

January 23, 2025, Planning Board/Board of Adjustment Regular Meeting Minutes
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These minutes were approved at the February 27, 2025 Meeting

Call to Order and Notices: Chair Ford called the meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 pm and stated that the Open Public Meeting Requirements of Law have been satisfied by our notices published in the Hunterdon County Democrat and the Courier News both dated January 16, 2025. 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.

Flag Salute:

Roll Call:

Members Present: Mayor DeGiralamo (arrived at 7:02 and left at 7:17 pm), Mr. Nace, Mr. Kastrud, Mr. Neary, Vice Chair Kirkpatrick, Mr. Belden, Ms. Bartolomeo-Machala, Chair Ford, Mr. Lepore, Mr. Tousignant (left at 8:10 pm), Mr. Glacken.

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

Members Absent: Committeeman Scott, Mr. Gatani

Others Present: Paul Spatz, Applicant; Kara Kaczynski, Esq. Applicant's Attorney; Theodore Bayer, PE, Applicant's Engineer; Daniel Block, Applicant's Planner.

Approval of Reorganization Meeting Minutes, January 9, 2025: Vice Chair Kirkpatrick made a motion to approve the minutes of January 9, 2025, Reorganization Meeting. Mr. Kastrud seconded the motion. **Vote: Ayes:** Mayor DeGiralamo, Mr. Nace, Mr. Kastrud, Mr. Neary, Vice Chair Kirkpatrick, Ms. Bartolomeo-Machala, Chair Ford, Mr. Lepore, Mr. Tousignant, Mr. Glacken. **Abstain:** Mr. Belden. **No Nays. Motion carried.**

Approval of Regular Minutes, January 9, 2025: Ms. Bartolomeo-Machala made a motion to approve the minutes of the January 9, 2025, Regular Meeting. Mr. Nace seconded the motion. **Vote: Ayes:** Mayor DeGiralamo, Mr. Nace, Mr. Kastrud, Mr. Neary, Vice Chair Kirkpatrick, Ms. Bartolomeo-Machala, Chair Ford, Mr. Lepore, Mr. Tousignant, Mr. Glacken. **Abstain:** Mr. Belden. **No Nays. Motion carried.**

New and Pending Matters

Report from Completeness Subcommittee - SGS Perryville Development (Warehouse) – Vice Chair Kirkpatrick reported that the Subcommittee reviewed the application and identified items that were missing, incomplete and/or did not meet the ordinance standards. These items were summarized in a letter of January 20, 2025 by Board Engineer Clerico as well as on a Summary Spreadsheet. The Subcommittee determined that the application is deemed incomplete. The application is on hold until the applicant submits necessary information.

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Chair Ford noted that Mr. Clerico's letter and the spreadsheet will be posted on the website. The applicant did not have any representation at the meeting. The Secretary will provide notice of this action to the applicant.

Ms. Bartolomeo-Machala made a motion to receive the report from the Subcommittee. Mayor DeGiralamo seconded the motion. **Vote:** Ayes: Mayor DeGiralamo, Mr. Nace, Mr. Kastrud, Mr. Neary, Vice Chair Kirkpatrick, Ms. Bartolomeo-Machala, Chair Ford, Mr. Lepore, Mr. Tousignant, Mr. Glacken. **No Nays. Motion carried.**

Cervid Forest Resources, LLC – Completeness 112 Route 173 – Block 4 Lot 1

Board Engineer Clerico presented his Completeness Report #1 dated January 20, 2025, and discussion took place.

Vice Chair Kirkpatrick made the motion to deem the application incomplete with no granting of waivers for the reasons in Mr. Clerico's report. Mr. Belden seconded the motion. **Vote:** Ayes: Mayor DeGiralamo, Mr. Nace, Mr. Kastrud, Mr. Neary, Vice Chair Kirkpatrick, Ms. Bartolomeo-Machala, Chair Ford, Mr. Lepore, Mr. Tousignant, Mr. Glacken. **No Nays. Motion carried.**

V.A. Spatz & Sons, Inc – Amended Site Plan & Variance – Completeness & Public Hearing

35 Frontage Road – Block 22 Lot 5 – Board Engineer Clerico presented his Technical Report #2 dated January 20, 2025.

Vice Chair Kirkpatrick made the motion to accept Items #36, #51, #55 and #57 for the purposes of completeness with the understanding that additional information may be requested during the hearing, grant a temporary waiver for Item #54 and otherwise consider the application complete for the purpose of moving forward to public hearing. Mr. Neary seconded the motion. **Vote:** Ayes: Mayor DeGiralamo, Mr. Nace, Mr. Kastrud, Mr. Neary, Vice Chair Kirkpatrick, Mr. Belden, Ms. Bartolomeo-Machala, Chair Ford, Mr. Lepore, Mr. Tousignant, Mr. Glacken. **No Nays. Motion carried.**

Chair Ford stated that the application has been deemed complete and can move forward to the hearing. As this application is a Board of Adjustment matter, Mayor DeGiralamo left the meeting at 7:17 pm.

Attorney Kaczynski was present on behalf of the applicant. She stated that the application is to rectify impervious coverage of 19.3% (124,662 square feet) which was installed in excess of the 16.2% (105,558 square feet) that was granted in 2019, and to further increase to 24.02% (156,528.15 square feet).

Three witnesses Paul Spatz, Applicant, Theodore Bayer, Engineer, Daniel Block, Planner were sworn in by Attorney Anderson.

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Paul Spatz, President/Owner of Spatz and Sons – 18 Finn Road, Pittstown, NJ. Mr. Spatz stated the property houses an office, repair and storage areas with no hazardous or bulk storage. It was discovered by the township that impervious coverage was increased, Mr. Spatz thought the coverage was approved and is now here to rectify the 3% differential and is also asking for an increase of impervious to 24% because of business expansion.

Chair Ford asked the applicant to be more specific about the equipment and material that is located on the property. Mr. Spatz's list included Jersey barriers, trench pipe, manhole, curb barriers (concrete and plastic), and stone weight for plow truck ballast and that once the season of plowing is over that ballast material is gone.

Attorney Kaczynski asked Mr. Spatz if he would comply with the Board Engineer's letter. Mr. Spatz replied yes.

Attorney Kaczynski asked Mr. Spatz if he felt more landscaping per Mr. Clerico's report was necessary.

Exhibits A1) View from inside Spatz Property to Surrounding Areas and Exhibit A2) Looking onto Spatz Property were marked and submitted. These photos were taken by Mr. Spatz in June 2024 and accurately represent the property. Mr. Spatz explained the views and angles of the photos. Mr. Spatz is asking for the landscaping waiver based on these photos.

Vice Chair Kirkpatrick asked if there was enough room to store items without killing any trees. Mr. Spatz answered yes.

Mr. Kastrud asked about bulk storage; Attorney Kaczynski answered that the material is leftover materials, with no long-term or bulk storage.

Mr. Nace asked about noise pollution, specifically dump trucks and tail gates banging. Mr. Spatz replied that there is no dumping and truck drivers are instructed not to bang tail gates.

Mr. Belden asked what the operating hours are; Mr. Spatz said with the nature of snow removal business they could be operating at unknown hours; non-snow operating hours are 5:00 am – 4:30/5:00 pm.

Mr. Lepore asked in the past 6 years have they received any noise complaints. Mr. Spatz answered no.

Ted Bayer, Engineer pointed out the location of Route 78 on the site plan, bisecting east and west, property is located on the south side of Frontage Road that parallels Route 78. He stated distance to the closest residents is about 400 feet.

Ted Bayer stated the proposed area will have the gravel replaced with DGA and extend it to the south, which will result in 24% impervious coverage. Stormwater features will be diversion

swales. Soil testing has been done. Sheet 9 shows an outside storage plan in bubbles where equipment will be stored, storage containers, barrier curbs (plastic and concrete), and steel plates, accessed by a gate.

Attorney Kaczynski asked Mr. Bayer if he had reviewed Mr. Clerico's letter. He replied yes. Sheet #2 – steep slope area was discussed. possibility to install a barrier – dense aggregate – no parking material there.

Mr. Clerico stated that the applicant should relocate the existing fence to the limits of what is being disturbed. Attorney Kaczynski stated that the applicant agrees to relocate or put in a new fence.

Vice Chair Kirkpatrick suggested that a yearly tree report, and that dead trees will be replaced.

Mr. Bayer explained using a DGA surface was a better product to maintain than asphalt. Vice Chair Kirkpatrick asked about erosion of the DGA surface. Mr. Bayer spoke of installing swales that reduced flow onto the surface, and that the material would be compacted. There will be some erosion but expects under 5 tons of loss per year. The bioretention basin grows in the growing season and eroded material will be raked off.

Chair Ford asked for questions from the public.

