

November 14, 2006

Vice-Chairman Grossi called the meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Mulhall, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Bischoff,
Mr. Rosol, Mr. Grossi

Members Absent: Mr. Rossi, Mr. Roth, Mr. Scott

Others Present: Atty. William Sutphen, Robert Bogart, Carl Hintz, Atty. Anthony
Kearns, Stanley Erhlich, Jeanne Fleck, Atty. Lloyd Tubman,
Atty. Peter Jost, John Hansen, Michael Hanrahan

Erhlich: Block 1.09, Lot 23.01, 705 Deerfield Lane: Issue of Completeness:

Atty. Anthony Kearns, representing the Erhlichs, said applicants are seeking a variance for a porch that was built in 1977. Mr. Erhlich had been told at that time by the Building Inspector that a permit was not needed. An issue arose when the Erhlichs put their house up for sale. The porch encroaches into the rear yard setback. Atty. Kearns reviewed the waivers that were requested, as set forth in a letter from Robert Bogart, dated November 2, 2006. Mr. Bogart recommended that the application could be deemed complete, if the Board granted the waivers.

A motion was made by Mr. Bischoff and seconded by Mr. Brandt to deem the application complete.

Vote: Ayes: Mr. Bischoff, Mr. Brandt, Mr. Mulhall, Mr. Martin, Mr. Lukasik,
Mr. Rosol, Mr. Grossi

The Hearing was set for December 5, 2006, subject to the availability of Atty. Sutphen or an Associate.

Fleck: Block 15, Lot 33, 471 County Road 579: Public Hearing: Atty. Anthony Kearns, representing applicant, said Mrs. Fleck is seeking approval to build a 412 square foot addition to her existing single family dwelling. The Fleck property does not abut a Public Road. Therefore, a variance is required. Atty. Sutphen had reviewed the Notice Documents and found them to be in order, giving the Board jurisdiction to hear the matter. Jeanne Fleck was sworn by Atty. Sutphen. She provided testimony as to why she is seeking approval for the addition. Other family members reside with Mrs. Fleck and the addition would provide some privacy for her to pursue her craft hobby. Submissions included a property Survey prepared by David Newton, revised through September 7, 2005; a Site Survey, Floor Plans and Elevation prepared by Eric Trepkau, revised through October 16, 2006; a Letter from Dan Von Fossen, Pattenburg Fire Chief, dated September 29, 2006, stating that access is adequate; and a Wetlands Assessment Letter prepared by James Chemielak, dated October 19, 2006, stating that there are no wetlands within 200 feet of the proposed addition.. The Fire Co. letter was marked Exhibit A-1 and the Wetlands letter Exhibit A-2.

The addition would be in the rear of the house. The Roadway to Mrs. Fleck's house is maintained by property owners along the Road. The septic system is in the rear of the house. There are also two dry wells on the site. A well is on the right side of the dwelling. Mr. Grossi asked for questions from the Public. There were none. He asked for questions from the Board and their Professionals. Mr. Hintz mentioned the two trailers in the front yard. Mrs. Fleck said they are presently used for storage of construction materials, as well as some furnishings. She agreed to remove the trailers within ninety days of the issuance of a CO for the addition.

A motion was made by Mr. Bischoff and seconded by Mr. Brandt to grant conditional approval of the variance.

Vote: Ayes: Mr. Bischoff, Mr. Brandt, Mr. Mulhall, Mr. Martin, Mr. Lukasik,
Mr. Rosol, Mr. Grossi

Mr. Mulhall recused himself prior to the Apgar matter.

Apgar: Block 9, Lot 7, 33 Driftway: Issue of Completeness: Atty. Lloyd Tubman, representing applicant, said Mr. Apgar had received a permit to construct a barn and then converted the barn interior to a second residence. Ms. Tubman said she was seeking guidance from the Board. She acknowledged it would be a difficult "D" variance. Ms. Tubman said applicant could propose to remove the kitchen facilities from the barn and use it as an accessory building to be used for family members or visitors. The property has three acres in an 8.3 acre district. A letter had been sent to an adjoining property owner asking if he would be willing to sell a parcel of land. There has been no response. Waivers are requested because all work would be done inside the building. Mr. Bogart had recommended the application be deemed complete, granting waivers for completeness only, subject to the possible need to provide additional information at the Public Hearing. Mr. Bogart said the septic system/systems and well/wells would be possible issues to address. Mr. Brandt wanted clarification that deeming the application complete and granting waivers would not relate directly to the approval of the application. Atty. Sutphen said those items would be waived for completeness only.

Mr. Grossi asked if the Board had any questions about the proposal. Mr. Bischoff asked about permits and inspections. Atty. Sutphen said a condition of any approval would be that all necessary permits and inspections be obtained. Atty. Tubman said she would schedule a site visit if the Board wanted to view the improvement. Mr. Lukasik asked for a copy of the permit for the barn. Atty. Tubman said that would be supplied.

Mr. Grossi asked for a motion to deem the application complete, granting waivers for completeness only. The motion was made by Mr. Rosol and seconded by Mr. Brandt.
Vote: Ayes: Mr. Rosol, Mr. Brandt, Mr. Lukasik, Mr. Martin, Mr. Bischoff, Mr. Grossi.

Board members commented on the application. Mr. Brandt said he would not be in favor of an approval. Mr. Lukasik agreed with Mr. Brandt. Mr. Grossi told Atty. Tubman she had a good idea of Board members' feelings. Ms. Tubman said she understood. She reiterated her offer to arrange a site visit. Mr. Grossi said that would depend upon the steps Ms. Tubman decided to take. She thanked the Board for their time.

Milligan Farms: Block 22, Lot 20, 80 Route 513: Issue of Completeness and Public Hearing: Preliminary and Final Major Subdivision and Site Plan: Atty. Peter Jost, representing applicant which is the Township of Union, said that Township Committeeman Matthew Mulhall, Township Planner Carl Hintz, Engineer John Hansen and Architect Michael Hanrahan would be providing testimony. Mr. Jost said the Township is under a time constraint to meet COAH Obligations. Approximately 14 acres of the site would be subdivided for COAH Units. The farm house and 2.393 acres would be subdivided and sold as a residence with an historic preservation easement. The remaining 85.618 acres will be preserved permanently as open space. John Hansen was sworn by Atty. Sutphen. The issue of completeness was addressed first. Mr. Hansen recited the waivers applicant is seeking for completeness. Mr. Mulhall was sworn by Atty. Sutphen. He is a Professional Geologist and had given testimony about the geology of the site at Hearings in 1996 and 1999 when K. Hovnanian appeared before the Board with an application to construct 292 Units. Mr. Mulhall said bedrock is found at a very shallow depth. Mr. Bogart wanted the record to show that Mr. Mulhall testified as the Township's Hydro geologist at the cited Hearings. Atty. Sutphen wanted the record to show that Mr. Mulhall had recused himself as a member of the Planning Board and is appearing before the Board as a member of the Township Committee. Mr. Mulhall addressed the issue of water. A well will be drilled on each of the proposed nine COAH lots. Water usage will be much less than that proposed by Hovnanian. Vincent Uhl will be submitting a letter. Mr. Bischoff noted it was important for the Board to have Mr. Uhl's letter. Mr. Mulhall said an E.I.S. had been prepared for Hovnanian. Mr. Brandt had a question about the existing farmhouse. Atty. Jost said the Township plans to sell the historic building. Mr. Mulhall said most sources for open space monies are not interested in buildings.

Mr. Bogart recommended the Board act on completeness. Mr. Brandt made a motion to deem the application complete granting requested waivers for completeness only. The motion was seconded by Mr. Lukasik.

Vote: Ayes: Mr. Brandt, Mr. Lukasik, Mr. Martin, Mr. Bischoff, Mr. Rosol, Mr. Grossi

Public Hearing: Mr. Mulhall gave an overview of the application and the significance of COAH and Third Round Substantive Certification. He emphasized the importance of acting on the subdivision application in order to pursue reimbursement from the N.J. Water Authority, Hunterdon County and Green Acres. Numerous exhibits were submitted.

The Aerial photograph was marked A-1; Rendering of site plan A-2; Plan of First Floor A-3; Plan of Second Floor A-4; Concept Elevation A-5; Aerial photograph of sites surrounding Milligan Farm property and Aerial photograph with project overlay A-7.

Letters had been received from Maser Consulting, dated November 10, 2006 and Princeton Hydro, LLC, dated November 13, 2006. Applicant agreed to satisfy conditions of those reports.

Mr. Mulhall explained how the COAH Subdivision would be developed. He said Messrs. Hintz and Hanrahan would be providing additional information. Both Carl Hintz and Michael Hanrahan were sworn by Atty. Sutphen. Mr. Bischoff asked Mr. Mulhall about the timing of the building of the COAH Units. Mr. Mulhall explained the Phases and how the development would satisfy COAH. Mr. Hintz gave a brief overview of Exhibit A-2, including landscaping and lighting. Mr. Hanrahan provided information on Exhibits A-3, A-4 and A-5. Mr. Hintz gave an overview of Exhibit A-6. Mr. Brandt commented favorably on the architecture of the proposed COAH units. Mr. Hansen explained the details shown on Exhibit A-7. Mr. Bischoff said he understood the project would meet RSIS standards, storm water regulations, County Road access and Municipal Ordinances. Mr. Hansen said that was correct. Mr. Bogart had a question about fire protection. Mr. Mulhall believes the development would be able to access the Town of Clinton fire hydrants. He said DCA has water nearby and they might provide water for fire protection at the COAH site.

Mr. Grossi asked Mr. Mulhall what the Board was requesting. Mr. Mulhall said applicant is seeking Preliminary Major Subdivision and Site Plan approval. He said it would be wonderful if Final approval could be granted as well. Mr. Mulhall emphasized that COAH is pushing the Township. COAH likes Union Township's plan. Mr. Mulhall reemphasized the importance of approving the Subdivision in order for him to pursue funding for the Open Space area. It was decided to memorialize the Resolution at the November 30, 2006 Board meeting.

A motion to grant conditional Preliminary and Final Major Subdivision approval was made by Mr. Rosol and seconded by Mr. Brandt.

Vote: Ayes: Mr. Rosol, Mr. Brandt, Mr. Martin, Mr. Lukasik, Mr. Bischoff, Mr. Grossi

A motion to grant conditional Preliminary and Final Site Plan approval was made by Mr. Lukasik and seconded by Mr. Brandt.

Vote: Ayes: Mr. Lukasik, Mr. Brandt, Mr. Martin, Mr. Bischoff, Mr. Rosol, Mr. Grossi

Mr. Mulhall resumed his position on the Board after the above action.

Correspondence: Mr. Grossi gave a brief overview of the Correspondence.

Public Comment/Other Discussion: Mr. Bischoff mentioned an article in the NJPO Planner about Historic Preservation. He believes the Township has areas that should be considered for Historic District designation and they should be looked into. There are grant monies available for some projects.

Approval of Minutes: A motion to approve the minutes of the September 5, 2006 Workshop was made by Mr. Bischoff and seconded by Mr. Rosol.
Vote: All Ayes

A motion to approve the minutes of the September 28, 2006 meeting was made by Mr. Rosol and seconded by Mr. Brandt.
Vote: Ayes: Mr. Rosol, Mr. Brandt, Mr. Martin, Mr. Lukasik, Mr. Bischoff, Mr. Grossi
Abstain: Mr. Mulhall

A motion to adjourn was made by Mr. Mulhall and seconded by Mr. Bischoff.
(8:50 p.m.)
Vote: All Ayes

Grace A. Kocher, Secretary