

**RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF THE GLENS AT POMPTON PLAINS
DECIDED ON FEBRUARY 22, 2010
MEMORIALIZED ON APRIL 5, 2010
AMENDED SITE PLAN APPROVAL**

WHEREAS, The Glens at Pompton Plains (hereinafter "the Glens" or "Applicant") has made Application to the Pequannock Township Planning Board (hereinafter "Planning Board") seeking amended site plan approval for property known as Block 1101, Lot 9, as shown on the Tax Map of the Township of Pequannock (hereinafter "Township"), which premises are located along Burnham Drive, Pompton Plains, New Jersey and located in the PRD- Planned Residential Development District; and

WHEREAS, public hearings were held on January 11, 2010 and February 22, 2010 after the Planning Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Donald Onorato, Esq.

NOW, THEREFORE, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which time a record was made.

The Application before the Board is a request for amended site plan approval. The Applicant seeks to amend the existing site plan to permit a gate to be installed across an existing stem roadway that connects Arundel Road with Burnham Drive. The subject site is identified as Block 1101 Lot 9 on the Tax Map of the Township of Pequannock and located along Burnham Drive, Pompton Plains, New Jersey which premises are located in the PRD-Planned Residential Development District.

The following documents were submitted in connection with this application for development:

1. Completed Pequannock Township Site Plan Application, signed and dated December 8, 2009.
2. Copy of Pequannock Township Tax Map sheet 49 dated 1970.

In addition, the Board considered the following reports submitted in regard to this application:

1. Report of the Board's Planner, Jill A. Hartmann, PP, AICP, dated January 11, 2010.
2. Report of Pequannock Township Fire Official dated January 11, 2010.
3. Report of Pequannock Township Police Chief dated January 13, 2010.

The subject site is a fully developed and established townhouse development. Burnham Drive is a cul-de-sac street with a length of approximately 1200 linear feet. It is located off the West Parkway and contains a small number of townhouses with one section of eighteen (18) townhouses located west of the existing stem connector roadway and an additional group of approximately eighteen (18) townhouses located east of the stem connector roadway adjacent to West Parkway. Arundel Road is a cul-de-sac with a length of approximately 1200 linear feet and is located in the R-15 District. Arundel Road contains six (6) single family homes west of the stem connector roadway and a series of single family homes leading out to West Parkway. Both Burnham Drive and Arundel Road are dead end streets with access to West Parkway. The Glens at Pompton Plains is a private community. The Applicant seeks to install a gate in order to eliminate the connector roadway between Burnham Drive and Arundel Road.

Testifying on behalf of the Applicant was Richard Phelan, a member of the Board of Trustees of the Homeowners Association for the Glens at Pompton Plains. Phelan indicated that the Homeowners Association had serious concerns about motorists cutting through Burnham Drive in order to access Arundel Road. He further elaborated that residents on Arundel Road use the connector road as a cut through in order to get to the end of the cul-de-sac on Arundel Road. Therefore, in the opinion of the Glens, there are safety concerns that have lead to this application before the Planning Board, whereupon the Glens seek approval in order to construct a gate to prevent access from Burnham Drive to Arundel Road via the connector road. Phelan also stated that Burnham Drive is a private road and that the Glens is responsible for plowing their own roads within the development complex.

Several Board members had concerns about installing a gate in order to restrict the free flow of traffic between Burnham Drive and Arundel Road. The various Board members expressed concerns that up until this time, there has been no attempt on the part of the Glens to install signs or to install traffic calming devices such as speed bumps in order to address the issue of vehicles speeding and using the connector road as a cut through from Burnham Drive to Arundel Road. The Board also expressed concerns about separating the Glens from the rest of the town by allowing the gate to be installed. One Board member suggested that the Glens install traffic bollards that are recessed in the ground and then can be elevated in order to block traffic. Phelan reiterated the Glens needs to stop cars from using Burnham Drive as a cut through street to Arundel Road.

The meeting was opened up to members of the public and there were no members of the public present expressing an interest in this Application.

NOW, THEREFORE, the Planning Board hereby makes the following conclusions of law, based upon the foregoing findings of fact.

The Application before the Board is a request for amended site plan approval for property known as Block 1101, Lot 9, as shown on the Tax Map of the Township of Pequannock and located along Burnham Road, Pompton Plains, New Jersey which premises are located in the PRD-Planned Residential Development District.

The nature of the application is to amend the existing site plan in order to permit a gate to be installed across an existing stem roadway that connects Arundel Road with Burnham Drive. The Board acknowledges receipt of a memorandum from the Pequannock Township Police Chief dated January 13, 2010 that provides in relevant part:

“The connector road between Burnham Drive and Arundel Road has been there since the completion of Burnham Drive. While it serves as a connection between the two roads, it really serves no other purpose. After speaking with traffic sergeant, Christopher DePuyt, the police department would not oppose the closing of this road to through traffic. Being that most of the speeding complaints seem to target vehicles passing through to and from Arundel Road, it would also greatly reduce the speeding complaints and make the road less traveled and safer. This would make Arundel Road and Burnham Drive true dead end streets, no different than the many dead end streets in Pequannock Township. Our only request is that a key be supplied (for any gated and locked device) to the police department and both our fire companies in the event we have to open the road.”

In addition, the Planning Board acknowledges receipt of a memorandum from the Pequannock Township Fire Official which contains certain recommendations if the gate is approved as follows:

- a. The gate be maintained in proper working order at all times.

- b. The access road be maintained clear of all snow, ice and any debris that may impede the clear access/flow of emergency vehicles.
- c. A sign be installed to read "emergency vehicles only".
- d. Supply keys for all emergency response vehicles from the Township of Pequannock. (Police, Fire, EMS and one for the DPW supervisor's vehicle)

The Board attorney reviewed the Resolution of approval in regard to this development application which was entered on August 11, 1992. Upon review of the Resolution it appears that the Township had an ordinance under Section 163-50J which limited the length of a cul-de-sac to a maximum of 600 feet. The Planning Board at the time of the original approval granted a variance from this section of the ordinance based upon its review that the length of the cul-de-sac was dictated "largely by the extent and irregular distribution of developable land both in the area of this Glen and generally throughout the Glen's tract. Wetlands prevent connecting Burnham Glen to any other road within the Glens in a practicable manner. The proposed Burnham Glen building sites are strung out on a finger of dry land with no area available for spreading the developed housing area perpendicular to the road."

The Board also noted that the potential exists to create a connector road between Arundel Road and Burnham Drive in the future. Based upon these factors, the Board granted variance relief from cul-de-sac length.

Subsequent to this approval, the State of New Jersey Department of Community Affairs (hereinafter "DCA") adopted the Residential Site Improvement Standards. On June 19, 2003, the DCA issued a clarification on length of cul-de-sacs. The DCA opined:

“The decision to impose an average daily traffic (ADT) limit on cul-de-sacs rather than a length limitation was intentional. The original Rutgers Model subdivision and site plan ordinance limited cul-de-sacs based on ADT because it was a better measure of the function of the cul-de-sac and was less arbitrary than the length limitation. Therefore, any attempt by a municipality to impose a length limit is in conflict with the RSIS. Such provisions have been superseded by the RSIS and are unenforceable”.

Therefore, the Board concludes that based upon the RSIS, the Applicant no longer requires relief from the cul-de-sac length ordinance of the Township of Pequannock. The Board also concludes that this is a private road and not a public street. The Board also concludes that the Applicant has stipulated on the record that it will comply with the requirements of the fire official in regard to closing off the connector road between Burnham Drive and Arundel Road to through traffic. More specifically, the Applicant stipulated that 1) the device to be installed to eliminate access will be maintained in proper working order at all times; 2) the access road would be maintained and kept clear of all snow, ice and any debris in order to allow for the free flow of access by emergency vehicles; 3) the Applicant will install a sign to read “emergency vehicles only”; the Applicant will supply keys for all emergency response vehicles from the Township of Pequannock including, but not limited to, Police, Fire, EMS and one for the DPW supervisor’s vehicle. The Applicant also agreed that it will install signage “emergency vehicles only”. All of these features shall be subject to the review and approval of the Pequannock Township Fire Official, Police Department and Board Planner.

Upon consideration of the plans, testimony and application, the Board determines that the Applicant has submitted sufficient information so as to enable the Board to make an informed decision. The Board grants the application for amended site plan approval in

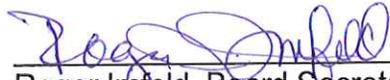
order to grant relief in connection with elimination of the connector road, to through traffic between Burnham Drive and Arundel Road. The Board reaches this conclusion based upon the stipulations placed upon the record by the Applicant and the Applicant's agreement to comply in all respects with the police and fire reports issued in this matter.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Pequannock that the application of The Glens at Pompton Plains, for property designated as Block 1101, Lot 9, as shown on the Tax Map of the Township of Pequannock, which premises are located along Burnham Drive, Pompton Plains, New Jersey and located in PRD-Planned Residential Development District, seeking amended site plan approval in order to eliminate the connector road to through traffic between Burnham Drive and Arundel Road is granted subject to the following terms and conditions:

1. The amendments to the site plan shall be implemented in accordance with the plans submitted, as revised and approved.
2. Applicant represents that all of its representations and stipulations made either by it or on it's behalf to the Township of Pequannock Planning Board are true and accurate and acknowledges that the Planning Board specifically relied upon said stipulations in the Board's granting of approval. If said representations and stipulations are false, this approval is subject to revocation.
3. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions set forth in the Board Planner's review report dated January 11, 2010 except as satisfied or modified through the hearing process.
4. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions set forth in the Pequannock Township Fire Official's review report dated January 11, 2010 except as satisfied or modified through the hearing process.
5. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions set forth in the Pequannock Township Police Chief's review report dated January 13, 2010 except as satisfied or modified through the hearing process.

6. The granting of this application is subject to and conditioned upon the Applicant submitting revisions to the site plan in order to reflect the precise nature of the measures to be installed in order to cut off the free flow of access of the connector road between Burnham Drive and Arundel Road, which shall be subject to the review and approval of the Board Planner, Pequannock Township Police Department and the Pequannock Township Fire Official.
7. The granting of this application is subject to and conditioned upon the installation of a device to prevent access through the connector road which shall be maintained in proper working order at all times. The connector road shall be maintained and kept clear of all snow, ice and any debris in order to allow for the free flow of access by emergency vehicles. The Applicant shall also install a sign to read "emergency vehicles only". The Applicant shall supply keys to unlock the device to all emergency response vehicles from the Township of Pequannock including, but not limited to, Police, Fire, EMS and one for the DPW supervisor's vehicle.
8. Certificate that taxes are paid current to date of approval.
9. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
10. Morris County Planning Board approval, if required.
11. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Pequannock, County of Morris, State of New Jersey or any other agency having jurisdiction.

The undersigned secretary certifies the within Resolution was adopted by this Township of Pequannock Planning Board on February 22, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 5, 2010.



Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

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