

These minutes were approved at the July 8, 2021 Meeting

Call to Order and Notices: Mr. Ford called the meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Mr. Ford would like to have placed in the minutes that due to the Covid Emergency and the closure of the Municipal Building the meeting is being held electronically and complies with the Department of Community Affairs Regulations. A link to the meeting was provided on the Township Website, is included in the posted agenda, and is posted on the doors of the Township Offices and may be read from outside the building. The Open Public Meeting Requirements of Law have been satisfied by our notices dated January 21, 2021, as published in the Hunterdon County Democrat and January 20, 2021, 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.

Members Present: Mr. Mazza, Mr. Stothoff, Mr. Nace, Mr. Neary (7:25pm), Mr. Petitt, Mr. Kirkpatrick, Mr. Ford, Dr. Rasavage.

Board Professionals Present: Atty. Mark Anderson, Planner Emily Goldman, Special Engineer Richard Roseberry

Members Absent: Mr. Kastrud, Mr. Dix, Mr. Belden

Others: (PS Construction) Jeff Lehrer-Attorney, Steve Parker-Engineer

Approval of Minutes: Mr. Nace made a motion to approve the minutes of the April 22, 2021 Meeting as amended. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Nace, Mr. Petitt, Mr. Kirkpatrick, Dr. Rasavage and Mr. Ford. **Abstain:** Mr. Stothoff

Memorialization of Resolution: Pecoraro, 61 Race Street, Block 25, Lot 2

A motion was made by Mr. Kirkpatrick and seconded by Mr. Petitt to approve the Resolution.

Vote: Ayes: Mr. Nace, Mr. Petitt, Mr. Kirkpatrick and Mr. Ford

Completeness Review: PS Construction, Block 22 Lot 27.04 Race Street:

Attorney Lehrer summarized the application. Initially the applicant received a three lot subdivision of block 22 Lot 27 into three lots 27.02, 27.03, 27.04. The applicant proceeded with lot 27 and subdivided into 16 lots off of Race St. The one condition in the Resolution of April 28, 2005 was to construct two affordable units on lot 27.04. In 2013, the applicant applied the Board to seek Use Variance approval for constructing multi-family homes on a single-family lot. The Board granted approval to have a single-family home with an attached affordable housing unit.

The applicant is requesting a modification to the previous approval that required two affordable housing units to be constructed on lot 27.04. They are requesting approval to construct a duplex unit that requires a use variance.

Mr. Ford referenced the letter from Mr. Roseberry, dated June 4, 2021. Mr. Roseberry noted that the applicant has requested a number of waivers, and that these waivers had been granted in the 2013 application. These waivers are requested for checklist items 4, 18, 23, 24, 29, 30, 31, 32, 33, 34, 36, 42, 46, 53, 54, 55, 60, 61 and 62.

Mr. Roseberry indicated that for checklist item 43 that soil log locations have been shown, but no soil logs had been submitted. The soil logs are not within the area of the proposed septic bed, and recommends that the applicant provide information regarding the ability of a septic system to be constructed as shown in the plan.

Mr. Roseberry indicated that for checklist item 52 a copy of the recently submitted application should be provided that documents the soil erosion and sediment control plan.

Mr. Roseberry pointed out that plans do not provide the following checklist information:

12-Names and addresses of all property owners within 200' of subject property

19-Aerial photo of property

59-Letter of Interpretation from NJDEP, or some information as to whether the property is impacted by wetlands or wetlands buffers.

Ms. Goldman asked for clarification regarding the two affordable units, whether or not they are rental or for sale. Mr. Lehrer commented that it is his understanding these will be rental units, but will confirm in writing to the Board. He continued that the affordable housing agreement previously entered into will need to be modified as it referred to the market rate plus two affordable units. Mr. Kirkpatrick commented that consistency with the original approval and affordable unit housing credits is better if it stays on one property with two units on the property.

Mr. Kirkpatrick asked where the applicant stands with the floor hazard permits for the site. The applicant's engineer Mr. Parker advised that the flood hazard permit for the driveway is valid and will check to see if the wetlands permit is as well. He will supply copies to the Board.

Mr. Anderson clarified that the applicant is proposing one fewer dwelling unit than previous approvals required. There would not be a market rate unit. Mr. Anderson asked that a revised 200' list be included on the plan per the engineer's review letter.

A motion to deem the application complete pending receipt of the items outlined in the engineer's letter and the planner's comments was made by Mr. Kirkpatrick and seconded by Mr. Nace. **Vote:** Ayes: Mr. Stothoff, Mr. Nace, Mr. Petitt, Mr. Kirkpatrick, Mr. Ford and Dr. Rasavage. Motion carried.

Completeness Review: Tigmar, Inc. dba Spruce Run Exxon: Block 12 Lot 8.01, 70 Route 173.

Completeness and public hearing will be held for this application at the July 8th meeting.

Cannabis Ordinance 2021-5

Mr. Ford advised the ordinance was referred to the Planning Board for conformance with the Master Plan. Attorney Anderson advised the ordinance proposes that the township would opt out of all classes of licensed businesses, noting that the state law prohibits not allowing the delivery of cannabis within the township as long as the delivery service itself it operated from outside the township. Mr. Stothoff added that if the Township fails to opt out by August, it would be prohibited from amending any of the land use regulations as it relates to cannabis for five years. Opting out at this point in time will allow the township to thoughtfully prepare any amendments to existing land use ordinances.

A motion was made by Mr. Stothoff and seconded by Mr. Kirkpatrick that proposed Cannabis Ordinance 2021-05 is not inconsistent with the Master Plan. **Vote:** Ayes: Mr. Mazza, Mr. Stothoff, Mr. Nace, Mr. Neary, Mr. Petitt, Mr. Kirkpatrick, Mr. Ford and Dr. Rasavage.

Comments from the Public

There were no public comments.

Motion to Adjourn: There being no further business to discuss the meeting was adjourned at 7:39p.m. A motion was made by Mr. Stothoff and seconded by Mr. Nace. All Ayes. No Nays. Motion carried.