

Union Township Planning Board/Board of Adjustment

Minutes of the Regular Meeting

June 25, 2015

The meeting was called to order by the Chairman Kirkpatrick at 7pm:

Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board/Board of Adjustment Secretary on January 28, 2015 by:

1. Published in the January 29, 2015 issue of the Hunterdon County Democrat and the Courier News
2. Posting such notice on the Township Website
3. Posting such notice on the bulletin board at the Municipal Building.
4. Filed with the Municipal Clerk.

Flag Salute

Chairman Kirkpatrick asked all to stand for the Pledge of Allegiance

Identification of those at the podium

Present: Brian Kirkpatrick, Alan Ford, Orest Walchuk, Robert Nace, Kathleen Corcoran, James Eschbach, Albanus Ryland, Mark Anderson, Esq, Robert Clerico, Engineer, and Maria Elena Jennette Kozak for Grace Kocher, Secretary.

Excused Absent: James Gibbons, Bruce Hirt, Christian Kastrud, and Frank Mazza. Elizabeth McManus, Planner

Let the record show there is a quorum.

Minutes

A motion was made by Kathleen Corcoran and seconded by Alan Ford to dispense with the reading of the minutes of the May 28, 2015 meeting and to approve the minutes as recorded. All present were in favor of the motion with the exception of Albanus Ryland who abstained. Motion carried.

Old Business:

There is no Old Business to discuss at this time.

New Business:

There is no New Business to discuss at this time.

Completeness Review:

Cellco Partnership d/b/a Verizon Wireless: Block 13 Lot 6, 53 Frontage Road. Attorney James Mitchell is present. Chairman Kirkpatrick asked the applicant's attorney if there are still outstanding issues. The attorney responded yes, but wanted to have some discussions and proceed. At this time, Board Attorney Anderson reminded everyone that this application is a "D" Variance and requires Board Members Frank Mazza and Bruce Hirt to step down and recuse themselves. At the meeting of May 28, 2015 the structural report existed but Board Engineer Clerico had requested more information. The application is still incomplete since the applicant has not submitted the requested information. The applicant agreed to carry this application to the scheduled June 25, 2015 meeting. No further notice is needed and the application is thus carried.

In an email dated June 15, 2015 Engineer Clerico reviewed the issues and stated that he was "ok" with the outstanding issues and that the application is now deemed complete. The applicant can move forward with the public hearing. See below under Public Hearing.

Resolution

Rossi: Block 25 Lot 1.05, 75 Race Street – Attorney Jay Bone is present. The report prepared by Robert Clerico of Van Cleef Engineering dated May 22, 2015 was discussed. At the May 28, 2015 scheduled meeting a motion was made by Alan Ford and seconded by Robert Nace to deem this application complete. At a roll call vote, all present were in favor of the motion. Motion carried. At the May 28, 2015 Public Hearing a motion was made by Alan Ford and seconded by Bruce Hirt to approve this application request based on what is as-built. At a roll call vote, all present were in favor of the motion. Motion carried.

Board Attorney Anderson presented a resolution for consideration as follows:

**RESOLUTION OF PLANNING BOARD TOWNSHIP OF UNION
HUNTERDON COUNTY, NEW JERSEY
BRUCE AND MARILYN ROSSI APPLICATION: PB-15-03**

Applicant: Bruce and Marilyn Rossi

Property: 75 Race Street

Tax Lot: Block 25, Lot 1.05

Hearing Date: May 28, 2015

Request: Bulk variance to permit up to a five foot encroachment into the rear yard setback.

District: CR, Country Residential

Relief requested:

Bulk variance from Section 30-4.4.c of the Land Use Code of the Township of Union ("Code") to allow a deck to encroach up to five feet into the rear yard setback, as follows:

Minimum Rear Yard Setback (existing condition):

Required: 100 feet; Existing: 98.11 feet; Proposed: up to a five foot encroachment into the rear yard setback;

Relief Granted:

Bulk variance to permit the existing, as-built deck to encroach up to two feet into the rear yard setback.

Plans:

Survey & Description of Property, prepared by James P Dedy, PLS, dated April 27, 2015, consisting of one sheet.

WHEREAS, Applicant has applied to the Union Township Planning Board for a bulk variance pursuant to the provisions of N.J.S.A. 40:55D-70c for the Relief Requested;

WHEREAS, a public hearing on the Application was held by the Board on the Hearing Date, at which time the Applicant, represented by attorney Jay B. Bohn, was given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application;

WHEREAS, no members of the public appeared to ask questions and present testimony on the application;

WHEREAS, the Applicant presented testimony to the Board as more fully set forth on the record by the following individuals:

1. Bruce Rossi, Applicant;

WHEREAS, the Applicant's witnesses testified in part as follows:

1. Bruce Rossi testified that he is the owner of the Property. Mr. Rossi further testified that he inadvertently caused the deck on the Property to encroach into the rear yard setback. Mr. Rossi indicated that he obtained the proper building permit and approval for the deck.
2. Mr. Rossi testified that the existing house on the Property is located close to the edge of the Property's building envelope. The proximity of the house to the rear yard setback created a hardship for the location of the deck within the building envelope.
3. Mr. Rossi testified that the nearest homes on neighboring properties are at least 150 feet away. Mr. Rossi further indicated that there is no line of sight from the neighboring homes to the deck except an apartment over a neighboring garage. Mr. Rossi testified that the area of the Property from which the deck would be visible by neighboring properties is screened by trees.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Property is a conforming parcel containing a single family residence with an attached deck located within the Country Residential District.

2. The Applicant obtained the necessary building permits and approvals to construct the aforesaid attached deck and inadvertently constructed the deck within the rear yard setback.

3. The Applicant's residence is located in close proximity to the rear yard setback.

4. The Applicant's proposal will not be visible to the neighboring residences and will be sufficiently buffered by existing trees.

5. The Applicant has shown sufficient evidence to substantiate the need for relief pursuant to N.J.S. 40:55D-70c. The Applicant has demonstrated that the strict application of the Country Residential District regulations upon Applicant's property will result in exceptional and undue hardship due to the location of the residence that currently lawfully exists upon the Property.

6. The grant of the Relief Granted will not alter the general character of the neighborhood as the encroachment of the deck into the rear yard setback is de minimis.

7. The granting of the Relief Granted, as conditioned in this Resolution, will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Planning Board does hereby GRANT the Relief Granted as noted above, subject to the following:

1. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the Township of Union Land Use Ordinance, other Township Ordinances, or the requirements of any Township agency, board or authority, except as specifically stated in this Resolution.

2. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.

3. Applicant is required to comply with Applicant's representations to and agreements with the Planning Board during the hearing on this application.

4. The Township of Union Planning Board reserves the right to revoke or withdraw any approval granted herein, upon notice to the applicant and an opportunity to be heard at a public hearing, if there is any deviation from or alteration of the plan hereby approved, unless prior written approval for such deviation or alteration has been obtained from the Planning Board. So called "minor deviations" and "field changes" may be authorized solely by the Township Engineer in writing and only after consultation with the Chairman of the Planning Board to determine if the proposed minor deviations and field changes deviate from the intent of this Resolution. If it is determined by this consultation that the changes proposed are not minor, the matter must then be referred to the full Planning Board and no changes may be effected until the Board gives its approval.

5. The approval herein memorialized shall not constitute, nor be construed to constitute, any approval, direct or indirect, of any aspect of the submitted plan or the improvements installed, which are subject to third-party jurisdiction and which require approvals by any third-party agencies. This Resolution of approval is specifically conditioned upon the applicant securing the approval and permits of all other agencies having jurisdiction over the proposed development. Further, the applicant shall provide copies of all correspondence relating to the application, reviews, approvals and permits between the applicant and third-party agencies from which approval and permits are required to the Union Township Planning Board at the same time as such correspondence is sent or received by the applicant.

WHEREAS, A Motion was made by Mr. Ford and seconded by Mr. Hirt to grant approval of the bulk variances as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on _____, 2015, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Ford, Hirt, Mazza, Walchuk, Corcoran, Nace, Eschbach, Kirkpatrick; No: None; Abstain: None; Not Eligible: None; Absent: Kastrud, Ryland, Gibbons.

RESOLUTION DATE: ATTEST:

Grace Kocher,
Secretary

Brian Kirkpatrick, Board
Chairman

VOTE ON RESOLUTION					
MEMBER	YES	NO	NOT ELIGIBLE	ABSTAINED	ABSENT
CHAIRMAN KIRKPATRICK					
VICECHAIRMAN FORD					
MAZZA					
HIRT					
WALCHUK					
CORCORAN					
NACE					
RYLAND					
KASTRUD					
GIBBONS, ALT 1					
ESCHBACH, ALT 2					

After some discussion, a motion was made by James Eschbach and seconded by Alan Ford to accept the resolution as presented. At a roll call vote, all present were in favor of the motion. Motion carried.

Public Hearings

Cellco Partnership d/b/a Verizon Wireless: Block 13, Lot 6, 53 Frontage Road. Attorney James Mitchell is present. Chairman Kirkpatrick asked the applicant's attorney if there are still outstanding issues. The attorney responded yes but wanted to have some discussions and proceed. At this time, Board Attorney Anderson reminded everyone that this application is a "D" Variance and requires Board Members Frank Mazza and Bruce Hirt to step down and recuse themselves. At the meeting of May 28, 2015 the structural report existed but Board Engineer Clerico had requested more information. The application is still incomplete since the applicant has not submitted the requested information. The applicant agreed to carry this application to the scheduled June 25, 2015 meeting. No further notice is needed and the application is thus carried.

In an email dated June 15, 2015 Engineer Clerico reviewed the issues and stated that he was "ok" with the outstanding issues and that the application is now deemed complete. The applicant can move forward with the public hearing.

Notice included a Use Variance but the applicant believes this is a Conforming Conditional Use Variance. A small network node being placed on an existing tower. This is usually used for a smaller or limited area. Some site improvements are needed.

Witness #1 – Sarah Marbella – sworn by Attorney Anderson. Ms. Marbella stated her credentials and that she has appeared before boards in New Jersey and New York. All present accepted her as an expert witness.

Ms. Marbella stated that this small cell facility would be placed on property with two buildings. The rear building on the roof is the preferred location. There would be equipment with screening on the east side of the building consisting of 2 radios, 2 RRh's, an electrical panel and the utility comes from the second floor to the roof into the equipment area. She stated it would be difficult to see. The antenna is 15" in diameter and 2' in height. It would be mounted on a tripod near the corner. Sheet 1 and Sheet 2 of the plans were discussed. The top of the antennae is 10' higher than the roof. The screening encloses each mechanical set-up with three in total. The roof can support the proposal. A structural analysis prepared by a structural engineer and signed, sealed and submitted. The antenna is designed for 100 MPH winds and weighs about 45 pounds. If it falls off the roof it would fall into the parking lot.

Witness #2 – Sean Haynberg – sworn by Attorney Anderson. Mr. Haynberg stated his credentials and that he has been accepted as an expert witness in New Jersey. All present accepted him as an expert witness.

Exhibit A – 1 – Radio Frequency Exhibit of proposed site and surrounding area. Shows coverage: the air coverage of existing sites and the service sites show the strength of the site.

Exhibit A – 2 – Coverage like Exhibit A-1 plus it shows the coverage of the proposed site which would enhance the building coverage and provide relief to the Perryville Site which is about two miles east of the proposed site. It would be improving service in the area. Currently outside the building is ok but if the projections are true to form then as time goes on it would worsen. If this tower goes up then they are filling in the gap and coverage is better. They believe this because of the monitoring they have been doing for years.

More discussion took place about the spotty coverage for about two miles. Small network antennae are becoming more popular. Currently along the Route 78 corridor there are about a dozen. By using them there is no impact on FM Radio and there are no license penalties. The reason for the antennae on the front of the building is to reach Route 78 and Route 173. If you move toward the center of the building then you impact the potential coverage for Route 78. Discussion took place about this being a Conditional Use Variance by ordinance and the benefits are by far greater to the public. There were no additional questions from the board and professionals. The public was asked if there were questions and no one from the public stepped forward.

Witness #1 was called back to discuss the conditional use. Sarah Marbella discussed lights and how there are no permanent lights and that the noise level is also not increased. Ms. Marbella explained the tripod mounting as being the best mounting method to protect the existing lines along with safety being considered and that the rating is 1.5 with a wind tolerance of about 90 MPH.

Witness #2 was called back. Sean Haynberg discussed the 10' setback of the proposed antennae from the edge and how if it falls over it would fall on the roof. If you move 20' from the edge then you would need to increase the height of the antennae. This is providing relief from the Perryville antennae. The board expressed interest in having the antennae hidden from the street.

Witness #1 was called back. Sarah Marbella responded that if you move the antennae inward then you would reduce the visibility.

Witness #3 – David Karlebach was sworn by Attorney Anderson. Planner Karlebach stated his credentials and that he has been accepted as an expert witness in New Jersey. All present accepted him as an expert witness.

Mr. Karlebach stated that this is a large site and is about 165 acres. The current landscape is nice and that the roof top is screened. The nearest structure to the antennae would be about 1000' to the southwest. Although the closest public land is next door it is his opinion that he does not think the antennae would be visible. He has been at the site many times and has seen the barns located on part of the public property or park setting. He then went on to discuss visibility vs. visual impact. A roof top antenna on a commercial building is very normal and does not degrade the area. He believes that the board would be able to control the number of antennae on a building. He also presented the following photo simulations as exhibits:

Exhibit A – 3 Existing & Enhanced – parking area 200' northwest of the site

Exhibit A – 4 Existing & Enhanced – parking area 210 northwest of the site

The largest benefit of this site is the acreage which is 165 acres and is heavily tree lined. This proposed antenna would be the second one on this site. It shares the use with another building on the property. If this was a variance application you would be discussing the substantial detriment and with this application he just does not see that. He agrees with the board planner that a variance is not needed and is not triggered by ordinance. Discussion took place about the color of the antennae and the applicant will do what the board wants and makes as a condition of the resolution. The board planners' letter of May 8, 2015 was discussed and that the applicant satisfied questions raised by the planner. Mr. Karlebach stated he does not see any substantial impact. The applicant is working within the confines of the ordinance. The proposed antenna is within the ordinance and is 2' tall and about 15" in diameter. The total height of the tripod is about 10'. The Board planner noted that there is no impact on the neighbors, no impact in redevelopment of this parcel of the surrounding land, and it is a conditional use. The applicant will visit the property about one time per month for maintenance. There are no traffic issues. The sound is not altered as there are no generators or other noises associated with the proposed antennae. There is no impact on the property line. The equipment compound was discussed and it is within the parameter of the ordinance. It is not visible to the public. The Board and Professionals had no further questions so it was opened to the public. A question came up about the antennae hindering the view of the sunrise from the park. After some discussion, all were reminded that the antennae is permitted by the ordinance. Moving the antennae inward is not going to change the impact.

Witness #2 was called back. Sean Haynberg stated that regarding maintenance checks the applicant proposes one trip per month. A RFM is involved in the design and maintenance. He is a manager and has people who come to the actual site. They handle the radio frequency equipment.

Attorney Anderson expressed concerns with one area of expertise going outside their testimony.

There were no further questions for any witnesses. The Public hearing was closed. Discussion took place about a conforming conditional use vs. a use variance. Chairman Kirkpatrick stated that the proposed antennae meets the use and is to serve the building but a future antennae would need to be before the board for a future discussion. After additional discussions about this application a motion was made by James Eschbach and seconded by Kathleen Corcoran to approve this application with conditions such as: the 10'5" antennae will be the color of the building with additional discussion to take place before the board with additional information, and that the proposed location is the approved location. At a roll call vote, all present were in favor of the motion. Motion carried.

At 8:30 a 5 minute break took place. Chairman Kirkpatrick had to leave and Mr. Ford took over.

Kohn/Malenchek: Block 4 Lot 2, 176 Route 173 West.

Attorney William Caldwell is present. At the last meeting, Board Attorney Anderson reminded everyone that this application is a "D" Variance and required Board Members Frank Mazza and Bruce Hirt to step down and recuse themselves. Let the record show that Frank Mazza and Bruce Hirt were absent from the meeting and therefore not involved with this application.

As stated at the last meeting, Attorney Caldwell is filling in for Attorney Dilts as there was a potential conflict that exists. All have been consulted and it was agreed that Attorney Caldwell would be present. Attorney Caldwell explained this application. The request for a "D" Variance is because this property is located on Route 173 and is currently zoned as a single use and the applicant is seeking a multi-use. Each use is a permitted use but independently. They are asking for a multi-use on a single property.

At the last meeting, the public was left open, no additional testimony will be offered by the applicant nor the opposition and that this was carried to the meeting of June 25, 2015 with no further notice being needed.

Public Comment:

Mark Metz – He was sworn by Attorney Anderson. Mr. Metz has lived here for approximately 20 years. He is a member of the fire company. He believes that the unkempt building is a public safety concern and the remediation of this building is very much appreciated. He also stated that being retired has allowed him to spend some time with the "young people" who have cleaned up the property in question. He believes that they have made excellent improvements and are a welcome addition to the township.

Jim Petrucci – Perryville Associates LLC. He was sworn in by Attorney Anderson and also has Mark Peck, his attorney for the property present. Mr. Petrucci stated that the building was purchased in 1993/1994 and that he understands the applicant's position on fixing it up but he has a building close by and although he does not have problems with the applicant he does have issues with the application. He started to discuss the Hot Rod Hussle and Mr. Ford reminded him that the Township handles that issue and not this board so they are not at liberty to go on discussing that issue. Attorney Peck requested that the board indulge Mr. Petrucci since you allowed 64 pages of testimony before the discussion of the Hot Rod Hussle was stopped. Attorney Anderson said the appeal is part of the application but not fully discussed. The board does not consider a one-time event but will look at the application proposed and the "D" variance for the 3 uses proposed with the application. Mr. Petrucci wanted it on record that he objects not having the opportunity to address prior testimony.

He wanted to read into record a letter from his tenant. Attorney Caldwell strongly objected. Attorney Anderson commented that this letter should be distributed to the board members for consideration and determination if they would like to have the tenant present as the letter is technically hearsay. Mr. Petrucci said he sent it to the township but it was not put into record. He further stated that it speaks about a single use. He tried to continue reading the letter at which time Mr. Ford reminded Mr. Petrucci that the letter deals with the discussion of the one-time event which needs to be addressed by the township. Attorney Caldwell stated that the applicant does work with the township for the approval of the one-time event and has obtained approval.

Mr. Petrucci wanted to address page 9, 91 and 92 of the testimony where the applicant talks about no changes to the site and Mr. Caldwell stated he had objections.

At 8:44 pm Chairman Kirkpatrick returned to the meeting. He reviewed the notes taken by Attorney Anderson and is up to speed with the discussions.

Mr. Petrucci stated that he was on the property in 2010 or 2011. He believes that the gravel area was less than testified. Attorney Caldwell objected and Chairman Kirkpatrick said it was ok to continue.

Mr. Petrucci presented exhibits.
Exhibit W-1 2002 DEP Ariel
Exhibit W-2 2007 DEP Ariel showing the gravel pile
Exhibit W-3 2012 DEP Ariel showing how you can see the expansion
Exhibit W-4 2013 DEP Ariel shows the change.

Chairman Kirkpatrick asked Mr. Petrucci if he had any knowledge of the photography and if he could distinguish the ground cover. Mr. Petrucci said he was across the street and that he saw a lot of trucks but thought that the site already had site plan approval. Mr. Petrucci then said that on page 9 of the testimony the applicant said they called the Highlands Council but could not remember who they spoke with. He feels that his 28 years of experience as a builder/developer justifies his opinion that the applicant needs Highlands Council approval. Attorney Peck asked Mr. Petrucci what he does and Mr. Petrucci responded that he has been doing business as a builder/developer for 28 years. He is familiar with site plans. He knows the Highlands but has not had to deal with them directly. Attorney Caldwell objects and stated that only a licensed person can offer testimony on site plan. Opinions can be offered. Mr. Petrucci then expressed issues with the septic system and in his opinion you don't cover with gravel. There was some additional discussion and Mr. Petrucci was reminded that he had ample opportunity to make a comment after each witness testified. Mr. Petrucci expressed his opinion that the storage facility was abandoned even though the applicant says it is an existing non abandoned use. Mr. Petrucci still states that he believes the site plan does not show what he witnessed regarding replacement pavement. Chairman Kirkpatrick stated that he looked at the exhibits presented by Mr. Petrucci and he sees vegetation thru the gravel and he thinks this representation is close to the current situation. Mr. Petrucci asked that if the board consider the variances then they also consider conditions such as: screened islands along Route 173 so as to limit the view of the existing garage doors, no outside storage, no auto shop, obtain a Highlands Council Exemption Determination, Prohibit permanent port-a-johns, request prohibiting banners for temp use of off-site (roadside) parking, request a traffic control plan in cooperation with the neighbors etc.

There were no additional comments from the public, the board, or the professionals for Mr. Petrucci.

Philip Pogash – sworn by Attorney Anderson. He has lived here for 20 years and remembers when this building became an eyesore to the public. He came back from college and the building was starting to look nice. The applicants are nice people and are making an improvement that is a welcome addition to the township.

At 9:05 the public hearing was closed.

Attorney Peck argues that the applicant has not met the proofs to grant the variances. They did not show the Multi-use hardships of which he referred to an appellate case. He stated that he is ok with the single use but that the applicant is requesting a multi-use and has not shown unique characteristics to allow for the granting of the “d” variance. He also feels that the outdoor storage was not addressed and that suitability was not shown.

Attorney Caldwell stated that the planner gave testimony to grant variances. This property is along the highway and is surrounded by other properties with multi-uses. The use is an enhancement to the property. He also contends that Mr. Petrucci's conditions do not apply. The applicant gets what they ask for and if they violate what is granted then the job of the zoning officer comes into play. You cannot control offsite parking. The traffic plan is not for this board to discuss for a one-time event as that is controlled by the Township Committee. A Highlands Council Applicability Determination can be obtained. The screening of the islands is not a rational request comparing to what is being requested. The applicant discussed landscape.

Attorney Anderson discussed the case that Mr. Peck referred to and in summary the board felt that a condominium was nicer than the sewerage plant but the appellate court did not agree.

Board members questioned outdoor storage, banners, landscape, port-a-johns, and offsite parking. The board was reminded that the applicant did not ask for outdoor storage, there is a sign ordinance which controls banners, the landscape provided can be enhanced and the board's planner can monitor that area, the site plan does not address the port-a-john but if there is a problem then the zoning officer can be consulted and offsite parking for a one-time event is controlled by the township.

Attorney Caldwell brought up the question about the acceptance of the letter presented by Mr. Petrucci. After some discussion, a motion was made by Brian Kirkpatrick and seconded by Alan Ford to accept the letter presented by Mr. Petrucci with the understanding that the letter is accepted but that it only carries a certain weight since the tenant is not present to testify and that the letter mainly deals with the one-time event and not the day to day uses. All present were in favor of the motion. Motion carried.

After additional discussion a motion was made by Orest Walchuk and seconded by Robert Nace to grant the requested "D" Variance allowing for three uses on a single property with each individual use to be a Tattoo Facility, A Retail Facility and a Social Club which are all permitted uses in this zone which conditional approves the application subject to the following conditions: all construction on the plans, third party approval to include the Highlands Council Applicability Determination, a DEP Determination and an Access drive from the NJDOT (board engineer to be involved in this), the storage of automobiles for the Social Club is to be within the building, there will be no repairs, sales or trading on the property, there will be no outside storage, the applicant will not remove any existing vegetation, the hours for the tattoo facility will be 8 am till 10 pm, the hours for the retail facility will be from 9 am till 10 pm, the staff for the combined use will not exceed 10 employees, the social club will not have more than 20 members, the applicant will work with the board engineer on documenting the lighting and parking on the plans, the applicant is required to update the parking summary on sheet 2 of the plans to conform with the testimony with consultation of the board engineer, the site plan will show revisions to the parking, the landscaping and lighting plan is to be consistent with the recommendations of the Planner in her memo and to also be satisfied by the engineer, the board granted design waivers necessary to accommodate the landscaping plan discussed above, additional septic investigation is needed and to be satisfied by the engineer, to comply with the engineers report and comments of the planner, the well is to be approved by the county with the board's engineer to be involved and that the site plan needs to be consistent to what was described and what is on the plan. At a roll call vote, all present were in favor of the motion. Motion carried.

Chairman Kirkpatrick further stated that for the survival of business and health of the town it has become a need to adjust the ordinance. A request for permitted multi-uses has been a request before the board in the past. It is not an uncommon request. The neighbors have thought it was a benefit and that there is no negative impact. Concerns have been voiced by a property owner with regards to traffic and appearances. Some of the issues expressed are outside the jurisdiction of the board. Positive and negative criteria were discussed and the board determined that this application conforms to the township and its vision. All the Board members agreed with the overview.

Attorney Anderson request that the transcript be forwarded to him promptly so that he could work on the resolution. Attorney Peck agreed.

Public Comment

There were no public comments offered at this time.

Adjournment

Alan Ford made a motion to adjourn. Motion approved. The meeting ended at 10:00 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak
Covering Secretary