

**These minutes were approved at the February 25, 2021 Meeting**

**February 11, 2021 Planning Board/Board of Adjustment Minutes**

Mr. Ford called the meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. He said 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.

Mr. Ford 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, 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. Kastrud, Mr. Neary (7:20 p.m.) Mr. Pettit, Mr. Belden, Mr. Kirkpatrick and Mr. Ford.

**Board Professionals Present:** Atty. Mark Anderson, Engineer Robert Clerico and Planner Emily Goldman

**Members Absent:** Mr. Dix and Ms. Wardell

**Others Present: (Pecoraro Application)** Andrew Pecoraro, Engineer Kelley O' Such, (Gjevukaj) Atty. Kara Kaczynski, Engineer Ted Bayer and Planner Ryan Conklin, (Residents) Raymond DiGregorio, Ray Hull, William Nelson

**Approval of Minutes:** Mr. Mazza made a motion to approve the minutes of the January 14, 2021 Reorganization and Regular meetings. Mr. Kirkpatrick seconded the motion.

**Vote: Ayes:** Mr. Mazza, Mr. Kirkpatrick, Mr. Stothoff, Mr. Nace, Mr. Kastrud, Mr. Neary, Mr. Dix, Ms. Wardell, Mr. Belden and Mr. Ford

**Abstain:** Mr. Pettit

**Issue of Completeness: Pecoraro: Block 25, Lot 2, 61 Race Street:** Mr. Clerico gave an overview of his letter dated February 6, 2021. Applicant is proposing a two-story addition to the existing dwelling which includes a two-car garage. Mr. Clerico noted the Waiver Requests. Mr. Stothoff asked if the proposal would be an additional use of the property. Mr. Pecoraro said the addition is for an Art Studio; a bedroom is not proposed. Ms. Goldman said the proposed use is permitted in the District.

Mr. Clerico said Items remaining incomplete are Boundary Survey, Metes and Bounds Description, Current List of Property Owners, Location of Percolation Tests and Soil Logs and Deed Restrictions and Easements. Mr. Ford said Mr. Clerico would determine completeness regarding those items.

**Motion:** Mr. Kirkpatrick made a motion to deem the application complete, granting temporary waivers for the Wetlands L.O.I., the Aquifer Test and Analysis, the Carbonate District Investigation and Landscaping. Mr. Kastrud seconded the motion.

**Vote: Ayes:** Mr. Kirkpatrick, Mr. Kastrud, Mr. Mazza, Mr. Stothoff, Mr. Nace, Mr. Neary, Mr. Pettit, Mr. Belden and Mr. Ford

The Public Hearing was tentatively scheduled for March 25, 2021.

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**Public Hearing: Gjevukaj: Block 4, Lot 3.16, White Oak Drive:** Atty. Kara Kaczynski, representing the Gjevukajs, gave an overview of the application. Ms. Kachynski said Block 4, Lot 3.16 is in the Conservation Management District and the only undeveloped lot in the Major Subdivision (Mountain View Estates) that was approved in 1993. She said applicant proposes a single-family one-story home that has an approved septic design.

Mr. Ford asked that witnesses be sworn, whereupon Engineer Theodore Bayer and Planner Ryan Conklin were sworn by Atty. Anderson. Mr. Bayer provided his credentials. They were accepted by the Board.

Mr. Bayer displayed and described the location of the lot. The proposed home has four thousand, four hundred and thirty-seven square feet with a maximum height of under twenty-seven feet. A three-car garage, swimming pool and retaining walls are also proposed. The septic system is on the southern part of the lot. He said a steep slope variance is required. Mr. Bayer confirmed with the Hunterdon County Health Department that the system approval is valid. He said the proposed storm water management collection system will collect runoff and be discharged in a subsurface recharge system that is comprised of dry wells. Mr. Bayer said the system complies with Highlands Regulations.

Atty. Kaczynski asked Mr. Bayer to address septic system placement alternatives. Mr. Bayer explained why it was necessary for the system to be installed in the steep-slope area. Mr. Bayer said applicant would address Mr. Clerico's concerns as set forth in his January 23, 2021 report. He also described applicant's landscaping proposal that contains deciduous and evergreens. Mr. Bayer also described fencing, retaining walls and lighting. Atty. Kaczynski said she had no further questions of Mr. Bayer.

Mr. Ford asked Mr. Clerico if he had questions. Mr. Clerico indicated he had no questions since applicant agreed to address the concerns raised in his report. He emphasized that an As-Built will be required to show conformance with storm water regulations. Mr. Bayer said application has been made for a Highlands Applicability Determination.

Mr. Ford asked Ms. Goldman if she had questions. Ms. Goldman questioned the numbers of trees listed on the Landscaping Plan and asked whether the Board would be amenable to phasing of the plantings. Applicant proposed Bonding for the second phase. Atty. Kaczynski said applicant would be willing to work with the Township regarding phasing. Ms. Goldman asked for an updated list of tree protection details. Mr. Bayer indicated those details would be provided.

Ms. Goldman noted that the proposed retaining wall and four foot fence would exceed the maximum allowable eight foot height and would require relief. Ms. Goldman asked for more details regarding the fence and latching gate surrounding the pool. Applicant agreed to provide that information.

Ms. Goldman asked if additional lighting was proposed around the pool and patio. Mr. Bayer responded in the negative.

Mr. Ford asked for questions from the Board.

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Mr. Belden asked how discharge of storm water from the swimming pool would be handled. Mr. Bayer said that had been included in impervious surface calculations for the site. He said excessive water could be pumped into the dry wells; however, the infrastructure is not in place to do that at this time. Mr. Mazza asked about potential failure of the septic system. Mr. Bayer said there would be room for testing in the side yards if an alteration became necessary.

Atty. Anderson questioned the phasing of the Landscaping Plan and issuance of a Certificate of Occupancy. Mr. Bayer indicated phasing was proposed because of the immediate cost. Atty. Kaczynski said applicant would plant all trees at the same time, thus eliminating phasing and bonding.

Mr. Ford asked the Public for questions of Mr. Bayer.

Raymond DiGregorio, 3 Strotz Road, voiced a concern about the nearness of the septic system to his property. Mr. Kirkpatrick said the Health Department requires the septic system to be one-hundred feet from any well. Mr. DiGregorio asked the footprint of the house. Atty. Kaczynski said their Planner would address that issue. Mr. DiGregorio asked about the impact of excavation for the septic system on his property. Mr. Bayer said the excavated soil will be removed and replaced with appropriate fill. Mr. DiGregorio voiced a concern about the lighting impact on his property. Mr. Bayer said lighting will comply with the Ordinance and additional trees will provide screening.

Mayor Mazza asked about the swimming pool. Could porous pavers be used instead of concrete? Mr. Bayer said "Yes". That would reduce impervious surface. Mr. Stothoff said applicant has runoff from all impervious surface accommodated in the dry well system.

Atty. Kaczynski asked Mr. Conklin to provide his credentials as a Professional Planner. They were acceptable to the Board. Mr. Conklin displayed a document entitled "Aerial and Zoning Map of the Site". It was marked Exhibit A-1. He said a portion of the subdivision is located in Bethlehem Township. Mr. Conklin gave an overview of the proposal. The single family home is in the CM District that requires 8.3 Acres for one home. Mr. Conklin had reviewed Master Plan Documents and emphasized that zoning had changed since the 1993 Major Subdivision approval and that Block 4, Lot 3.16 became an isolated lot and was grandfathered. He said there were no impervious coverage ratio limits at that time.

Mr. Conklin referenced the D and C Variances requested. He said the proposed development exceeds the gross density impervious coverage ratio in the District and therefore requires a variance. Mr. Conklin said the proposal advances the purpose of the Municipal Land Use Law. He emphasized the benefit of proposed landscaping and septic infiltration system. Mr. Conklin stated that granting the variances would not negatively affect the neighborhood nor impair the purpose of zoning.

Mr. Ford asked Ms. Goldman for comments. She said Mr. Conklin had presented sufficient information regarding the Variances.

Mr. Ford asked Mr. Clerico for comments. He had none.

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Mr. Stothoff asked about a two-story dwelling which would reduce the impervious surface. Atty. Kaczynski asked Mr. Bayer if that had been considered. He said the one-story dwelling was what the applicant wanted. Mr. Conklin indicated the proposal was visually appropriate. Mr. Nace asked about the swimming pool. Mr. Bayer said that would reduce Imperviou9s Surface by approximately eight-hundred feet.

Mayor Mazza asked about compliance with Highlands Regulations. Atty. Kaczynski said they are working with the Highlands.

Mr. Ford asked for questions from the Public.

Mr. DiGregorio voiced a concern about drainage onto his property. Mr. Conklin indicated the proposed grading could improve the situation. Mr. Bayer indicated there would not be significant change.

Ray Hull, 12 White Oak Drive, asked about vehicles on the road during construction and the approximate duration of the project. Mr. Bayer said it would be approximately seventeen weeks.

William Nelson, 14 White Oak Drive, mentioned the proposed one-story dwelling. Atty. Anderson said Mr. Nelson should be sworn because he was going to be giving testimony. Thereupon, Mr. Nelson was sworn. He noted the differences in applicant's proposed one-story home to the existing homes (two-story colonials) in the neighborhood, screening, landscaping, swimming pool, lighting, etc. Atty. Kaczynski said applicant will install dim lighting and comply with Lighting Ordinance. Mr. Nelson said the Mountain View Resolution references a Detention Basin, as well as a Homeowners' Association. He had questions regarding the well and septic system design, were they current?

Ms. Goldman asked Mr. Bayer or Mr. Conklin to confirm the number of stories. She mentioned a basement and great room. Mr. Conklin described it as a one-story dwelling with a mezzanine.

Mr. Ford asked for discussion from the Board. Mr. Kirkpatrick suggested replacing deciduous trees with evergreens to improve screening year-round Mr. Bayer said that could be done.

Ray Hull said he had planted white spruce and they did well.

Ray DiGregorio mentioned the detention basin across Strotz Road. Mr. Kirkpatrick confirmed the presence of the basin in that location.

Mr. Ford closed the Public Session. He asked for a motion.

**Motion:** Mr. Kirkpatrick made a motion to approve the Variances for the project, with the following conditions: at least 50% of the proposed deciduous trees be replaced with native evergreens, all trees be planted without phasing, details for the fence and latching gate be provided, a pipe from the swimming pool outlet to the dry wells be added, and any fill brought onto the site shall be at least as permeable as that on present on the site. Ms. Goldman asked that a condition that Development Fees are to be paid to be added. The motion was seconded by Mr. Nace.

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**Vote:** Ayes: Mr. Kirkpatrick, Mr. Nace, Mr. Mazza, Mr. Stothoff, Mr. Kastrud, Mr. Neary, Mr. Petitt, Mr. Belden and Mr. Ford.

**Comments from the Public/Other Discussion:** Brian Plushanski commented favorably on the approval.

**Motion to Adjourn:** Mr. Nace made a motion to adjourn at 9:45 p.m. Mr. Petitt seconded the motion.

**Vote:** All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary