

June 28, 2018

Mr. Ford called the Meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Mr. Ford announced that Messrs. Mazza and Neary could vote on the minutes; however, they would have to recuse themselves prior to the potential Use Variance matter (Spatz & Sons Construction).

**Members Present:** Mr. Mazza, Mr. Neary (not present for Roll Call/Minutes approval), Mr. Walchuk, Mr. Nace, Mr. Eschbach, Mr. Kirkpatrick, Mr. Ford

**Members Absent:** Mr. Kastrud, Mr. Stothoff, Mr. Sullivan, Mr. Fernandez

**Others Present:** Board Atty. Mark Anderson, Engineer Robert Clerico, Planner Andrea Malcolm, Atty. Joseph Novak, Paul and Nancy Spatz

**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 February 1, 2018, as published in the Hunterdon County Democrat and January 31, 2018, 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 Municipal Clerk.

**Approval of Minutes:** Mr. Mazza made a motion to approve the minutes of the May 24, 2018 regular meeting. The motion was seconded by Mr. Eschbach.

Vote: Ayes: Mr. Mazza, Mr. Eschbach, Mr. Walchuk, Mr. Nace, Mr. Kirkpatrick, Mr. Ford

**Informal: Spatz & Sons Construction, Inc. Block 22, Lot 5, Frontage Road:**

Atty. Joseph Novak was present on behalf of Spatz & Sons Construction, Inc. Mr. Novak gave an overview of the fifteen-acre property that is located in the Village Commercial (VC) District. Spatz & Sons are contract purchasers. Atty. Anderson brought up the issue of a use variance. He said Committee Members Mazza and Neary would have to recuse themselves if there was a use variance. Based upon Mr. Anderson's statement Messrs. Mazza and Neary left the podium. Atty. Novak does not think a use variance would be required. He said the VC District allows contracting/trades and applicant contends this is a contracting business.

Atty. Anderson indicated the Board Planner and Engineer should address the issue. Ms. Malcolm said outdoor storage is prohibited in the District. She also questioned the proposed fuel station. Mr. Clerico had no comments on the use issue. The use variance issue was discussed briefly; however, he had some site plan concerns.

Mr. Clerico mentioned wetlands and the nearby Category 1 Stream. He also said a geo-technical assessment might be required since the property is in the Carbonate Rock Area. The Township Tree and Steep Slope Ordinances and storm water management needs to be considered.

Atty. Novak stated that the Planning Board had granted approval of an application for storage units on the subject property in 2002. It was in the Light Industrial (LI) District at that time. Mr. Novak said applicant proposes converting the existing residential dwelling for office use and the existing garage will be demolished. He described proposed maintenance and storage buildings/storage areas and parking.

Ms. Malcolm asked the hours of operation. Owner Paul Spatz said the typical hours are 6:00 a.m. until 6:00 p.m. They also provide emergency services, i.e., snow plowing and water/sewer pipe repairs.

Atty. Novak asked for questions from the Board. There were none. Mr. Novak thanked the Board for their time and indicated that his client will be submitting a formal application.

**Union Township Elementary School: Block 13, Lot 13, 165 Perryville Road:** Mr. Ford mentioned the June 13, 2018 letter from Architect Planners Fraytak, Veisz, Hopkins and Duthie regarding Playground Equipment at the Middle School. The letter requested review and approval for compliance with the Union Township Master Plan. Mr. Kirkpatrick noted the wetlands, stream corridor riparian zones and increase in impervious surface. He also said attention should be paid to minimize construction in areas of steep slopes near the parking lot where some work is proposed. Mr. Kirkpatrick said activities are proposed in areas that are regulated by the NJDEP.

Mr. Ford said a letter could be sent to appropriate persons stating the Board's comments.

Mr. Kirkpatrick made a motion to write a letter to the State Dept. of Education stating that the proposed site plan activities may be in areas regulated under the Flood Hazard and Fresh Water Wetlands Protection Acts. Mr. Ford said the letter should state that the proposal is not inconsistent with the Master Plan. Mr. Nace seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Ms. Malcolm will prepare a letter to be signed by Board Chairman Ford.

**Correspondence:** Clinton Wildlife Management Area Shooting Range: Block 11, Lot 10 – Highlands Applicability Determination Letter dated June 12, 2018. The letter apprises the Board of modifications to the existing shooting range. A covered structure is proposed limiting firing lines and controlling projectiles in compliance with the "No Blue Sky" concept and in the interest of public safety.

**Comments from the Public/Other Discussion:**

Mr. Clerico gave a status report to Board members regarding prior and current applications, including Republic Services, Powerco and Quick Check.

Mr. Mazza mentioned directional signage for trucks accessing and exiting Pilot Travel Centers.

Mr. Mazza also mentioned someone who flies a motorized kite and takes off and lands in Finn Road Park. He voiced a concern about abandoned/unregistered cars on several properties in Union Township. Ms. Malcolm was asked to check if there is an Ordinance regarding abandoned/unregistered vehicles in the Land Use Code.

Mr. Mazza had a matter for Executive Session. A motion to go into Executive Session to discuss a matter that may be rendered by a Court to be confidential was made by Mr. Kirkpatrick and seconded by Mr. Walchuk. (7:55 p.m.)

Vote: All Ayes

**A Resolution providing for a meeting Not Open to the Public in Accordance with the revisions of N.J.S.A.10:A-4-12.**

**WHEREAS**, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A.10:A-4-6, et seq., and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A.10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

**WHEREAS**, it is necessary for the Planning Board of the Township of Union, assembled in public session on June 28, 2018, in the Union Township Municipal Building, 140 Perryville Road, Hampton, NJ 08827, for the discussion of matters relating to the specific items stated above.

It is anticipated the deliberations conducted in closed session may be disclosed to the public when it is determined by the Planning Board that the public interest will no longer be served by such confidentiality.

Mr. Nace made a motion to return to the regular session. Mr. Eschbach seconded the motion. (8:03 p.m.)

Vote: All Ayes, No Nays, Motion Carried

**Motion to Adjourn:** Mr. Walchuk asked for a motion to adjourn. Mr. Kirkpatrick seconded the motion. (8:05 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary

