

December 12, 2024, Planning Board/Board of Adjustment Meeting Minutes

These minutes were approved at the January 9, 2025, meeting.

Call to Order and Notices: Chair Ford called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 pm.

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 notice dated January 18, 2024, as published in the Hunterdon County Democrat and notice dated January 19, 2024, 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.

Flag Salute

Members Present: Mayor DeGiralamo, Committee Member Cherney, Chair Ford, Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Ms. Bartolomeo, Mr. Lepore, Mr. Tousignant, Mr. Glacken.

Board Professionals Present: Attorney Mark Anderson, Robert Clerico, Engineer/Planner.

Members Absent: Mr. Kastrud, Mr. Belden, Mr. Gatanis

Others Present: Jeff Heilman, Mike Jeffrey

Approval of Minutes: Mayor DeGiralamo made a motion to approve the minutes of the November 14, 2024, regular meeting. Committee member Cherney seconded the motion. **Vote: Ayes:** Mayor DeGiralamo, Committee Member Cherney, Mr. Nace, Mr. Neary, Ms. Bartolomeo, Chair Ford, Mr. Glacken. **Abstain:** Mr. Kirkpatrick, Mr. Lepore, Mr. Tousignant. **No Nays. Motion carried.**

New and Pending Matters

- V.A. Spatz & Sons, Inc. – Amended Site Plan & Variance until January 9th, 2025.
 - 35 Frontage Road – Blk 22 Lot 5

The applicant was not present and had not made notice for this meeting. The Board had approved an extension until January 9, 2025, when this matter will be heard.

- SGS Perryville Development – Preliminary and Final Major Site Plan with Use Variance - Completeness Only
 - 53 Frontage Road – Block 13 Lot 6 December 9, 2024 is the receipt date and January 23, 2025 deadline to rule on completeness.
- SGS Perryville Residential – Preliminary and Final Major Site Plan – Completeness Only
 - 53 Frontage Road - Block 13, Lot 7 November 25, 2024 is the receipt date and January 9th, 2025 is deadline to rule on completeness.

Mr. Ford stated that Mr. Anderson determined that the materials and fees for these applications were fully received on December 9 with respect to the Lot 6 application, and on November 25 with respect to the Lot 7 application. The 45-day period for completeness determination therefore ends on January 9 for Lot 7, and January 23 for Lot 6.

Mr. Kirkpatrick says applications appear not to be complete and asked that incompleteness be ruled on tonight. Attorney Anderson advised that a more thorough list of incompleteness is desirable. Although additional items may later be identified as missing, the applicant only needs to provide the identified items in order to reach completeness. The Board can still require those items, but in the context of the public hearing rather than the completeness determination.

Mayor DeGiralamo asked Attorney Anderson what would happen if the 45 days lapsed, and the Board did not act. Attorney Anderson advised if the Board takes no action, then the application is deemed complete, and the time for hearing the application begins. It does not mean that the applications are approved.

Mayor DeGiralamo asked Attorney Anderson about giving the Board a buffer of time instead of ruling right up to the deadline date. Chair Ford stated that there were two options 1) schedule a special meeting sooner, or 2) delegate or commission a person or subcommittee to complete the review, make the determination of completeness, and notify the client by the deadline date. Mr. Kirkpatrick stated that this could also be delegated to our professionals. Mr. Anderson affirmed that all three options are appropriate.

Mayor DeGiralamo asked at what point for the warehouse would Township Committee members be recused. Attorney Anderson said at the ruling on completeness Township Committee would not have reason to be recused.

Ms. Bartolomeo asked if there was availability to ask the applicant for an extension to deem completeness. Attorney Anderson answered that there is not, and that Land Use Law omits any mention of such a thing.

Mr. Glacken asked if the subcommittee's recommendation would be shared with the Board ahead of time. Attorney Anderson advised against having the full board weighing in on the recommendation outside of a scheduled meeting and noted that the subcommittee of four members would not make a quorum.

The process of the subcommittee would be like the way the Board now functions, with Mr. Clerico making a list of incomplete items and the subcommittee making the final determination of completeness.

Mr. Kirkpatrick made a motion to appoint a subcommittee consisting of Mr. Kirkpatrick, Mr. Tousignant, Mr. Lepore, and Mr. Neary to make the determination of completeness for both applications and communicate the decision and reasons to the applicants within the 45-day period. Mr. Glacken seconded the motion. **Vote: Ayes:** Mayor DeGiralamo, Committeewoman Cherney, Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Ms. Bartolomeo, Chair Ford, Mr. Lepore, Mr. Tousignant, Mr. Glacken. **Abstain: No Nays. Motion carried.**

Hard copies of the applications are available for the Planning Board. Copies were on display for the public on the table and there are links on the website for public viewing.

Chair Ford thanked Grace Brennan for covering the meeting and announced that Barb Thomas's father passed away this week and she was taking bereavement time.

Comments from the Public

Chair Ford briefly explained the process of the Planning Board's handling of applications. The Board will hear testimony presented by the applicant and experts, and question each person, as will our professionals. The public will be given the opportunity after each expert's testimony to question that expert. After all applicant testimony is completed, the public will have an opportunity to present testimony and make statements. Mr. Ford asked that the public refrain from commenting on the applications at hand until that time.

Chair Ford explained the difference between the completeness process and the hearing of the application.

Chair Ford invited public questions and comments.

Jeff Heilman questioned the checklist and who is obligated to meet the standard of completeness. Chair Ford said the checklists are on the website, and if the applicant fails to meet all required items, they would have to amend the application to make it complete or withdraw it. Mr. Heilman asked if this was the fourth time the applicant has applied. Chair Ford stated this is only the second time for the warehouse and first time for the housing. Mr. Heilman asked if the

public can submit written comments. Attorney Anderson stated the person needs to be present because they will need to be sworn in.

Mr. Kirkpatrick noted that the public may engage a professional to provide testimony with respect to the application and testimony of the applicant's experts.

Mike Jeffrey thanked the Board for jumping on this so quickly and asked the members to do their best and leave no stone unturned. These applications will change Union Township indefinitely.

Chair Ford thanked the public for their comments.

Motion to Adjourn

There being no further business a motion was made to adjourn the meeting at 7:57 pm by Mayor DeGiralamo and seconded by Mr. Glacken. All in favor.

Respectfully Submitted

Barbara M. Thomas – Planning Board Secretary