

February 25, 2021 Planning Board and Board of Adjutment Minutes

These minutes were approved at the April 22, 2021 Meeting

Call to Order and Notices: Mr. Ford called the meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Mr. Ford would like to have placed in the minutes that due to the Covid Emergency and the closure of the Municipal Building the meeting is being held electronically and complies with the Department of Community Affairs Regulations. A link to the meeting was provided on the Township Website, is included in the posted agenda, and is posted on the doors of the Township Offices and may be read from outside the building. The Open Public Meeting Requirements of Law have been satisfied by our notices dated January 21, 2021, as published in the Hunterdon County Democrat and January 20, 2021, 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.

Members Present: Mr. Stothoff, Mr. Nace, Mr. Kastrud, Mr. Neary, Mr. Petitt, Mr. Belden, Mr. Ford.

Board Professionals Present: Atty. Mark Anderson and Engineer Robert Clerico

Members Absent: Mr. Mazza, Mr. Dix, Ms. Wardell and Mr. Kirkpatrick

**Others: (Plushanski Application) Brian Plushanski, Atty. Joseph Novak, Engineer William Salmon
(Nutrien Informal) Dustin Kalanick and Nicholas Hamm**

Approval of Minutes: Mr. Nace made a motion to approve the minutes of the February 11, 2021 Meeting. Mr. Petitt seconded the motion.

Vote: Ayes: Mr. Nace, Mr. Petitt, Mr. Stothoff, Mr. Kastrud, Mr. Neary, Mr. Belden and Mr. Ford.

Because the Plushanski application being considered includes a D variance, Mr. Stothoff recused himself from the discussion on the matter.

Issue of Completeness: Plushanski Construction LLC: Block 22.02, Lots 3 & 4, 37 & 39 Route 173 East:

Atty. Joseph Novak, representing Plushanski Construction, gave a brief overview of applicant's proposed Preliminary and Final Major Subdivision and Site Plan, including "C" and "D" Variances. The "D" variance would be for outdoor storage. Mr. Novak said the property is in the Village Commercial District (VC) and comprises approximately twenty-two acres. Lot 3 has 5.879 acres and Lot 4 has 16, 547 acres. Applicant proposes subdividing Lot 4 and creating a 7.829-acre Lot designated as Lot 4.01. Atty. Novak said access would be from Frontage Road.

Mr. Clerico reviewed his February 24, 2021 letter to the Board. He referenced Checklist Items that were complete, as well as the deficient items and items for which waivers could be granted for purposes of completeness. Mr. Clerico stated in his letter that four new lots would be created; one of those lots is a 1.13-acre parcel that would provide access for the proposed three lots. He referred to that parcel as a private road that would have a Storm Water Management Easement. Mr. Clerico said a Property Owner's Association (POA) would need to be established for that parcel.

Mr. Clerico gave an overview of the revised ordinance reflecting the new NJDEP Storm Water Regulations that was approved by the Hunterdon County Planning Board on February 4, 2021, and the relevance to this application. The Plushanski application was filed on February 3, 2021. He understood the application would fall under the old Storm Water Regulations as they apply to the submitted site plan for Lot 4.01 and the Private Road. The new ordinance would apply to any subsequent development on any of the lots.

Atty. Anderson offered clarification regarding completeness and whether documents submitted should comply with the State Storm Water Ordinance or the Union Township Storm Water Management Ordinance. Atty. Novak emphasized the importance of the application being deemed complete as it relates to proposed Lot 4.01. Mr. Novak also mentioned that his client might appeal to the Township for a zoning change to the VC District, thus eliminating applying for a "D" Variance for outdoor storage.

Atty. Anderson understood applicant's situation; however, the Board is being asked to take what could become an untenable action. Mr. Clerico said applicant has provided appropriate components for the storm water basin to be constructed on Lot 4.01 as well as the basin to be constructed on Lot 4. Under the proposed Subdivision, other development on new Lots 3 and 4 would have to comply with new Township ordinance with the new NJDEP Storm Water Regulations.

Atty. Novak asked the Board to consider deeming the application complete.

Mr. Ford asked that Mr. DeRicco's letter dated February 25, 2021 be addressed. Mr. DeRicco recommended the Board deem the Phase I Checklist complete and grant a temporary waiver from the Phase II Checklist. He recommended a qualified geologist conduct an investigation to determine whether carbonate rock is present and notify the Township if any is encountered. A Phase II Investigation would then be required, and any proposed remediation would be provided to the Township for approval prior to construction. Atty. Novak said that was acceptable.

Mr. Ford said Mr. Clerico recommended that temporary waivers be granted for the tree inventory and an As-Built and that the application be deemed complete as it pertains to proposed Lots 4.01 and the POA Road pending the applicant providing additional items as outlined in his letter.

Mr. Ford asked for a motion on the Issue of Completeness.

Motion: Mr. Nace made a motion to deem the Site Plan and Subdivision application complete and grant temporary waivers as set forth by Mr. Clerico. Applicant agreed to provide documentation associated with the temporary waivers prior to scheduling a Public Hearing. Mr. Kastrud seconded the motion.

Vote: Ayes: Mr. Nace, Mr. Kastrud, Mr. Neary, Mr. Belden and Mr. Ford.

Informal: Nutrien: Block 21, Lot 15, 127 Perryville Road: Supervising Architect Dustin Kalanick and Local Nutrien Representative Nicholas Hamm were present. Mr. Kalanick said Nutrien is proposing construction of a 1,125 square foot (sf) modular office building. The property is in the Country Residential District (CR) and a variance may be required. Atty. Anderson interjected the requirement that the applicant should be represented by an attorney. Thereupon, Mr. Kalanick said Nutrien will assemble a team and may submit a formal application in the future.

Homeowner's Associations (HOA) - Storm Water and other Facilities Maintenance: Mr. Ford said the issue of HOA's and maintaining Storm Water Facilities arose at the White Oak Drive Hearing. He asked the Zoning Officer to compile information on properties where HOA'S and other Facilities exist.

He said Mr. Clerico's office is collecting data on HOAs and Storm Water Facilities. Mr. Clerico mentioned an inventory of those facilities and their maintenance is maintained by his office. Mr. Belden said he has a storm water basin on his property. He asked if he should be reporting pertinent information. Mr. Clerico told Mr. Belden to contact him regarding his concern.

Mr. Ford posed a hypothetical question. Suppose, a homeowner whose property is in a Subdivision with a HOA applies to the Zoning Officer for a swimming pool permit; is that person required to provide information regarding the HOA's compliance with stormwater facility maintenance? Mr. Clerico said his office has that information and the Zoning Officer could request that information.

Comments from the Public/Other Discussion: There were none.

Mr. Ford said the March 11, 2021 meeting would probably be canceled. The decision will be made by Friday March 5, 2021.

Motion to Adjourn: Mr. Nace made a motion to adjourn at 9:10 p.m. Mr. Belden seconded the motion.
Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary