

May 22, 2014 -

Mr. Kirkpatrick called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:05 p.m.

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 16, 2014, as published in the Hunterdon County Democrat and 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.

Members Present: Ms. McBride, Mr. Walchuk, Mr. Nace, Mr. Kastrud, Mr. Eschbach, Mr. Ford (7:15 p.m.), Mr. Kirkpatrick

Members Absent: Mr. Bischoff, Mrs. Corcoran, Mr. Ryland, Mr. Gibbons

Others Present: Atty. Mark Anderson, Dr. John and Mrs. Nalini Titus, Mr. and Mrs. John Brennan, Engineer Christopher Nusser, Atty. Donald Morrow, Engineer Robert Zederbaum, Eric Cornwall

Approval of Minutes: Ms. McBride made a motion to approve the minutes of the April 24, 2014 meeting. Mr. Nace seconded the motion.

Vote: Ayes: Ms. McBride, Mr. Nace, Mr. Walchuk, Mr. Kastrud, Mr. Eschbach, Mr. Kirkpatrick

Issue of Completeness: Titus/Brennan: Block 9, Lots 1.05 & 1.06, 10 & 12 Serpentine Drive: Engineer Christopher Nusser was present on behalf of Dr. and Mrs. Titus and Mr. and Mrs. Brennan. Mr. Nusser referenced the May 15, 2014 letter from Robert Clerico. The letter recommended granting waivers for Schedule "C" Checklist Items #16, 18, 20, 21, 23, 24, 33-37, 54, 55 & 59. Proof of payment of taxes is required. Based upon that information, Mr. Clerico said the Board could consider deeming the application complete.

The motion to deem the application complete, based upon Mr. Clerico's report, was made by Mr. Kastrud and seconded by Mr. Eschbach.

Vote: Ayes: Mr. Kastrud, Mr. Eschbach, Ms. McBride, Mr. Walchuk, Mr. Nace, Mr. Kirkpatrick

Atty. Anderson emphasized that both applicants (Titus and Brennan) must be present at the time of the Public Hearing, or be represented by an attorney. Notice of the Hearing must be published. The application was tentatively scheduled for June 26, 2014.

Informal: Lehigh Gas Corporation: Block 11, Lot 12, 16 Route 173 West: Atty. Donald Morrow, representing applicant, gave an overview of the proposal for the site that includes the former Louises's Diner and the Clinton Truck Stop. Mr. Morrow said that a meeting had been held with Mayor McBride, Committeeman Bischoff, Township Atty. Jost, Engineer Clerico, Lehigh Gas Engineer Zederbaum, Lehigh Gas Representatives and himself.

Conditions of the site and the necessity of cleaning up the property were discussed. Applicant is prepared to propose improvements to the property that would not require a site plan. Atty. Anderson asked Atty. Morrow if he was asking that the Board determine the concept plan before they would not require site plan approval. Mr. Morrow said "Yes". Atty. Anderson and Chairman Kirkpatrick said the Board could not do that. Atty. Morrow understood.

Engineer Robert Zederbaum said the intention of applicant is to clean up and refurbish the site. Township Officials and applicant had discussed replacing what exists with a newer and better configuration. Mr. Zederbaum said applicant proposes removing the Diner and garage and replace those buildings with an eatery that would not increase square footage and would enhance the appearance of the site. The Diner and garage have a total of 3,350 square feet (sf). Proposed is a 3,000 sf pad on which to construct an eatery. A sewage disposal system to the rear of the Diner would be upgraded.

Mr. Zederbaum said there are three sets of fuel pumps on the site. The fuel pump on the easterly side of the property would be removed and relocated at the garage site. A canopy is proposed. He described the proposed eatery. The kitchen space would encompass forty percent (40%) of the proposed 3,000 sf eatery. Sixty percent (60%) would be utilized for dining. Mr. Zederbaum said the Ordinance requires forty parking spaces for patrons of the eatery and ten spaces for employee parking. He referenced the deteriorated state of the parking lot. A detailed parking plan for trucks and cars would be provided. Existing entrances would remain. Landscaping installed as part of the cell tower approval needs maintenance and applicant proposes additional plantings. Mr. Zederbaum said applicant has reviewed storm water management requirements for the site and proposes reducing impervious surface coverage. The coverage exceeds Ordinance requirements and would still exceed that which is allowed. Adequate signage, directional arrows and delineation of truck parking spaces is proposed.

Mr. Zederbaum emphasized that the proposal was more of a refurbishment than a redevelopment of the site. Atty. Morrow concurred. Ms. McBride asked Mr. Zederbaum if he had utilized the truck traffic patterns provided to him at an earlier meeting. Mr. Zederbaum said "Yes". Mr. Ford asked Mr. Zederbaum to describe. Mr. Zederbaum said when a previous concept plan had been submitted, Mr. Clerico apprised applicant of improvements that were part of the cell tower approval. Those improvements have deteriorated. Mr. Ford said he was asking for the truck circulation pattern. Mr. Zederbaum responded. He said most trucks come to the facility at the most easterly entrance. It was discussed that there would not be curbing, thus giving trucks more maneuverability through the site. Mr. Nace asked if there was a plan to limit trucks at the site. Mr. Zederbaum said there are twenty-one truck parking spaces. Mr. Nace asked if there would be a sign stating that the lot is full. Mr. Zederbaum said that would be considered. Mr. Ford noted there are three buildings within the fenced in area. They service the cell tower. The only other building proposed besides the pad is an 8' x 10' kiosk. Mr. Zederbaum said that observation was correct.

Mr. Zederbaum also said there would be a temporary facility for sewage disposal for gas station attendants use until the proposed eatery was approved and constructed.

Mr. Kirkpatrick asked Mr. Zederbaum about a previous site plan for the property. Mr. Zederbaum was aware of those plans. Mr. Kirkpatrick said because applicant proposed adding a canopy, moving a building and changing the configuration, by definition, the circulation of the site would be changed. He thought that a site plan would be required. The Zoning Official would not be able to issue permits without site plan approval. He did not think obtaining approval would be that difficult. Atty. Anderson said it appears that a variance would be required for more than one use on the site. He said moving and removing of buildings and moving of a pump would require site plan approval. Mr. Anderson also noted the impervious surface coverage proposed is 20% above that allowed by Ordinance. He said that would impact traffic circulation. Regarding uses, Mr. Zederbaum thought they would be grandfathered. Atty. Morrow expressed the same viewpoint. The abandonment of the Diner and its impact on the proposal was discussed by Attorneys Anderson and Morrow. Atty. Morrow and Mr. Zederbaum thanked the Board for their input. Mayor McBride expressed gratitude to applicant for their proposal to improve conditions at the site.

Correspondence: None

Comments from the Public/Other Discussion: Discussion of Highlands Exemption Ordinance: Mr. Kirkpatrick asked Mr. Kastrud to give an overview of the Highlands Exemption Certification Program. Board Members Kastrud and Ford and Zoning Official Graham had attended the Seminar on the subject. Mr. Kastrud asked if the Township had petitioned for Conformance to the Highlands. Mayor McBride said that had not been done. Ms. McBride had spoken with Planner Carl Hintz who recommended that the Township not move forward with the petition. There are issues to be resolved because COAH and Highlands are now intermingled. Mayor McBride said the latest COAH Regulations are available. The Board secretary will forward information to the members. Ms. McBride understood Union Township's COAH Unit obligation to be one-hundred and forty, through the year 2024. The current obligation is one-hundred and nineteen and there is an additional requirement of twenty-one. The numbers are based on projected growth. Atty. Anderson gave a brief overview of the new COAH Regulations.

Motion to Adjourn: Ms. McBride made a motion to adjourn. M r. Eschbach seconded the motion. (8:15 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary