

February 25, 2016

Mr. Ford called the Meeting of the Union Township Planning Board/Board of Adjustment and Township Committee to order at 7:09 p.m. He welcomed Claudia Rocca to the Board. Ms. Rocca has served as Chair of the Union Township Environmental Commission. She was previously sworn by Atty. Anderson.

**Members Present:** Mr. Mazza, Mr. Nace, Mr. Eschbach, Mr. Ryland, Ms. Rocca, Mr. Gibbons, Mr. Ford

**Members Absent:** Ms. McBride, Mr. Walchuk, Mr. Kastrud, Mr. Kirkpatrick

**Others Present:** Atty. Mark Anderson, Robert Clerico, Atty. Howard Apgar, Wayne Ingram, Dylan Sujet

**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 21, 2016, 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. Mazza made a motion to approve the minutes of the January 28, 2016 Joint Committee and Planning Board/Board of Adjustment meeting. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Nace, Mr. Eschbach, Mr. Ryland

Abstain: Ms. Rocca, Mr. Gibbons, Mr. Ford

**Issue of Completeness: Molnar: Block 12, Lot 13.02, 92 Route 173: Site Plan/Bulk Variance:** Wayne Ingram, applicant's Engineer, was present on behalf of Mr. Molnar. A motion to deem the application complete was made by Mr. Eschbach, granting waivers for completion as set forth in Mr. Clerico's letter dated December 22, 2015. Mr. Ryland seconded the motion.

Vote: Ayes: Mr. Eschbach, Mr. Ryland, Mr. Mazza, Mr. Nace, Ms. Rocca, Mr. Gibbons, Mr. Ford

The application will be scheduled for a Hearing on March 24, 2016.

**Public Hearing: Sujet: Block 19, Lots 6 and 6.01, 115 Driftway East: Minor Subdivision/Lot Line Adjustment:** Atty. Howard Apgar was present on behalf of applicant. Engineer Wayne Ingram and applicant Dylan Sujet were sworn by Atty. Anderson. Atty. Apgar asked that Mr. Zederbaum be qualified as an expert in his field. His credentials were acceptable to the Board. Mr. Zederbaum had prepared a Map entitled Minor Subdivision/Lot Line Adjustment for the Sujet Family Farm, revision dated January 18, 2016. It was marked Exhibit A-1. Mr. Zederbaum described the Exhibit to the Board. He said Lot 6 has approximately sixty acres and Lot 6.01 has approximately thirty acres. Lot 6.01 has a structure. The purpose of the application is to allow the renter of Lot 6.01 to purchase that Lot and to separate all remaining parcels and annex them to Lot 6. Mr. Zederbaum deferred a question about the Driftway to Mr. Sujet. The February 19, 2016 letter from Mr. Clerico was addressed. Mr. Zederbaum gave an overview of the application as it pertained to the Driftway.

In a Minor Subdivision approval granted in 2002 for the subject property, the Board determined that applicant was not required to seek relief from the “minimum frontage on a public/private street” requirement, nor build the Driftway to Township Standards. Mr. Clerico said the Board would need to determine if this application qualified for a similar exemption. Mr. Zederbaum indicated the exemption should apply.

Mr. Zederbaum addressed Mr. Clerico’s concern about Deed references set forth on the Minor Subdivision Map. Mr. Zederbaum emphasized the Map before the Board was based upon a Survey prepared for a previous application that was approved in 2002. That Survey was not prepared by Mr. Zederbaum’s office. Mr. Clerico had a concern as to whether the Township had accepted the right-of-ways on that 2002 Survey. Mr. Clerico felt there should be documentation about the matter. Atty. Anderson referenced MLUL Section 40-55D-35 that states that a subdivision should exist only where the property has direct access to a public street, and Section 40-55D-36 gives the Board the power to grant relief. Mr. Anderson stated that request was included in the Public Notice. The Board needs to decide whether it is appropriate to grant approval for a subdivision that does not front on a public road. Mayor Mazza asked the width of the Driftway and access for emergency vehicles. Atty. Apgar said that Mr. Sujet could provide more information than Mr. Zederbaum. Mr. Apgar emphasized there will not be any more houses than presently exist.

Atty. Anderson stressed the matter of a title question. He questioned if someone might be entitled to prohibit the public from traversing the Driftway.

Mr. Ford asked Mr. Zederbaum about the previously referenced subdivision of the subject property. Mr. Zederbaum said it was for the same two lots. Mr. Sujet came forward at this time to provide testimony. Mr. Sujet said he believes his family moved to the subject property in the 1960’s. He has lived there all his life. He said the Driftway is paved from Route 625 to the Apgar property, Block 19, Lot 7. It is used for access by residents on the Driftway. Farm equipment and emergency vehicles have traversed the Driftway without any problems throughout Mr. Sujet’s lifetime. Mr. Sujet said his hay wagon is wider than a fire truck. Garbage trucks also traverse the Driftway without problems. Mayor Mazza asked about the content of the pavement and were there any pull-off areas for turning. Mr. Sujet said the Road is asphalt and there are no designated pull-off areas. Mayor Mazza asked about streams. Mr. Sujet said a stream goes underneath the Road by Block 19, Lots 5.02 and 5.03. There is a drainage ditch and overflow from Country Acres between Lots 17 and 17.01.

Mr. Ford asked for comments/questions from the Public for Mr. Clerico or Mr. Sujet. There were none. Atty. Anderson asked Atty. Apgar if his presentation was complete at this time. Mr. Apgar replied in the affirmative. Mr. Ford asked for comments from the Public. Kurt Derwid, 745 Route 625, who was sworn by Atty. Anderson, commented on the stream. He said the stream is classified as a ditch on his survey. Ms. Rocca said the determination/classification of a ditch is under the jurisdiction of the State. Dan Kornacki, 743 Route 625, was provided with information regarding the proposed subdivision by Mr. Zederbaum.

Mr. Eschbach raised a question about unavailability of documents and difficulty in making a determination without certain information. Mayor Mazza asked about approving the Lot-Line Adjustment/Minor Subdivision only. Atty. Anderson said the Statute allows applicant the alternative to record the subdivision either by deed or by a filed map. He understood applicant intends to file a deed.

Mayor Mazza asked the approximate length of the Driftway. Mr. Zederbaum said about a mile-and-one half. Mr. Nace asked about simplifying the process to meet Mr. Clerico's concerns. Mr. Clerico referenced a Driftway easement across Lot 6.01; however, no documentation was provided with that information. Mr. Ford said it should not be that difficult to record information on the deed. Mr. Clerico said the deed description could be as difficult as recording a map. Atty. Anderson said conditions of approval could be that the new deeds indicate easements already exist or would be created as part of the new subdivision and that the balance of the Driftway (that which does not have frontage on applicant's property) is properly documented. Atty. Anderson said the Board should be satisfied that there is both legal and physical access. Mr. Ford said the Fire Company should be contacted and inform the Board that access is adequate and that new deeds properly reflect what is shown on the Map which is entitled Exhibit A-1. The deeds should reflect the number of people using the Driftway. Mr. Sujet said there are nine homes that access Route 625 from the Driftway. Mr. Ford asked if the subject property had deed restrictions/easements. Mr. Clerico said that is what is being established. Mr. Ford emphasized that the deed to be recorded should be written subject to the satisfaction of Mr. Clerico.

Atty. Anderson stated that a condition of approval would be that the deeds for Lots 6 and 6.01 either show proof of the existing easement dedication consistent with the Map or a new dedication consistent with the Map.

Based upon the above conditions and including certification by the Fire Company that there is adequate access, a motion to approve the application was made by Mr. Mazza and seconded by Mr. Eschbach.

Vote: Ayes: Mr. Mazza, Mr. Eschbach, Mr. Nace, Mr. Ryland, Ms. Rocca, Mr. Gibbons, Mr. Ford

**Green Rock Recycling LLC: Block 22, Lot 22, Lots 15 & 15.01, 3 Frontage Road – Quarry License Renewal:** Atty. Anderson said the Planning Board needs to determine if the conditions of the Quarry Ordinance have been met. Mr. Clerico, in a letter dated February 20, 2016 addressed the issue.

The Board discussed the Quarry License renewal application briefly and determined that it was not consistent with the Quarry Ordinance. Mr. Nace made a motion that the conditions of the quarry ordinance have not been met, with respect to quarrying operations in the buffer area with the adjoining Red Hills Quarry. Mr. Eschbach seconded the motion.

Vote: Ayes: Mr. Nace, Mr. Eschbach, Mr. Mazza, Mr. Ryland, Ms. Rocca, Mr. Gibbons, Mr. Ford

Atty. Anderson will prepare a Resolution for the Board to memorialize.

**Correspondence: Bonnell Tavern: Block 24.01, Lot 1, 2 Pittstown Road:** Atty. John Thatcher, representing the Bonnell family, gave an overview of the proposal to restore the building as a tavern/restaurant. The property is in Union Township and the Town of Clinton. Engineer Wayne Ingram displayed a colorized rendering of the proposal. The Tavern would be relocated to property in the Town of Clinton. Entrance is proposed from Route 173. Entrance/Exit access is proposed from Route 513 and there will be a sign stating right turn only. A storm water basin is proposed in front of the Tavern. Parking stalls for forty-nine vehicles is proposed in Union Township. Lot width, density and non-conforming issues exist. Mr. Nace asked the amount of impervious surface in Union Township. Mr. Ingram said it is approximately 35% and 20% is allowed. Mayor Mazza mentioned the possibility of moving the Tavern to another site. He also asked applicant if they were aware of proposed changes by the State at Exit 15. Ms. Rocca asked about NJDEP permits. Mr. Ingram said it would be a hardship matter.

**Motion to Adjourn:** Mr. Gibbons made a motion to adjourn the meeting. It was seconded by Mr. Eschbach. (9:00 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary