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February 24, 2021

Township of Union
Land Use Board
140 Perryville Road
Hampton, New Jersey 08827

Attention: Grace Kocher (via e-mail plan@uniontwp-hcnj.org)

Reference: Preliminary and Final Site Plan, Major Subdivision and Variances
Plushanski Construction, LLC – Report #1 Completeness
Block 22.02, Lots 3 & 4 – 37-39 Frontage Road
Union Township, Hunterdon County, New Jersey

Dear Grace:

I received the above referenced application and related submission documents associated with two existing lots, both owned by Brian Plushanski of Plushanski Contraction, LLC. These lots, in common ownership, are located in the Village Commercial (VC) Zone along a section of Frontage Road controlled by NJDOT. The properties located Block 22.02 include **Lot 3** (a conforming 5.897 Ac property with extensive frontage along the State Highway) and **Lot 4** (a non-conforming 16.547 Ac. Flag Lot with access to the State Highway).

The application has several components consisting of the following:

1. **A Preliminary and Final Major Subdivision** that would utilize the two (2) existing properties and create four (4) new lots including
 - A. **New Lot #3 - A 5.72 Ac parcel** resulting from the dedication of 0.19 Ac from existing Lot #3 to a new adjoining parcel that would become a portion of a **Private Road** (Common Ownership) serving the entire development. The new lot will retain its frontage along the State Highway and would also be encumbered with the dedication of a SWM easement to the Private Road. This easement would allow for the installation of a BMP – SWM basin that would only serve and benefit the proposed improvements associated with the Private Road. The Board should obtain input from Mark Anderson however, I believe “Ownership” of the Private Road and the associated SWM easement would require the establishment of a **Property Owner’s Association (POA)** since under MLUL an “individual” could not own (fee simple) a Road that serves more than one property.

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- B. **New Lot # 4.01- A 7.829 Ac. parcel** consisting of the northerly portion of the original Lot #4. This new lot will rely upon the creation of the new **Private (POA) Road** as means of access to the State Highway.
 - C. **New Lot #4- A 7.595 Ac parcel** consisting of the southerly portion of the original Lot #4. This new lot will also rely upon the creation of the new **Private (POA) Road** (Common Ownership) as means of access to the State Highway.
 - D. **Private (POA) Road – A 1.123 Ac parcel** that would allow for the construction of the **Private (POA) Road** providing the access to the State Highway for the lots noted above
- (Note- since Lot Numbers have not yet been assigned by the Tax Assessor and since the current submission has inconsistent designation on some of the proposed lot numbers I will refer to the above as **Lots A** (new Lot 3), **B** (Lot 4.01), **C** (new Lot 4) & **D** (POA Road) in this report)
2. **A Preliminary and Final Site Plan** for proposed development on **Lot B**. This Site plan will include the detail design of a proposed 46,000 sf. Office Warehouse and related infrastructure including construction of an onsite driveway from the POA Road (shared with future use on Lot C), parking (constructed & banked), truck loading area, fully designed onsite SWM Basin (serving development on this lot), lighting, landscaping, grading, SESC along with previously approve Septic Disposal System.
 3. **Concept Plan –for future development on Lot “A” & Lot “C”**. **The applicant is not presenting any detailed design** for the proposed buildings or any of the required onsite improvements including parking (constructed & banked), truck loading area, fully designed onsite SWM Basin (serving just these properties), lighting, landscaping, grading, SESC or Septic Disposal System (including soil testing). Accordingly, aside from giving general consideration in the review of the requested P/F Site Plan on Lot B **the submission of this concept plan would not convey any rights for any future development of these parcels as shown**. The Applicant should clarify the purpose of this document however, **if the intent was to provide this plan as a representation of Preliminary Site Plan on Lots A & D then both of these would be would be incomplete for the general lack of detail documentation**.
 4. **Variances for the following:**
 - A. **Use (d) Variance– §30-5.5 for Outdoor Storage** -Requested for development on proposed **Lots A, B & C**. Please note the following:
 1. None of the submitted plans show the location of any areas intended for outdoor storage or the type of material, equipment or product being stored.
 2. **This request can be considered** by the Board in conjunction with the Site Plan application submitted for **Lot B if the designated areas are defined and the details of the intended storage are provided**.
 3. **This request cannot be considered** by the Board for **Lots A or C since Site Plan Applications have not been filed for those properties**. In the

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event that the applicant was intending to file **individual Bi-Furcated Site Plan applications for Lots A & C** and only seek the Outdoor Storage Use at this time then the Board would have to decide if the “concept plan is sufficient for that purpose.

B. Exceeding Maximum Allowable Building Coverage – (c) variance from §30-4.8.b Requested for development on proposed **Lots A, B & C**. Please note the following:

1. **This request can be considered** by the Board in conjunction with the Site Plan application submitted for **Lot B**.
2. **This request cannot be considered** by the Board for **Lots A or C** since **Site Plan Applications have not been filed for those properties and details and size of the intended building can only be evaluated when and if a specific site plan has been submitted and the layout and related site improvements have been evaluated** . In the event that the applicant was intending to file **individual Bi-Furcated Site Plan applications for Lots A & C** and only seek the FAR Variance at this time then the Board would have to decide if the “concept plan is sufficient for that purpose.

C. Allow Structure within the Front Yard Setback – c variance from §30-7.1(e) Requested for **Lot B**- Note: Clarification should be provided as to the specific “structure” that is being proposed within the Front Yard Setback of Lot B.

D. Exceeding Maximum Allowable Impervious Coverage – c variance from §30-4.8.b Requested for development on proposed **Lots A, B & C**. Please note the following:

1. **This request can be considered** by the Board in conjunction with the Site Plan application submitted for **Lot B**.
2. **This request cannot be considered** by the Board for **Lots A or C** since **Site Plan Applications have not been filed for those properties and details of the intended layout can only be evaluated when and if a specific site plan has been submitted and the layout and related site improvements have been evaluated**. In the event that the applicant was intending to file **individual Bi-Furcated Site Plan applications for Lots A & C** and only seek the Impervious Coverage Variance at this time then the Board would have to decide if the “concept plan is sufficient for that purpose.

E. Exceeding Maximum Allowable Floor Area Ratio (FAR) – c variance from §30-4.8.b Requested for development on proposed **Lot B**.

F. Exceeding the Maximum Allowable Disturbance of Steep Slopes - c variance from §30-6.4(b) 4 Requested for development on proposed **Lot B**.

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I have completed a review of the submitted documents for compliance with the Township's checklist. The documentation used for my review consists of the following:

- A. **Board Application** dated February 1, 2021, with the following attachments:
 1. Owner's Consent
 2. Certification of Taxes Paid dated February 3, 2021
 3. W-9 Form
 4. Corporate Disclosure Statement
 5. Union Township Professionals & Agencies Direct Service List;
 6. Replenishment of Escrow Accounts dated February 2, 2021
- B. **Title Reports and Deed** for Lots 3 & 4, with cover letter by Freedom Title & Abstract Co. of Ocean City, dated May 11, 2018. (**Note the reports identify various easements that encumber these individual lots**)
- C. **Cover Letter** prepared by Paulus, Sokolowski and Sartor, LLC (Jason Schooling, P.E.), dated February 2, 2021, listing submission documents, variances being requested, and waivers being requested.
- D. Section 30-26 Checklist of the Township Ordinance, **Schedule B and Schedule C Checklist.**
- E. **NJDEP Letter of Interpretation: Presence/Absence Determination (File No.: 1025-20-0001.1)**, dated December 7, 2020. (**Note- this document applies to the entire property**)
- F. Site Plans entitled "**Preliminary & Final Subdivision & Major Site Plans for Plushanski 39 Frontage Road**" prepared by Paulus, Sokolowski and Sartor, LLC (William Salmon, P.E.), dated January 15, 2021, consisting of 14 sheets. (**Note-this covers the Subdivision of the parcel and the detailed Site Plan for only Lot "B"**)
- G. **Architectural Plans** entitled "**New Office/Storage Warehouse for Brian Plushanski Lots 3 & 4, Block 22**" prepared by Chambers Architecture, Inc. (Keith T. Chambers, AIA), dated February 25, 2020, last revised January 28, 2021, consisting of 2 sheets. (**Note this only covers the proposed Building associated with the Site Plan on Lot B**)
- H. **Survey Plans** consisting of a Boundary and Topographic Survey (one sheet) prepared by Jaroslava Vonder, P.L.S., dated November 4, 2019. (**Note: the survey is not sealed and does not references or reflect any of the Title Documentation provided (ref:"B")**)
- I. **Preliminary & Final Major Subdivision Plan** prepared by Paulus, Sokolowski and Sartor, LLC (Jaroslava Vonder, P.L.S.), dated January 28, 2021, consisting of one (1) sheet. (**Note: the document was not sealed and should be identified as a File Map.**)
- J. **Concept Plan** prepared by Paulus, Sokolowski and Sartor, LLC (William Salmon, P.E.), dated April 6, 2020, consisting of one (1) sheets. (**Note the plan only reflects possible future building and site improvements for Lots A & Lot C**)
- K. **Reports:**
 1. **Stormwater Management Report** prepared by Paulus, Sokolowski and Sartor, LLC (William Salmon, P.E.), dated January 2021 including existing and proposed drainage area maps and inlet drainage map. (**Note: the SWM assessment only addresses the improvements on Lot B and the improvements associated with the proposed POA road.**)

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2. **Impact Statement Report** prepared by PK Environmental, dated January 29, 2021. (Note: this report only provides an assessment of the proposed improvements on Lot B & Lot D).
3. **Phase I Geologic Report** prepared by M² Associates Inc., dated February 11, 2020. (Note: the Board should obtain comments from Eric DeRicco as to the adequacy of the documentation.)
4. **Transportation System Inventory for Proposed Warehouse Facility** prepared by Dolan & Dean Consulting Engineers, LLC (Gary W. Dean, P.E. and Elizabeth Dolan, P.E.), dated January 28, 2021. (Note: this study only assess traffic impact from the proposed development on Lot B with no consideration for future development on Lot A or Lot C. The Board should obtain comments from Walter Lublanecki as to the adequacy of the documentation.)

L. **Underground Sewage Disposal System:**

1. **Design of Pressure Dose Underground Sewage Disposal System** for The Perryville Group, LLC, prepared by Schoor DePalma, Inc., dated May 3, 2002. (Note this only applies to proposed Lot B improvements)
2. **Hunterdon County Health Department** Application for Permit to Construct/Alter/Repair an Individual Subsurface Sewage Disposal System for The Perryville Group, LLC, dated August 2, 2001 (Note this only applies to proposed Lot B improvements)

Based on the documentation listed above and my review, I make the following comments from Checklist “B” and “C” provided by the applicant:

Schedule “B” Checklist – Prelim. / Final Major Subdivision and Prelim. / Final Site Plan +

- **Item 2 – all documents must be signed and sealed by appropriate N.J. licensed professional person.**
 - **Incomplete;** Boundary & Topographic Survey (ref: H) and the Subdivision File Map (ref: I) plans are not sealed by the professional who prepared them.
- **Item 3 & 40 – Plat prepared to scale based on deed description or other reasonable accurate data for the purpose of review and discussion by the Planning Board.**
 - **Incomplete;** the survey (ref: H) was performed without the benefit of the Title Search (ref: B)
- **Item 8 – Assignment of new lot numbers from the Tax Assessor.**
 - **Incomplete;** Confirmation from the Assessor not provided
- **Item 30 – Location of trees 10 inches in diameter. Applicant is requesting a waiver** since the trees within the limit of disturbance identified were successional growth and below the replacement thresholds for tree replacement. Based upon a review of older aerial photographs I would generally concur with the applicant’s observation however, I **recommend that this be granted as a Temporary Waiver** with the applicant providing an exhibit to reflect the general age of the trees and a confirmation that there are no trees in excess of 10 inch diameter.

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- **Item 36 – Natural Heritage Database & NJ Landscape Data. Clarification required**
– applicant has labeled this item as “Not Applicable.” A letter from NJDEP prepared by Robert J. Cartica dated August 15, 2018 included in the Impact Statement Report (ref. K-2) was provided, therefore, this item appears to be complete
- **Item 43 – Septic and Soil Testing**
 - **Site Plan Lot B –**
 - **Conditionally Complete**- previously approved Septic Design (ref. L-1) and HCHD application (ref. L-2) have been provided for the Site Plan filed for Proposed Lot “B”. The applicant should provide written acknowledgment from the HCHD that the approvals granted in 2002 remain valid.
 - **Subdivision Plan for Lots A, & C.**
 - **Incomplete** – Soil testing for these lots was not provided. (Note: the proposed subdivision and subsequent development on the 3 lots will result in a septic discharge in excess of 2000 gal. per day and as such the subdivision is subject to review by NJDEP under a NJPDES permit process.)
- **Item 48 – Required road dedication. Clarification required** – applicant has marked this item as not applicable, however the division of the properly involves the creation of the Private (POA) Road and various easements. The item should be deemed **Incomplete**.
- **Item 53- SWM plans & Analysis**
 - **Site Plan Lot B –**
 - **Complete**- all required SWM documentation for this lot has been provided.
 - **Subdivision Plan for creation of Lot D- Private POA Road**
 - **Complete**- all required SWM documentation for the Road has been provided.
 - **Subdivision Plan for creation of Lots A & C**
 - **Incomplete – SWM documentation has not been provided.**
- **Item 57 – The purpose of any proposed easement of land reserved or dedicated to public or common use shall be designated.**
 - **Incomplete** – the applicant must document the ownership, operation and maintenance responsibilities associated with dedication of the Proposed Private (POA) Road along with Easements dedicated for the SWM Basin. In addition rights and obligations associated with the proposed common driveway easement running along the property line of Lots B & C must be identified.
- **Item 60 – submission of As built Plan for Final Subdivision and Final Site Plan**
 - **Recommend that the applicant request and the Board grant a Temporary Waiver.**

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Schedule “C” Checklist – Variance Application for Lot B– as noted above there are several variance being requested in conjunction with the Site Plan that has been filed for Proposed Lot B

- **Items 2, 3, 8, 35, 48 & 57** – these items are similar to the corresponding items in Schedule “B”, and should be handled as noted above.

Schedule “C” Checklist – Variance Application for Lots A & C – as noted above the applicant is seeking several variances on these lots where a detailed Site Plan has not been filed and detailed information has not been provided. It is my understanding that the Board cannot consider these types of variances under these circumstances unless the applicant was requesting consideration under a Bi-Furcated submission process. In that regard the applicant would need to make that request relying upon the Concept plan and since the Concept Plan does not conform to most of the Site Plan Checklist requirement they would have to note all of those deficiencies and request and justify waivers from the Board. Until and unless that request is made I will defer from offering any comments.

If the Board is in agreement with the above, then they would take the following action at the meeting on February 25, 2021.

- **Grant Temporary Waivers for items 30 & 60** as they apply to noted components of the various applications.
- Deem the noted applications **to be incomplete** for the following:
 - **Preliminary & Final Major Subdivision – Lots A, B, C & D**
 - items 2, 3, 8, 40, 43 (Lots A & C), 48, 53 (Lots A & C) & 57
 - **Preliminary & Final Major Site Plan for Lot B**
 - items 2, 3, 8, 40, 48 & 57
 - **Requested Use and Bulk Variances Associated with Lot B**
 - Items 2, 3, 8, 40, 48 & 57
 - **Requested Use and Bulk Variances for Lots A & C**
 - All Checklist Items

In addition to the above I just learned today that the updated Stormwater Control Ordinance (SCO), mandated by NJDEP and adopted by the Township in December has been reviewed by the HCPB and was **approved on February 4, 2021** which becomes the effective date of the new regulations. Under the provisions of NJAC 7:8-1.6 and “clarification” listed under NJDEP’s FAQ page state that any application submitted to the municipality for approval of the Board **shall comply to the Stormwater regulations that are effective at the time of filing** with the stipulation that the submission included an Application Form (Subdivision or Site Plan) and included all accompanying documents required by the Ordinance.

In this case, the Plushanski application was filed on February 3, 2021 and based upon my understanding of the DEP Regulations it would fall under the old SCO regulations for aspects of the application where the applicant filed a Site Plan or Subdivision application along with a complete SWM analysis. As note above this would apply to the Site Plan application for the

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proposed improvements on Lot B and for the improvements associated with the Private (POA) Road. All other development on Lot A or Lot C will need to meet the new requirement when Site plan or Subdivision applications are requested. Since this is a new set of requirements it may be subject to further interpretation by DEP.

We can discuss the above at the meeting tomorrow night

Please let me know if you have any questions.

Very truly yours,



Robert J. Clerico, P.E.

Board Engineer

RIC: 5897.055-210224 -Completeness Report.docx

CC: Board Members (email)
Mark Anderson Esq. (email)
Emily Goldman, Board Planner (email)
Eric DeRicco, Board Geologist (email)
Joe Novak Esq., applicant's Attorney (email)
Plushanski Construction, LLC, applicant (email)
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