that organization, and marked H-1. Their reports stated in pertinent part:

“We have been informed that JCP&L will soon be making an application to the Tewksbury Land Use Board regarding proposed driveways for Kalb and Hernick properties Block 17 Lot 2.01 and Block 17 Lot 2.02.

The Friends of Fairmount Historic District supports this application as the driveways to Route 517 will provide important public safety access and egress for the residents of the properties should there ever be an explosion and fire at the JCP&L electric substation.

We understand that one of the approval requirements for the new driveways is that the current flag-lot driveway access to Fox Hill Road be eliminated. JCP&L’s proposal is to construct a gate (similar to the tubular steel one on the township property across the street) at the entrance to the current driveway so that it can use the driveway to access an underground wire system manhole located far to the rear of the substation. First of all, such a gate is not in keeping with the scenic road and historic district. Second, this will result in a direct view into the substation from Fox Hill Road. We are also concerned that leaving this area open to view will present an attractive nuisance for trespassers.

We believe there is a way to accomplish this driveway abandonment in a way that will enhance the ability to screen the substation from Fox Hill Road, which is a Township-designated scenic road, and the Lower Fairmount Historic District.

Specifically, we request that the approved plans include the planting of trees and shrubs at the current flag-lot driveway entrance from Fox Hill Road. The area is outside of the wire-zone which means that there is no restriction on the height of the plantings. This closure and screening of the entrance way will result in screening that will eliminate a direct view into the substation from Fox Hill.”

The buffering suggested by Friends of Fairmount Historic District has been followed.

23. The requested lot coverage variance for Lot 2.01 is justified under N.J.S.A. 40:55D-70c(2) by advancing the following purposes of the Municipal Land Use Law under N.J.S.A. 40:55D-2.

“a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;”

By addressing the concerns of the Kalbs and Hernicks by providing vehicular access to Old Turnpike Road.

“c. To provide adequate light, air and open space; *By removing the existing 400 +/- feet long common driveway from Fox Hill Road.*”

“h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;” *By addressing the concerns of the Kalbs and the Hernicks.*

“i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;” *By the installation of underground electric lines from the substation to Old Turnpike Road rather than the placement of large electric poles along Fox Hill Road.*

By providing substantial landscaping to the Kalb and Hernick lots and providing additional landscape buffering for the Holt lot.

24. The benefits from the deviations substantially outweigh any detriments.

25. The requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Tewksbury.

26. The rationale for the removal of condition 3 is provided in factual findings 17 herein. The justification for the lot coverage variance also provides justification for the removal of condition 3.

D. Commendation to Jersey Central Power & Light Company.

27. The Tewksbury Township Land Use Board commends Jersey Central Power and Light for the current application which ameliorates the impact of the electric substation.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 20th day of June 2012 that the application of JERSEY CENTRAL POWER & LIGHT, A FirstEnergy Company for the removal of condition 3 in the April 2, 1986 resolution prohibiting driveway access to Old Turnpike Road for Lots 2.01 and 2.02 in Block 17 and a lot coverage variance for Lot 2.01 be approved in accordance with a plan titled: “JERSEY CENTRAL POWER AND LIGHT A *FIRST ENERGY COMPANY* PRELIMINARY & FINAL MINOR SITE PLAN FOR DRIVEWAY CONSTRUCTION ON BLOCK: 17 LOT: 2.01 AND BLOCK: 17 LOT: 2.02 IN TEWKSBURY TOWNSHIP, HUNTERDON COUNTY, NEW JERSEY” prepared by Malick & Scherer, P.C. on February 9, 2012, and last revised May 3, 2012 consisting of 11 sheets, with SITE PLAN sheet 2 of 11 last revised May 15, 2012, subject, however, to the following conditions:

1. Conditions recommended by Land Use Board Engineer William H. Burr, IV, P.E. in his report of May 11, 2012 as modified by the Land Use Board:

“Planning/Zoning:

1. N/A as descriptive.
2. Hunterdon County approval is required for the new driveway openings to County Route 517. The applicant should clarify if application has been made to the County for approval of these improvements? **The applicant’s engineer has stated that an application will be submitted to the County for approval.**
3. Driveway permits will also be required from the Township in accordance with Township Code Section 12.08. **The applicant’s engineer has stated that an application will be submitted to the Township Engineer for Driveway Permits.**
4. Although not specifically related to this application, I have the following questions relative to the substation construction on adjacent Lot 2:
 - a. The gravel driveway to the sub-station is quite wide and de-void of any vegetation. Will the driveway to the substation be made smaller/narrower once

construction has been completed? *The testimony disclosed that this was the subject of prior BPU approval.*

- b. Has the applicant considering installing any additional landscaping along the frontage of Fox Hill Road to further buffer the substation from surrounding residential properties? *The testimony disclosed that the applicant would not be installing additional landscaping on Lot 2 beyond what was approved by the BPU and NJDEP. Landscaping will be installed on the Hernick property to buffer the Holt property.*

Site Layout/Circulation:

1. While I understand JCP&L's commitment to provide new access driveways for Lots 2.01 and 2.02 directly onto County Route 517, I also have some concerns relative to the location of the proposed driveways as a result of the significant amount of clearing and grading necessary to construct these improvements. The applicant and its engineer should provide testimony to clarify whether any of the following alternatives were explored in siting the new driveways:
 - a. It has been our experience that Hunterdon County prefers to minimize the number of new driveway openings to county roads when possible and encourages the use of common driveways. Was a common driveway considered for this design since this would result in less overall land disturbance and tree clearing?
 - b. If a common driveway is not a viable option, can the driveway opening for Lot 2.02 be moved further to the south to increase the distance between the proposed driveway and the existing dwelling? My concern is that the rear/side of the dwelling on this lot will be over-exposed to County Route 517 once the clearing and grading are completed to construct the new driveway access.
 - c. Has a new/relocated common driveway been considered for Lots 2.01 and 2.02 from Fox Hill Road? It appears that the existing common driveway could be relocated at least 100 ft. north/west along Fox Hill Road, further away from the existing substation. Having said that, I realize that there are wetlands in the vicinity which may impact this option.

Testimony was provided by John Anderson of JCP&L at the April 4, 2012 Land Use Board meeting and accepted by the Land Use Board that indicated JCP&L and their engineer have reviewed all alternative locations as described above and concluded that the present layout was most advantageous due to the various environmental constraints on the subject properties.

2. The plans should be forwarded to the Township Fire Department for review and approval of the driveway(s) circulation and building accessibility for firefighting purposes. **Plans have been forwarded to the Fire Dept. which has not responded.**

Land Use Administrator Shana Goodchild contacted the Fire Chief and solicited his opinion. No comment was forthcoming.

3. The plans indicate a proposed locking gate with boulders to be installed at the entrance of the common driveway off Fox Hill Rd. Is the portion of the common driveway nearest Fox Hill Road (~ 100 ft.) proposed to remain? If so, the applicant should clarify why this section of the drive is necessary to remain instead of being removed in its entirety. **Satisfied. The plan has been revised to remove the entire gravel common driveway to Fox Hill Road and proposes to stabilize this area with topsoil and seed mix to be specified on the approved landscape plan. In addition, the latest plan has removed the previously proposed gate, and now proposes a stone row and landscape plantings across the existing driveway opening.**

Survey Details:

1. The plans will need to be revised to clearly label all proposed easements and indicate the metes and bounds of these easements. **Satisfied.**
2. Will the existing 50 ft. wide driveway easement on Lot 2.02 be vacated since the common driveway within this easement is proposed to be abandoned in favor of the new openings to Route 517? **Satisfied. The revised plans reflect this easement to be vacated.**
3. If this application is approved, revised deeds for Lots 2.01 and 2.02 will need to be submitted for review and shall indicate the removal of the restriction regarding access to Route 517. **The applicant is required to submit deeds which are subject to the approval of the Land Use Board Attorney and Land Use Board Engineer.**

Grading/Drainage/Utilities:

1. The plans should be revised to reflect the area of disturbance and impervious coverage calculations to allow this office to confirm that this project in not a “major development”. I recommend the plans provide a table summarizing the land disturbance and impervious coverage on the properties including existing areas, areas to be removed and new areas to confirm that the disturbance does not exceed one (1) acres and the amount of new (net) impervious coverage increase does not exceed 0.25 acres. The plans and stormwater management report currently indicate a total disturbance area of 0.92 acres and net impervious coverage decrease of 0.03 acres. **Satisfied.**
2. I note that there are no stormwater management facilities proposed along the new driveway to Lot 2.02. I understand that this project results in a slight overall decrease in impervious coverage; however, the applicant’s engineer should still incorporate drainage features into the design of this driveway to further manage the runoff. **Satisfied. No changes are proposed to the existing drainage patterns in this area**

and any runoff will be allowed to drain to the wetlands as it does in the existing conditions.

3. The proposed grading for the Lot 2.01 driveway indicates that swales will be formed on either side of the driveway and direct runoff down the hill towards Route 517. How will this runoff be managed on site to avoid having washouts or other drainage issues near the county road? **Satisfied. Two (2) inlets and an under drain are proposed in this area to capture any runoff from this area and direct it to the existing drainage system along County Route 517. These shall be permanently maintained by the owner of Lot 2.01, pursuant to a deed restriction which is subject to the approval of the Land Use Board Attorney and Engineer.**
4. The existing culvert/drainage pipes under the portion of the existing common driveway between Lot 2.01 and 2.02 (which is to be removed) should be labeled as to whether they are to remain or not. **Satisfied.**
5. Existing and proposed contours should clearly be shown where the proposed driveways intersect County Route 517. **Satisfied.**
6. Sizing calculations shall be provided for the proposed rip-rap stabilization adjacent the Lot 2.01 driveway. **Satisfied.**
7. All proposed pipe lengths and slopes shall be labeled on the plans. **Satisfied.**
8. A site specific underdrain detail shall be provided on the plans. **Satisfied.**
9. Additional information should be provided on the French drain on Lot 2.02 to confirm that the proposed driveway will not negatively impact this feature. **Satisfied.**

Landscaping (Buffering/Screening) and Lighting:

1. As mentioned above, the proposal to construct new driveways for Lots 2.01 & 2.02 from County Route 517 will require significant tree clearing and grading. As a result, I would recommend additional landscaping be installed to compensate for the loss of trees and to provide adequate buffers/screening to the subject properties. Below are several comments relative to the landscaping; however, we believe there are opportunities to provide additional landscaping which would not only enhance the buffer/screen from Route 517, but also enhance the overall aesthetics of the properties and resulting driveway openings. If the Board agrees, I would recommend that the applicant's engineer meet with my office to develop a more extensive landscape plan, in consultation with the homeowners.

As a result of discussions at the April 4, 2012 Board meeting, this office has had several meetings with JCP&L and its representatives, as well as, the neighbors to discuss the proposed landscape plan. JCP&L has since revised the landscape plan to include additional plantings as requested by this office, and the plan has

subsequently been presented to the neighbors and was well received with minimal feedback.

2. The current landscape plan does not provide any proposed plant sizes or spacing to confirm adequacy of proposed buffers/screening. **Satisfied.**
3. The grading plan reflects a proposed landscape berm at the end of the proposed driveway to Lot 2.01; however, no landscaping is shown. **Satisfied. Sheet 7 now shows proposed landscape plantings on the berm as requested.**
4. The applicant should clarify the size of the cherry tree on Lot 2.01 which is proposed to be relocated. In addition, a note should be added to the plans stating that if this tree (or any other relocating plantings) dies during/after transplanting, then a new cherry tree of equal size will be installed. **Satisfied. Pursuant to factual finding 2, the gravel circular turnaround at the end of the driveway will be reconfigured around an existing weeping cherry tree.**
5. Our office recommends that Douglas Fir be incorporated into the buffering/screening plan for Lot 2.02 instead of Norway Spruce. **Satisfied.**
6. **New Comment.** A note will be added to the Landscape Plan (Sheet 7) stating that the final planting locations shall be determined in the field in consultation with the Township Engineer.
7. **New Comment.** The plan shall be revised to show the limits of the proposed landscape berm at the end of the common driveway adjacent to Fox Hill Road.

Miscellaneous:

1. The proposed driveway to Lot 2.01 shall be revised to consist of hot mix asphalt instead of gravel as currently proposed. Due to the grades involved, a gravel driveway on this lot will lead to a lot of maintenance issues including washouts, snow plowing difficulties, etc. **Satisfied.**
2. The following construction details shall be added to the plans:
 - a. "E" Inlet. **Satisfied.**
 - b. Rip-Rap slope protection. **Satisfied.**
 - c. Underdrain. **Satisfied.**
 - d. Belgian Block Curb. **Satisfied.**
 - e. Fence, if necessary. **Satisfied.**
3. The realigned/relocated portion of fence along the Route 517 frontage of Lot 2.01 should be clearly shown on the plans. In addition, testimony shall be provided to clarify the condition of this fence and whether relocation is possible or if new fencing will need to be installed. **Satisfied.**

4. The plans should clearly label the future disposition of the existing stacked stone rows along the Route 517 frontage of Lots 2.01 and 2.02. Will these stone rows simply be removed to accommodate the new driveway openings or can they be relocated or incorporated into the proposed design? **Satisfied.**
5. This application requires approval from the following outside agencies:
 - a. Hunterdon County Soil Conservation District.
 - b. Hunterdon County Planning Board.
 - c. Hunterdon County Engineer's Office (for driveway openings).
 - d. New Jersey Department of Environmental Protection – various permits necessary.
 - e. Grading and Surface Water Management Plan (G&SWMP) per Township Code 13.12.
 - f. Township Driveway Permits per Township Code 12.08.
 - g. Any other agencies with jurisdiction.
6. **New Comment.** The plans shall be revised to clarify that new fencing will be installed at the Kalb driveway entrance off County Route 517 if it is determined that the existing fence is not suitable to be relocated.

2. The plans are to be revised to the approval of the Land Use Board Engineer within 90 days of the adoption of the within resolution.

3. The within approval is subject to Hunterdon County Planning Board and Hunterdon County Engineer's approval for the driveway access for Lots 2.01 and 2.02 to Old Turnpike Road (County Route 517). In the event that the approval is not obtained for both driveways within two years then this resolution shall become null and void.

4. The within approval is subject to NJDEP approval for the various freshwater wetlands and flood hazard area permits that are required for Lots 2.01 and 2.02 for the new driveways and underground utility lines. In the event that these approvals are not obtained within two years this approval shall become null and void.

5. The applicant shall provide a two year guarantee for the landscape material to be planted on the Kalb and Hernick properties, except for the landscaping on the Hernick property along Fox Hill Road which is subject to condition 11 herein. This guarantee is subject to the approval of the Land Use Board Attorney and Engineer.

6. The applicant is to remove the paved asphalt driveway on the Hernick property (Lot 2.02) except for the small driveway area approximately 75 feet long near the garage depicted on the site plan and to cart the asphalt off-site. The area is to be covered with top soil and planted with native shrubs and a seed mix to be specified in the approved landscape plan.

7. The applicant is to place topsoil on the common gravel driveway and stabilize it by planting a seed mix to be specified in the approved landscape plan.

8. The Kalbs and Hernicks are to sign deed restrictions prohibiting access from their properties to Fox Hill Road. The deed restriction is subject to the approval of Land Use Board Attorney and Engineer.

9. The common gravel driveway from Fox Hill Road to both properties is to be rendered inoperable by the extension of the stone wall along the entire Hernick (Lot 2.02) frontage on Fox Hill Road and the continued maintenance of same.

10. Jersey Central Power and Light shall not access Lot 2 from the east off Fox Hill Road where the common driveway was previously located.

11. The landscaping on the Hernick property adjoining Fox Hill Road and providing a buffer for the Holt property shall consist of a total of 15 trees as described in Finding 7 (2 red bud, one flowering dogwood, and 12 Douglas fir) to be depicted on a revised landscape plan to the approval of the landscape architect with

Maser Consulting. JCP&L has agreed to permanently maintain these landscape plantings. Dead, diseased and missing landscaping is to be replaced to the approval of the landscape architect with the Land Use Board Engineer's office. The landscaping is subject to an access and maintenance easement which is to be provided by the Hernicks, and also to be signed by Jersey Central Power and Light to insure that it permanently maintains the landscape plantings. The failure to properly execute an easement regarding the landscaping within three months of being provided same shall render the within approval null and void. The easement is subject to the approval of the Land Use Board Attorney and Engineer.

12. Jersey Central Power and Light shall extend the electrical lines underground through the existing easement located on Lots 2.01 and 2.02 to Old Turnpike Road and not along poles on Fox Hill Road.

13. The Hernicks and Kalbs shall execute an access easement to Jersey Central Power and Light for the performance of the work required by the within resolution.

14. Any required access by JCP&L personnel to the proposed underground electric duct bank (electric lines) to be located on Lots 2.01 and 2.02 shall be obtained through an existing gate on the adjacent substation property (Lot 2). In the event that any landscaping on the substation property is removed for access purposes, said landscaping shall be placed in-kind immediately following the completion of maintenance activities.

15. The approval herein must be utilized within two years from the date of this memorialization resolution or the approval shall be void and have no further effect.

16. The applicant shall comply with all rules, regulations, ordinances and statutes of the Federal, State, County and local municipal governments that may apply to the premises. The applicants shall submit a letter to the Land Use Administrator certifying compliance with the aforementioned rules, regulations, ordinances and statutes.

17. Payment of all fees and escrows prior to the issuance of any permit.

Roll Call Vote

Those in Favor: Mr. Van Doren, Mr. Mackie, Mrs. Czajkowski, Mr. Shapack, Mr. Metzler, Mr. D'Armiento and Mr. Johnstone

Those Opposed: None

➤ **Resolution No. 12-13** – Hannon, Appl. No. 12-06, Block 32.01, Lots 34

Mrs. Devlin made a motion to adopt Resolution No. 12-13. Mr. Shapack seconded the motion.

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 12-06
RESOLUTION # 12-13

WHEREAS, EDWARD and NOEL HANNON have applied to the Land Use Board of the Township of Tewksbury for permission to install an in-ground swimming pool and patio on their residential lot which is located at 9 Old Mine Road and designated as Block 32.01, Lot 3 on the Township of Tewksbury Tax Map, which premises is located in HL (Highlands) Zone, and

WHEREAS, the application was presented by Attorney David S. Bunevich, Esq., Edward Hannon, and Civil Engineer James O. Madsen, P.E. of the firm of Apgar Associates at the June 6, 2012 Land Use Board meeting, and

WHEREAS, the application was reviewed by Land Use Board Engineer William H. Burr, IV., P.E. of the firm of Maser Consulting, and

WHEREAS, the Board after considering the evidence presented by the applicant, William H. Burr, IV, P.E., and neighboring property owners, has made the following factual findings:

A. The Subject Property.

1. The subject is located along a curve in Old Mine Road. The Lot contains 3.01 acres with 614.49 feet of frontage along the road.

2. A single-family residence is set back 140.16 feet from Old Mine Road along the southwest portion of the site. Also located on the site are a paved driveway over 300 feet long and 20 feet wide in some sections, a slate walk, and a wood deck.

3. A 75 foot wide conservation easement is located along the Old Mine Road frontage.

B. The Proposal.

4. The applicants propose to install a free-form in-ground swimming pool and pool deck to the rear (south) of their residence. Existing boulders on the property will be incorporated into the design. A waterfall and dive rock are planned. A portion of the existing wood deck was proposed to be removed and to be replaced with brick paver walkways which would connect the dwelling to the pool area.

C. Zoning Considerations.

5. The subject property is in the HL Zone where the minimum lot size is 12 acres. The lot is *grandfathered* under Section 706F3 of the Development Regulations Ordinance (DRO) which provides special requirements for lots between 3 – 5 acres in the HL and other zones which were in existence prior to the adoption of the 2002 DRO.

6. The existing residence, deck, driveway and walkways have impervious lot coverage of 9.87%, the addition of the in-ground swimming pool, pool patio, and walkways will increase impervious lot coverage to 10.55%, while the Zoning Ordinance limits total impervious lot coverage for the subject property to 7.99%.

7. The applicants' engineer Madsen, under the impression that the maximum permitted impervious lot coverage for the site was 7%, proposed that 1,747.8 square feet of the driveway be removed as well as 521.44 square feet of the wood deck. Upon learning of the mistake, the applicants' attorney asked that a lesser amount of the driveway and deck be removed.

8. The Board reviewed the areas on the site plan where the driveway is proposed to be removed. The Board determined that the proposed areas should be removed except for the northwestern most area on the driveway which can be retained as a turnaround area.

9. Mark S. Milam, who resides at 11 Old Mine Road, which adjoins that area of the applicant's property where the in-ground swimming pool is proposed, spoke at the public hearing. He testified that there had previously been a tree buffer on the applicants' property which had been removed. Mr. Milam wanted the trees replaced.

10. Mr. Milam had no objection to the requested in-ground swimming pool and pool patio variance.

11. Edward Hannon said that he had removed dead and diseased trees on his property after consulting with the Zoning Officer who advised that no permit was necessary.

D. Justification for Variance.

12. The requested variance is justified under N.J.S.A. 40:55D-70c(1)(c) on the basis of the existing structures on the site which are in excess of that permitted in the DRO. In particular, lot coverage is increased by the oversized driveway.

13. The applicant agreed to a combination of reducing the size of the driveway and detention measures to reduce water runoff to no more than that produced by 7.99% lot coverage.

14. The requested relief, with conditions, can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Tewksbury.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 20th day of June 2012 that the application of EDWARD and NOEL HANNON be approved in accordance with a plan titled: "VARIANCE PLAN PROPOSED POOL LOT 3 BLOCK 32.01 9 OLD MINE ROAD, TEWKSBURY TOWNSHIP HUNTERDON COUNTY NEW JERSEY" prepared by Apgar Associates, Inc. on January 11, 2012 and last revised March 29, 2012 consisting of three sheets subject, however, to the following conditions:

1. Conditions recommended by Land Use Board Engineer

William H. Burr, IV PE in his report of May 31, 2012, as modified by the Land Use Board:

“TECHNICAL REVIEW:

1. The applicant and its professionals should provide testimony to support the proposed lot coverage variance. The property is currently 2,459.35 S.F. in excess of the permitted lot coverage and the applicant is proposing an increase (net) of 891.20 S.F. as part of this application. Therefore, the total excess lot coverage as a result of the proposed improvements, beyond that which is permitted, is proposed to be 3,350.55 S.F.

I note that in an effort to reduce the impacts of the additional lot coverage, some of the existing paved driveway is proposed to be removed (1,747.81 s.f.), as well as, a portion of the existing wood deck (521.44 s.f.). *The applicants shall remove at a minimum, the pavement from the driveway shown on the site plan with the exception of the northwestern most 400 +/- square footage of the driveway which will serve as a turnaround. The applicants shall also install a detention system so that the result of the removal of the portion of the driveway and the detention system shall reduce water runoff to that produced by 7.99% lot coverage.*

2. In an effort to mitigate the increase in stormwater runoff from the proposed swimming pool and surrounding hardscape areas, the applicant has provided three (3) drywells to capture runoff from the existing dwelling and front covered porch. The proposed drywells have been sized to handle a total of 4,815.03 S.F. of existing lot coverage which would reduce the stormwater runoff impacts to below the permitted 7.99% lot coverage. While I have no objections to the conceptual design of this drywell, I do have the following comments:
 - a. Testimony should be provided to clarify the existing drainage system on the property. The plans seem to indicate that the existing roof areas are already piped via underground leader pipes. Where do they currently drain to? Is there an existing drywell on the property? The plans should be revised to clarify the existing drainage improvements. *Drywells will be installed on the property to the approval of the Land Use Board Engineer.*
 - b. The Preformed Scour Hole Detail (drywell overflow) on Sheet 3 should be revised to indicate the rip-rap stone size being proposed. *The applicants agreed to this condition.*
 - c. Soil logs/tests will need to be performed to confirm adequate soil conditions to allow for the installation of the drywells as proposed. This issue could be addressed as a condition of any Board approval since a GSWMP approval will

be required by the Township Engineer (see Comment No 9 below). *The applicants agreed to this condition.*

3. The submitted plans indicate that a significant number of existing trees will need to be removed to accommodate the proposed swimming pool installation. In fact, based on a site visit, it appears that these trees may have already been removed. Are any new landscape plantings being proposed to offset the extensive tree removal? *The applicants need to provide a landscape plan to the landscape architect employed by Maser Consulting for their review and approval. The landscape architect is to solicit input from adjoining neighbor Mark Milam of 11 Old Mine Road. The landscaping is to be permanently maintained. Dead, diseased and missing landscaping is to be replaced to the approval of the landscape architect employed by Maser Consulting or any other landscape architect employed by the Land Use Board.*
4. The plans contain a note that states “No additional exterior lighting is proposed”; however, the plans also reflect new stairs and walkway in the area where a portion of the existing wood deck is proposed to be removed. Is there a new access proposed from the deck to these stairs? If so, an exterior light would be required. The applicant should clarify what improvements are proposed and whether there will be any outside lighting proposed. Confirm that there will not be any undesirable effects to the surrounding properties in accordance with DRO Section 632 will be needed. All lighting should be minimal wattage and be down-shielded to ensure compliance with the above requirements. *The only new exterior lights shall be low voltage landscape lighting around the in-ground swimming pool. There shall be no spot lights or new porch light. The applicants shall supply a copy of the lighting cut sheet to the Land Use Board Engineer. The lighting shall comply with Section 632 of the DRO. Lighting shall not cause glare or sky glow on adjoining properties.*
5. The Zoning Schedule on Sheet 1 of the plans should be revised to indicate required maximum lot coverage of 7.99%, not 7%. *The applicants agreed to this condition.*
6. The submitted photographs reflect a number of existing boulders in the rear yard area. Will these boulders be incorporated into the design of the swimming pool? *The boulders will be incorporated in the design of the swimming pool and shall be reflected on the revised plan.*
7. Additional information (elevations) should be provided relative to the proposed rock dive wall around the rear of the swimming pool. *The applicants will provide additional elevations to the Land Use Board Engineer who will determine whether the boulders comply with the requirement of the stone wall provisions in the DRO, or whether additional approval or revisions are required.*

8. A note should be added to the plans in the area of proposed driveway removal indicating that these areas will be restored with topsoil, seed and mulch. In addition, I recommend the proposed “reduced driveway” width be labeled on the plan. *The applicants agreed to this condition.*
9. The plan shows a solid bold line running parallel to the western side setback line. This line should either be labeled or removed from the plan if it was placed in error. *The line shall be appropriately labeled.*
10. A Grading and Surface Water Management Plan (GSWMP) will need to be submitted to the Land Use Administrator for review by the Township Engineer prior to the Construction Permit application. This GSWMP must comply with Chapter 13.12 of the Township Code of Ordinances. *This condition was agreed to.*

Soil logs/tests will need to be provided to the Township Engineer with the GSWMP to confirm the drywell is above the seasonable high water table and infiltration is feasible.

2. The variance for the in-ground swimming pool and pool patio must be utilized within one year from the date of this memorialization resolution or the variance shall be void and have no further effect.

3. The applicants shall comply with all rules, regulations, ordinances and statutes of the Federal, State, County and local municipal governments that may apply to the premises. The applicants shall submit a letter to the Land Use Administrator certifying compliance with the aforementioned rules, regulations, ordinances and statutes.

4. This resolution and the issuance of a pool permit hereunder are conditioned upon the applicants paying all escrows and fees.

5. A Grading and Surface Water Management Plan required in condition 1.10 must be submitted to and approved by the Township Engineer prior to the issuance of any pool permits.

6. The applicants shall file a deed restriction to the approval of the Land Use Board Engineer and the Land Use Board Attorney requiring:

a. The submission of a Grading and Storm Water Management Plan required in Conditions 1.01 and 1.02 herein to the Land Use Board Engineer for his approval. The plan shall incorporate the removal of a portion of the driveway shown on the site plan, except for the northwest 400 square feet which may remain as a turnaround, the carting off of the material, placing top soil on the area and the planting of grass. Additional areas of the driveway and the deck may also be removed. The removal of the driveway and possibly all or part of the deck, when combined with the grading and storm water management plan, shall reduce the effective runoff to that produced by 7.99% lot coverage, or less. These facilities shall be permanently maintained in accordance with the NJDEP Best Management Practices and any subsequent revisions and successor regulations.

b. The permanent maintenance of the landscape plan required in condition 1.3. The landscaping must be permanently maintained. Dead, diseased and missing landscaping must be replaced to the approval of the landscape architect with Maser Consulting or any successor Land Use Board.

7. The applicant shall comply with rules, regulations, ordinances and statutes of the Federal, State, County and local municipal governments that may apply to the premises. The applicant shall submit a letter to the Land Use Administrator certifying compliance with the aforementioned, rules, regulations, ordinances and statutes.

8. The plans shall be revised and submitted to the Land Use Board Engineer within 60 days hereof for his approval. Any subsequent revisions shall be made within 15 days of subsequent request.

Roll Call Vote

Those in Favor: Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Shapack, Mr. D'Armiento and Mr. Johnstone

Those Opposed: None

Public Hearing

- New Jersey Conservation Foundation
Appl. No. 11-17
Block 51, Lot 80
Preliminary/Final Major Subdivision with Variances
Action Deadline – 9/4/12

Mr. James Wyse, attorney on behalf of the NJ Conservation Foundation was present and explained that the applicant, NJ Conservation Foundation, is now the owner of Lot 51, Lot 80. The application is to subdivide one (1) lot from Lot 80 which would create proposed Lot 80.08. The tract is currently a total of 89.75 acres with proposed Lot 80.08 at 13.21 acres and the remaining parcel at 76.54 acres. Mr. Wyse explained that the applicant had to apply for preliminary and final major subdivision since the property was subdivided by the previous owners (Hill and Dale Farms) in the last few years. Mr. Wyse called Beth Davisson to testify.

Ms. Beth Davisson, 170 Longview Road, Far Hills, NJ was present on behalf of the NJ Conservation Foundation (NJCF) and was sworn in by Mr. Bernstein. When asked by Mr. Wyse to describe the acquisition and subdivision Ms. Davisson explained that the NJ Conservation Foundation contracted with Hill and Dale Farms to purchase Block 51, Lot 80.07 as well as the lots on the south side of Rockaway Road, Block 36, Lots 1 and 1.02. The purpose of the subdivision is to subdivide off the buildings (barns) to create proposed Lot 80.08 which will be sold to a private entity and the money used to pay for the preserved area. The NJCF acquired Lot 80, 80.05, 80.06 and 80.07 along with Block 36, Lots 1 and 1.02. Ms. Davisson explained that they are maintaining a strip of land on the western boundary of Lot 80 to provide an access/link between the properties on the south side of Rockaway Road to the other preserved lands. She explained that there is a lot of preservation work in the area including the Township's Hell Mountain Preserve on the north side of Parsonage Lot Road as well as farmland preservation activity by Hill and Dale Farms on the south side of Hill and Dale Road. When asked to describe the existing conservation and preservation restrictions on the property, Ms. Davisson noted that the hatch marks on the plan are covered by the deed of conservation restriction by NJCF, Tewksbury Township and three (3) other non-profit organizations that acquired the property jointly; it restricts the use as passive recreation. Lot 80.07 is restricted by a

State Agriculture Development Committee easement which is a farmland easement. NJCF simultaneously acquired the underlying land fee simple using a combination of private funding and a Hunterdon County grant thereby creating a dual restriction; a farmland easement and restrictions that come with the County funding. Ms. Davisson explained that once the subdivision is secured NJCF will apply to Green Acres to re-file a deed of conservation restriction with a revised boundary for the approx. 6 acres. The six (6) acres was initially left out of the deed of restriction to leave some wiggle room for the proposed private lot; once the restriction is placed on the lot it cannot be removed. When asked about the variances required, Ms. Davisson explained that proposed Lot 80.08 requires an impervious coverage variance; the applicant is requesting 8% where 5% is permitted. When asked if any new improvements are being proposed, Ms. Davisson responded in the negative and explained that the 8% is for the existing improvements on the proposed lot. When asked why the coverage variance was being requested rather than making the lot larger, Ms. Davisson explained that the purpose of the project to preserve as much land as possible. When asked if it would impact the public enjoyment of the trails if the lot were made larger, Ms. Davisson explained that it would sever the trail network and break the link between the northern and southern acquisitions. The other variance requested has to do with the front yard areas for the existing structures that are close to the road. Ms. Davisson explained that on the western side of proposed Lot 80.08 there are barns and a house. When asked if any improvements are proposed that would exacerbate the situation, Ms. Davisson responded in the negative.

Mr. Bernstein asked about the size of the existing house. Ms. Davisson noted that it is a small three (3) bedroom house. When asked if a buyer would want to expand the house, Ms. Davisson opined that it would be a good possibility. Ms. Goodchild noted that she and the Zoning Officer have fielded calls regarding possibilities on the property and at least one (1) caller asked about renovating the existing barn into a single family home.

Mr. Van Doren asked if there is any suitable site on the proposed lot for a house. Ms. Davisson was unsure.

There being no additional questions by the Board, Mr. Johnstone opened the meeting up to the public. There being no public questions, Mr. Johnstone closed the public portion.

Ryan Smith, 460 Main Street, Chester, of the firm Yannaccone, Villa and Aldrich, was sworn in by Mr. Bernstein. Mr. Smith was presented as a licensed surveyor and was accepted by the Board. Mr. Smith described the seven (7) submission waivers that were approved by the Application Review Committee based on the fact that no development is proposed at this time. When asked the width of the access strip on the westerly boundary, Mr. Smith responded 35 feet wide with the widest point being 67.7 feet.

Mr. Andrew Holt referenced his June 7, 2012 letter and Mr. Smith agreed to comply with all the technical comments in Mr. Holt's report.

Mr. Bernstein opined that the purchaser of the proposed lot should be aware that any additional coverage would require a variance from the Land Use Board. Mr. Bernstein suggested that language be placed in the deed.

Mr. Van Doren asked if a horse trail could be constructed within the strip of land along the western boundary but Mr. Smith was not sure if horses could traverse the area given the steep slopes.

Mr. Metzler asked why the strip is proposed at 35 feet wide. Mr. Smith opined that the design was to prevent it from being used as a driveway. Mr. Johnstone noted that the strip would be restricted from being used as a driveway. When asked by Mr. Metzler the number of stalls in the barn the witness was unaware.

There being no additional questions from the Board Mr. Johnstone opened the meeting up to the public. There being no questions from the public Mr. Johnstone closed the public portion of the meeting.

Don Broughton, 35 Bissell Road, was sworn in by Mr. Bernstein. Mr. Broughton noted that his wife used to board her horse at the barns and his recollection was that there are at least 20 stalls in the barn. It was noted that the barn contains more stalls than the property can allow horses (per the DRO); if the property owner wanted more horses than permitted by the DRO a variance would be required. Mr. Van Doren asked Mr. Bernstein to reference the regulations in the DRO as it relates to the number of horses permitted based on the acreage.

The Board took a five (5) minute break so Mr. Wyse could discuss conditions with his client.

Mr. Metzler asked why the lot couldn't be larger. Ms. Davisson explained that they want to maximum the number acres that will be preserved for public enjoyment as well as for funding issues.

Mr. Bernstein asked Ms. Davisson to mark the colored rendering as Exhibit A-1.

Mr. Johnstone opened the meeting up for public comment. There being none, he closed the public portion of the meeting.

Mr. Johnstone opined that the Board would not normally be in favor of a lot shape as proposed but because of the benefit to the Township through public access and preservation of land he could make an exception.

Mrs. Devlin agreed with Mr. Johnstone.

Mr. Van Doren noted that the property is located in the Highlands and any approval should be conditioned on their approval.

Mr. Van Doren made a motion to approve the application subject to the conditions as outlined by Mr. Bernstein. Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Ayes: Mr. Van Doren, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Shapack, Mr. Metzler, Mr. D'Armiento and Mr. Johnstone

Nays: None

Andrew Holt left the meeting at this time (8:35 p.m.)

Informal Discussion

- Beth Davisson, NJ Conservation Foundation - Sullivan Property – Block 29, Lot 8.02 – Proposed TLT Partial Acquisition

Ms. Davisson explained that the Tewksbury Land Trust acquired a lot on Palatine Road in 2004 and in approximately 2007 the Tewksbury Land Trust (along with Township participation) purchased the Lance property. She explained that the Tewksbury Land Trust has focused on this area over the last decade and in the last 3 or 4 years the NJ Conservation Foundation has discussed the preservation of the Sullivan property. Ms. Davisson explained that the current configuration of the property is a very peculiar shape and it links open space on two (2) different roads. The property contains a house however the Land Trust is not interested in acquiring the house so a subdivision would be proposed to create a lot of undeveloped land that could be preserved to connect open space/trails. Mr. Davisson noted that a major subdivision was approved many years ago but the subdivision was never perfected; the road base and drainage exists. Ms. Davisson asked for the Board's feedback on a conservation subdivision. Mr. Ken Klipstein, President of the Tewksbury Land Trust, was present and agreed with Ms. Davisson about the creation of a critical linkage between open space parcels and the trail system.

Mr. Johnstone noted that he does not generally support odd shaped lots however the single exception would be applications that add to the open space in the Township and provide links between existing open space areas so people have the opportunity to enjoy them without trespassing. The remaining Board members were generally in agreement with Mr. Johnstone.

ESCROW CLOSINGS

Mrs. Devlin made a motion to close the following escrow accounts. Mr. Van Doren seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in favor: Mr. Van Doren, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Shapack, Mr. Metzler, Mr. D'Armiento and Mr. Johnstone

Those Opposed: None

➤ Highland Fields	\$61.50
➤ Abbey Estates/H&M Investment (Bond)	\$2,064.60
➤ Abbey Estates (Cash Bond)	\$1,645.22
➤ SHHRC (Cash Performance Bond)	\$1,968.37
➤ Toll Brothers	\$76.01
➤ Sprint Landscaping (Ridge Rd)	\$348.00
➤ Toll Brothers (Inspection)	\$451.89
➤ Crossroads at Oldwick (Landscape Bond)	\$415.75
➤ Millhouse Associates/Brady	\$25.00
➤ James Johnson (Informal)	\$3,046.10
➤ Tourville	\$21.10
➤ Todd	\$62.50
➤ Catalano	\$25.00
➤ Ashton	\$20.00

Executive Session

- Potential Litigation

At 8:50 p.m. a motion was made by Mr. Van Doren and seconded by Mrs. Czajkowski to adopt the following resolution:

BE IT RESOLVED, pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13 that the Tewksbury Township Land Use Board adjourn to Executive Session to discuss potential litigation and to receive advice from their attorney.

No official action will be taken during said session; and

It is expected that the discussion undertaken in Executive Session can be made public when the personnel issue has been settled.

Roll Call Vote

Those in Favor: Blake Johnstone, Shaun Van Doren, Bruce Mackie, Elizabeth Devlin, Shirley Czajkowski, Arnold Shapack, Alt. #1, Eric Metzler, Alt. #2 and Ed D’Armiento, Alt. #4.

Those Opposed: None

The meeting reconvened at 9:07 p.m. by motion of Mr. Van Doren and seconded by Mrs. Devlin.

Mr. Johnstone announced that the Board discussed a potential litigation matter with the Board attorney and no action was taken.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:08 p.m. by motion of Mrs. Devlin and seconded by Mr. Shapack.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator