

RULS-AD-1965-90

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Bedminster Planning Board Regular Meeting Notes

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Regular Meeting, June 28, 1965

The Planning Board of the Township of Bedminster met in regular session at the Municipal Building at 8:00 P.M. on this date. Members present were Chairman Fales, Mossrs. R.E. Smith, P.W. Smith, Jr., Field, Slater, Kean, and Winkler. Others present were Counsel Bowlby, Planning Consultant Agle and the Secretary.

On motion, the minutes of the previous meeting of May 24, 1965 were approved as submitted, no one in attendance desiring said minutes read.

It was regularly moved, seconded and unanimously carried that the following resolution be adopted at this meeting. Chairman Fales directed Counsel Bowlby to poll the membership of the Board on this motion. Counsel Bowlby polled the membership of the Board and the result of the vote was as follows: Chairman Fales-"Aye", R.E. Smith-"Aye", P.W. Smith, Jr.-"Aye", Field-"Aye", Slater-"Aye", Kean-"Aye", Winkler-"Aye". The Chairman then declared the resolution adopted unanimously and directed that the Master Plan be placed on file. The following is that resolution:

R E S O L U T I O N

WHEREAS, on May 28, 1962, following discussion of the necessity for a Master Plan for the physical development of the Township of Bedminster, DeCoursey Fales, Chairman of the Bedminster Township Planning Board, appointed a committee to consider the Master Plan proposal, to obtain Master Plans of neighboring communities, and to investigate and interview proposed consultants for the assistance of the Board in drafting a Master Plan; and,

WHEREAS, as a result of the activities of the said Committee through the months of May, June and July of 1962, it was decided by the Bedminster Township Planning Board to proceed with the Master Plan proposal and to retain as a Planning Consultant Mr. Charles K. Agle of Princeton, New Jersey, and further, to proceed with application to the Federal Government through the New Jersey Division of State and Regional Planning in the New Jersey Department of Conservation and Economic Development for Federal Aid to assist in the cost of the Master Plan study; and,

WHEREAS, commencing in October of 1962, Mr. Agle began preliminary study in respect to the proposed Master Plan; and,

WHEREAS, on December 6, 1962, the Township of Bedminster was recommended by the Director of the Division of State and Regional Planning to be included as one of the municipalities in the Local Planning Assistance Program of the Federal Government, the approval for which, however, was delayed until November of 1963, at which time the Township was informed of the approval of its application by the Federal Government; and,

WHEREAS, pending such approval, the Planning Board, and its Consultant, Mr. Agle, nevertheless proceeded with the development of a Master Plan, appointed committees to meet and report on various aspects of the Plan, including, among others, a Committee on Roads, a Committee on Land Use, and a Committee on Community Facilities, the Planning Board and its committees at all times being ably assisted by the citizens of the community appointed by Mayor Kean to serve on a Citizens' Advisory Committee to assist and collaborate with the Planning Board in its duties; and,

WHEREAS, the Planning Board, its consultant, various committees and sub-committees, and the Citizens' Advisory Committee, aided by many written memoranda, maps, suggestions and other data furnished by the Consultant and by various other written and verbal reports of the committees, has met in regular and special sessions to carefully consider the Master Plan and all of its components, such meetings covering a period from October of 1962 through March of 1965 and being held not only in the Municipal Building, but also in the Bedminster and Pluckemin Schools, at the residences of members of various committees, and also at several locations in the Township which were being studied for future development; and,

WHEREAS, as a result of the many hours of advice and study, a proposed Master Plan was drafted, approved by the Board and by the Citizens' Advisory Committee, and presented to the public at a widely publicized informal public hearing on April 12, 1965, and after duly published notices, at a formal public hearing held on April 26, 1965 and continued on May 10, 1965; and,

WHEREAS, the Planning Board has carefully considered all of the comments, both verbal and written, offered by the public at all of the public hearings aforesaid, and is of the unanimous opinion that the Master Plan hereinafter referred to, comprises the proper proposals for the future development of the Township of Bedminster.

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Now, Therefore, be it Resolved by the Planning Board of the Township of Bedminster, in the County of Somerset, that the document entitled "Master Plan Bedminster Township, New Jersey March 1965" as published in the Somerset Hills Exponent on April 8, 1965, copies of which plan are on file with the Planning Board, be and the same hereby is adopted as the Master Plan for the Township of Bedminster, in the County of Somerset, New Jersey, subject, however, to the following corrections:

Removal from the Master Plan map of "open space" graphic shading from the Cromwell property on Mt. Prospect Road, off Washington Valley Road, and removal from the said map of all graphic shading indicating existing lot sizes, for improved clarity.

And Be it Further Resolved that Mr. Charles K. Agle, Planning Consultant, be and he hereby is authorized and directed to make the foregoing corrections on the said map and to furnish copies thereof to the Secretary of the Planning Board for filing as an official part of the Master Plan of Bedminster Township.

C E R T I F I C A T I O N

I, Frank P. Robertson, Secretary of the Planning Board of the Township of Bedminster, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Planning Board of the Township of Bedminster at a regular meeting of said Board held on Monday, June 28, 1965.

/s/ Frank P. Robertson
Frank P. Robertson
Secretary

Mr. Agle advised that he would have copies of the Master Plan, with authorized corrections, printed and available for distribution.

Mayor Kean thanked the members of the Planning Board, its various sub-committees and the members of the Mayor's Citizens' Advisory Committee for the work done in connection with the Master Plan.

The following applications for approval of subdivisions of land were considered by the Board at this meeting:

P.B. 65-175

The application of George E. Ray, Jr., Washington Valley Road, Pluckemin, N.J. for approval of a subdivision of land wherein 0.380 acres of the property of the Estate of Robert H. Cromwell, Mary L. Cromwell, Executrix, containing a total of 21.728 acres, 0.380 acres to be conveyed to the applicant, George E. Ray, Jr. and to become annexed to the property of George E. Ray, Jr., all according to a map or plan made by Donald H. Stires, P.E. & L.S., Somerville, N.J. and dated June, 1965 was considered by the Board. The Secretary advised that the Township Engineer and the County Planning Board have approved the map and application.

It was regularly moved, seconded and carried that said application and map be classified as a partition and approved subject to the condition that the deed of conveyance contain a stipulation that the property to be conveyed to George E. Ray, Jr. be merged with and become a part of the property of George E. Ray, Jr. and that the deed so stating be recorded with the Somerset County Clerk's Office.

P.B. 65-176

The application of Mr. & Mrs. Richard Tobey, Union Grove Road, Bedminster, N.J. for approval of a subdivision of land located adjacent to Route # 206 and Union Grove Road and known and designated as Lot 1A, Block 5, on the Tax Map of the Township of Bedminster, wherein said applicant wishes to subdivide a total land area of 14.90 acres into two lots of 9.90 acres and 5.00 acres, respectively, the 9.90 acre lot to be retained by the applicant and the 5.00 acre plot to be conveyed, all according to a map or plan made by Charles P. Craig, P.E. & L.S., Post Office Box 812, Somerville, N.J. and dated June, 1965, was considered by the Board. The applicants were represented by Mr. Edmund Brown. The Chairman questioned as to whether the State Highway Department permits access to the property fronting on Route # 206 from the highway. Counsel Bowlyby advised that access must be allowed from the highway.

It was regularly moved, seconded and carried that said map and application be classified as a major subdivision and that the applicants be directed to comply with the further requirements of the ordinance governing the subdivision of land.

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P.B. 65-173

The application of John and Irene Scott of Route # 206, Bedminster, N.J. for approval of a subdivision of land located adjacent to Route # 206, Bedminster, N.J. and consisting of a total of 45.2 acres, 32.4 acres to be conveyed to James L.D. Roser and Katherine Roser, his wife, and 12.8 acres to be retained by the applicants, all according to a map or plan made by Leslie M. Apgar and Associates, Licensed Engineers and Surveyors, Bedminster, N.J. and dated May, 1965, Revised May 17, 1965, Revised June 24, 1965 was considered by the Board. The applicants were represented by Harry Stern, Esq. of Bernardsville, N.J. Mr. Stern advised that, in accordance with the instructions of the Board, the applicants have submitted a revised map allowing for sufficient frontage on each of the two lots to meet the requirements of the zoning ordinance as to frontage on an improved road. The Chairman questioned Counsel Bowlby as to whether the application and map were in order. Counsel advised that the application and map are in order. Mr. Stern advised that the entire driveway, as shown on the map, has been deeded to Mr. Roser and that he will own fee title to the driveway.

It was regularly moved, seconded and carried that said map and application be classified as a partition and approved.

P.B. 64-171

The application of Elizabeth Stevens Ballentine for approval of a subdivision of land located on the easterly side of Route # 206, Bedminster Township, N.J. was further considered by the Board at this meeting, the preliminary map having been received and reviewed by the Board at the meeting held on May 24, 1965 and the public hearing on said application having been held at that meeting. Mrs. Ballentine was represented by Mr. John M. Dillon. The Secretary advised that a letter has been received from Chester Township advising that there is no objection to this subdivision. Counsel Bowlby advised that he had received verbal advices from Township Engineer Apgar to the effect that each of the four lots involved in the subdivision has sufficient road frontage to comply with the requirements of the Zoning Ordinance. Planning Consultant Agle reminded the Board that the plan, as submitted, is a bad plan and that he still advocates the concept of "reverse frontage".

It was regularly moved, seconded and carried the preliminary approval be granted and that the applicant be directed to proceed with the further requirements of the ordinance governing the subdivision of land. Counsel Bowlby informed Mr. Dillon that the applicant would be required to place monuments designating property lines in accordance with the requirements of the subdivision ordinance, and that a final map will be required.

P.B. 63-165

The application of Sterling Security Corporation, 382 Springfield Avenue, Summit, N.J. for approval of a major subdivision located adjacent to Pottersville Road and Black River Road, Bedminster Township, New Jersey was further considered by the Board, the application and map having been classified as a major subdivision at a meeting held on April 22, 1963. The Secretary advised that a preliminary map of the proposed subdivision known as "South Forty" and prepared by Leslie M. Apgar and Associates, Licensed Engineers and Surveyors, Bedminster, N.J. and dated May, 1965, Revised June, 1965 has been filed; the Preliminary Map filing fee has been paid; notice of Public Hearing on this date has been advertised; a copy of the map and application has been forwarded to the Somerset County Planning Board and a reply dated June 25, 1965 has been received from that Board setting forth certain requirements; notice of Public Hearing has been served on all adjoining property owners and service of notice is supported by a certification of service and certified mail return receipts. The Secretary further advised that there is, on file, a certification as to results of eight percolation tests dated May 19, 1965 and conducted by Leslie M. Apgar and Associates, Licensed Engineers and Surveyors, Bedminster, N.J.

Messrs. P.W. Smith, Jr. and Albert E. Winkler disqualified themselves from further participation in the meeting and left the meeting room prior to any discussion of this application.

Sterling Security Corporation was represented by Richard Vail, Esq. of Gladstone, N.J. Mr. Vail described the tract involved in the application and stated that this is a total subdivision of 28 lots with entrances from Pottersville Road and Black River Road. He further advised that the total acreage involved is approximately 41.4 acres.

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Mr. Vail stated that percolation tests results are on file with the maps. He noted that there is a proposed dedication of 33 feet of Pottersville Road, in accordance with the requirements of the Somerset County Planning Board. Mr. Vail stated that there were a total of eight percolation tests made. He then introduced Mr. Fox, Engineer for Sterling Security Corporation, who explained the details of the road construction as indicated on the maps accompanying the preliminary map. Mr. Fox noted that all road grades are within the limits established by the ordinance governing the construction of roads and that the steepest grade slope is 4.33 %.

Col. Field questioned as to what dealings have transpired with the Pottersville Water Company in connection with the possibility of water supply for the proposed subdivision.

Mr. Vail advised that they expect to confer with the Pottersville Water Company shortly.

Mr. Elmer Hess of Black River Road, Pottersville, noted that the subdivision involves a street of 50 feet in width giving access to a road of 20 foot width and questioned as to whether any change in Black River Road is contemplated. Mr. Holman of the firm of Leslie M. Apgar and Associates, advised that adjustments will be made only in the immediate area of the intersection. Mr. Hess noted that he has a pond in front of his residence fed by springs and questioned as to what will happen to the springs when all of the proposed foundations are dug and sewer facilities installed. He questioned as to whether pollution of the springs would result.

Robert D. Carroll, Esq. of the firm of Bowers, Rinchart and Murphy, Somerville, N.J. advised the Board that he represents Brady Security and Realty Corporation, Mr. & Mrs. Earl S. Potter and the Somerset Hills Development Corporation. Mr. Carroll noted that his clients are concerned about six items bearing on the proposed subdivision. He listed the items as follows:

1. Water Drainage.
2. Water Supply.
3. Adequacy of Storm Sewers.
4. Effect on Schools and Taxes.
5. Adequacy of Dry Wells.
6. Feasibility of Underground Wiring.

Mr. Carroll stated that there has been no communication between the applicant and the Pottersville Water Company. He noted that the quality of the water supplied by the Pottersville Water Company is not of the best, since it contains sediment. Mr. Carroll stated that the application is incomplete since no effort has been made by the applicant to communicate with the source of water to determine adequacy. He further stated that the Planning Board needs the opinion of a fire-matics expert as to whether a 6 inch water main of the Pottersville Water Company will suffice for fire-fighting purposes and the supply of 28 proposed homes. Mr. Carroll further discussed water drainage by septic tank systems into sand and gravel land formation which may result in water eventually travelling over or under Black River Road into the Black River and then into the Lamington River thereby possibly polluting these streams. Mr. Carroll noted that Mr. Richard Goodenough, Executive Director of the Upper Raritan Watershed Association was present at this meeting and is somewhat qualified to speak on geological matters. Mr. Carroll questioned the adequacy of storm sewers and noted that a good deal of water is to be carried off through open ditches to a brook. He questioned as to whether the brook is capable of carrying all of the water off rooftops of houses and outbuildings proposed for this subdivision. Mr. Carroll noted that the Board has no expert opinion concerning adequacy of dry wells which would carry this water off roof-tops. He stated that the applicant should present a site plan from which the square footage of roofs, etc. could be determined in order to establish information as to the effect of water flowing from the roofs of 28 homes. Mr. Carroll further noted that one could conservatively estimate that there would be, at least, two children in each of the 28 homes or a total of 56 school age children at a total public school education cost of \$36,400.00 . He questioned as to whether the school system is presently capable of handling these children. Mr. Carroll then noted that a number of subdivisions are serviced by underground wiring. He questioned as to whether any consideration had been given to this matter. He noted that there are not enough guidelines to determine whether the application should be granted. Mr. Carroll stated that the water supply problem will be one for the township. He further noted that the storm drains flow south creating further problems. Mr. Carroll advised that he did not know, until tonight, that the Master Plan has been adopted, which plan does not contemplate an R-1 Zone in the area in question. Mr. Carroll stated that

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there is a serious question as to whether this is, in effect, an R-1 zone. He further stated that he thinks the application should be held over to determine whether it meets zoning requirements.

Mr. Vail requested that the record show that the clients represented by Mr. Carroll are not owners of property within 200 feet of the property in question.

Mr. Carroll advised that his clients are substantial taxpayers in the township and he feels that they have a right to be heard.

Mr. John Buccini of Lamington Road, Bedminster, N.J. requested that the results of percolation tests be read.

Mayor Kean read the percolation test results, as submitted with the plans.

Chairman Falos requested that Mr. Carroll supply the Board with a brief on the subject matter discussed by him at this meeting.

Counsel Bowlby advised those present that, if anyone wished to be heard on this application, they would have an opportunity to be heard at this meeting.

Mrs. Robert Wortman of Pottersville stated that she feels sorry for anyone purchasing property in the proposed subdivision since the quality of the water furnished by the Pottersville Water Company is such that she is considering turning the water off.

In answer to Chairman Falos inquiry, Mr. Bassett advised that a similar subdivision proposed in Tewksbury Township had been turned down for water supply by the Pottersville Water Company.

Mr. Richard Goodenough, Executive Director of the Upper Raritan Watershed Ass'n., advised the Board that, although package plants function well, they need regular supervision and the effluent flowing from these plants increases the growth of algae and plankton in adjoining streams, which, in effect, is a form of pollution. Mr. Goodenough further advised that he had talked with Dr. Widmer, the State Geologist, who advised that the water supply obtainable from wells in the Pottersville area would not be sufficient to serve 28 homes since the sub-strata in this area does not permit the formation of an adequate water supply underground. Mr. Goodenough advised the Board that Dr. Widmer had given his consent to being quoted and had indicated his willingness to advise the Board further, if requested to do so.

Mr. Bassett stated that Pottersville is treated in a peculiar way. He noted that he had appealed to have taxes levelled to correspond with taxes on the Brady property and had been denied a levelling of taxes. He stated that his corporation has been paying higher taxes than adjoining property owners and that some of this tax money has paid for research for the Master Plan and the subdivision ordinance. Mr. Bassett stated "If Pottersville is a cross road with no houses, there is a question as to where villages are going to be located and where services for the residents will originate". He stated that "we have got to supply the things the residents need". He submitted that this is a proper development and that, if the Board requires that additional things be done, they will be done.

Mr. William Potter, Pottersville, N.J., advised the Board that he represented Mr. and Mrs. Earl Potter, his parents, who are not afraid of the building of 28 houses but are afraid of water pollution and loss of water as well as destruction of wildlife caused by water pollution. He noted that his parents do not object to progress but do object to the loss of wildlife in the area.

Mr. Elmer Hess questioned as to the taking over of the streets in the proposed subdivision by the Township. Mayor Kean advised that the taking over of the streets in a subdivision is dependent upon tax return from the improved property in that subdivision.

Mr. Vail questioned as to whether this matter would be continued and whether his client will have an opportunity to refute all of the statements made at this meeting. Mr. Vail noted that everyone is telling us, this evening, that 28 families cannot live on this land. He further noted that there had been discussion of possible danger relative to sewage, storm drains, etc. and that such problems exist anywhere in New Jersey. Mr. Vail noted that he did not take much credence in those statements and is sure that a way can be worked out that will make this subdivision satisfactory to the Board.

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Mr. Vail asked that the Board advise his client as to what the Board desires so that it can be done.

Mr. Bassett noted that he has met all of the requirements requested at the time of the classification of this subdivision and will meet further requirements as long as he knows what they are.

Mayor Kean noted that a letter had been received from the Somerset County Planning Board dated June 25, 1965, setting forth certain county requirements in connection with the proposed subdivision. The Mayor asked the Secretary to furnish a copy of the letter to the applicant.

Various members of the Board requested additional time to study the maps and pertinent papers as submitted by the applicant.

The Chairman advised that he was in accord with the request of the Board members that additional time be given for further study of the application and accompanying maps.

There being no further business, the meeting adjourned at 11:00 P.M.

Attest:

Secretary:

