

September 4, 2007

Mr. Scott called the workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:10 p.m. The Sunshine Statement was read.

Members Present: Mr. Mazza, Mrs. Nargi, Mr. Martin, Mr. Lukasik, Mr. Kirkpatrick, Mr. Taibi, Mr. Scott, Mr. Bischoff

Members Absent: Mr. Brandt, Mr. Walchuk

Others Present: Atty. William Sutphen, Carl Hintz, Paul Ferriero, William Burr, Atty. Michael Ligorano, Robert and Elizabeth Badenhausen, Atty. David Soloway, Frank Pazden, Danny Dichter, Gregory Schuyler, Robert Lorentz, Atty. Anthony Kester, Gregory Brown, Robert Reynolds

Mr. Scott announced that Zoning Ordinance Issues and the Stormwater Management Ordinance would be discussed later.

Issue of Completeness: Badenhausen: Block 5.01, Lot 20, 46 Grandin Court:
Variance: Elizabeth Badenhausen introduced herself. Paul Ferriero wrote a report dated August 8, 2007. He said several waivers had been requested for completeness. If the Board determines at the Hearing that additional information is needed applicant would have to submit it. Mr. Bischoff made to deem the application complete, granting waivers for completeness only. Mr. Kirkpatrick seconded the motion.
Vote: Ayes: Mr. Bischoff, Mr. Kirkpatrick, Mr. Mazza, Mrs. Nargi, Mr. Martin, Mr. Lukasik, Mr. Taibi, Mr. Scott

Mrs. Badenhausen was told the Hearing would be scheduled for October 25, 2007. Mr. Ferriero told Mrs. Badenhausen to provide the impervious surface coverage ratio.

Issue of Completeness: FDRA LLC: Block 12, Lot 12, 86 Route 173 West: Final Site Plan: Atty. Michael Ligorano was present on behalf of applicant. William Burr, Maser Consulting, said a letter dated August 29, 2007 addressed the issue. Mr. Burr said waivers had been requested for the Impact Statement, L.O.I. and As-built Plans. The applicant had submitted and/or addressed the Impact Statement and L.O.I. at the time of the Preliminary Site Plan application. The As-built plans would be provided upon completion of site work. Concerns were raised about the submissions of an Impact Statement and L.O.I. as well as lighting and landscaping. Atty. Ligorano emphasized his client was here for a determination of completeness.

Mrs. Nargi made a motion to deem the application complete, with the exception that the E.I.S. and L.O.I. matters be resolved. Mr. Lukasik seconded the motion.
Vote: Ayes: Mrs. Nargi, Mr. Lukasik, Mr. Mazza, Mr. Martin, Mr. Kirkpatrick, Mr. Taibi, Mr. Scott, Mr. Bischoff

Cellco Partnership d/b/a Verizon Wireless: Block 1.06, Lot 3, 78 Route 173 West:

Public Hearing: Atty. Sutphen reviewed the notice documents and found them to be order, giving the Board jurisdiction to hear the matter. The Documents were marked Exhibit A-1. Atty. David Soloway was present on behalf of applicant. He gave a brief overview of the proposal to locate a wireless communications facility on the rooftop of an office building at the subject property. The facility will consist of 12 antennas and two GPS antennas, as well as equipment located in the basement of the building. Mr. Soloway said the Ordinance requires the antennas not be higher than 20 feet and that they be painted consistent with the color of the building. Applicant complies with those provisions. Radio frequency testimony is not required. Atty. Soloway said he does have a radio-frequency engineer available if questions arise. Mr. Soloway said he would like to have the Project Engineer sworn. Frank Pazden was sworn by Atty. Sutphen. Mr. Pazden stated his credentials. Mr. Scott said Mr. Pazden would be recognized as an expert in civil and structural engineering. Mr. Pazden said he was familiar with the site and the Plan. The Plan was marked Exhibit A-2. It was entitled Site Plan, Z-2, dated June 12, 2007. It shows the overall site plan which includes the existing office building. Verizon proposes three antenna sectors, each having four antennas and two GPS antennas. The proposed equipment room will only require electric and telephone service. It will be unmanned and does not require sewer or water.

No signage or lighting is proposed. A technician would typically visit the site every four to six weeks. There is adequate parking for the technician. The antennas will be painted to match the façade of the building. Mr. Pazden said the application complies with the provisions of the Ordinance. Mr. Bischoff asked about an emergency generator. Mr. Pazden said there would not be a generator. There will be provisions for a receptacle that would connect to a unit that would be brought in on a trailer if an emergency arose. Mr. Taibi asked about the cross-section, was it a tower or a post? Mr. Pazden said the antenna itself is approximately 12" x 60" and is mounted on a pipe that is mounted down to the roof level. Mr. Hintz asked if the proposed antennas are similar to those existing. Mr. Pazden indicated they were similar. Atty. Soloway asked Danny Dichter to come forward. He was sworn by Atty. Sutphen. Mr. Dichter stated his qualifications and experience. Mr. Scott said the Board would accept Mr. Dichter's credentials. Mr. Dichter responded to a question from Mayor Mazza about coverage. An approximate one-mile radius would be covered. Mr. Bischoff asked if the proposed application was the same as the one withdrawn a few years ago. Atty. Soloway said it was the same. Mr. Bischoff asked Mr. Dichter about the limited coverage. Mr. Dichter said the proposal will stop the gap in coverage from Verizon's Rupell Road location.

Mrs. Nargi made a motion to grant preliminary minor site plan approval. Mr. Kirkpatrick seconded the motion.

Vote: Ayes: Mrs. Nargi, Mr. Kirkpatrick, Mr. Mazza, Mr. Martin, Mr. Lukasik,
Mr. Taibi, Mr. Scott, Mr. Bischoff

Schuyler: Block 17, Lot 3, 13 Driftway: Variance: Atty. Sutphen reviewed notice documents. The Documents were found to be in order giving the Board jurisdiction to hear the matter. They were marked Exhibit A-1. Gregory Schuyler and Engineer Robert Lorentz were sworn by Atty. Sutphen. Mr. Lorentz stated his credentials. They were accepted by the Board. Mr. Lorentz said applicant seeks permission to construct an addition to an existing home and a farm-type structure on a property which does not have access to a public road. Mrs. Nargi asked the location of the Driftway. Mr. Schuyler said it is off of Route 625. She had a concern about the number of houses on the Driftway. Mr. Lorentz said the proposal would not be creating an additional dwelling. She also asked if the proposed barn would create a problem for the Fire Company. The Fire Chief had written a letter stating that access was acceptable. The proposed barn would be used for agricultural purposes.

The proposed addition is 1,624 s.f. on the first floor and 1,894 s.f. on the second floor. Mr. Kirkpatrick noted the pond and asked how far the addition would be from the pond. Mr. Lorentz said it would be about 40 feet away. Mr. Kirkpatrick asked if there was an L.O.I. Mr. Lorentz replied in the negative. He said the pond is part of a modified agricultural wetlands system. It is classified as open water and that would not normally have a buffer. Mr. Kirkpatrick said the NJDEP will flip flop on that issue. He also said the maximum amount of expansion of an existing dwelling would be 750 s.f. Mr. Kirkpatrick recommended that Mr. Schuyler obtain an L.O.I., even though it was not within the jurisdiction of the Board to require that information. Mr. Ferriero said it may be appropriate to have a footprint of disturbance L.O.I. rather than delineating the entire property. Mr. Bischoff asked about the Hunterdon County Board of Health data which states there would be no additional bedrooms. Applicant said that was true. There will be three bathrooms. The septic system is designed for the number of bedrooms. The barn will be approximately 14 feet in height.

Mr. Ferriero said if the Board grants approval, he would recommend that a condition would be that a lot development plan be developed and approved by the Township Engineer. Mrs. Nargi asked Board parameters regarding the L.O.I. Atty. Sutphen said the application was for a variance and the Board could not make that a condition. He thought Mr. Kirkpatrick's concern was very worthwhile.

Mr. Kirkpatrick made a motion to grant the variance, with the condition that a lot development plan be developed and approved by the Township Engineer. Mr. Lukasik seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Lukasik, Mr. Mazza, Mrs. Nargi, Mr. Martin,
Mr. Taibi, Mr. Scott, Mr. Bischoff

Mrs. Nargi asked to be copied on the lot development plan

Informal: Republic Services of NJ LLC: Block 22, Lot 30.03, Frontage Road: Atty. Anthony Kester was present on behalf of applicant. Mr. Kester said his client would like to install a 10,000 gallon underground diesel storage tank on the site.

Atty. Kester said Engineer Gregory Brown and Robert Reynolds, General Manager of Republic Services, were present. Mr. Kester is seeking Board's input as to the type of application required. He believes an Amendment to the approval would be required. Alternatively, a minor site may be required. Preliminary approval had been granted in 2003 and Final in 2005. The 2003 Resolution had a provision that no refueling was to take place on the property. Mr. Brown said applicant is proposing a state of the art tank system. It would be located in an existing paved area of the site. Asphalt would be replaced with reinforced concrete. In addition to the tank, there would be a two pump island and a canopy over fueling equipment. Mr. Brown believes the proposal would comply with the Ordinance. He emphasized that the purpose for the request was to provide No. 2 diesel fuel for Republic's trucks. Deliveries would be made twice a week. Mr. Brown said it would take about 3-4 minutes for trucks to refuel. Atty. Sutphen said Republic should apply for an amendment to the prior approval. Mr. Kirkpatrick asked where applicant stands in relation to the wellhead protection areas around the wells at the Development Center and the Correctional Facility. Mr. Brown did not believe applicant would be required to do anything. He will check further. Mr. Kirkpatrick also asked about the oil-water separator and what water course the site would drain into. Mr. Brown did not know. Mr. Kirkpatrick asked what contingencies were in place if a hose on a delivery truck broke. Mr. Brown said the oil-water separator should capture a spill.

Mr. Lukasik said there was a reason the tank was not approved. Atty. Kester said he will research the matter. Mr. Ferriero commented on the wellhead protection area. He said it was true under State Regulations regarding underground storage tanks that one did not have to do anything different. The State encourages municipalities to adopt their model ordinance. That ordinance says there are certain uses that should not be allowed in wellhead protection areas. Mr. Ferriero said that information would be important and should be provided at a Hearing. Atty. Kester thanked the Board for their time and indicated his client would be submitting an application.

Public Comment/Other Discussion: None

Correspondence: Scherer/Connolly: Block 15, Lots 10, 11, 22, 24 & 52: Mrs. Nargi had a question about the Fire Chief's correspondence dated 7/18/07. A letter was subsequently received from the Chief stating that access was acceptable. **Milligan Farms: Block 22, Lot 20:** Mr. Ferriero gave a status report. **Plushanski; Union Station Associates; Coastal Outdoor Advertising Group LLC; Lookout Pointe and FDRA LLC** discussed briefly.

Other Business: Mrs. Nargi mentioned the Lookout Pointe residents' concerns about driveways. Secretary was asked to research files for Mr. Bogart's comments on the matter.

September 4, 2007 Planning Board/Board of Adjustment Workshop Minutes, Page 5

Mr. Ferriero mentioned the Stormwater Management Ordinance. He gave an overview of the Draft Ordinance. It will be discussed at the October 4, 2007 Workshop. Mr. Hintz will address Zoning Ordinance Issues at the Workshop, too.

There being no further business the meeting was adjourned. (9:05 p.m.)

Grace A. Kocher, Secretary