The owner of a lot that is east of the development asked about the detention basin. Mr. Bayer stated that the Applicant's property discharge flows into the existing basin, will go to the north and not extend onto the owner's property. Chair Ford asked how far the basin was from the property line. Mr. Bayer answered that the closest edge of the basin is 172-173 feet from the eastern line.

Daniel Block, Professional Planner, stated they are seeking a D1 variance for expanding to a larger storage area. Mr. Block stated there would be no noise impact, no damage to the neighborhood, no neighbor will be negatively affected, and no violation of the zoning ordinance. Mr. Block stated they are seeking a C variance for 24.02% impervious coverage where 20% is permitted. Mr. Block reviewed the design waivers; steep slopes, parking performance, additional landscaping and lighting stating these will be costly burdens and hardships for the client.

Mr. Spatz stated he will strip off topsoil and gravel will be used in place organic material.

Attorney Kaczynski stated she had no more witnesses or any other presentations. She stated that the applicant, Mr. Spatz, is agreeable to all conditions for the approval the board may require.

Mr. Lepore asked Mr. Clerico if the Stormwater Report included the overage of impervious coverage. Mr. Clerico stated that the Report includes to the full 24%.

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Mr. Kastrud asked an operations question. He asked if there was truck washing or maintenance in the back storage area. Mr. Spatz said trucks are cleaned before they enter that area. Mr. Kastrud asked where salt is stored for plowing. Mr. Spatz replied they only plow, they do not salt.

Chair Ford asked the public for comments. There were none.

Vice Chair Kirkpatrick made a motion to approve the amended site plan and variances with the following conditions.

1. All items that were testified to in accordance with Mr. Clerico's letter will become conditions of the approval.
2. The applicant will develop a list of materials that are stockpiled and a plan/sketch of confinement of these materials, subject to Board Engineer's approval.
3. Only clean, non-leaking, operable equipment is to be stored on site. A record of when equipment comes in and when it leaves shall be kept and shall be available to the Zoning Officer upon request.
4. Trees are to be numbered, tagged and recorded. Any trees that die, other than ash, are to be replaced in accordance with the tree ordinance.
5. Fencing is to be placed around the expanded area, with a gate of six feet or less, subject to the approval of the Board Engineer.
6. Truck dumping activity is restricted to the hours of 6:00 am – 8:00 pm.

Mr. Lepore seconded the motion. **Vote:** Ayes: Mr. Nace, Mr. Kastrud, Mr. Neary, Vice Chair Kirkpatrick, Mr. Belden, Ms. Bartolomeo-Machala, Chair Ford, Mr. Lepore, Mr. Glacken. **No Nays. Motion carried.**

Mr. Belden made a motion to appoint Beth McManus as Planner for the two SGS applications. Mr. Glacken seconded the motion. **Vote:** Ayes: Mr. Nace, Mr. Kastrud, Mr. Neary, Vice Chair Kirkpatrick, Mr. Belden, Ms. Bartolomeo-Machala, Chair Ford, Mr. Lepore, Mr. Glacken. **No Nays. Motion carried.**

Correspondence - none

Comments from the Public – Chair Ford invited comments. Mr. Romanek read a letter to the Board. Attorney Anderson advised Mr. Romanek that any comments he made about any applications would not be considered by the board at this time, and that the appropriate time for him to address the board would be at the hearing and under oath. Mr. Romanek understood and continued reading his letter.

Chair Ford thanked the community for their comments.

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Executive Session: Vice Chair Kirkpatrick made a motion to move into Executive Session at 9:10 pm for discussion on potential litigation. Mr. Lepore seconded the motion. **Vote:** Ayes: Mr. Nace, Mr. Kastrud, Mr. Neary, Vice Chair Kirkpatrick, Mr. Belden, Ms. Bartolomeo-Machala, Chair Ford, Mr. Lepore, Mr. Glacken. **No Nays. Motion carried.**

The Board returned from Executive Session and reported that no action would be taken,

Chair Ford briefly discussed topics to cover at the next meeting, including updates to the checklist making it less vague with expanded detail, use of the spreadsheet concept, and updates to permitted uses in the Quarry and Institutional zones.

Motion to Adjourn: There being no further business to discuss, a motion to adjourn was made at 9:24 pm by Ms. Bartolomeo-Machala. Mr. Neary seconded the motion. **Vote: All Ayes. No Nays. Motion Carried.**

Respectfully submitted,

Barbara M. Thomas, Board Secretary