

December 20, 2007

Mr. Bischoff called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:05 p.m. The Sunshine Statement was read.

Members Present: Mr. Mazza, Mr. Martin, Mr. Badenhausen, Mr. Kirkpatrick (Absent for Roll Call), Mr. Walchuk, Mr. Taibi, Mr. Scott, Mr. Bischoff

Members Absent: Mrs. Nargi

Others Present: Atty. William Sutphen, Carl Hintz, Paul Ferriero, Atty. Jeffrey Lehrer, Atty. Gary Hall, Arnold Witte, Mark Salina, Atty. George Dilts, David Hay

**P.S. Construction: Block 22, Lot 27, 22 Race Street:** Atty. Jeffrey Lehrer was present on behalf of applicant. He requested an adjournment of the matter until the January 2008 meeting. Mr. Lehrer asked the Board to authorize his client to proceed with the Phase II investigation. Atty. Sutphen said he reviewed the letter from Peter Demicco, dated November 26, 2007 and Anthony Rana's letter, dated December 13, 2007. Mr. Sutphen said the Board's expert had approved the Phase II checklist and the methodology provided by Mr. Demicco. He said it was appropriate for the Board to authorize applicant to proceed with the investigation. Atty. Sutphen said no further notice would be required. The Hearing was adjourned until January 24, 2008. Mr. Sutphen said he would provide a letter to Atty. Lehrer about the authorization.

Mr. Mazza made a motion to authorize applicant to proceed. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Walchuk, Mr. Martin, Mr. Badenhausen, Mr. Taibi, Mr. Scott, Mr. Bischoff

**Witte: Block 29, Lot 10 & Block 30, Lot 7, Perryville Road: Driveway Appeal:**

Mr. Bischoff asked that the record reflect that Mr. Taibi was recusing himself from the Hearing and also that Mr. Kirkpatrick had arrived. Atty. Gary Hall, representing applicant, said his client was seeking relief for a second driveway. He asked Mr. Witte to come forward to provide testimony on the request. Atty. Sutphen reviewed notice Documents and found them to be in order, giving the Board jurisdiction to hear the matter. The Documents were marked Exhibit A-1. Mr. Witte was sworn by Atty. Sutphen. Mr. Witte explained the rationale for the driveway. Mark Zelina, applicant's engineer, was sworn by Atty. Sutphen. He had prepared the plan. It was marked Exhibit A-2. Mr. Zelina said the location was selected because of the sight distance. He had conferred with Municipal Engineer John Reymann and it was determined that the application complies with the Driveway Ordinance.

Mr. Bischoff asked for a motion to grant relief. Mr. Kirkpatrick made the motion. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Mazza, Mr. Martin, Mr. Badenhausen, Mr. Walchuk, Mr. Scott, Mr. Bischoff

Mr. Taibi returned after the above action.

**Perryville Group LLC: Block 22, Lot 4, Route 173 East: Issue of Completeness:**

Atty. George Dilts, representing applicant, said applicant was scheduled for completeness and had planned to move forward with the final site plan Hearing. However, Board Engineer Paul Ferriero, in his review, noted that the original design had the detention basin on the lot west of the Master Plan Road. Because of recently adopted NJDEP regulations for buffering C-1 streams the detention basin would be located to the east of the MP Road, resulting in an additional lot being a part of the application. Mr. Ferriero said the change was substantive and the application should be viewed as an amendment to the original preliminary approval. Public notice would be required, therefore, the Hearing could not be held tonight.

Mr. Bischoff said he understood that Atty. Dilts would be seeking action on the completeness matter. Mr. Dilts concurred. He asked that he be given guidance as to the type of application the Board would require. Mr. Ferriero said he thought an application form asking for Amended Preliminary and Final Site Plan approval should be adequate. Mr. Hintz said he had met with applicant's Engineer, Mr. Foley. Mr. Hintz told Mr. Foley to check if any trees would be displaced in the area of the detention basin. Atty. Sutphen agreed with Mr. Ferriero about the need to file an Amended Preliminary and Final Site Plan application. Atty. Dilts asked if it would be appropriate to notice for the January 24, 2008 meeting. Mr. Dilts was told that would be fine. Mr. Kirkpatrick asked if a new lot was being created. Mr. Ferriero said a new lot was not being created. Mr. Kirkpatrick asked for updated Natural Resource Calculations as part of the application. He also asked that an L.O.I. be provided. Mr. Scott asked if the net result would end up with the lot where the detention basin is going being merged with one of the lots of the subdivision. Atty. Dilts said "no", there would be an easement on the lot.

Mr. Bischoff asked for a motion to deem the application complete. Mr. Kirkpatrick made the motion to deem the application complete, with the stipulation that additional information be provided as part of the review. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Mazza, Mr. Martin, Mr. Badenhausen, Mr. Walchuk, Mr. Taibi, Mr. Scott, Mr. Bischoff

David Hay, applicant, said he was prepared to move ahead with the project. He asked about the Fallone Project. Mr. Hay was told that Fallone has Final approval. Both projects are involved with the Master Plan Road.

**Correspondence: UTEC Minutes:** November 13, 2007 For Board's information.

**Fallone: "Renaissance" Block 22, Lot 34, Perryville Road:** Proposed Road Names: Mr. Bischoff provided background information on the proposed names. Mulberry Lane was not considered appropriate, since Mulberry is an invasive, non-native species. Several suggestions were made including Chestnut, Maple, Osage and Strube. Mr. Bischoff asked for a motion to forward the letter back to Jeff Polenz, Emergency Management Coordinator, with the suggestion that the name be changed to something other than Mulberry and that it be left to his discretion.

Mr. Mazza made the motion. It was seconded by Mr. Walchuk.

Vote: All Ayes, No Nays, Motion Carried

**Approval of Minutes:** November 29, 2007 Mr. Scott referenced Other Business, p 3, pertaining to soil logs and perc tests having been performed at the Bulvanoski site, Block 22, Lots 9 & 10. Mr. Scott said someone had reported a bulldozer on the property. Therefore, it was speculated tests were being made.

Mr. Taibi made a motion to approve the minutes, as amended. Mr. Badenhausen seconded the motion.

Vote: Ayes: Mr. Taibi, Mr. Badenhausen, Mr. Mazza, Mr. Martin, Mr. Walchuk,  
Mr. Scott, Mr. Bischoff

Abstain: Mr. Kirkpatrick

**Other Business:** Mayor Mazza announced that Lisa Nargi had resigned from the Township Committee and the Board, effective December 31, 2007, due to conflicts with her job.

Atty. Sutphen updated the Board on the status of the McCaffrey/Case litigation. He said the Appellate Division upheld Judge Buchsbaum's decision and reasoning. The matter is finished.

Messrs. Ferriero and Hintz left the meeting.

Mr. Bischoff said John Reymann, Union Township Municipal Engineer, had contacted him and asked to be considered as the Board Engineer.

Mr. Scott announced he was resigning from the Board, effective December 31, 2007.

The Board decided to reorganize on January 8, 2008, at 7:00 p.m. The workshop will follow. The regular meeting will be held on January 24, 2008, at 7:00 p.m..

**Motion to Adjourn:** Mr. Scott made a motion to adjourn. Mr. Badenhausen seconded the motion. (7:50 p.m.)

Vote: All Ayes

Grace A. Kocher