

June 22, 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. Nace, Ms. Rocca, Mr. Ford

Members Absent: Mr. Walchuk, Mr. Eschbach, Mr. Kastrud, Mr. Ryland

Others Present: Board Atty. Mark Anderson, Board Engineer Robert Clerico, 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. Mazza made a motion to approve the minutes of the May 25, 2017 Meeting. Ms. Rocca seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Sujet: Block 19, Lots 6 & 6.01, 115 Driftway East: Atty. Howard Apgar was present on behalf of applicant Dylan Sujet in reference to a Minor Subdivision that was approved on February 25, 2016 and memorialized on April 14, 2016. The Deeds for the Subdivision were not filed within 190 days, as required. Atty. Apgar asked that the Board waive the fee for filing a new application. The waiving of the fee could only be granted by the Township Committee. A Public Hearing will be required, as well as testimony. Atty. Anderson said a Transcript of the February 25, 2016 Hearing could suffice. However, if the Board or the public were to raise questions about the transcript or other matters, testimony, including that from an Engineer, might be required. The application will tentatively be scheduled for the July 27, 2017 Board meeting.

Memorialization of Resolution: Cellco Partnership d/b/a Verizon Wireless, Block 11, Lot 12, 16 Route 173 West: A motion to memorialize the Resolution was made by Mr. Mazza. The motion was seconded by Ms. Rocca.

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

Abstain: Mr. Nace

Land Use Code Changes: Mr. Ford said there are two parts to discuss; amendments to the fee schedule and the section regarding swimming pools. The Board discussed changing the following:

- Site plan waiver application increase to \$300 and escrow increase to \$1,500.
- Add site plan waiver application fee for Telecommunications of \$2,500 and escrow of \$5,000.

- Increase Telecommunications site plan application fees for existing towers to \$2,500 and for new towers to \$5,000. No change to escrow.

Mr. Stothoff asked if the new tower fees would include nodes/mini towers. Atty. Anderson suggested using the term telecommunications facilities. Mr. Ford voiced a concern about the same fee/fees for very small installations, i.e., a node/nodes on a building. Mr. Anderson also said the nodes which are installed on existing utility poles in right-of-ways would be under the jurisdiction of the Township or County, State or Federal governmental agencies. Ms. Rocca mentioned consideration to installations not creating soil disturbance, i.e., co-locating on an existing tower/monopole. Atty. Anderson emphasized that he and Municipal Atty. Jost will clarify the definitions as they understand the Planning Board's recommendations. The Committee will make the ultimate decision on the Board's recommendations.

Motion to Recommend: Mr. Nace made a motion to recommend that the Township Committee amend the Land Use Code to reflect the application and escrow fees set forth above. Mr. Stothoff seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Ms. Rocca noted in reviewing the Land Use Code that Union Township does not have fees for a Site Plan Amendment. The issue was discussed briefly and subsequently the following action was taken.

Motion to Recommend: Mr. Stothoff made a motion to recommend to the Township Committee to incorporate a new category "Amended Site Plan" in the Land Use Code, with an application fee of \$350 and escrow fee of \$2,000. The motion was seconded by Mr. Nace.

Vote: Ayes: Mr. Stothoff, Mr. Nace, Mr. Mazza, Ms. Rocca, Mr. Ford

Ms. Rocca mentioned that in her review of other Local Municipalities Land Use Fees, Interpretation of the Zoning Map and Zone Changes were included. The Board discussed adding Zoning Fees to the Land Use Code.

Motion to Recommend: Mr. Stothoff made a motion to recommend to the Township Committee that they incorporate Zoning Map and Zoning Change Fees in the Land Use Code. The application fee would be \$5,000 and the escrow fee would be \$10,000. Mr. Nace seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Swimming Pools: Mr. Ford said the next potential Land Use Amendment would pertain to swimming pools. Atty. Anderson apprised the Board of communication between the Zoning Officer, Municipal Atty.

Peter Jost and his office about swimming pools. Mr. Anderson said the Department of Community Affairs enforces most Swimming Pool Regulations. He indicated the Board could include Swimming Pools, Decorative Pools and Fish Ponds as a permitted accessory use in the Land Use Code. The existing regulations regarding swimming pools would be deleted from the Land Use Code.

Motion to Recommend: Ms. Rocca made a motion to recommend to the Township Committee to define Swimming Pools, Decorative Pools and Fish Ponds as Accessory Uses and to delete the existing regulations regarding swimming pools from the Land Use Code. Mr. Nace seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Comments from the Public/Other Business: Mr. Mazza raised the issue of the Driveway Ordinance regarding inequalities in fees. The fees are the same whether a new driveway or upgrades are proposed. Atty. Anderson indicated driveways would not ordinarily be a Land Use matter. They would be under the jurisdiction of the Township Committee.

Mr. Nace questioned the establishment of escrow fees and if they, in fact, were like a blank check? He also asked about the Bartok property which is owned by the Union Township Board of Education (BOA). Atty. Anderson said he and the BOA's Attorney have had discussion about a proposed subdivision of the property. Mr. Stothoff said Committeeman Sroka will be following up with the BOA regarding the matter.

Motion to Adjourn: Mr. Stothoff made a motion to adjourn. Mr. Mazza seconded the motion.
(8:40 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary