

February 28, 2013

Mr. Kirkpatrick called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Open Public Meetings Act Notice: I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated January 17, 2013, as published in the Hunterdon County Democrat and January 15, 2013, as published in the Courier News. A copy of the notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Clerk.

Members Present: Mr. Bischoff, Ms. McBride, Mr. Walchuk, Mr. Nace, Mrs. Corcoran, Mr. Ryland (7:30 p.m.) Mrs. Church, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Badenhausen, Mr. Kastrud

Others Present: Atty. Mark Anderson, Atty. Michael Crisitello, Robert Gazzale, John Capra

Approval of Minutes: Mr. Ford made a motion to approve the minutes of the January 24, 2013 meeting. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Nace, Mrs. Corcoran, Mr. Kirkpatrick

Abstain: Ms. McBride, Mr. Bischoff, Mr. Walchuk, Mrs. Church

P.S. Construction Inc./Rolling Hills: Block 22, Lot 27, Race Street: Issue of Completeness: Atty. Michael Crisitello, representing P.S. Construction, said applicant is seeking final major subdivision approval in addition to the issue of completeness. Mr. Crisitello said applicant would comply with all items in Engineer Roseberry's February 20, 2013 report. The Board addressed the completeness issue. Mr. Roseberry said requested metes and bounds descriptions had been submitted and he had no objection to the application being deemed complete. Mr. Kirkpatrick mentioned FEMA is now issuing advisory base point elevations that would probably change the Flood Elevations for the Sydney Brook. Mr. Kirkpatrick wanted to be sure there would remain at least one means of ingress and egress from the site. He also said there is erosion of the bank that is causing a portion of Race Street to collapse and that could be a problem with access to and from the site. Atty. Crisitello said there is access from the other side of Race Street. Mr. Kirkpatrick recalled that location is lower in elevation and maybe below the new one-hundred year flood elevation. Mr. Kirkpatrick wanted those items addressed as the application moved forward.

Mr. Kirkpatrick asked for a motion to deem the application complete. Mr. Walchuk made the motion. It was seconded by Mr. Ford.

Vote: All Ayes, No Nays, Motion Carried

Mr. Kirkpatrick said that since there were a number of incomplete items he thought the application would not move forward. Atty. Crisitello indicated he would like to proceed. He felt that issues could be conditions of an approval, as indicated by Mr. Roseberry. Mr. Kirkpatrick said the Board would proceed. Atty. Crisitello asked applicant's Engineer Robert Gazzale to come forward. He was sworn by Atty. Anderson. Mr. Gazzale stated his credentials.

Mr. Ford made a motion to accept Mr. Gazalle's credentials. Ms. McBride seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Gazzale displayed a copy of the Final Plat, dated January 2, 2013. Mr. Gazzale said the Final Plat is consistent with the approved Preliminary Major Subdivision Plat. There are no new variances or design waivers. Mr. Gazzale said he had reviewed Mr. Roseberry's report and there was nothing that applicant would not comply with. Regarding the Road Name "Glacier Way", applicant will provide proof that the name has been approved by the Township. Regarding the discrepancy that owners of Block 22, Lot 18.01 and Block 25, Lot 25 are shown on the list of Property Owners within two-hundred feet and not shown on Key Map, Mr. Gazzale said the list was provided by the Township. He had no problem deleting those owners from the map.

Regarding Lot 27, Mr. Gazzale said that Lot has the storm-water management facilities, two detention basins and two fire tanks and is not a developable lot. Designation of the Lot was discussed. Mr. Roseberry said the Board would have to decide the designation. The detention basins would have to be maintained by the Home Owners Association (HOA). If the Lot was designated as open space it would imply that the Municipality would be involved with maintenance. Deed restriction of the Lot as non-developable was considered to be more appropriate. Mr. Bischoff said it would be better for COAH too. The title of the Lot would be in the name of the HOA. Mr. Kirkpatrick emphasized that the Deed should clearly state that the HOA was responsible for maintenance and submission of the proper reports to the Township Engineer. Mayor McBride asked if the maintenance requirements would be clearly stated so Homeowners would not have any questions about their obligations. Atty. Crisitello said any language that would be acceptable to the Board and Atty. Anderson would be set forth in the Resolution.

Mr. Gazzale said there was a discrepancy between the metes and bounds description that applicant had provided and the conservation easement on Lot 27. He and Engineer William Burr had discussed whether the conservation easement should extend across Lot 27. Applicant will address and comply. Applicant will add the dimensions of the fire tank easements.

Mr. Gazzale will provide metes and bounds descriptions to the satisfaction of the Township Engineer, as set forth in the February 20, 2013 report. Atty. Crisitello will revise language subject to Mr. Roseberry's comments. Atty. Anderson will review all documents that will be included in the Resolution. Atty. Crisitello indicated applicant had complied with all conditions of the Resolution granting Preliminary Major Subdivision approval.

Mr. Kirkpatrick asked Mr. Gazzale to testify that the conditions had been satisfied. Mr. Gazzale said there are remaining open issues as identified in Mr. Roseberry's February 20, 2013 report and applicant will comply with those issues. Mr. Kirkpatrick asked if the dump site had been cleaned up. John Capra, a principle in P.S. Construction, was sworn by Atty. Anderson and responded to the question. Mr. Capra said the garbage was placed in dumpsters and, to the best of his knowledge, removed from the site a few months ago. Mr. Kirkpatrick understood applicant was not prepared to respond as to whether there remains access to the site in the event that the flood elevations change. Atty. Crisitello emphasized that applicant has Preliminary approval. He did not believe there was a basis, at this point, to ask applicant to redesign the Plan. Atty. Anderson said there could be health and/or safety issues. Mr. Crisitello indicated the issue would be reviewed. Information on the elevations would be provided to Mr. Roseberry. He said applicant would address whether or not there is alternate access prior to a determination about a redesign of access to the site. Atty. Crisitello re-emphasized that based upon applicant's compliance with conditions of Preliminary approval the application is in readiness for Final approval. Atty. Anderson had doubts about whether the access issue would be encompassed within the Preliminary approval. Mr. Anderson said there would be a condition of approval that the Board Engineer needs to be satisfied that access is not impaired by the new flood elevations before issuance of a building permit. He said, if there is a problem, applicant would have to return to the Board. Atty. Crisitello said that was acceptable to applicant.

Mr. Kirkpatrick asked for questions from the Board. Mr. Walchuk asked if there was an indication about the change in the elevation of the one-hundred year flood plain. Mr. Kirkpatrick said that generally the flood plain elevations have gotten higher. Mr. Gazzale asked if the new regulations for elevations had been published for the County or Union Township. Mr. Kirkpatrick said portions of the County have new elevations published. He did not know if that included the Sydney Brook. If there is not a new advisory the approval would stand. Mayor McBride emphasized the problem with a portion of the Race Street embankment and Race Street may be closed due to that factor. Ms. McBride said the Committee does not know how long it would take to complete the repair project. It might be necessary for construction equipment to access the site via Perryville Road. Mr. Ford voiced concern about the weight of the equipment due to the closeness of the bank encroachment to the Street. Mr. Bischoff stated the Conservation Easement Document has incorrect information regarding Lot 27. Atty. Crisitello said the Document would be revised. The HOA shall hold title to and be responsible for the maintenance of Lot 27.

Mr. Kirkpatrick asked for other questions from the Board and/or the Public. There were none. He asked for a motion.

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Mr. Bischoff made a motion to grant conditional Final Major Subdivision approval, based upon submissions and testimony presented and discussed at tonight's meeting. Ms. McBride seconded the motion.

Vote: Ayes: Mr. Bischoff, Ms. McBride, Mr. Walchuk, Mr. Nace, Mrs. Corcoran, Mrs. Church, Mr. Ford

Nay: Mr. Kirkpatrick

Mr. Ryland arrived at this time (7:28 p.m.)

Correspondence: None

Comments from the Public/Other Discussion: None

Motion to Adjourn: Mr. Ryland made a motion to adjourn. It was seconded by Mrs. Corcoran. (7:30 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary