

May 25, 2017

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

**Members Present:** Mr. Mazza, Mr. Stothoff, Mr. Walchuk, Mr. Eschbach, Ms. Rocca, Mr. Ford

**Members Absent:** Mr. Nace, Mr. Kastrud, Mr. Ryland

**Others Present:** Board Atty. Robyn Wright, Board Engineer Robert Clerico, Board Planner Andrea Malcolm, Atty. Michael Stanzone, Architect Frank Colasurdo, Mark Seguire, Atty. William Mennen, Engineer Tung-To Lam, Traffic Engineer Matt Seckler, Quik-Chek Representative Robert Vallaro, Atty. Howard Apgar, Dylan Sujet

**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 19, 2017, as published in the Hunterdon County Democrat and January 20, 2017, 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. Eschbach made a motion to approve the minutes of the March 23, 2017 Meeting. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Eschbach, Mr. Mazza, Ms. Rocca, Mr. Ford

Abstain: Mr. Stothoff, Mr. Walchuk

**Issue of Completeness: Cellco Partnership d/b/a Verizon Wireless, Block 11, Lot 12, 16 Route 173 West:** Atty. Michael Stanzone, representing applicant, gave a brief overview of Cellco Partnership's Site Plan Waiver application. Proposed is installation of three remote radio heads on the antennae of the existing monopole. Architect Frank Colasurdo was sworn by Atty. Robyn Wright. Mr. Colasurdo addressed Mr. Clerico's letter dated April 15, 2017 and provided information relevant to the completeness issue.

Mr. Eschbach made a motion to deem the application complete. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Eschbach, Mr. Walchuk, Mr. Mazza, Mr. Stothoff, Ms. Rocca, Mr. Ford

**Cellco Partnership Public Hearing:** Atty. Stanzone had provided adequate notice of the Hearing. Mr. Colasurdo described the proposed improvements/modifications to the existing monopole. Mr. Clerico addressed conditions of approval in the 2005 Resolution that had not been completed. Mr. Clerico's April 15, 2017 letter noted that the Board had granted conditional approval to a similar request by New Cingular Wireless (AT&T) in 2016. The 2016 Resolution stated that landscaping and pavement striping needed to be completed and documented, as required in 2005.

Atty. Stanzione and Mr. Colasurdo questioned how the Board could require Cellco to comply with outstanding conditions since Cellco does not own the property or the monopole. Mr. Ford thought the Board was inclined to grant the waiver; however the Board wants previous conditions to be met.

Atty. Wright explained the limitations of the Statute governing wireless facilities and said it would be better to have Code Enforcement deal with conditions. Mr. Stothoff mentioned striping might be a public safety concern.

Mr. Ford asked for comments from the Public. Mark Seguire, owner of neighboring property, stated that some fencing had been installed and trees have been planted. Mr. Seguire was sworn by Atty. Wright.

Mr. Mazza asked that applicant provide As-Built Plans. Ms. Rocca thought the Board should grant the waiver and ask AT&T to provide the information required as a condition of their approval in 2016. Mr. Ford thought the Board should grant applicants' request and rely on Code Enforcement regarding outstanding conditions.

Motion to Approve: Mr. Walchuk made the motion to approve the Site Plan Waiver. Mr. Eschbach seconded the motion.

Vote: Ayes: Mr. Walchuk, Mr. Eschbach, Mr. Stothoff, Ms. Rocca, Mr. Ford

Nay: Mr. Mazza

**Issue of Completeness: Republic Services of NJ LLC: Block 22, Lot 30.03, 9 Frontage Road:** Mr. Ford said applicant will be submitting additional information as outlined by Mr. Clerico in his letter dated May 23, 2017 and is, therefore, requesting postponement of action on completeness. Mr. Ford asked for a motion to deem the application incomplete.

Mr. Stothoff made a motion to deem the application incomplete. Mr. Mazza seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

**Informal: Quik-Chek: Block 22, Lots 39, 30 & 41, 170 & 172 Perryville Road & 41 Route 173 East:** Mr. Ford emphasized that this is an informal presentation and nothing stated by Board members is binding.

Atty. William Mennen, representing applicant, gave a brief overview of Quik-Chek's proposal for the property. Mr. Mennen said Quik-Chek is the leaseholder of the property. He also said the three lots would be combined into two lots and would include a lot line adjustment of the north/south boundary between the eastern and western portion of the combined parcels. Parking and diesel fuel will not be available for oversized tractor-trailers.

As the leaseholder, Quik-Chek will provide flexibility regarding development of the rear area of the parcel. Access to that parcel is shown on the Concept Plan. An efficient circulation plan would be provided.

A full-length right turn lane along the entirety of the subject property on Perryville Road is proposed. Atty. Mennen said Quik-Chek plans to work with NJDOT by proposing a similar approach to traffic issues on Frontage Road. Atty. Mennen said Engineer Tung-To Lam would present additional information pertaining to the proposal. Mr. Ford said he would like members of the Public to have an opportunity to ask questions after Mr. Lam's presentation. Mr. Lam explained the changes in the proposal since Quik-Chek appeared before the Board in August 2016. He said the building size has increased in order to comply with Building Code Energy Requirements. Five fuel pumps are proposed. Mr. Lam described the buffers planned. The façade of the building will be brick. The loading zone will be to the rear of the building. Mr. Lam said there would be one tractor/trailer delivery a day. The storm water management plan is not shown; applicant will comply with State Regulations. Mr. Lam said surveying of the site will begin next week. Septic and carbonate rock testing will be performed. He said the store will have a generator. Mr. Mazza emphasized that could be helpful to Township residents in the event of a major storm, i.e. Hurricane Sandy.

Mr. Stothoff asked if the proposed easterly subdivided lot would be maintained as a residential lot. Mr. Lam could not give a definitive answer as to the future use of the lot. He briefly described proposed signage and details of the canopy. Mr. Stothoff said an option might be to rotate the building so that the loading/unloading area would not face the southerly property owner. Mr. Mazza asked about the adequacy of area for storm water management. Mr. Lam thought there would be enough room on the three-acre lot. Mr. Ford asked if applicant had reviewed the application/approval for the property across Perryville Road (Shell Station, Block 13, Lot 11.01, 169 Perryville Road) since that was similar to Quik-Chek's proposal. That applicant plans to close the driveway closest to the intersection. Mr. Lam said a new well is proposed.

Atty. Mennen assured the Board that their suggestions would be considered. Robert Vallero, representing Quik-Chek, emphasized that the company strives to work with the community.

Traffic Engineer Matt Seckler apprised the Board of Quik-Chek's intent to meet with Hunterdon County and NJDOT Representatives regarding traffic issues. He projected an increase of 1% in traffic with the development. Mr. Ford emphasized the potential increase in traffic from the Shell Station should be considered. Mr. Ford also mentioned the ongoing construction at Exit 11 and the impact that could have on a traffic study. Mr. Ford also said applicant should review the radius of the corner to allow easier right turns. Ms. Rocca thought traffic volume would increase significantly with the proposal. Mr. Mazza voiced a concern about traffic circulation. Mr. Seckler said the circulation is designed in a manner to provide efficient traffic flow. Mr. Stothoff raised a concern about the adequacy of the 30-foot access to the residential lot. Mr. Clerico said the Board should consider future possible uses for that lot.

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Mr. Seckler indicated applicant would address that issue. Ms. Rocca suggested a sign could be placed at Exit 13 providing direction to the site.

Mr. Ford asked for questions from Professionals and/or the Public. Mr. Clerico said a 45 degree shift of the building might alleviate access/circulation/grading issues.

**Land Use Code Changes:** Mr. Ford understood the Township Committee asked the Board to consider fees for a cell tower site plan waiver. Mr. Stothoff said the Committee was asking the Board for input on the Fee Schedule in general. Attorneys Jost and Anderson and Zoning Official Jim Graham have concerns about Swimming Pool Regulations in the Land Use Code. The Board had recommended at its January 12, 2017 meeting that the number of copies in Checklist Section 30-26, Schedule "A" General Requirements of the Union Township Land Use Code be reduced. That change would be included with other amendments. Ms. Rocca offered to gather information on fees from other municipalities. Propose changes will be discussed at the June 22, 2017 meeting.

**Correspondence: Sujet: Block 19, Lots 6 & 6.01, 115 Driftway East:** Atty. Howard Apgar was present on behalf of applicant Dylan Sujet. Mr. Apgar gave an overview of the Sujet Minor Subdivision that was approved on February 25, 2016 and memorialized on April 16, 2016. The Deeds for the Subdivision were not filed within the required 190 days. Atty. Apgar asked the Board to allow him to file a new application, starting the clock over and waive the application fee. He acknowledged applicant's responsibility to replenish the escrow account. Mr. Apgar also asked that applicant be granted 190 days to prepare and file the Subdivision Deeds. Atty. Wright said Atty. Apgar should indicate that the delay in filing the deeds was due to a condition related to an outside agency. Mr. Apgar asked that a Public Hearing not be required. He said the transcript of the February 25, 2016 Hearing could be presented as testimony. Atty. Apgar also noted that a Public Hearing is not required for a minor subdivision. Atty. Wright recommended the matter be tabled and discussed at the June 22, 2017 meeting. Mr. Ford said it would be placed first on the agenda, following approval of minutes.

Mr. Sujet voiced his concerns about the difficulty in processing his application and asked the Board for consideration in resolving the issue.

Mr. Ford asked for a motion to table the matter until the June 22, 2017 meeting.

Mr. Eschbach made the motion. It was seconded by Mr. Walchuk.

Vote: All Ayes

**Motion to Adjourn:** Ms. Rocca made a motion to adjourn. Mr. Walchuk seconded the motion.  
(9:45 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary

