

September 25, 2008

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

Members Present: Mr. Mazza, Mr. Bischoff, Mr. Martin, Mr. Taibi, Mrs. Corcoran, Mr. Walchuk, Mr. Ryland, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Badenhausen

Others Present: Atty. Mark Anderson, Carl Hintz, John Reymann, Sue Dzimaria, Frank Goldberg, Atty. Michael Vitiello

**HCPB Presentation on County Projects:** Sue Dzimaria, HCPB Director, gave an overview of projects. They included the Wastewater Management Process and Planning & Design Awards. Ms. Dzimaria said the HCPB is reaching out to Municipal Counterparts to reestablish a relationship that has waned. Ms. Dzimaria said HCPB wants to work with local Boards on matters such as the Wastewater Management Process (WMP), Transportation Plan Strategies (TPS) and the New Jersey Transportation Authority (NJTA). The County asks that the Governing Body adopt a Municipal Advisory Board and appoint a representative to the County Steering Committee. Ms. Dzimaria said meetings are scheduled for October 27th and December 3rd to discuss the WMP. She also mentioned the Planning and Design Awards Event that is scheduled for March 31, 2009. Ms. Dzimaria explained the TPS. A meeting is scheduled for October 22<sup>nd</sup> to discuss Strategies. She said the County is working with HART Community Information Services. A checklist was distributed from HART that would help Boards when major subdivision applications are submitted. Mrs. Corcoran had a question about the checklist. Ms. Dzimaria said it is a tool for local Boards. Ms. Dzimaria said the Strategies in Action checklist could be sent to the County. She advised that collective Board suggestions be sent, rather than from individual members. Mayor Mazza asked Ms. Dzimaria if she could check with John Glynn, HC Road Dept. Director, about truck parking by Dunkin Donuts. Ms. Dzimaria acquiesced.

**Pilot Travel Centers LLC: Block 11, Lot 24.03, 68 Route 173 West:**

**Memorialization of Resolution:** Mr. Kirkpatrick asked for questions from the Board. Mr. Taibi had a question about the addition of a pump without increasing fuel pumping capacity. How could that be accomplished? Atty. Anderson said applicant had made that representation and it was accepted by the Board. Mr. Anderson said it could be addressed at site plan approval. Mr. Taibi said it seemed like a contradiction of the approval. Mr. Kirkpatrick said Pilot represented that the additional pump would improve or reduce queing. Mr. Ford said Pilot would not be allowed to increase the pumps with higher speed pumps. Mr. Ryland thought it would be a mistake to increase capacity. Traffic would increase. Mrs. Corcoran thought traffic would increase anyway. Mr. Taibi emphasized that the issue should not remain unaddressed.

Atty. Michael Vitiello, representing applicant, introduced himself. Mr. Vitiello had some questions. Mr. Kirkpatrick asked for questions from the Board. Some spelling and grammatical errors were noted. Mr. Ryland asked what the Board would be voting on tonight. Atty. Anderson explained. He said the Board would be voting on whether the Resolution accurately reflects their action taken on September 2, 2008. Mr. Kirkpatrick said this Resolution sets the framework for what must be included in the site plan. Atty. Anderson explained to Mr. Taibi that issues about the pit and the location of the scale should be raised with the site plan application. Mr. Walchuk asked how a change of ownership might affect a Board decision. Atty. Anderson said the MLUL states that a subsequent owner would only have the rights of the existing owner.

Atty. Vitiello had questions about water usage, the requirement of an aquifer test, and the Stipulation of Settlement Agreement. Atty. Anderson said he had not represented the Board at the time of the Agreement. He asked Mr. Vitiello if applicant was not planning to do the test or if they were not planning to do the test before obtaining any approvals. Atty. Vitiello understood applicant had agreed to not exceed certain limits until tests were performed. However, it was indicated in a report from Vincent Uhl, Board Hydrogeologist, that the Board would not grant an approval until tests were done. Atty. Vitiello referenced the limitation of water usage. Mr. Kirkpatrick said the Wastewater Management Amendment Plan application before the NJDEP is for 6,500 gpd. Mr. Vitiello said he did not have that information. Mr. Kirkpatrick said water withdrawal at the site would be increased. Therefore, the aquifer test would be required. Atty. Vitiello agreed. He said, however, that was not required to get an approval, as long as applicant abides by that which is currently allowed. Atty. Anderson said the Resolution states that applicant shall limit the water withdrawal from the well on its property to 3,273 gpd. Atty. Vitiello thought that was a monthly average of daily water usage. Mr. Kirkpatrick said the Board intends to abide by the conditions as set forth in the Stipulation of Settlement. Atty. Anderson believes the Resolution is consistent with the Stipulation. Mr. Kirkpatrick and Mrs. Corcoran felt the 3,273 gpd was a daily maximum.

Atty. Vitiello's other question pertained to information contained in Pilot's directory. He addressed the issue of applicant not erecting any signs on eastbound Interstate 78, or anywhere else, advertising the site to eastbound traffic. Atty. Vitiello had been advised that was not discussed and was not a condition of approval. He felt the signage was for truck traffic, not automobiles. Mr. Kirkpatrick said during settlement meetings, Mr. Mulligan tried to assure members that Pilot would do whatever could be done to discourage eastbound truck traffic from using the facility. Mr. Kirkpatrick said reducing eastbound traffic coming into the site weighed very heavily on his mind when granting the variance. He said the bridge cannot handle the present volume of traffic. Atty. Anderson said the matter remains to be addressed at site plan Hearings.

Mr. Kirkpatrick asked if there were other concerns. Mr. Ryland had a question about signs. Could existing signs remain? Could Pilot not erect any additional signage? Atty. Anderson said current signs would not be restricted.

Mr. Anderson reemphasized that the Board could investigate signage at site plan approval Hearings. Pilot could be asked to remove existing signs at that time. Mr. Mulligan indicated that the blue board signs would not be removed. They are NJDOT approved. Atty. Anderson does not believe the Board can overrule the NJDOT. Mrs. Corcoran voiced a concern about a Pilot Billboard in Pennsylvania advertising their facilities at Exits 7 and 12. The concern could be addressed at the site plan Hearing.

Mr. Kirkpatrick asked for a motion to approve or deny the Memorialization of the Resolution. Mrs. Corcoran made a motion to approve the Resolution, as amended. Mr. Ford seconded the motion.

Vote: Ayes: Mrs. Corcoran, Mr. Ford, Mr. Martin, Mr. Taibi, Mr. Walchuk, Mr. Ryland, Mr. Kirkpatrick

**Perryville Wine & Spirits: Block 12, Lot 8.04, 72 Route 173 West: Rescheduled for October 23, 2008**

**Goldberg: Block 28, Lot 25, 64 Cooks Cross Road:** Frank Goldberg asked for an Extension of Preliminary Major Subdivision approval. Mr. Goldberg also asked for a waiver of the fee because he had been delayed by new State Regulations. Atty. Anderson said the Board does not have the authority to waive the fee. That would be a matter for the Township Committee.

Mr. Kirkpatrick said the Board has been apprised of Mr. Goldberg's request for the extension. The request falls within the guidelines of the MLUL and the Land Use Ordinance. Mr. Kirkpatrick asked for comments from the Board. There were none. Mr. Walchuk made a motion to grant a one-year extension. Mr. Ryland seconded the motion.

Vote: Ayes: Mr. Walchuk, Mr. Ryland, Mr. Mazza, Mr. Bischoff, Mr. Martin, Mr. Taibi, Mrs. Corcoran, Mr. Ford, Mr. Kirkpatrick

**Public Hearings: Pilot Travel Centers LLC: Block 11, Lot 24.03, 68 Route 173 West:** Atty. Anderson said Pilot is tentatively scheduled for October 23, 2008. The site plan application has not been deemed complete.

**Perryville Wine & Spirits: Block 12, Lot 8.04, 72 Route 173 West: Rescheduled for October 23, 2008.**

**Correspondence: P.S. Construction: Block 22, Lot 27, 22 Race Street:** Letter from Pattenburg Fire Chief regarding water storage tanks at the site. **HCPB Roundtable Re:** Wastewater Management Plan **JDEP:** Letter regarding Contaminated Site Information

**Other Discussion:** Mr. Bischoff mentioned an update to the Franklin Township Fee Schedule. He thought Union Township's Schedule should be reviewed. Mr. Kirkpatrick asked secretary to contact other municipalities for copies of their fee schedules.

Mr. Kirkpatrick asked to obtain that information for the November 20, 2008 meeting. Mr. Kirkpatrick will prepare a spreadsheet. Mr. Hintz suggested obtaining information from Greenwich, Clinton and Readington Townships.

Mr. Ford asked secretary to confer with Grace Brennan about costs associated with operation of the office. After basic information is obtained, Mr. Ford will prepare pertinent information for Board members.

Atty. Anderson emphasized the importance of reasonable costs.

**Comments from the Public:** None

**Approval of Minutes:** The approval of the September 2, 2008 minutes was deferred until the next meeting.

**Motion to Adjourn:** Mr. Bischoff made a motion to adjourn. Mrs. Corcoran seconded the motion. (8:35 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary