

June 26, 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: Mr. Bischoff, Mr. Walchuk, Mr. Nace, Mr. Ryland, Mr. Gibbons, Mr. Ford, Mr. Kirkpatrick

Members Absent: Ms. McBride, Mrs. Corcoran, Mr. Kastrud, Mr. Eschbach

Others Present: Atty. Mark Anderson, Engineer Robert Clerico, Planners Carl Hintz and Andrea Malcolm, Mr. and Mrs. John Brennan, Atty. Donald Scholl, Engineer/Planner Christopher Melick, Atty. Mary Elizabeth Warner, Engineer Nicholas Watson

Approval of Minutes: Mr. Ford made a motion to approve the minutes of the May 22, 2014 meeting. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Nace, Mr. Walchuk, Mr. Kirkpatrick

Abstain: Mr. Bischoff, Mr. Ryland, Mr. Gibbons

Titus/Brennan: Block 9, Lots 1.05 & 1.06, 10 & 12 Serpentine Drive: Extension of Time to Act: Dr. Titus's Attorney and Mr. and Mrs. Brennan had signed Extensions until the July 24, 2014 meeting. Mr. Ford made a motion to accept the Extensions until the July 24, 2014 meeting. Mr. Nace seconded the motion.

Approved by unanimous vote

Van Scott: Block 1.08, Lot 28, 11 McCrea Road: Issue of Completeness: Atty. Donald Scholl gave an overview of the "C" variance application. Applicants propose a small expansion of the residential structure to allow construction of a kitchen nook. At this time, Christopher A. Melick, applicant's Land Surveyor and Planner, was sworn by Atty. Anderson. Mr. Melick stated his credentials. They were accepted by the Board. Atty. Scholl reviewed Robert Clerico's letter dated June 24, 2014. Specific concerns listed in the letter were Item 4, additional information required on Survey; Item 12, names and addresses of property owners within 200 feet to be listed on survey; and Item 42, location of existing well or septic to be added to survey. Atty. Scholl addressed Item 48 regarding Right-of-Way dedication along McCrea Road. That matter will be discussed at the Public Hearing.

Mr. Ford made a motion to deem the application complete granting temporary waivers for Items 4, 12 and 42. Mr. Ryland seconded the motion. Mr. Melick indicated he would provide those Items next week. The Hearing will be scheduled for July 24, 2014.

Vote: Ayes: Mr. Ford, Mr. Ryland, Mr. Bischoff, Mr. Walchuk, Mr. Nace, Mr. Gibbons, Mr. Kirkpatrick

DJOCVS Holdings LLC: Block 26, Lot 18, 52 Finn Road: Issue of Completeness: Atty. Donald Scholl gave an overview of applicant's proposal to change the use of the property to a single family residence. It was a former Grange Hall that had been last used as a Daycare Center. Atty. Scholl reviewed Robert Clerico's letter dated June 24, 2014. Item 12, names and addresses of property owners within 200 feet must be listed on survey ; and Item 28 regarding the location of C-1 streams and the 300 foot riparian buffer have to be addressed. Mr. Kirkpatrick said transition area boundaries and the 100 year flood plain district should be shown on the map. Mr. Melick said the C-1 stream is not delineated. Mr. Kirkpatrick said there a flood hazard area. He told Mr. Melick to review NJ 7:13 for flood elevation methodology. Mr. Clerico said the Township has a flood overlay zone. He suggested Mr. Melick contact him about the matter.

Mr. Ford made a motion to deem the application complete granting temporary waivers and pending receipt of any items that are listed in Mr. Clerico's letter and those discussed and requested tonight. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Nace, Mr. Bischoff, Mr. Walchuk, Mr. Ryland, Mr. Gibbons, Mr. Kirkpatrick

Kramer Electronics USA, Inc. Block 23, Lot 2.04, 6 Route 173 West: Extension of Time to complete site improvements. Mr. Kirkpatrick said Kramer had submitted a request to extend the time for them to complete improvements until August 31, 2014. The memorializing Resolution incorporating testimony given at the Public Hearing stated that improvements would be installed by June 30, 2014.

Mr. Ryland made a motion to grant the extension. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Ryland, Mr. Walchuk, Mr. Bischoff, Mr. Nace, Mr. Gibbons, Mr. Ford, Mr. Kirkpatrick

Informal: Bagelsmith: Block 22, Lot 39, 41 173 East, Lots 40 & 41, 170 & 172 Perryville Road: Atty. Mary Elizabeth Warner, representing Quik Chek, said applicant proposes a 5,496 square foot (sf)convenience store with five multi-purpose gas dispensing facility. A 5,000 sf canopy is proposed for that facility. Atty. Anderson said "D" variances would be required. Atty. Warner agreed. Committeeman Bischoff recused himself from the informal discussion because of the "D" variance matter. Applicant's Engineer Nicholas Watson said there would be ten fueling positions and one of those would be for diesel. Mr. Watson is aware that gas stations are not a permitted use. Two access roads are proposed; one on Perryville Road and one on Frontage Road. Parking is proposed for oversized vehicles. An onsite septic system is proposed. Applicant plans two-free-standing signs.

Mr. Watson displayed an exhibit of the site. The residential dwelling would remain as part of the proposal. There would be three principal uses on the property; the convenience store, gas station and residential dwelling. The business would be open 24 hours a day. Six to eight trailers with supplies would be delivered each week and delivered to the rear of the store. One fuel delivery is anticipated per day. There are box truck deliveries to the front of the store, four or five per day, five days a week.

Mr. Hintz emphasized that three principal uses were proposed. Atty. Anderson noted a separate variance would be required for the residence. Mr. Kirkpatrick told Mr. Watson that the Township has a very detailed sign ordinance and very few variances had been granted. He emphasized that Lehigh Gas (Shell Station) and Pilot had taken years to obtain approval. Traffic studies using standard data proved to be inaccurate. Aesthetics of the buildings were a major concern. Mr. Kirkpatrick said residents of surrounding properties, some who are here tonight, were vehemently opposed to the Shell Station conversion from a repair shop to a convenience store. Mr. Ford emphasized the importance of a traffic study including statistics of nearby problematic intersections. Mr. Hintz said access approval would be required from NJDOT and Hunterdon County. He also said the site was across from the Historic Perryville Tavern and applicant would need to assess the impact on that Building. Mr. Hintz mentioned wetlands. Mr. Watson said there are no wetlands on the site. Mr. Kirkpatrick said an L.O.I. would be required. Mr. Ford thought there were wetlands southwest of the corner of the lot. Mr. Hintz said there is a School nearby and children could be coming to the site. That issue should be addressed. Mr. Ford mentioned the presence of the second School. Both add to traffic congestion at certain times of the day.

Mr. Ryland raised a question regarding the residential dwelling and that it appeared to complicate the proposal. Mr. Clerico said the proposal could result in usage of more than 2,000 gallons of water and would be subject to different standards. Mr. Clerico asked about the possibility of fuel tanks on the site. Soil investigation for contamination would be required. Mr. Melick indicated his client would perform necessary testing. Mr. Kirkpatrick recalled that the Shell Station coordinated their driveway to function in conjunction with the Bagelsmith driveway. The steep slopes on the site were emphasized. Mr. Kirkpatrick noted that the E.I.S. Ordinance and Natural Resource Inventory Calculations requirements are very stringent.

Atty. Warner and Mr. Melick thanked the Board for their input.

Pilot Travel Centers LLC: Block 11, Lot 24.03: Consideration of Anti-Idling Plan: Atty. James Lott, had sent a letter dated May 23, 2014, including an Anti-Idling Plan. Mr. Ford asked the expectations of Pilot, regarding enforcement, as set forth in the Anti-Idling Plan. Signage alone has been ineffective. Mr. Kirkpatrick said that Pilot would take an active role in enforcement in order for the plan to meet the standards of the site plan conditions. Thus far, Pilot has declined to take such action. Pilot has previously indicated they will not confront truck drivers. The State Police have previously indicated that they do not have the resources to enforce the matter. Mr. Kirkpatrick thought that conditional approval could be granted for the Plan if it included a provision for additional signage and informational material ,

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such as placards placed on violating vehicles. If the Zoning Officer were to come on the site and find the required signage missing, Pilot could be subject to enforcement action.

Mr. Kirkpatrick asked Atty. Anderson to prepare a letter to Atty. Lott summarizing the Board's conditional approval. Mr. Ford made a motion to authorize Atty. Anderson to prepare the letter. Mr. Ryland seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Ryland, Mr. Bischoff, Mr. Walchuk, Mr. Nace, Mr. Gibbons, Mr. Kirkpatrick

Correspondence: Fallone/Renaissance: Block 22, Lot 34, Perryville Road: Hatch Mott MacDonald June 9, 2014 letter to Robert Fallone: Mr. Bischoff said Fallone has appeared before the County Board of Construction. Fallone has not entered into a Developer's Agreement with the Township Committee. Hatch MacDonald is representing the Township, since there is a conflict of interest with Van Cleef Engineering.

Comments from the Public/Other Discussion: Atty. Patrick Mullaney, representing Red Hills Quarry, Block 22, Lot 30, Frontage Road, gave an update on the status of the quarry application. Red Hills has been in Violation of not obtaining their Quarry License. They are prepared to proceed with their application. Mr. Clerico will review the application and make a recommendation to the Board as to whether the Ordinance Standards have been met. The Board would take action, based upon Mr. Clerico's recommendation.

Mr. Hintz announced his retirement, effective June 30, 2014. He will continue to serve as a consultant to the Firm. Andrea Malcolm will be representing the Firm. Mr. Ford expressed his appreciation to Mr. Hintz for his service to the Board.

Motion to Adjourn: Mr. Bischoff made a motion to adjourn. Mr. Ford seconded the motion.
(8:15 p.m.)

Grace A. Kocher, Secretary