

August 28, 2014

Mr. Kirkpatrick called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Members Present: Ms. McBride, Mr. Bischoff, Mr. Walchuk, Mr. Nace, Mr. Kastrud, Mr. Ryland, Mr. Eschbach, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mrs. Corcoran, Mr. Gibbons

Others Present: Atty. Maziarz, Engineer Robert Clerico, Planner Andrea Malcolm, Atty. John Lanza, Engineer Robert Lorentz, David and Patricia Fischer, Chuck McGroarty, Christine Voorhees, Marilyn Maas

Open Public Meetings Act Notice: I would like to announce and 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.

Approval of Minutes: Mr. Ford made a motion to approve the minutes of the July 24, 2014 meeting, with changes set forth by Messrs. Kirkpatrick and Ford. Mr. Bischoff seconded the motion.

Vote: Mr. Ford, Mr. Bischoff, Ms. McBride, Mr. Walchuk, Mr. Nace, Mr. Ryland, Mr. Eschbach, Mr. Kirkpatrick

Abstain: Ms. Kastrud

Memorialization of Resolution: Titus/Brennan: Block 9, Lots 1.05 & 1.06, 10 & 12 Serpentine Drive: Public Hearing: Mr. Bischoff made a motion to memorialize the Resolution. Mr. Eschbach seconded the motion.

Vote: Mr. Bischoff, Mr. Eschbach, Mr. Walchuk, Mr. Nace, Mr. Ryland, Mr. Ford, Mr. Kirkpatrick

Main Street Pattenburg LLC:/Fischer: Block 14.03, Lot 4, 589 Main Street (Pattenburg): Mr. Bischoff said he would have to recuse himself from this variance application. He updated the Board on two issues regarding the Planner's office. Mr. Hintz has retired. Philip Caton will provide services previously handled by Mr. Hintz. Andrea Malcolm will be reviewing Board applications. Beth McManus will handle COAH business. Mr. Bischoff also told the Board that Invoices due to Clarke Caton Hintz would be paid in two installments; one/half in 2014 and the remainder in 2015. Mayor McBride, who would also be recusing herself from the Hearing, asked about input regarding Land Use Code Definitions and Standards. Mr. Kirkpatrick asked members to review the Land Use Code for discrepancies and/or

idiosyncrasies and bring their concerns to the September 11, 2014 workshop. Mayor McBride and Mr. Bischoff left the meeting at 7:15 p.m.

Atty. John Lanza, representing applicant, gave a brief overview of the project. Mr. Lanza displayed a photograph of the subject property. The Exhibit was marked A-7. The property is in the Village Residential/Historic District. The lot is undersized and there are on-site structures that pre-exist zoning. The Pattenburg Post Office was located within the building and there is also a residence. Applicants David and Patricia Fischer live across the Street. They are seeking approval to move their accounting service to the 589 Main Street. Atty. Lanza said there would be zero impact to the neighborhood. "D" variances are sought for the business and two principal uses on one lot. "C" variances are sought for the undersized lot and non-conforming front and side yard setbacks. Waivers are requested for parking and landscaping since that would interfere with the historic nature of the site and the neighborhood.

Atty. Lanza asked that witnesses come forward. Applicant David Fischer, Engineer Robert Lorentz and Planner Charles McGroarty were sworn by Atty. Maziarz. Mr. Fischer gave an overview of the neighborhood and their tax accounting business. He said they have approximately 350 tax clients and 20 to 25 accounting clients. Approximately 100 of the tax clients come to the house during the tax season. The Fischers purchased the property in December 2013 with the intention of renting the existing residential area and converting the former post office for their business. Mr. Fischer described the condition of the post office when they purchased the property. The second floor above the post office was used as a residence. Mr. Fischer said the commercial side of the building has no heat. The exterior of the house has been painted, new cabinets and appliances have been installed in the residential side of the property and floors have been sanded and refinished. Mrs. Fischer's office would be 12' x 12' and Mr. Fischer's office would be 12' x 8'. Files will be installed in the rear of Mr. Fischer's office. Applicant proposes a small kitchenette as well. The area above the former post office will probably be used for storage.

Mr. Fischer said besides installation of a heating system for the commercial side, new lighting and a redesign of the bathroom is proposed. The shower will be removed. The barn on the eastern side of the house has stored wood, lawn equipment, and remnants of what may have been a butcher shop.

Mr. Fischer addressed the historical significance of the property. He said it once housed a general store. The post office closed in 1973. He thought the store and post office area were vacant. He did not know if anyone lived there at that time. In 1995, the Boyters purchased the property and opened and operated a general store until 2002. The building was sold to William Frey. Mr. Fischer said there has been no commercial use of the property since 2002.

Mr. Fischer said the office hours of operation would be 9:00 a.m. until 5:00 pm., Monday through Friday, with an occasional appointment on Saturday and no evening hours. Parking to the east of the building is used by applicant's tenant. There are two parallel parking spots in front of the building. A small driveway to the west of the building provides access to some parking in the rear. Mr. Fischer did not think the proposed use would create a parking problem. Mr. Fischer said there would be limited refuse. Mr. Kirkpatrick asked anyone from the public if they had questions for Mr. Fischer. There were none.

Atty. Lanza asked Engineer Robert Lorentz to come forward. Mr. Lorentz stated his credentials. They were accepted by the Board. Mr. Lorentz displayed a colored version of the Minor Site Plan for Main Street Pattenburg, dated June 18, 2014 with a revision date of August 4, 2014. The Plan was prepared by Mr. Lorentz. It was marked Exhibit A-6. Exhibit A-6 shows a 300-foot riparian buffer associated with a small stream east of the property. Mr. Lorentz said the width along the stream is 151.65 feet; the depth of the property is 204 feet and backs up against the railroad. The lot area is non-conforming (1.277 acres, gross area). Required area is two acres for residential or five acres for other uses. The former post office is about 12 and ½ feet from the property line of the Pattenburg United Methodist Church and about 9 feet from the corner of the porch. There is a barn/shed to the rear of the building. There is a septic system on the property directly behind the main building. Mr. Lorentz had reviewed the septic system design submitted to and approved by the Hunterdon County Board of Health. Mr. Lorentz said the system is adequate for the proposed use. Mr. Lorentz addressed parking. He said there is space for six vehicles on the east side of the building and an area in front of the building that would allow parallel parking for three cars. Mr. Lorentz said the proposed use would not generate a lot of traffic. He also felt that paving of the parking area would be necessary. The matter of handicapped parking was addressed. Mr. Fischer had indicated that they accommodate any clients who may need assistance.

Mr. Lorentz said lighting was similar to that of a residence and did not believe additional illumination would be required. Regarding landscaping, Mr. Lorentz said there are large trees, shrubs and a lawn area.

Mr. Kirkpatrick asked for questions from Board Professionals. Mr. Clerico asked for clarification regarding the water system, its adequacy for the proposed use, as well as quality. Mr. Lorentz said there was an issue with arsenic and that was resolved. Planner Malcolm asked about lighting and the primary entrance to the building. Mr. Lorentz said there are lights on the porch as well as street lights. The primary entrance to the proposed office area is on the porch.

Mr. Kirkpatrick referenced the handicapped parking issue. He thought there should be a stall. The issue was discussed briefly. Mr. Kirkpatrick asked for questions from the Board. There were none.

Planner Charles McGroarty came forward. His credentials, as set forth in a memo dated August 28, 2014 were marked Exhibit A-8. They were accepted by the Board. Mr. McGroarty displayed Exhibit A-7, which comprised of four photographs of the building and neighborhood. Another photograph (Pattenburg – A brief photo tour of Union Township, N.J.) was marked Exhibit A-9. Mr. McGroarty said the approximate age of the building is 150 years and is in the Historic District of the Township. The property is zoned Village Residential. Mr. McGroarty said there are two “D” variances, one for the commercial use and one for two principal uses on one property. Mr. McGroarty said the approval of the variance would encourage appropriate use of the land, to promote the health, safety and general welfare. He indicated it would be to the advantage of the Township to have the house occupied. The proposed commercial use would have minimal traffic impact. Preservation of the building would be beneficial to the neighborhood. Mr. McGroarty addressed parking. He thought the area should not be paved. The property is in the Highlands Preservation area.

Mr. McGroarty addressed the “C” variances. He said the lot size is non-conforming. Two acres is required for residential and five acres for other uses. Mr. McGroarty stated the five-acre standard should apply for this application. He did not believe there would be any detriment to the public good or the Township if approval was granted. Mr. McGroarty noted the pre-existing, non-conforming side and front yard setbacks and felt granting those variances would not be detrimental either. His understanding is that preservation of historic properties is consistent with the Master Plan. Ms. Malcolm asked if the primary focus of this application was the office use and what might happen in the future if there was a change of use. Mr. McGroarty said the Fischers propose moving their accounting business to the subject property and that is the primary reason for this variance request. The Board could impose conditions as part of an approval. Mr. Kirkpatrick said the issue will be discussed.

Mr. Kirkpatrick asked Board members and the Public if they had any questions for Mr. McGroarty. There were none. Mr. Kastrud had a question for the Fischers. He asked about signage. Mr. Fischer said the sign for the business will be on the glass door at the front entrance. Mr. Kastrud also asked about the septic system. Mr. Fischer said tests had been performed showing it to be adequate. The tests were reported in a document from the Hunterdon County Board of Health that was marked Exhibit A-5. Mr. Ryland said The Board had to protect Union Township and consider what might happen when the property changes ownership.

Mr. Kirkpatrick asked for testimony from the Public. There was none. He asked for comments from the Public.

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Christine Voorhees, 602 Main Street, longtime resident, spoke in support of the application. Marilyn Maas, 598 Main Street, also supported the application.

Atty. Maziarz had a question about Exhibits. Atty. Lanza said Exhibits A-1 through A-6 had been submitted with the application.

Mr. Kirkpatrick asked for additional comments from the Public. There were none. He closed the Hearing.

Mr. Kirkpatrick asked for a motion. He recited the following conditions: 1) The second floor would be used only for storage; 2) Maximum number of employees permitted would be three and one must reside in the Township, one would be a seasonal employee; 3) Hours of operation would be 9:00 a.m. until 6:00 p.m.; 4) Exterior façade will not be changed; no additional siding; 5) Granting a waiver for parking spaces (nine required)

The decision to grant the variances was based on the testimony given tonight.

Mr. Kastrud made the motion to grant approval, with the stipulations cited above. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Kastrud, Mr. Walchuk, Mr. Nace, Mr. Ryland, Mr. Eschbach, Mr. Ford, Mr. Kirkpatrick

Correspondence: Mr. Kirkpatrick said correspondence had been delivered to the Board office today regarding Block 4, Lot 2, 176 Route 173 West, appealing the July 17, 2014 Zoning Officer's Denial. Mr. Kirkpatrick said since it was not received in time to be placed on the agenda the Board could not address the issue.

Comments from the Public/Other Business: William Malenchak asked to discuss Block 4, Lot 2. Mr. Kirkpatrick told Mr. Malenchek the Board could not take any action on the matter. Information should be submitted to the Board at least ten days prior to a meeting. Mr. Malenchek understood there was a time limit on the Appeal process. Atty. Maziarz said the clock had stopped. Ms. Maziarz asked if Mr. Malenchek was a partner, LLC, etc. since he would have to be represented by an attorney. Mr. Malenchek indicated that he was not.

Motion to Adjourn: There being no further business to come before the Board a motion to adjourn was made by Mr. Ford and seconded by Mr. Eschbach. (9:05 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary

