

August 24, 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. Stothoff, Mr. Walchuk, Mr. Nace, Mr. Eschbach (7:05 pm) Ms. Rocca, Mr. Ford

Members Absent: Mr. Mazza, Mr. Kastrud, Mr. Ryland

Others Present: Board Atty. Mark Anderson, Board Engineer Robert Clerico, Atty. Howard Apgar, Dylan Sujet, Atty. Jay Thatcher, Michael Schlaefer, Bruce Feld, Wassim Nader and Kathryn Dattoma

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 July 27, 2017 Meeting. Mr. Stothoff seconded the motion.

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

Abstain: Mr. Nace

Mr. Ford announced a change in the order of the agenda.

Sujet: Block 19, Lots 6 & 6.01, 115 Driftway East: Minor Subdivision/Lot Line Adjustment: Public Hearing: Atty. Howard Apgar gave an update on the application that was approved on February 25, 2016. The deeds were not filed in the 190 day required timeframe. Mr. Apgar had provided a Certified Transcript of the February Hearing. He asked that the Board re-approve the application.

Mr. Ford said this was a new application and said the Board should take action initially on Completeness. A motion was made by Mr. Stothoff and seconded by Ms. Rocca to deem the application complete.

Vote: All Ayes, No Nays, Motion Carried

Public Hearing: Atty. Apgar had provided Notice Documents. Atty. Anderson said Board members could rely on the Certified Transcript; however, it was mandatory that they read the Transcript prior to taking action. The Transcript was marked Exhibit A-1. Mr. Apgar addressed conditions set forth in the 2016 Resolution. He said applicant would be filing the Subdivision by deed. Applicant would comply with the condition regarding access to the satisfaction of the Board Engineer.

Mr. Ford asked for comments from the Public. There were none. Thereupon, Mr. Ford asked for a motion to approve the application. Atty. Anderson said only those members who had read the

Transcript could vote. Mr. Sujet asked about the process if any Board member had a concern after reading the Transcript. Atty. Anderson explained. He indicated Members would be relying on the testimony as set forth in the Transcript and approved in the Resolution. Atty. Anderson said Members could not vote if they had not read the Transcript. The Hearing could be carried to September 28, 2017. Atty. Anderson did not think that Atty. Apgar or Mr. Sujet would need to come to that meeting.

Mr. Nace made a motion to carry the application until September 28, 2017. Mr. Walchuk seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Atty. Apgar asked if the Board approved the application at the September meeting, could the Resolution be adopted at that meeting. Atty. Anderson said he could prepare the Resolution if the Board asked him to. The Board agreed.

Liberty Stone & Aggregates-Clinton Quarry, LLC: Block 22, Lot 30, Frontage Road: Atty. Jay Thatcher stated this matter was carried from the July 27, 2017 meeting. Applicant resubmitted new plans that addressed concerns discussed at that meeting. Witnesses Bruce Feld, Michael Schlaefer and Wassim Nader remained sworn from the previous meeting. Mr. Clerico reviewed his letter dated August 23, 2017 with emphasis regarding recent submissions.

Atty. Thatcher said applicant is seeking approval of their 2017 Quarry License Application tonight and will address all issues set forth in Mr. Clerico's August 26, 2017 letter when they submit the 2018 Quarry License Application later this year. Applicant submitted a photo display with various views of the Quarry Site. The photo display was marked Exhibit A-1. The improvements applicant has made, as well as proposed improvements were discussed at length. It was determined that the Board should deny the application because of unresolved issues with the lease agreement, reclamation bond and the requirement that the Municipal Attorney review the Certificate of Insurance to his satisfaction.

Mr. Ford asked for a motion to deny the application because it is not in compliance with the Quarry Ordinance.

Mr. Nace made the motion to deny the application. Mr. Walchuk seconded the motion.

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

Comments from the Public/Other Business:

Dattoma: Block 25, Lot 37.03, 74 Perryville Road: Katherine Dattoma presented her proposal to construct a 40' x 60' building for dog agility training and associated equipment. A setback variance would be required. Ms. Dattoma was apprised that other variances might also be required.

Issue of Completeness: Republic Services of New Jersey, LLC: Block 22, Lot 30.03, 9 Frontage Road:

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Mr. Clerico gave a brief overview of his August 24, 2017 letter which addressed supplementary documentation submitted since the original application was filed on May 5, 2017. The letter recommended deeming the current submission incomplete.

Mr. Nace made the motion to deem the application incomplete. It was seconded by Mr. Eschbach.

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

Abstain: Mr. Stothoff

Motion to Adjourn: Mr. Stothoff made a motion to adjourn. Mr. Nace seconded the motion.
(9:25 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary