

June 23, 2016

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

**Members Present:** Mr. Walchuk, Mr. Nace, Mr. Eschbach, Mr. Ryland, Ms. Rocca, Mr. Ford, Mr. Kirkpatrick

**Members Absent:** Mr. Mazza, Ms. McBride, Mr. Kastrud, Mr. Gibbons

**Others Present:** Atty. Mark Anderson, Robert Clerico, Atty. Donald Whitelaw, Wayne Ingram, Michael Molnar

**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. Ford made a motion to approve the minutes of the May 26, 2016 meeting. Mr. Nace seconded the motion.

**Vote:** Ayes: Mr. Ford, Mr. Nace, Mr. Eschbach, Mr. Ryland, Mr. Kirkpatrick

**Abstain:** Mr. Walchuk, Ms. Rocca

**Public Hearing: Molnar: Block 12, Lot 13.01, 92 Route 173:** Amendment to Preliminary and Final Site Plan with a Variance: Atty. Donald Whitelaw, representing applicant, introduced two witnesses; applicant Michael Molnar and Engineer Wayne Ingram. Messrs. Molnar and Ingram were sworn by Atty. Anderson. Atty. Whitelaw asked Mr. Molnar to provide testimony regarding the proposed use. Mr. Molnar said the company is Diagnostic Services, Inc. and has been located in Middlesex NJ for thirty-two years. Equipment is built and serviced for veterinarians. Assembly of products is on-site and delivered to customers. Clients include veterinary colleges and universities. The site is presently vacant land. Previously there had been a gas station and an ice-cream stand. Those buildings had been demolished and removed from the site.

Mr. Molnar said there are four part-time employees, all family members, except one. Proposed hours would be between 8:00 a.m. and 4:00 to 5:00 p.m. No vehicles will be on site after hours. He emphasized that customers do not come to the site. UPS and Federal Express Trucks would generally be providing services, with an occasional twenty-four-foot box truck with a lift gate. Mr. Molnar said the method utilized for building the equipment would be considered fabrication. There would be minimal waste from the production of equipment. Applicant will provide on-site trash removal. A component of the application would be office and storage space.

Mr. Kirkpatrick asked applicant about meetings held with NJDEP regarding Highlands' Exemption. Mr. Molnar deferred that question to his Engineer; whereupon, Mr. Ingram provided testimony. His Engineer/Planner qualifications had been accepted by the Board when he appeared previously. Mr. Ingram said meetings held with the DEP were basically unproductive. The DEP reasoned applicant's plan was non-compliant with the 125% development exemption allowed by the Highlands' Council. Mr. Ingram emphasized the application made to the DEP was for a much larger building than the one before the Board tonight. After being determined by the DEP to be non-compliant, applicant decided to submit a new application to the Board and attempt to obtain zoning approval prior to another meeting with the DEP. The proposed building is smaller and further from the Road than a previous plan submitted to the Board. Mr. Kirkpatrick said the size of the proposed building was fine; however, it is too close to the Road.

Mr. Ingram presented a Color Rendering of the Plan. It was marked Exhibit A-1. The proposed building is sixty by eighty feet (60' by 80)', with 4,800 square feet (sf) and 3,200 sf of loft space. Two bay doors, one on each end of the building, and twelve parking stalls are proposed. NJDOT and Septic and Soil Conservation applications were approved; however, those approvals have lapsed. A septic system is proposed at the north end of the property. Storm water mitigation measurements are proposed, although applicant does not believe that is required. Area of disturbance is less than an acre. Impervious surface coverage is being reduced. Mr. Ingram said applicant has no objections to comments in Mr. Clerico's March 21, 2016 letter, nor landscaping comments/requests from the Township Planner. Mr. Ingram did not think screening would be required for trash receptacles. He also said the twenty-six foot aisle should be adequate for vehicles using the site. The twelve proposed parking stalls are in excess of what will probably be required.

Mr. Ingram referenced a Plan (Revised Sheet 3) that was submitted to the Board on May 9, 2016 (Revised Sheet 3). Atty. Whitelaw asked Mr. Ingram to explain the need for the C-1 Variance front yard setback. Mr. Ingram said it was based on the DEP's determination that applicant's impervious surface must be primarily overtop of the prior impervious coverage. He said the project would not be viable if the building size was reduced to bring it into compliance with the required fifty-foot setback. Mr. Kirkpatrick asked Mr. Ingram to provide information about the configuration of the building relative to circulation within the parking lot. He thought the building could be rotated 90 degrees toward the back of the existing parking lot. Atty. Whitelaw requested time to consult with Mr. Ingram.

Atty. Whitelaw spoke with Mr. Ingram regarding the ramifications of moving the building and parking area. Mr. Ingram said applicant could propose a forty-foot deep by one-hundred-twenty-foot long building. He said truck movement/circulation would be impacted. One row of parking could be against the building; a twenty-four foot aisle could be close to the Road. Mr. Ford mentioned changing the dimensions of the building and eliminating some parking spaces (twelve proposed, nine required). Mr. Ingram mentioned the impact on the impervious surface coverage area allowed by Highlands' mandates. He referenced an April 27, 2010 Notice of Technical Incompleteness from the NJDEP. The Notice was marked Exhibit A-2.

Mr. Kirkpatrick asked Mr. Ingram to provide information on the proposed building. Mr. Ingram said a Butler building is proposed. He presented Exhibits (marked A-3 and A-4) that were representative of the proposed building. A-3 shows door openings and A-4 shows the building frontage.

Mr. Kirkpatrick asked Mr. Ingram if he had direct contact with the Highlands about applicant's plan. Mr. Ingram said he had met with Highlands' Representatives at DEP. Mr. Kirkpatrick thought direct contact with the Highlands could be more effective. He thought applicant should ask for documentation from the Highlands as to why the building could not be set back further from the Road. Mr. Kirkpatrick said if the building has to be closer to the Road to comply with Highlands' Rules that would be sufficient documentation. If Highlands said the building could be further back applicant should proceed with an application to DEP. Mr. Kirkpatrick said if the DEP would not grant an exemption that would be sufficient document to support applicant's position.

Atty. Anderson mentioned the possibility of the Board approving the proposed Plan, with a requirement that all impervious improvements be moved back twenty feet and the Board indicate it would permit applicant to return to the Board if that Plan was rejected by Highlands and/or DEP. Mr. Ingram said if the Plan was approved by the Highlands/DEP that would be fine. However, if the Plan was rejected by Highlands/DEP, Mr. Ingram asked if the Board might be amenable to applicant re-applying. Atty. Anderson said the Board could make a provision in the Resolution that applicant could return to the Board if approval by the Highlands/DEP was rejected.

After the above discussion, a motion was made by Mr. Ford that the Preliminary and Final Site Plan be approved, subject to conditions in the Township Planner's March 18, 2016 letter and the Township Engineer's letter dated March 21, 2016, with the exception that the lighting and screening of the trash receptacles and west side of the lot be as presented in the Plan. The entire project is to be set back twenty-feet further than the proposal. A truck with greater length than twenty-four feet required for a potential future use of building would require an application to the Board. The hours of operation to be as stated by applicant; lighting to be turned off one hour after closing and no lighting to be installed on free-standing sign. Mr. Eschbach seconded the motion.

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

**Correspondence/Other Business:**

**MBP Group, LLC: Block 12, Lot 8.03. Charlestown Road/Route 635:** LOI application to NJDEP

**Motion to Adjourn:** Mr. Walchuk made a motion to adjourn the meeting. It was seconded by Ms. Rocca. (8:15 p.m.)

Vote: All Ayes, No Nays, Motion Carried

