HAMILTON TOWNSHIP PLANNING BOARD
RESOLUTION 2007-29

In the Matter of CJS Investments Inc.
For Final Approval of a Major
Subdivision for the Purpose of
Creating 13 Lots

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Map 332, Section 2732, Lot 7.01
Hamilton Township, Mercer County
Zone: R 120/80

Application No. 04-08-090A ✓
Approval Date: April 12, 2007 ✓

BE IT RESOLVED by the Planning Board of the Township of Hamilton that the action
of this Board on April 12, 2007 in this matter is hereby memorialized by the adoption of this
written decision setting forth the Board’s findings and conclusions.

RELIEF SOUGHT AND JURISDICTION

1. On April 28, 2005, this application was denied preliminary approval because of
with regard to ingress and egress from Yardville-Allentown Road. On May 26, 2005, the
preliminary application was reconsidered by the Board, with a change in the entranceway.
Application was given preliminary approval for the purpose of creating 13 lots, 12 of which will
be residential and one will be a stormwater basin.

2. The subject of this application is within the jurisdiction of this Board. The Board
has acted within the time required by law.

3. The property is located at the corner of Tattletown Road and Yardville Allentown
Road, or Route 524, Hamilton Township, New Jersey.

4. Map 332, Section 2732, Lot 7.01 is located in the area designated on the Hamilton
Township Zoning Map as REO-5, Research and Office.

THE APPLICANT

5. The owners of the property are Drew & Diane Schoenholtz. The Schoenholtzes
had received previous approval for major subdivision and to build a tree farm. Unfortunately,
litigation ensued with regard to the pond area that was settled between the Township and the
court. The pond area is now the subject of DEP remediation which the applicant, CJS
Investments Inc., has agreed to complete the clean-up.

6. The applicant has certified that the owner has paid all property taxes for the
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property and the applicant has certified that it has paid all escrow fees required under ordinance for such an application. This certification includes agreement to pay all future monies due under the escrow ordinance for consultants and other professional work on the property.

7. The applicant has submitted an Affidavit of Proof of Service of Notice published in the Trenton Times. The Proof of service comports with the notice before the Board that this matter is of the character that the applicant has presented to the Board.

THE HEARINGS

8. Public hearing which took place with regard to this application.

a. On March 8, 2007 and April 12, 2007, hearings took place before the Planning Board at the Township Municipal Building located on Greenwood Avenue.

PLANS PRESENTED

9. The Board reviewed the following plans and sketches:


c. Deed of Easement for Wetlands Buffer and Conservation, prepared by Dennis A. Collins, Esq., not dated.


EXHIBITS PRESENTED

10. The following exhibits were presented:


b. A-2, aerial photo of the site.

c. A-3, alternate road plan.

TOWNSHIP EXPERT REPORTS
11. At the hearing, the Board considered the following reports presented by Township officials:

12. The testimony presented by and on behalf the applicants and by Township officials was given by the following persons:

   The applicant was represented by Dennis Collins, Esq. Also testifying on applicant’s behalf was the site engineer, Stuart Challoner. Mr. Collins and Mr. Challoner testified to the Board that the applicant was going to be compliant with all requirements with the preliminary approval, except for one issue. That one issue was the extent of road widening on Tattletown Road. It is their position that the previous statements contained in Resolution 2001-22 and 2005-24, requiring widening to take place 900 feet down from the intersection with Yardville-Allentown Road. Arguments were made by Mr. Challoner that the 900-foot widening was the safest way to take care of traffic on the road, and that the widening of the first culvert from 1,200 feet down from the intersection would be a burden upon the applicant, as various permits would be needed and trees would have to be removed. The Board professionals responded that the applicant was responsible for all road widening on Tattletown Road pursuant to Resolution 2005-24, page 7, subparagraph k, which states, “The applicant is responsible for road widening along the frontage of his property along Yardville-Allentown Road [this portion of the condition was rescinded by County directive] and Tattletown Road as well as lots 7.02, 7.03, 7.04 and 7.05 as per the resolution for application 01-03-019.” The applicant stated that in reading this previous resolution, only 900 feet is required. However, a clear reading of subparagraph k in this resolution requires the widening for the referenced lots 7.02, 7.03, 7.04 and 7.05, and therefore widening of all of Tattletown Road is required.

13. The following Township staff gave advice to the Board:
   a. Allen Schectel, Township Planner, reviewed his memorandum.
   b. Thomas E. Dunn, Township Engineer, reviewed his memorandum; and
   c. Michael W. Herbert, Esq., reviewed the history of the site and the arguments of both sides.

14. Members of the public who spoke.
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a. None.

FINDINGS AND CONCLUSIONS REGARDING
FINAL APPROVAL OF MAJOR SUBDIVISION

15. Nature of application

a. The applicant is requesting final approval for its major subdivision to create 13 lots.
b. The applicant is also asking the Board to waive the requirement for the widening of the whole length of Tattletown Road by requiring the applicant to widen only the first 900 feet from the intersection of Yardville-Allentown Road.
c. The Board grants final approval of the major subdivision but requires that applicant widen Tattletown Road from the intersection of Yardville-Allentown Road through the first culvert for at least 1,200 feet, and then narrow the road from the first culvert to the second culvert over Doctors Creek, in order to allow the road to transition to the more narrow country road that exists on the other side of Doctors Creek.
d. The applicant is located at Yardville-Allentown Road in the R120/80 zone. The property is located at the intersection of Yardville-Allentown Road and Tattletown Road.
e. The applicant is proposing to subdivide existing lot 7.01 with an area of 61.66 acres into thirteen (13) lots. Of which twelve (12) are residential lots and the remaining lot (lot 7.07) includes the storm water basin and lands along Doctors Creek.
f. In terms of lot area, bulk and yard requirements the above lots comply with the ordinance requirements.

CONDITIONS REQUIRED

16. The Board finds that, in order to address the concerns expressed in the course of the hearing, and to limit the relief to that which is reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions:

a. The applicant shall be required to widen Tattletown Road from the intersection of Yardville-Allentown Road to a width of 28 feet with two travel lanes in each direction. The widening shall be standard from the above-stated intersection down to the first culvert, which shall also be widened to 28 feet and there will then be a transition area from the first culvert to the second culvert over Doctors Creek to narrow the road down to the existing second culvert over Doctors Creek. Care shall be
taken to make sure that all trees located near the road are preserved, if at all possible. The exact design of this widening shall be worked out between the applicant and the engineers involved in the project.

b. The applicant is not responsible for constructing curb and sidewalk along Yardville Allentown Road or Tattletown Road, as this is a rural road and the Board does not believe that construction of curbs and sidewalks would assist the public and would result in the removal of valuable trees.

c. Lots 7.06, 7.15, 7.16 and 7.17 have wetlands on their properties. Therefore the Board requires:

i. A conservation easement should be established on lots 7.15, 7.16 and 7.17 to prohibit any construction activity on the wetland and transition areas (should follow the transition area line). As this area appears not to be wooded, a prospective homeowner would be unable to determine the limits of this constraint. Therefore, the applicant should plant trees and other shrubbery along the boundary of the transition line (on all lots) to provide a considerable visual limit.

ii. Lots 7.16 and 7.17 have driveways encroaching on the wetlands. The Board requires the applicant to acquire the appropriate crossing permits from NJDEP.

iii. Part of the wetlands and the buffer line running from south to east on lot 7.17 should be dedicated to the Township of Hamilton. The applicant should therefore change the side lot line (to the south) to run along the wetland buffer line. This should be consolidated with lot 7.07, which the applicant is proposing to dedicate to the Township of Hamilton. (Take more of Lot 7.06)

iv. Lot 7.17 and 7.16 lines for septic field will cross a wetland area to reach the house. Appropriate NJDEP permits are needed for that.

d. Regarding the topography of the lots:

i. Lot 7.11 has a slope of 30% in the front yard near the septic tank.

ii. Lot 7.12 has a gradient of around 21% to the southerly side near the cul-de-sac.

iii. Lot 7.13 has a gradient of 21% on the north easterly side near the cul-de-sac; a gradient of 20% in the front yard near the septic tank; and a gradient of 26% to the side and back of the house on the southwesterly side.

iv. Lot 7.14 has a gradient of 19% to the side and back of the house on the southwesterly side.

v. Lot 7.15 has a gradient of 20% to the side of the house on the southeasterly side and a gradient of 26% to the side of the house on the southwesterly side.

vi. Lot 7.16 has a gradient of 20% to the side of the house and around
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28% in the front yard near the septic tank.

The above-mentioned lots have steep slopes thereby making the usability and maintenance of their yards extremely difficult. These should have gradient which is lesser than 15%. Lots 7.06 & 7.17 have been revised.

e. The applicant shall comply with all conditions contained in Resolution 2005-24 dated May 26, 2005, with the exception of the requirements for curbing and sidewalks.

f. Add a notation on the plans to stipulate that all work shown is to be done in accordance with NIDOT “Standard Specifications for Road and Bridge Construction”, Edition 2001 (The White Book) and the “Township Construction Details” as revised to January 2005.

g. All structures are to be pre-cast.

h. All on-site curbing is to be Belgian block construction. Include detail.

i. All concrete structures to have a minimum compressive strength of 4000 PSI.

j. The applicant needs to provide a copy of all plans, reports and estimates in electronic format on a C.D. disk for each submittal. The plans are to be in Auto-Cad version no later than 2005, correspondence in Word format and estimates in Excel version no later that 2003.

k. The Board requires that the applicant include the application number within the subject line of all correspondence relating to this application, and that the application number be shown adjacent to the title block on all plans.

l. See attached Block, Lot and House Number Assignment Sheet, dated November 20, 2006 for appropriate number assignments. Street names along with the lot, block, and house number must be on the mylars to be filed at the Mercer County Clerk’s Office.

m. All resubmissions of plans, reports and other documents shall be accompanied by a cover letter which describes the purpose of the resubmission, includes appropriate references and list the specific changes and additions included with the resubmission. Along with the listing there shall be a reference to the related page number where the change/addition was incorporated. The change/addition shall be highlighted. Also, the transmittal letter shall specifically state there are no other changes, modifications or additions to the plan, report, etc.

n. The applicant is required to forward all subsequent revised plans, reports, estimates, and agreements to the Township’s Consultant or Consultants for review and comment. This includes the final plans sent to the Township, after Planning or Zoning Board Approval, for Mylar Review.

o. The applicant shall verify that the distance between any dwelling and a fire hydrant shall not exceed 400 feet per RS/S when measured along the street right-of-way. The existing fire hydrant along Tattle-town Road should be
indicated on the Grading and Utility Plan.

p. According to Resolution 01-51, street trees are required along the lot frontage of both Yardville-Allentown Road and Tallletown Road (40 feet on center). However, no trees are proposed along proposed Lot 7.03.

q. Sadat Associates, Inc. (SAI) had commented that the applicant will require a freshwater wetlands permit in order to construct the proposed development. The approval for construction and activity within freshwater wetlands and transition areas are subject to NJDEP approval. Currently, it is our understanding that the freshwater wetlands permit is complete and under consideration by the NJDEP. Upon approval, a copy of the NJDEP permit shall be submitted to the Township.

r. The Bureau of Coastal and Land Use Compliance and Enforcement (BCLUCE) issued a Notice of Violation (NOV) dated June 4, 2003, to the applicant concerning an excavated area within freshwater wetlands that filled with water and is now a pond. In a brief site visit conducted on February 2, 2007, it was noted that the spoils from the excavation of the pond currently adjacent to the pond were in the process of being removed from the area. In a letter dated October 31, 2006, the BCLUCE approved a restoration letter and site plan dated September 19, 2006, which was prepared by the applicant. The restoration proposal was approved on the condition that the spoils from the excavation of the pond currently adjacent to the pond will be used as fill material under the proposed road and around proposed houses. During the site visit, a representative at the site stated the stockpiled soils adjacent to the pond were going to be removed and spread along the banks of the pond and seeded with wetland species vegetation. This proposed plan does not appear to be consistent with the proposal to deposit the stockpiled soil in upland areas (proposed road and proposed houses). The applicant should resolve this discrepancy. As discussed at a meeting on February 7, 2006, the spoils will be used to fill upland areas only.

s. The applicant should perform all site restoration activities in accordance with the approved restoration plan approved by the BCLUCE and all BCLUCE recommendations specified in the letter entitled “Proposed Restoration Plan.” Please note this letter requires that shelves be constructed along the banks of the pond. The grading plan should be revised to include the shelves along the banks of the pond. Safety ledges were added to the plans.

t. The applicant should conduct all site restoration activities in compliance with the MCSCD. Apparently, the applicant received Mercer County Soil Conservation District approval. A copy of the approval should be submitted to the Township and this office.

u. In addition, all appropriate soil erosion control measures must be implemented during removal of the spoils from regulated wetland areas and around the temporary upland stockpile area. During the site visit, it was noted that a silt fence was constructed and installed around the existing pond. The applicant received Mercer County Soil Conservation District approval.
v. The BCLUCE states in their letter that the spoils must be removed from regulated wetland areas and relocated to upland areas onsite within 30 days of the receipt of the letter. During the site visit, a representative at the site stated that due to poor weather and site conditions, it was not possible for heavy equipment to access the site. The stockpiled soils are currently in the process of being removed. The applicant must contact the Department within 24 hours after the spoils have been removed in accordance with the October 31, 2006 letter. Testimony was provided that the soils were removed in accordance with BCLUCE requirements.

w. Based on the information provided and reviewed by this office, the proposed septic systems are expected to operate as designed. However, the following comments should be addressed by the applicant's professionals.

x. The bottom of the pre-cast concrete tank should be a minimum of three (3) inches in thickness. Please indicate on septic tank details. The plans were revised as requested.

y. Concrete used in the construction of septic tanks should conform to the American Concrete Institute (ACI) standards for frost resistance (ACI 318-16-4.5.1) and water tightness (ACI 318-16-4.5.2). Certification should be provided by the manufacturer and the certification displayed on the tank Please specify on septic design drawings. The plans were revised as requested.

z. Septic Tanks - Note 5: When the tank must be installed on a layer of fill material greater than one foot in thickness, the fill should be properly placed and compacted as prescribed in N.J.A.C. 7:9A-1 0.4 (1)3. Please revise accordingly. The plans were revised as requested.

aa. The septic tank detail indicates a gas deflector will be installed at the outlet tee. Note 11 under Septic Tanks indicate that the outlet connections of the septic tank should be provided with a septic solids retainer. Please note that where a septic solids retainer is used, a gas deflector is not required. The plans were revised as requested.

bb. The space between the liquid surface and the top of the outlet tee should not be less than 15% of the total liquid depth. The liquid depth is 36 inches and 15% of the liquid depth is 5.4 inches; however, the space between the liquid surface and the top of the outlet tee is four (4) inches. Please resolve this discrepancy. The plans were revised as requested.

c. Septic Tanks - Note 6: Where manholes are extended flush with finished grade, covers should be bolted or locked to prevent access by children. Please revise accordingly. The plans were revised as requested.

dd. All pipe joints in connecting pipes and delivery pipes should be made water-tight and protected against damage by roots. Please revise notes accordingly. The plans were revised as requested.

e. Note 12: This note specifies the piping requirements from the dwelling to the treatment tank; however, the piping specifications from the treatment tank to the
distribution box are not included here. Please revise accordingly. The plans were revised as requested.

ff. The distribution box should be water-tight, and all inside concrete surfaces should be sealed with two coatings of an appropriate inert coating to minimize corrosion. Coating of pre-cast structures should be applied by the manufacturer prior to delivery to the job site. Please revise notes accordingly. The plans were revised as requested.

gg. Under Construction Procedures, indicate that the distribution box should be set perfectly level and should be installed directly on the filter material within the disposal bed. Please revise notes accordingly. The plans were revised as requested.

hh. All access openings for distribution boxes should be extended to within 12 to 18 inches of the finished grade surface and be constructed in such a manner as to prevent the entrance of surface water. Please revise notes accordingly. The plans were revised as requested.

ii. Upon completion of the installation of the distribution box, the box should be filled with water at which time the installation should be checked to make sure it is level. Please revise notes accordingly. The plans were revised as requested.

jj. Indicate that the 4” PVC piping within the septic bed is perforated in the Septic Bed Detail. The plans were revised as requested.

kk. The minimum diameter for distribution laterals is three (3) inches. Please revise the piping schematic detail. The plans were revised as requested.

ll. Perforations for PVC piping should be no smaller than 3/8 inch and no longer than 3% inch in diameter. Please revise notes accordingly. The plans were revised as requested.

mm. The level of infiltration should be at existing ground surface to four (4) feet maximum above the existing ground surface (measured on the upslope side of the disposal bed or each individual disposal trench). Please indicate on the Mounded Soil Replacement Disposal Field Installation Detail. The plans were revised as requested.

nn. Construction Procedures — Note 10: Requirements for soil replacement within the zone of treatment select fill should meet the requirement of N.J.A.C. 7:9A-10. 1(f). Please revise notes accordingly. The plans were revised as requested.

oo. Indicate the location of the filter fabric on the Mounded Soil Replacement Disposal Field Installation Detail. The plans were revised as requested.

pp. Under Construction Procedures, Note 6 indicates that the edges of adjacent sheets of filter fabric should be overlapped by a minimum of six inches. The plans were revised as requested.

qq. The Form 3B Tube Permeameter Test forms do not contain cross-references for the lot which the test was conducted. Therefore, we were unable to evaluate if the area of the septic bed for each lot was sufficient for adequate treatment of sewage flows for each dwelling. In addition, an evaluation of dosing tanks could not be
performed since volume calculations included on the design sheet could not be verified without a value for permeability. Please provide the associated lot number for each permeameter test performed.

rr. Inlet/Outlet connections in the Distribution Box should be fastened with and constructed of, or coated with, materials which are resistant to corrosion to sulfuric acid. Inlet/outlet connections should be provided with a water-tight seal between connection fittings and the walls of the distribution box. The plans were revised as requested.

ss. We reviewed the landscape project for forest species on the NJDEP site (http://www.state.nj.us/dep/gis/imapnj/imapnj.htm) and found wood turtle habitat, a threatened species; on properties less than a mile away from the applicant’s property. The block number for the said properties is 2730 while the lot numbers are 1, 3, 6, 9, and 14.01. We would require the applicant to submit a letter from a certified scientist stating that there is no habitat of wood turtles or any other threatened or endangered species on the applicant’s property. A letter from the NJDEP Natural Heritage Database must be submitted as part of this application to confirm the presence/absence of this herptile.

tt. Regarding the landscaping recommendations:

i. The applicant is subject to the tree replacement ordinance (Section 160-117). All areas of trees to be cleared (including utilities, driveways, etc.), with acreage totals for each, must be shown on the plans.

ii. In terms of the basin design, we offer the following comments:
   1. All structures within the basin must be surrounded on all sides with wet tolerant shrubbery.
   2. This basin is being designed as a Stormwater Wetlands, therefore, a maintenance plan must be provided.
   3. A curb cut must be provided on Michael Court to gain access to the basin area.
   4. The post and rail fencing has been removed from the plans. The detail should also be removed from sheet 23 of 24.
   5. Basin outfalls shall have landscape material (deciduous trees/shrubs) planted around the structured to shade and regulate temperature of the discharged water.
   6. A pond-scape plan is required for the forebay area. The marsh area proposed to be created below the gabion wall should include for more wetlands plantings/plugs. As shown, the plant groupings are spaced about thirty-five (35) on center, which is not acceptable. The gabion walls are unattractive. More attractive walls are needed.
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iii. The Willow (*Salix babylonica*) should be sized 2 1/2" caliper minimum at time of planting.
iv. All shrubs should be installed in mulched beds and not individually. This should be noted as such on the landscape plans.
v. Street trees proposed are required to be installed along the entire width of the lot 7.06. The one hundred twenty-two (122) proposed Ash street trees should be divided into at least three (3) different species. These trees should be grouped by species and not interspersed.
vi. A thirty (30') foot landscape easement should be shown along the width of the five (5) lots having frontage on Yardville-Allentown Road. An earthen berm (of meandering shape and at least 3' in height) should be constructed within this area and must be landscaped with conifers and deciduous trees. Due to the existing stands of trees on site, this condition will only apply to 7.11 and 7.03.

uu. The proposed street names are subject to the approval of the Administrative Officer.
vv. All utilities (electric, cable, phone, etc.) must be installed underground. This is an ordinance requirement. The utility easement must be shown on the submitted plans and must not be in conflict with the shade tree easement.
ww. The applicant is responsible for road widening along the frontage of his property along Yardville-Allentown Road and Tattletown Road as well as lots 7.02, 7.03, 7.04 and 7.05 as per the resolution for application 01-03-019.

xx. The applicant shall be required to install solid fencing between commercially farmed lands and lots abutting those lands. This will promote public safety by discouraging trespass on to agricultural land and also help mitigate nuisances such as dust and noise from the agriculture operations. Therefore, this fencing is required along Block 2732 Lot 6.

yy. For the purpose of giving due notice of nearby farming uses to proposed new residential areas adjacent to unimproved land then being commercially farmed or suitable therefore, the applicant is required to include as a provision in each and every contract for and deed conveying all or any portion of the lands thereby subdivided, as well as on filed final subdivision maps, the following record notice to and waiver by guaranties [grantees] of such present or future proximate farming uses, which provision shall be made to run with the land: "Grantee hereby acknowledges notice that there are presently or may in the future be farm uses adjacent to or in close proximity to the above-described premises from which may emanate noise, odors, dust and fumes associated with lawful agricultural practices permitted under applicable right to farm laws, regulations and ordinances, and, by, acceptance of this conveyance, grantee does hereby waive objection to such activities." This shall be a condition of approval.
zz. The applicant is subject to the fees established in the Affordable Housing ordinance.

aaa. The applicant is subject to Section 160-112 (b) governing the appearance of all the residential units upon receipt of a final subdivision/site plan application.

bbb. All resubmissions of plans, reports and other documents shall be accompanied by a cover letter which describes the purpose of the resubmission, includes appropriate references and list the specific changes and additions included with the resubmission. Along with the listing there shall be a reference to the related page number where the change/addition was incorporated. The change/addition shall be highlighted. Also, the transmittal letter shall specifically state there are no other changes, modifications or additions to the plan, report, etc.

ccc. The applicant is requested to provide the Township with a list of proposed street names for consideration by the Township. The list shall include one alternate name for each name provided. The Township will provide the applicant with a current street map, with the street names if so requested. The Township in turn will advise the applicant of the selected street names in writing. The street names along with the lot and block must be on the mylars to be filed at the Mercer County Clerk's Office.

ddd. The Wetlands Delineation has been added to the plans. Add a note indicating the DEP Letter of Interpretation approval date and number.

eee. The Board notes that the finished ground elevation at the house on Lot 7.16 is ten (10) feet lower than the top of the grade at the septic field. The applicant needs to state how piping is to be designed, constructed, and what measures will be employed to prevent the contents of the septic tank from draining back towards the house.

fff. The wells for each unit are located down slope from the septic field. This is not desirable.

ggg. The Mercer County Agricultural Development Board, has requested, via a letter to Cheryl Durelli, Planning Board Secretary that the applicant should be required to install fencing and substantial landscaping between this development and adjacent preserved farmland. Fencing and a 100' heavily landscaped/re-forested buffer will help mitigate dust and noise nuisances from the agricultural operation. We agree with the comment and suggest that this recommendation become a condition of approval.

hhh. The Township has engaged the services of Sadat Associates, Inc. to review, and comments on the applicant’s plans and reports with respect to the following:

   i. Site suitability for septic systems
   ii. Septic system designs
   iii. Structural suitability to support foundations
iv. All environmental issues

iii. The additional approvals will be required before the final plans are signed:
   i. Mercer County Soil Conservation District
   ii. Township of Hamilton Division of Health for the wells and septic system design.

jjj. The applicant has previously secured a waiver from the Board from the requirement to construct Tattletown Road to the required width. (Application No. 01-03-019, approved on September 13, 2001, Planning Board Resolution No. 2001-51) However this waiver was premised upon the property remaining as agricultural use. The applicant proposes to develop the entire property for residential use, therefore, the requirement to improve Tattletown Road shall apply as follows: Construct to a 28 foot cartway (rural standards).

kkk. Yardville Allentown Road is a County road. According to the Township master plan, this road has been classified as major collector. The cartway width for this classification shall accommodate four lanes (2 lanes in each direction) and additional left turn lane if needed. This development will not generate enough traffic making left turn into this development, hence a dedicated left lane is not required. However, the cartway width shall be a minimum of 50'.

III. Any work proposed along South Broad Street shall require Mercer County approval.

mmm. The floodplain extends on the average for a distance of 200-250 feet from the stream. Base flood elevations range from 40.0-43.0 feet N.G.V.D. 1929. The limit of flood hazard area must be shown and this shall be designated a Special Water Resource Protection Area (SWRPA). The Township Engineer shall determine a protective buffer for this SWRPA.

nnn. This is a low-density development, which is in line with the Best Management Practices under Phase II Stormwater Regulations and proposes to disturb more than an acre of land and introduce more than 1/4 acre of impervious surface. Additionally the application requires NJDEP certification and approvals. This development is subject to the Phase II Stormwater Regulations and DEP review. The applicant proposes to meet the quality requirements by routing stormwater through filter cartridges in the outlet control structure. By his report of July 2004, the applicant indicated that there will be no change in recharge rates. By the same report the applicant demonstrates that basin meets the stormwater storage requirements. Still outstanding are the details of maintenance requirements of the stormwater facilities, Including the cost, frequency and an agreement for maintenance. I recommend the maintenance plan and an acceptable agreement as a condition of approval.

ooo. A deep pit was dug presumably for an irrigation pond in anticipation of a tree farm. The farm did not materialize but the pit was not filled in. The
applicant must clearly and legibly mark out this pit/pond and must be prepared to address any safety concerns the Township shall raise regarding this pit/pond. The applicant shall also address long term maintenance issues for this pit/pond and all stormwater management facilities.

ppp. NJDEP Freshwater Wetlands permit is required.

qqq. The history of the nature of activities on this site mandates a Mercer County Soil Conservation District review, approval and certification of the Soil Erosion and Sediment Control Plans before any final approval from Township.

rrr. The stormwater and drainage system provided is satisfactorily and adequate.

sss. All stormwater inlets and headers shall conform to the new Township construction details for inlets.

ttt. Soil logs have been submitted but not percolation tests. These are still required.

uuu. The applicant must provide adequate and satisfactory long-term operations and maintenance of the stormwater facilities. This shall include scheduling, cost estimate and responsible party.

vvv. Applicant shall comply with all stormwater Phase II regulations.

www. Any request for an exception must be based on a hardship and circumstances beyond the control of the owner/applicant/builder. Such request must be made to the administrative officer.

xxx. Subject to compliance with all other applicable local, state and federal laws.

yyy. All site work must be completed in accordance with the applicant’s plan prior to occupancy.

zzz. Applicant shall not apply for a building permit nor shall any applicants be accepted by the Township until all conditions are satisfied, including all environmental concerns.

aaaa. Subject to the conditions of the Division of Planning memorandum dated October 19, 2006.

bbbb. Subject to the conditions of the Division of Engineering memoranda dated November 15, 2006 and December 13, 2006.


VARIANCES GRANTED

17. The Board grants all variances created by the movement of the entryway road pursuant to Exhibit A-3. The Board finds that granting variance relief is allowed in this situation because the variances are Board-created, as the Board has requested movement of the road away from its original position in order to preserve the landowner’s property across the street. Therefore, the positive and negative criteria are complied with, since the application will have no
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negative impact upon local zoning nor the public’s health, safety and welfare.

CONCLUSION

Based upon the foregoing, the Hamilton Township Planning Board, at its April 12, 2007 meeting, voted to approve the application.

This Resolution of Memorialization was adopted on July 12, 2007 by a vote of the majority of the members present, who voted to grant the relief sought by the applicant.

The date of decision shall be April 12, 2007, except that the date of the adoption of this memorializing resolution is the date of decision for purposes of (1) mailing a copy of the decision to the applicant within ten (10) days of the date of the decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of this decision. The date of the publication of the notice of decision shall be the date for the commencement of the vesting protection.

We do hereby certify that the foregoing resolution was adopted by the Hamilton Township Planning Board at its regular meeting held on July 12, 2007. This resolution memorializes formal action taken by the Board at its regular meeting held on April 12, 2007.

Cheryl Durell, Secretary
Hamilton Township Planning Board