

February 22, 2024, Planning Board/Board of Adjustment Meeting Minutes

These minutes were approved at the April 11, 2024, meeting.

Call to Order and Notices: Chair Ford called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:03pm.

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, Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Ms. Bartolomeo, Chair Ford, Mr. Lepore, Mr. Gatani, Mr. Tousignant, Mr. Glacken.

Board Professionals Present: Attorney Anderson, Robert Clerico, Engineer.

Members Absent: Committeewoman Cherney, Mr. Kastrud, Mr. Belden.

Approval of Minutes: Mr. Kirkpatrick made a motion to approve the minutes of the February 8, 2024, regular meeting. Mr. Neary seconded the motion. **Vote: Ayes:** Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Chair Ford, Mr. Lepore, Mr. Tousignant. **Abstain:** Mayor DeGiralamo, Ms. Bartolomeo, Mr. Gatani, Mr. Glacken. **No Nays. Motion carried.**

New and Pending Matters

Mr. Glacken recused himself at 7:06pm.

Kal Freight – Variance Application – Continuation of public hearing

15 Frontage Rd., Block 22 Lot 30.01

Attorney Anderson advised the Board that the applicant had not noticed for the public hearing, therefore no hearing will take place. Mr. Higgins, attorney for KalFreight, sent a letter dated February 14, 2024, to the Board consenting to extend the time for the Board to act until April 2, 2024. The time for decision for the Board to act on the application is February 23, 2024. The Board discussed the options of either accepting the request or dismissing the application.

Mr. Kirkpatrick made a motion to reject the request to extend the application, and to dismiss the application because the applicant has not pursued the application in a reasonably diligent manner. The Board finds it unreasonable to extend the application for an undeterminable amount of time given the woeful inaccuracy of the materials submitted and/or presented. The lines of evidence presented in municipal court and the decisions of the municipal court will have bearing on the type of application that the applicant will be required to submit. Mr. Neary seconded the motion. **Vote: Ayes:** Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Ms. Bartolomeo, Chair Ford, Mr. Lepore and Mr. Tousignant. **No Nays. Motion carried.**

At 7:38 Mr. Glacken rejoined the Board.

Highlands Master Plan conformance discussion

Mr. Clerico stated that the assignment was given to him at the last meeting, however, he has not had the time to investigate the matter. Mr. Clerico advised he will review the implications of opting in the Highlands within the planning area for the March meeting.

MS4 – Tier A – Training video for new board members

Chair Ford advised that new members along with members appointed to a new term, will need to complete the stormwater training videos provided by the NJDEP for compliance.

Correspondence/Comments from the Public/Other Discussion

There was a discussion about completing a comprehensive Master Plan, as well as opting into the Highlands. Mr. Clerico stated his understanding of the process is that first a scope of work will need to be established, then a resolution would be adopted by the Township Committee to file an application with the Highlands, the Highlands would then reply in writing that they would fund the scope of work. Mr. Kirkpatrick explained that when the Township opts in, they are basically making the land use ordinance comply with the Highlands rules. Mr. Kirkpatrick stated if there are aspects of the Highlands plan that the Municipality agrees with, the Board could adopt those measures without opting into the Highlands.

Chair Ford asked if there were any comments from the public.

A resident of Highlands Ridge stated that there are a few residents who are concerned about the KalFreight violations and impact on the neighborhood. Another resident voiced her concerns about KalFreight's removal of trees on the site and how those trees had shielded the other homes from the nuisance lighting. She also asked about the requirement to replant the trees. Chair Ford advised they have been sent a violation for the unlawful removal of trees and that there are stringent requirements to replace trees. Mr. Kirkpatrick stated there is a requirement for the exact replacement of the basal area of a tree.

Mayor DeGiralamo stated that the Committee has directed the attorney to pursue additional legal action. There was a discussion on the tree replacement requirement for the applicant and methods for requiring that the applicant to move more quickly to replace trees.

Motion to Adjourn

There being no further business to discuss, a motion to adjourn was made at 8:13pm by Mr. Lepore and seconded by Mr. Kastrud. **Vote: All Ayes. No Nays. Motion carried.**

Respectfully Submitted,

Leigh Gronau – Board Secretary