

January 26, 2006

Mr. Scott called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Mayor Rossi swore in Glenn Scott.

Members Present: Mr. Rossi, Mr. Mulhall, Mr. Martin, Mr. Lukasik, Mr. Bischoff, Mr. Rosol, Mr. Roth, Mr. Grossi, Mr. Scott

Members Absent: Mr. Brandt

Others Present: William Burr, Carl Hintz, Michael Camerino, Fred Allen, Howard Apgar, William Sutphen, John Gallina, Frank Goldberg

Mr. Scott said the order of the agenda was being changed. The Board would be going into Executive Session to interview attorneys.

A motion to go into Executive Session was made by Mr. Bischoff and seconded by Mr. Rosol. (7:05 p.m.)

Vote: All Ayes

A Resolution providing for a meeting Not Open to the Public in accordance with the revisions of the N.J.S.A. 10:A-4-12.

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A..10:A-4-6, et Seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A.10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union, assembled in public session on January 26, 2006, in the Union Township Municipal Building, 140 Perryville Road, Hampton, N.J. 08827, for the discussion of matters relating to the specific items designated above: Matters related to Personnel

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

A motion to leave Executive Session was made by Mr. Rosol and seconded by Mr. Mulhall. (8:30 p.m.)

Vote: Ayes: Mr. Rosol, Mr. Mulhall, Mr. Rossi, Mr. Martin, Mr. Lukasik, Mr. Bischoff, Mr. Roth, Mr. Grossi, Mr. Scott

Mr. Grossi made a motion to ask Mr. Scott to request Atty. Valerie Bollheimer to serve on an interim basis, as the Board continues its search and that Atty. Allen come back to the Board with Mr. Halpern, and that Ms. Nergaard from William Sutphen's office come for an interview, if she is available on Thursday nights. Mr. Rosol seconded the motion. Vote: Ayes: Mr. Grossi, Mr. Rosol, Mr. Rossi, Mr. Mulhall, Mr. Martin, Mr. Lukasik, Mr. Bischoff, Mr. Roth, Mr. Scott

ANJEC Ordinances: Section 30-4 District Regulations and 30-5.5 Use Regulations

A motion to approve Sections 30-4 and 30-5, as corrected pertaining to single-family detached clustering and Table II, was made by Mr. Bischoff and seconded by Mr. Mulhall. Mr. Grossi asked that Mr. Scott and Mr. Mulhall offer comments. Mr. Scott said he was insistent that clustering be allowed for single-family detached development. He did not want to see clustering for townhouses or other residential or commercial uses, although a variance could be applied for. Mr. Mulhall said he agreed. Mr. Rosol asked if the reason for that decision was aesthetic. Mr. Scott said the decision was a control issue. Vote: Ayes: Mr. Bischoff, Mr. Mulhall, Mr. Martin, Mr. Lukasik, Mr. Rosol, Mr. Roth, Mr. Grossi, Mr. Scott
Abstain: Mr. Rossi

Mr. Hintz emphasized the importance of the Committee taking action on the above Sections. Mr. Mulhall told Mr. Hintz that the Township Clerk needs the information for the February 1, 2006 Committee meeting. At that meeting, the Ordinance would be introduced and the Public Hearing would be held on March 1, 2006. Mr. Hintz said the Committee would refer the Ordinance back to the Planning Board for their February 7, 2006 meeting. Mr. Hintz also said he would be preparing a Master Plan Reexamination Report for the February 7th meeting. The Report would preclude the necessity of the Township having to notify property owners of zoning changes. Secretary was asked to contact Atty. Howard Cohen about noticing the Reexamination Report.

Section 30-7 Parking Performance Standards: Mr. Scott said that Section is being scheduled for the February 7, 2006 Workshop.

Soil Erosion Ordinance: Mr. Scott asked Mr. Bogart to give an overview of the proposed Ordinance. In response to a concern by Mr. Bischoff about whether the escrow account would be interest bearing, Mr. Bogart said that issue is covered under State Statutes. Mr. Scott had a question about the time frame of the installation of permanent plant cover and the relationship to the issuance of a CO. It was decided that the plant cover must be installed no later than 60 days after the completion of the foundation and prior to the CO issuance. If that time frame cannot be met, a performance bond would be posted. Mr. Bogart will prepare a revised Ordinance for the February 7, 2006 Workshop.

Fee Schedule Ordinance: Mr. Scott asked about the status of the proposed Ordinance. Mr. Bischoff said he gave it to Atty. Jost.

Toll Bros./Lookout Pointe, Block 11, Lot 8, Rupell Road & Bank Street: Barn Restoration: Mr. Scott asked Mr. Bischoff to give a report. Mr. Bischoff said members of the Historical Society made a site visit. Toll Bros. had presented renderings. Toll was told the renderings did not look like the original barn. Mr. Bogart asked why Toll had come back to the Board. Mr. Scott said the Resolution required Toll to obtain the approval of the Board and the Historical Society. Mr. Bogart said an architect had reviewed the barn plans and had passed judgment. Mr. Martin said the Historical Preservation Committee had made two site inspections. Mr. Scott said the Board should decide how they want to handle the matter. Does the Board want to be hands on or would they want the Historical Committee to report to the Board? The Committee's report could be endorsed by the Board. Mr. Martin is the Township Historian. He also said there is a Historical Preservation Committee consisting of three members which is provided for by State Statute. Mr. Martin said that Committee does not presently exist. Mr. Mulhall will discuss the issue at the next Township Committee meeting.

Mr. Mulhall made a motion to have the Historical Committee report back to the Planning Board to comment on or endorse the findings. Mr. Bischoff seconded the motion.

Vote: Ayes: Mr. Mulhall, Mr. Bischoff, Mr. Rossi, Mr. Martin, Mr. Lukasik,
Mr. Rosol, Mr. Roth, Mr. Grossi, Mr. Scott

Mr. Scott said Messrs. Rossi and Mulhall would follow up in terms of creating the Historical Committee. Mr. Mulhall said it would be repopulating rather than creating.

Mr. Scott said an issue had arisen about whether the ten wells that had been approved for the Toll Site did or did not include the model. Mr. Scott said he thought it would be a good idea to include the model. Mr. Scott said there would be less liability to the Township. Mr. Bischoff said when he was at the site he noticed the existing well from the original house was serving the sales office. Mr. Mulhall said additional wells would probably be drilled in June or July if the issue of obtaining water from Clinton has not been resolved. Mr. Scott asked for input. Mr. Lukasik said he did not feel one house would make a difference. Mr. Rosol said for safety and health reasons the model home should be included. The issue of whether a CO had to be issued before the model could be used. Mr. Mulhall said he does not think a CO is needed. Mr. Bischoff said he was unable to get into the model. No action was taken.

Correspondence: Mr. Scott reviewed the correspondence. The Toll Bros letter regarding Conservation markers at Lookout Pointe was discussed. Mr. Lukasik felt the concrete posts, as approved, should be required. He made a motion that the concrete posts should be installed, as approved. Mr. Rosol seconded the motion.

Vote: Ayes: Mr. Lukasik, Mr. Rosol, Mr. Rossi, Mr. Mulhall, Mr. Martin, Mr. Bischoff,
Mr. Roth, Mr. Grossi, Mr. Scott

Approval of Minutes: Mr. Bischoff mentioned minor corrections. A motion to approve the minutes of the December 22, 2006 meeting, as amended, was made by Mr. Bischoff and seconded by Mr. Lukasik.

Vote: Ayes: Mr. Bischoff, Mr. Lukasik, Mr. Martin, Mr. Rosol, Mr. Roth,
Mr. Grossi, Mr. Scott
Abstain: Mr. Rossi, Mr. Mulhall

Comments from the Public: Frank Goldberg asked when the Wachovia application would be on the agenda for completeness. Mr. Scott said they would be on the February 23, 2006 agenda.

Mr. Scott asked for a motion to go into Executive Session to discuss litigation. The motion was made by Mr. Rosol and seconded by Mr. Lukasik. (9:35 p.m.)
Vote: All Ayes

A Resolution providing for a meeting Not Open to the Public in accordance with the revisions of the N.J.S.A. 10:A-4-12.

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A.10A-4-6, et. seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A.10-A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes hen authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union, assembled in public session on January 26, 2006, in the Union Township Municipal Building, 140 Perryville Road, Hampton, N.J. 08827, for the discussion of matters relating to the specific items designated above. Matters Relating to Litigation

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

A motion to leave Executive Session was made by Mr. Rosol and seconded by Mr. Lukasik. (9:50 p.m.)
Vote: All Ayes

A motion to adjourn was made by Mr. Rosol and seconded by Mr. Lukasik. (9:50 p.m.)

Grace A. Kocher, Secretary