

UNION TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

April 26, 2007 7:00 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairman Bischoff called the meeting to order at 7:00 p.m. He asked to have placed in the minutes that the Open Public Meeting requirements have been satisfied by notices dated January 18, 2007, as published in the Hunterdon County Democrat and January 17, 2007, as published in the Courier News. The notice is also posted on the bulletin board in the Municipal Building and a copy has been filed with the Clerk.

FLAG SALUTE

ROLL CALL

Present: Mr. Mazza, Ms. Nargi, Mr. Martin, Mr. Kirkpatrick, Mr. Walchuk, Mr. Scott, Mr. Bischoff, Mr. Taibi

Absent: Mr. Brandt, Mr. Lukasik

Professionals in attendance: Carl Hintz, P.P., Richard Roseberry, P.E., William Sutphen III, Esq.

EXECUTIVE SESSION

Motion was made by Mr. Scott and seconded by Mrs. Nargi to go into Executive Session to discuss litigation matter. All members concurred by voice vote. Board went into executive session at 7:05 p.m.

RETURN TO OPEN SESSION

Motion to return to open session was made by Mr. Scott and seconded by Mrs. Nargi. Members concurred by voice vote.
The Board returned to open session at 8:00 p.m.

COMPLETENESS

DICKISON, Block 25.01, Lot 4,5 Fox Chase Turn

Doug Dickison introduced himself. Mr. Dickison said he is seeking to be on the May 1 workshop agenda.

Mr. Dickison said he had noticed and published and gave evidence to the Board attorney. He indicated he had fulfilled the obligations.

It was noted that the application could be deemed complete to be heard.

Mr. Scott moved and Mr. Mazza seconded a motion that the application be deemed complete and public hearing held on May 1 based on notice.

Members in favor: Mr. Mazza, Ms. Nargi, Mr. Martin, Mr. Kirkpatrick, Mr. Walchuk, Mr. Scott, Mr. Bischoff, Mr. Taibi.

RESOLUTION

TOLL BROTHERS/LOOKOUT POINTE, Block 11, Lot 8

Resolution grants a one-year extension, which is the 3rd and final extension.

Members eligible to vote: Ms. Nargi, Mr. Martin, Mr. Lukasik, Mr. Kirkpatrick, Mr. Walchuik, Mr. Taibi.

Mrs. Nargi questioned whether information that was to be provided prior to resolution had been submitted.

The Board tabled the resolution pending receipt of the requested information.

PUBLIC HEARINGS

FALLONE PROPERTIES, LLC.: "Renaissance" Block 22, Lot 34, Perryville Road

Lloyd Tubman, Esq., introduced herself on behalf of the applicants.

Ms. Tubman said the application is complete subject to 2002 Environmental Commission letter. Ms. Tubman confirmed the letter had been submitted. Ms. Tubman indicated there was not a checklist submitted to her. She asked whether the checklist would be submitted.

The application is for final site plan and subdivision.

James J. Mantz, P.E., was called and sworn and his credentials accepted by the Board.

Mr. Mantz addressed Mr. Roseberry's review letter dated April 24, 2007. He indicated they would comply with the technical items.

He specifically referenced items: As to plan 1, 2 he said applicant would comply. Mr. Mantz indicated #3 had been addressed previously. He said if it is possible to re-work, they would. As to #4- 8 okay, and 11-19 okay. Cross walk is proposed for the end of

blocks. Applicant is agreeable to the brick referenced in # 9. Mr. Mantz said they are proposing stamped concrete.

As to access ways and parking, applicant will comply. On page 7 as to storm water management, Mr. Mantz said the Plan was made in 2003 and reviewed by NJDEP. He expressed willingness to tweak the plans although not changing significantly because of NJDEP existing approval.

Ms. Tubman indicated willingness for engineers to meet regarding storm water management plan. Mr. Roseberry questioned applicant's compliance with NJDEP regulations.

Ms. Tubman addressed policy as to off-tract improvement. The settlement agreement states applicant would comply. However, the Township does not have a provision for off-tract improvement.

Board attorney requested a copy of the settlement. Environmental Commission has recommended no streetlights. Ms. Tubman said applicant can comply with Board's direction. Down lit streetlights could be acceptable although there seems to be a preference for no lighting. Applicant was asked for proposals for both.

Ms. Tubman requested a date to continue the hearing. Hearing was continued to May 24.

PILOT TRAVEL CENTERS, Block 11, Lot 24.03

Preliminary site plan and "D" variance.

Ms. Nargi and Mr. Mazza recused themselves.

Mr. Gross, introduced himself as attorney for the applicant. He said applicant had noticed the hearing to be held at the municipal building. Mr. Gross confirmed he had re-noticed for the school.

Mr. Gross said when Mr. Janucek calls his witnesses, Mr. McDonough would be available at that time for questioning.

Mr. Gross will have someone else from his firm at the May meeting to represent Pilot.

Mr. Gross referenced provisions in the Stipulation of Settlement. All measures must be undertaken when the application is approved. Tests become a condition of approval.

Mr. Gross indicated his case was concluded subject to rebuttal.

Mr. Gross granted extension of time for the Board to act. Mr. Gross will review the transcript.

Public comment was invited. Mr. Gross suggested that public comment made now preclude subsequent public comment when additional testimony is given.

Robert O'Neil, NJ Water Supply Authority introduced himself and was duly sworn. Mr. O'Neil said he sent a letter dated 9/19/06 to the Board and Mr. Gross, which he asked to place on the record. Mr. O'Neil highlighted the letter. Concern was expressed regarding lack of emergency response plan. Storm water plans should be reviewed thoroughly by professionals. He expressed concern regarding aquifer testing analysis and geology of the site. Mr. O'Neil confirmed that the NJ Water Supply Authority is happy to work with the Township.

John Corcoran asked for clarification regarding limestone on the site. Mr. O'Neil explained.

Mr. Gross referenced Mr. O'Neil's concerns. Mr. Gross confirmed that the applicant proposes to up-grade the systems on the site. He noted there would be less impervious coverage, and the square footage of the building would be less. Reference was made to C-1 stream, the Mulhockaway stream.

Michael Sroka, of the Board of Education introduced himself. Mr. Sroka said the Board passed a resolution in December opposing expansion of operations at the facility. The basis of the opposition: increase in traffic, detrimental to health and safety. Mr. Gross questioned the Board's reliance on experts. Mr. Sroka indicated the Board had not consulted experts although they had addressed concerns with the State Police.

Susan Backer, introduced herself. She brought photographs showing the back-ups on the highway. Photographs were marked O-4, a-k. Mrs. Backer described her pictures depicting back-ups at exit 12 caused by trucks entering or exiting Pilot. She said she had observed damage to landscaping and trucks ending up on Charlestown Road because they could not make the turn. Mr. Gross questioned Mrs. Backer as to the photographs and whether or not the truck traffic was actually destined for Pilot.

Question was raised as to public comment. Is it testimony? Counsel responded that applicant's attorney has the right to cross examine members of the public who give their opinion.

Robert Everett, of 24 Charlestown Road, supported Mrs. Backer's testimony regarding back-ups at Exit 12 and trucks inadvertently accessing Charlestown Road.

Marilyn Mas, 598 Main Street, Pattenburg, introduced herself. Ms. Mas confirmed Mrs. Backer's testimony. She said she narrowly escaped being broadsided. She observed too much traffic at the intersection. She noted this area is now dangerous.

Application was adjourned to the middle school, on May 24.

CORRESPONDENCE

The chairman noted correspondence in the package.

ADJOURNMENT

The meeting was adjourned 9:50 p.m.