

September 22, 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. Mazza, Ms. McBride, Mr. Nace, Mr. Eschbach, Mr. Ryland, Ms. Rocca, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Walchuk, Mr. Kastrud, Mr. Gibbons

Others Present: Atty. Jolanta Maziarz, Atty. Ernest Renda, John McCaffrey, Edward Fleming, Atty. Christopher Quinn, Ms. Gilum, Township Resident

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. Ryland made a motion to approve the minutes of the August 25, 2016 meeting. Mr. Nace seconded the motion.

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

Abstain: Mr. Mazza, Ms. McBride

Memorialization of Resolution: Perryville Group, LLC: Block 22, Lots 3 & 4, Route 173 East: Mr. Ford made a motion to memorialize the Resolution. Mr. Eschbach seconded the motion.

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

Abstain: Mr. Mazza, Ms. McBride

Fleming/McCaffrey-Richards Swimming Pool Service & Supplies: Block 1.03, Lot 5, 505 Route 614:

Atty. Ernest Renda, representing applicant John McCaffrey—Richards Swimming Pool Service & Supplies, gave a brief overview of the Zoning Permit Denial Appeal regarding a Change of Use. Mr. McCaffrey is seeking to establish a home occupation with regard to his pool service at the subject property. There is a house and separate two-bay garage. Mr. McCaffrey would be utilizing one of the bays for business activities which include storing and repairing pool owners' covers in the winter. He also plans to store pool service supplies in a separate shed. No customers would be coming to the property.

One employee may come to the property to pick up or drop off supplies. A business office will be in Somerville. Two family members will be living at the house.

Mr. Kirkpatrick referenced the Board Planner's report. He asked that Mr. McCaffrey address conditions required for a Home Occupation (HO). After being sworn by Atty. Maziarz, Mr. McCaffrey answered questions from Atty. Renda. Mr. Renda said a HO is any activity carried out for gain by a resident within the resident's dwelling unless otherwise indicated therein. Mr. McCaffrey intends to comply with that provision. He will be using an accessory structure (the two-bay garage). There will be no display windows or visible advertising of the business, no exterior storage and only parking for personal vehicles. An employee will be at the property briefly in the morning and afternoon to pick up or deliver items pertaining to the pool supply business. No items will be sold from the premises nor will commercial vehicles be serviced. There may be an occasional delivery. The HO will be conducted by Mr. McCaffrey and not more than two employees.

Atty. Renda said a HO within a dwelling cannot occupy more than 25% of the footprint or 400 square feet (sf) of the ground floor of the residence. Mr. McCaffrey does not intend to use any of the residence.

Mr. McCaffrey described the orientation of the garage. He said one side of the two-bay garage would be used for his truck and the other side would be a workshop. The small area to the left would be for an office with personal supplies. Mr. McCaffrey said he would not use the property for the following: An animal hospital, barber shop, beauty parlor, commercial stable or kennel, funeral parlor, restaurant, rooming, boarding, lodging house, medical or dental office, clinic or hospital. Mr. McCaffrey described the parking. He referenced parking by the two-bay garage and parking for his daughters' vehicles by the two-car garage to the left of the driveway. Mr. McCaffrey said that garage was not shown on the original survey.

Mr. Kirkpatrick asked if members of the Board had any questions for Mr. McCaffrey. Ms. McBride asked about the permit status of that garage. Atty. Renda said Mr. Fleming, present owner of the property, could answer that question. Prior to speaking, Mr. Fleming was sworn by Atty. Maziarz. Mr. Fleming said permits had been obtained.

Mr. Kirkpatrick asked for questions from the Public. Ms. Gillum, 501 Route 614, understood that the property is in the Flood Plain. Ms. Gillum had a concern about pool chemicals and potential flooding. Mr. McCaffrey said the chemicals are stored at a supply house in Bridgewater. There will be no chlorine stored at the subject property. Mr. Fleming said the building has never flooded.

Mr. Ford asked Mr. McCaffrey if there would be outdoor storage of equipment or materials. Mr. McCaffrey said there would not be outside storage, neither would an employee vehicle be parked overnight.

Mr. Kirkpatrick said it appeared the Zoning Officer's Denial was in error. Atty. Maziarz noted the Board Planner had asked applicant to provide an updated survey with a plan depicting existing conditions and the location of the HO. Atty. Renda had an updated survey as well as the Plan showing the addition that Ms. McBride had asked about. Mr. Renda said a condition of the Board approval could be that applicant provide a copy of their Title Search. Mr. Kirkpatrick emphasized the Board's decision was based on the Zoning Officer's Denial.

Mr. Ford made a motion to recognize the application is for a Home Occupation, is permissible under the Land Use Ordinance of the Township of Union and to overturn the Denial of the Zoning Officer. Mr. Eschbach seconded the motion.

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

Issue of Completeness: New Cingular Wireless PCS, LLC (AT &T), Block 11, Lot 12, 16 Route 173 West:

Atty. Christopher Quinn, representing applicant, gave a brief overview of his client's request for a Site Plan Waiver. Mayor Mazza and Committee Woman McBride recused themselves prior to Atty. Quinn proceeding.

Atty. Quinn explained that Cingular is proposing an upgrade to the existing facility at the subject property. No ground disturbance is proposed. Structural modifications are proposed. The Board's Engineer and Planner had issued reports. Both asked applicant to provide information pertaining to prior approvals. Applicant provided copies of previous Resolutions to the Board Engineer and Planner and applicant's Engineer will provide testimony at the next meeting. The Hearing was set for October 27, 2016.

Mr. Ford made a motion to deem the application complete. Ms. Rocca seconded the motion.

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

Comments from the Public/Other Discussion:

Solar Ordinance Amendment Discussion: Ms. McBride gave an overview of a discussion Committee Members had regarding the Ordinance at their meeting. The consensus was to allow solar panels on the front of houses. Mr. Kirkpatrick presented an overview of the Board's discussion at a meeting held earlier this year, after which time a compromise was reached to allow solar panels on the front of a house. The Board decided that the panels had to be architecturally consistent with the front of the house, installed directly onto the roof structure and parallel to the plane of the roof. Shingle-shaped panels were given as an example.

Ms. McBride asked that the Board consider allowing solar panels as long as they are flat to the surface of the roof. Ms. McBride made the motion that solar panels be allowed on the front of the house, similar in manner to the way they are allowed on other surfaces of the roof, and that they must be installed parallel to the plane of the roof and not higher than 12 inches. Mr. Nace seconded the motion.

Vote: Ayes: Ms. McBride, Mr. Nace, Mr. Mazza, Mr. Eschbach, Mr. Ryland, Ms. Rocca, Mr. Kirkpatrick

Abstain: Mr. Ford

Atty. Maziarz said Atty. Jost should rewrite the Ordinance in accordance with what the Township Committee decides. After the Ordinance is introduced the Committee will forward it to the Planning Board to determine if it is not inconsistent with the Master Plan. After that determination, the Committee will hold a Public Hearing and Adopt the Ordinance.

Motion to Adjourn: Ms. McBride made a motion to adjourn the meeting. It was seconded by Mr. Eschbach. (7:30 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher
Planning Board/Board of Adjustment Office