

Resolution

Flatwater Development, Inc.

Case No. 2004-004 P-PSUB

Block 60, Lot 7

WHEREAS, Flatwater Development, Inc., (Applicant) filed application bearing Case No. 2004-004P PSUB with the Township of Branchburg Planning Board (the Board) for preliminary major subdivision approval to subdivide Block 60, Lot 7 into ten (10) single-family, residential building lots; and

WHEREAS, the Applicant is requesting variances and design waivers in connection with the application; and

WHEREAS, the Board has considered the plan prepared by Templin Engineering Associates consisting of nine sheets dated February 17, 2004 and last revised on January 23, 2006, the testimony presented by the applicant, the memorandum to the Board dated January 26, 2006 from Thomas Leach, Administrative Officer, the memorandum to the Board dated February 2, 2006 from Douglas Ball, Township Engineer, the memorandum to the Board dated February 8, 2006 from Francis J. Banisch, III, Township Planner, the memorandum to the Board dated December 13, 2005 from James R. McAleer, Township Fire Official, the memoranda to the Board dated April 15, 2005 and December 14, 2005 from Douglas Pollock, Township Environmental Chairman, the memoranda to the Board dated July 20, 2004 and September 6, 2005 from the

Somerset County Planning Board, a Community Impact Report prepared by Maser Consulting, P.A. dated September, 2004, as well as comments from members of the public; and

WHEREAS, the Board held a public hearing on February 14, 2006 to consider the application;

NOW THEREFOR, BE IT RESOLVED, by the Planning Board of the Township of Branchburg that the Board hereby makes the following findings of fact and conclusions of law:

1. The 15.9 acre flag lot is located in the Low Density Residential Zone (LD) and has frontage on Dreahook Road.
2. The Applicant proposes to subdivide the referenced lot into 10 lots which will be served by a 1,300 foot long cul-de-sac with sanitary sewer and public water service.
3. The Applicant has requested a variance from Section 3-5.3(C) for all of the proposed lots in the subdivision. This section of the LDO requires lots to have a frontyard setback of 75 feet or greater whereas all of the proposed lots will have a 50 foot setback. The Applicant could have satisfied the frontyard requirement of the LDO but by moving the proposed houses closer to the street, the Applicant has enhanced the rear yards of each of the lots. This creates a more desirable visual environment, promotes a uniform streetscape and provides an enhanced buffer for the residential dwellings along Manchester Drive which border the subject property. Accordingly, the Board

grants the frontage variance for each of the ten (10) lots pursuant to the provisions of N.J.S.A. 40:55D-70(c)1 and (c)2. The variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

4. The Applicant is requesting the following design waivers:

A. Subsection 5-1.3.C requires side lot lines to be radial to any curvilinear rights of way. Proposed lots 7.03 and 7.07 have non-radial sideyard lot lines. The Board finds that the sideyard lot lines are close to being radial and are designed to maintain lot size. Accordingly, the requested waivers are granted.

B. Subsection 5-3.4.N recommends that horizontal curves have a minimum radius of 300 feet which may be reduced to no less than 150 feet. The proposed centerline has a 125 foot radius. In view of the fact that the Residential Site Improvement Standards establish a minimum centerline radius of 100 feet, the Board grants a technical waiver as recommended by the Township Engineer.

C. Subsection 5-3.5.A requires cul-de-sac lengths to be a maximum of 600 feet long at the centerline. The applicant proposes a cul-de-sac which is 1,300 feet long. In view of the fact that the RSIS recognize the number of units and not the length of the road, the Board grants the requested waiver.

✓ D. Subsection 5-3.11.G prohibits any driveway from being located within 60 feet of the curb return of the street intersection. The driveways servicing Block 60, Lot 1 in Branchburg Township and Block 68, Lot 5.01 located in Readington Township currently are situated within 15 feet of the proposed curb return of Road "A". The Applicant testified that it has reached agreement with the owner of Block 68, Lot 5.01 in Readington Township to relocate the driveway serving this property but not the owner of Block 60, Lot 1 in Branchburg Township. The Board will grant the requested waiver but will require the Applicant to use its best efforts, as determined by the Township Engineer, to obtain an agreement with the owner of Block 60, Lot 1 in Branchburg Township to relocate the driveway serving this property. The Board retains jurisdiction in the event of any dispute. ✓

E. Subsection 5-3.11.K requires the centerline distances between two adjacent drives to be 50 feet or greater. The driveways servicing lots 7.01 and 7.02 scale to be 35 feet and therefore require a waiver. The Board finds that the driveway locations are better for grading purposes and do not pose any safety problem. However, the Applicant has indicated that the driveways can be shifted at least ten (10) feet further apart. Accordingly, the Board grants the requested waiver on condition that the Applicant work with the Township Engineer and shift the driveways at least ten (10) feet further apart.

BE IT FURTHER RESOLVED, that the Board hereby grants

preliminary major subdivision approval to the application, together with the requested variance and waivers aforesaid, subject to the following terms and conditions:

1. The Applicant shall perfect the subdivision and construct the improvements strictly in accordance with the approved plan and as set forth in this Resolution.

2. The Applicant shall comply with the terms and conditions of the memorandum dated February 2, 2006 from Douglas Ball, Township Engineer, as follows:

A. The Applicant shall comply with comment nos. 1b, 1c, 2c, 2d, 2g, 2h, 2l, 2m, 3a, 3b, 3c, 3d, 3e, 3f, 3g, 4b, 4c, 4d, 5a, 5b, 5c, 5d, 5e, 5fi, 5fii, 5g, 5hi, 5hii, 5hiii, 5hiv, 5i, 5j, 5k, 5l, 5m, 6a, 6b, 6c, 6d, 7a, 7b, 7c, 7d, 7e, 7f, 8a, 8b, 8c, 8d, 8e, 8f, 8g, 8h, 8i, 8j, 8k, 8l, and 8m.

B. With respect to comment no. 2b, the Board finds that no variance is necessary as the non-conforming conditions are on an adjoining lot.

C. With respect to comment no. 2i, the Applicant shall provide a sidewalk on the easterly side of proposed road "A". The Applicant shall provide a bus pad at the intersection of Dreahook Road and proposed road "A" at a location to be determined and approved by the local Board of Education.

D. With respect to comment 4a, the Applicant will create a

Homeowners Association to assure proper maintenance of the two storm sewer sub-systems which are proposed. The Association documents and maintenance provisions shall be satisfactory in form and substance to Township Counsel. The Homeowner's Association will have easement rights to perform maintenance of the storm sewer sub-systems over proposed Lot 7.08.

3. The Applicant shall comply with the terms and conditions set forth in the memorandum to the Board dated February 8, 2006 from Francis J. Banisch, III, Township Planner, as follows:

A. The Applicant shall comply with comment nos. 7 and 8.

B. With respect to comment no. 9, the Applicant shall comply to the satisfaction of the Township Planner. The Board retains jurisdiction in the event of any dispute.

C. The Applicant shall revise and update the Community Impact Statement prepared by Maser Consulting, P.A. to the present to reflect 10 lots and not 11 lots.

✓ 4. The Applicant shall enter into an Agreement to exceed the Residential Site Improvement Standards with respect to cartway width and cul-de-sac radius as provided in N.J.C.A. 5:21-4.2.

5. The Applicant shall comply with the storm water regulations as requested in paragraph 3 of the memorandum to the

Board dated December 14, 2005 from Douglas Pollock, Township Environmental Chairman.

6. The Applicant shall comply with the terms and conditions set forth in the memorandum to the Board dated December 13, 2005 from James McAleer, Township Fire Official.

7. The Applicant shall define the route of the water line to the satisfaction of the Township Engineer in order to minimize the impact of tree removal. The Board retains jurisdiction in the event of any dispute.

8. The Applicant shall install the buffer areas at the earliest possible time, weather permitting, and in accordance with the agreement reached with the Township Committee and this Board concerning the size and length of the buffer area, all to the satisfaction of the Township Engineer. The Board retains jurisdiction in the event of any dispute.

9. The Applicant shall protect the drip line of the trees when constructing the swale along the easterly property line to the satisfaction of the Township Engineer. The Board retains jurisdiction in the event of any dispute.

10. The Applicant shall comply with each and every recommendation and condition of approval set forth in any approval from any other agency having jurisdiction over this application.

11. In the event an approval by some other Board or governmental agency provides for changes in the plan heretofore submitted, the Board reserves the right to review this approval in light of those changes.



On a motion by, Mr. Decker, seconded by Mr. Pollin  
the Planning Board voted to adopt the Resolution.

**2004-004P PFSP**

**FLATWATER DEVELOPERS INC.**

Block 60 Lot 7

Dreahook Road

**APPLICATION APPROVED: 02/14/06**

**RESOLUTION ADOPTED: 02/28/06**

Member	Y	N	NE	NV	ABS	Member	Y	N	NE	NV	ABS
DECKER	X					HOLZMANN			X		
DEVLIN			X			SANDVIG					X
SARLES	X					POLLIN	X				
SANFORD	X					MELITSKI	X				
GRENCI	X										

X – Indicates Vote

NE – Not Eligible to Vote

NV – Not Voting (Abstained)

ABS – Absent

  
JAMES MELITSKI, CHAIRMAN

  
TOM DECKER, SECRETARY