

April 24, 2008

Mr. Kirkpatrick 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.

Members Present: Mr. Mazza, Mr. Bischoff, Mr. Martin, Mr. Taibi, Mr. Badenhausen, Mr. Ryland, Mr. Kirkpatrick

Members Absent: Mrs. Corcoran, Mr. Walchuk, Mr. Ford

Others Present: Atty. Mark Anderson, Carl Hintz, John Reymann, Atty. Chris Trosinov, Atty. Jeffrey Lehrer, Wayne Tosco, Christina Russoniello

Atty. Jeffrey Lehrer was present on behalf of his client, P.S. Construction. Mr. Lehrer had a call from the Engineer, Robert Clerico, about an issue of an access through Block 22, Lot 27. P.S. Construction is the owner of that property. The owners of the Red Hills Quarry contend that they have access through Block 22, Lot 27. Atty. Lehrer said another survey of adjacent lands was conducted. The title report was also reviewed. (A copy was provided to Atty. Anderson). There was no evidence of an access to the Quarry property in the survey or the title report. Mr. Lehrer had also spoken to Patrick Mullaney, Red Hills Attorney. Copies of the latest survey and the title report will be given to Mr. Mullaney. Atty. Lehrer believes that the matter will be resolved.

Mr. Lehrer said a memo had been received from Mr. Hintz about the COAH Units. He recalled that his client had 90 days from the date the Resolution was memorialized to proceed with the variance application. The Resolution is scheduled to be memorialized at the May 22, 2008 Board meeting.

Issue of Completeness: Petri: Block 15, Lots 8 and 8.01, 25 Stonehaven Lane: Atty. Chris Trosinov was present on behalf of applicant. Mr. Trosinov said reports from Messrs. Hintz and Reymann indicate that the application is technically complete. Mr. Reymann said there are three homes on two lots. Applicant proposes to subdivide the property, creating a separate lot for each home. Each of the three lots would meet the minimum requirement of 8.3 acres in the CM District. Mr. Reymann noted the property is environmentally sensitive. He said no development is proposed. Mr. Kirkpatrick referenced the access through two right-of-ways. He said access concerns need to be addressed. Atty. Trosinov said applicant is prepared to do so. Mr. Bischoff said there is already one flag lot and applicant proposes creating a second. Mr. Trosinov said there is one conforming lot and one is not. The proposal would create conforming lots. Mr. Kirkpatrick said it would be better to create lots with frontage on a private right-of-way, rather than create flag lots. Atty. Trosinov said he would convey that information to applicant.

Mr. Kirkpatrick asked for a motion. Mr. Mazza made a motion to deem the application complete. Mr. Ryland seconded the motion.

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

Apgar: Block 19, Lot 7, 33 Driftway: Memorialization of Resolution #2006-008

Atty. Trosinov, representing applicant, had reviewed the Resolution and was in agreement with revisions. Atty. Anderson said there was mention of a contribution for affordable housing. The application was approved with the provision that one of the two dwellings on the property would be restricted for low-income housing. Therefore, the contribution would not be required. That revision was considered substantive.

Mr. Kirkpatrick asked for a motion. Mr. Badenhausen made the motion to approve applicant's request for a variance. Mr. Ryland seconded the motion.

Vote: Ayes: Mr. Badenhausen, Mr. Ryland, Mr. Martin, Mr. Taibi, Mr. Kirkpatrick

Grand Colonial: Block 12, Lot 12, 68 Route 173 West: Wayne Tosco was present on behalf of applicant. Mr. Tosco is the landscaper for the Grand Colonial. He was asked by Frank Ali to provide information on the problems that have arisen at the temporary parking lot. The geo-textile materials and seeding that were approved by the Board have not held up. Mr. Tosco asked about using stone as a replacement. Mr. Kirkpatrick said the Board does not generally make suggestions; however, using stone would not be acceptable. He said there are different geo-textile fabrics and a number of ways to get grass to grow. Mr. Kirkpatrick said Grand Colonial would have to make a request to modify the existing Site Plan. Mr. Reymann said that irrigation would probably be necessary. Mr. Tosco said that is being researched.

Russoniello: Block 15, Lot 2, 460 County Road 614: Canine Inn at Epona Woods: Christina Russoniello, who operates a pet-sitting service, gave a brief overview of her proposal. She would like to expand her business by modifying the first floor of her house to accommodate 5-7 dogs as overnight guests. A fenced-in play area, training and therapeutic procedures would be offered. Ms. Russoniello and her family plans to continue living in the house. Ms. Russoniello proposed a Japanese-Style Garden in front of her house and other landscaping improvements to the property. She would also like to pave the driveway. Ms. Russoniello would probably want aesthetically designed signage. Dogs would be dropped off at the facility after normal work hours and picked up early in the morning. Pickup service would be provided. There is a cottage on the property. The cottage and main house have individual septic systems. Mr. Hintz said the property is in the Conservation Management District. The proposal is a conditional use in that District. Atty. Anderson said he believes Ms. Russoniello would need a "D" Variance. The proposal would be a third use, since there are two residences. The proposal would be a commercial use. Ms. Russoniello presented pictures of the property. There are no close neighbors. Mr. Kirkpatrick said the project was interesting. However, because of its complexity, it appears a "D" Variance would be required.

He told Ms. Russoniello she should probably engage the services of a planner and/or attorney who would present information describing how the Variance meets the proofs needed to allow the Board to grant an approval. Mr. Hintz said applicant would need to describe how the proposal meets the positive and negative criteria of the Land Use Code.

Mr. Reymann thought that an engineer would be required because of proposed improvements to the house. He also said the location of the well and septic systems should be shown. Mr. Kirkpatrick said there is an extensive checklist that a layperson can comply with. It would be up to the applicant to decide whether they wanted to do the work on their own or employ the services of a professional. Mr. Kirkpatrick also said that waivers can be requested for certain checklist items. He said the Board has a set of standards to consider before granting a variance.

Correspondence: Fallone: Block 22, Lot 34, Perryville Road: James Mantz had written a letter dated April 14, 2008. Mr. Bischoff had a question about the concept plans referenced in the letter and the possibility that Fallone might have to return to the Board if there are substantial changes to the approved Plan. Mr. Hintz said all other municipalities he serves require applicants to provide architectural. Mr. Kirkpatrick asked Mr. Hintz to use whatever means he could to get applicant to provide an architectural look that would be satisfactory to the Township. The **UTEC March 11, 2008 Minutes** were provided for the Board's Information.

Comments from the Public: None

Mr. Kirkpatrick said the Board would need to go into Executive Session to discuss the Pilot Litigation. Mr. Bischoff made a motion to go into Executive Session. Mr. Mazza seconded the motion. (7:55 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 April 24, 2008, in the Union Township Municipal Building, 140 Perryville Road, Hampton, NJ 08827, for the discussion of matters relating to the specific items designated above.

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.

The Executive Session ended at 8:20 p.m.

Mr. Bischoff made a motion to return to the regular session. Mr. Mazza seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Other Business: Mr. Hintz reported he attended a meeting on April 18, 2008 in Lebanon Borough. There were representatives from the municipalities in the Route 78 Corridor. The DOT had been invited. The object of the meeting was to push for a Scenic Byway Designation for Route 78. If there is agreement among the municipalities, Federal monies would be available for studies to point out the cultural, historical, archaeological, scenic vistas, etc. along Route 78 and adjacent roadways. With the designation, billboards would not be allowed.

Approval of Minutes: Mr. Bischoff noted the omission of the word Road as related to Master Plan. Mr. Ryland made a motion to approve the minutes of the March 27, 2008 meeting, as corrected. Mr. Badenhausen seconded the motion.

Vote: Ayes: Mr. Ryland, Mr. Badenhausen, Mr. Martin, Mr. Taibi, Mr. Kirkpatrick
Abstain: Mr. Mazza, Mr. Bischoff

Mr. Bischoff made a motion to approve the minutes of the March 27, 2008, as amended. Mr. Badenhausen seconded the motion.

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

Motion to Adjourn: Mr. Bischoff made a motion to adjourn. Mr. Mazza seconded the motion. (8:30 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary