

May 28, 2009

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. Walchuk, Mr. Taibi, Mrs. Corcoran, Mr. Ryland, Mr. Ford,
Mr. Kirkpatrick

Members Absent: Mrs. Dziubek, Mr. Bischoff, Mr. Badenhausen, Mr. Nace

Others Present: Atty. Mark Anderson, Engineer Kevin Smith

Approval of Minutes: Mr. Ford made a motion to approve the minutes of the April 9, 2009 workshop meeting, with a modification. Mr. Ryland seconded the motion.

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

Mr. Ford made a motion to approve the minutes of the April 23, 2009 regular meeting. Mrs. Corcoran seconded the motion.

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

Issue of Completeness: Bulvanoski: Block 22, Lots 9 & 10, Frontage & Everett Roads: The application was discussed briefly. The Board determined that applicant must submit NRI information, shall identify trees 10 inches in diameter or more within the proposed limits of disturbance and demonstrate compliance with the Township's Tree Ordinance as it relates to replacement of trees. The recommendation was to deem the application incomplete.

The motion to take that action was made by Mr. Ford and seconded by Mrs. Corcoran.

Vote: All Ayes

Engineer Smith will prepare and send a memorandum to applicant and their professionals apprising them of the action taken and the reasons for that action.

Memorialization of Resolution: Republic Services of NJ, LLC: Block 22, Lot 30.03, Route 173 East: Atty. Anderson said he received, via fax, an Affidavit of Thomas Horvath, a manager of Republic Services, as it related to the 35% impervious surface coverage matter. The Affidavit states that when Final Site Plan Approval was granted in 2005, 35% coverage was in compliance with the Ordinance in effect at that time. Mr. Ford commented on conditions d. and e. on Page 4. Condition d. should state that "Applicant shall install a barrier between the bin storage area and the fueling area, to the satisfaction of the Board Engineer" and Condition i. will state "Fueling of applicant's vehicles shall not begin before 8:00 a.m. and shall be completed by 6:00 p.m., except in the case of an emergency". Mr. Kirkpatrick emphasized that applicant will be required to implement water-monitoring protocol satisfactory to the Board Engineer and Environmental Consultant. That condition was added to the Resolution after consultation with Dr. Souza.

Mr. Kirkpatrick asked for a motion. Mrs. Corcoran made a motion to approve the Resolution, as modified. Mr. Walchuk seconded the motion.

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

Public Hearings: Union Station Associates, LLC: Block 22, Lot 19, County Route 513 & St. Catherine of Siena: Block 22, Lot 34.02, 142 Perryville Road:

At the request of both applicants, the Hearings will be held at the Board's June 25th meeting. Extensions of time to act had been granted to the Board.

Regarding Union Station Associates, Mr. Kirkpatrick asked Engineer Smith about the Clinton Fire Department letter dated April 20, 2009 which pertained to the location of the fire hydrant. Mr. Smith understood the Fire Department's concerns. Mr. Kirkpatrick asked Mr. Smith to apprise applicant that the Board endeavors to follow the Fire Department's recommendation.

Correspondence: Exxon Service Station: Block 12, Lot 8.01, 70 Route 173 West:

The letter stated that Exxon has contracted with a firm to conduct a Classification Exception Area (CEA) and groundwater quality investigation. Mr. Kirkpatrick said, in general, the Township would be opposed to a CEA. Mr. Smith said the Township Committee has asked him to look into the matter and prepare a response. Mr. Kirkpatrick said Exxon should be told there are a number of potential receptors downgradient of their facility. He noted there is bog turtle habitat downgradient of the site and they are sensitive to changes in water quality.

Perryville Road Farm, LLC: Block 30, Lot 8, 42 Perryville Road: Mrs. Corcoran had a question about the correspondence. She was told that Perryville Farm is in the process of negotiating a sale of Development Rights to Hunterdon County.

Pattensburg Quarry Reclamation: Block 1.08, Lot 22, 455 County Route 614: Mr. Ford voiced a concern about the Quarry. Mr. Smith said he understood the Quarry had applied for and received approval for a reclamation plan from Union Township in 2003. He understands they are seeking approval of a reclamation plan from Bethlehem Township. Mr. Smith said there are conditions in Union Township's 2003 approval that require the Township Engineer to monitor, i.e. fill materials should be checked to see if they are clean. The 2003 Resolution states that an escrow fund shall be established to cover inspection costs incurred by the Township Engineer. Mr. Smith and Atty. Jost are working on that matter. Mr. Smith had spoken with Quarry Representative John Moco who told him the reclamation plan provides for 750,000 cubic yards of material. Approximately 1/3 of that amount has been brought to the site. Mr. Kirkpatrick voiced a concern about the quality of the material. Mrs. Corcoran and Mr. Taibi had similar concerns. Mr. Kirkpatrick emphasized that the Quarry should comply with conditions of approval in the Resolution.

Norfolk Southern Corp., Block 14, Lot 25, Off of Baptist Church Road: For Board's Information

UTEC April 14th Minutes: For Board's Information

Comments from the Public/Other Discussion: Mr. Ford voiced a concern about Pilot Travel Centers not contacting Pattenburg Fire Chief Van Fossen regarding emergency plans for drills. He said Pilot should be reminded. Mr. Kirkpatrick asked Mr. Smith to check if Pilot's Site Plan allows the addition of a lighted background for the gas canopies. Mr. Smith said he believes there is lighting on two sides.

Mr. Ford also mentioned increasing fees, as set forth in the Land Use Code. The increase was discussed at the April 7, 2009 Workshop. No action was taken. That item will be placed on the June 11, 2009 Workshop agenda.

Motion to Adjourn: Mrs. Corcoran made a motion to adjourn. Mr. Walchuk seconded the motion. (7:55 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary