

October 28, 2010

Mr. Ford called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. He read the Sunshine Statement.

Members Present: Mr. Walchuk, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen, Mr. Ryland, Mr. Ford, Mr. Kirkpatrick (7:15 p.m.)

Members Absent: Mr. Severino, Mr. Bischoff, Mr. Taibi, Mr. Kastrud

Others Present: Atty. Mark Anderson, Atty. Lloyd Tubman, Michele McBride, David Stothoff

Approval of Minutes: Mr. Badenhausen made a motion to approve the minutes of the September 23, 2010 meeting. Mrs. Corcoran seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Memorialization of Resolution: Lehigh Gas/Jutland Convenience Store/169

Perryville Road: Block 13, Lot 11.01, 169 Perryville Road: Mrs. Corcoran made a motion to memorialize the Resolution. Mr. Walchuk seconded the motion.

Vote: Ayes: Mrs. Corcoran, Mr. Walchuk, Mr. Nace, Mr. Badenhausen, Mr. Ryland, Mr. Ford

Fallone: Block 22, Lot 34, Perryville Road: Extension of Approval: Atty. Lloyd Tubman was present on behalf of applicant who is seeking a one-year extension of their approval. Mrs. Corcoran recused herself. She is a property owner within two-hundred feet of the applicant's. Atty. Tubman gave an overview of the application. Approval had been given for a 130-unit age-restricted development. Ms. Tubman said economic conditions and the comprehensiveness of the development warrant the extension. She asked for an Extension until November 29, 2011. Atty. Tubman asked if there were any questions. Mr. Badenhausen asked if there was any procedural impact, i.e. how many requests for extensions? Atty. Anderson responded. He said there is a limit of three requests. Atty. Tubman said the Board could grant an extension for a longer period of time since the property has more than fifty acres and is a comprehensive development. The economy would also be a reason for the Board to grant an extension for a longer time. Mr. Ford asked for questions from the Public. There were none. Atty. Anderson said the Board had granted a one-year extension until November 29, 2010 at its meeting held in July 2009.

Mr. Ford asked for a motion. Mr. Walchuk made the motion to grant a one-year extension of the Final Site Plan and Subdivision application. Mr. Ryland seconded the motion.

Vote: Ayes: Mr. Walchuk, Mr. Ryland, Mr. Nace, Mr. Badenhausen, Mr. Ford

Mrs. Corcoran rejoined the meeting after the above action.

Correspondence: Cortese: Block 22, Lot 5, Frontage Road: Atty. Guilet Hirsch had written a letter dated September 29, 2010 requesting that the Board consider a Village Center for the property. Mr. Ford said there was no need for discussion at this time.

Pilot Travel Centers, LLC: Block 11, Lot 24.03, 68 Route 173 West: Atty. Scott Carlson had written a letter, dated October 14, 2010, to the Board Chairman and Members, regarding Pilot's Anti-idling initiatives and regulations.

Mr. Kirkpatrick joined the meeting at this time (7:15 p.m.). He asked Mr. Ford to continue chairing the meeting.

Pilot Travel Centers, LLC: Atty. Carlson's letter indicated that anti-idling signs have been located through the site, consistent with the Plan submitted to the Board. The letter also states that NJDEP regulations govern idling of vehicles. UTEC Chairman Bill Harclerode had contacted the NJDEP about his observations regarding idling at the Site. Mrs. Corcoran, Board Liaison to UTEC, said she understood there had been no report from the DEP. Mr. Ford asked Mr. Kirkpatrick if the Zoning Officer was involved with the idling matter. Mr. Kirkpatrick said he was hopeful that had happened, however, he had not received a written report.

Comments from the Public/Other Discussion: Mr. Kirkpatrick began chairing the meeting. Michele McBride, Olde Forge Road, gave a brief overview of Idle/Aire, a company that provides solutions to idling and could become a part of Pilot's anti-idling Plan. Ms. McBride also updated the Board on the Conservation Easement Project. She said there are over two-hundred Conservation Easements in the Township. Ms. McBride hopes the information will be on the Township Website soon. UTEC will discuss the issue at their November 9, 2010 meeting. Ms. McBride said the Zoning Official indicated a willingness to inspect usage in the easements. She said that would depend upon budgeting. Mr. Kirkpatrick complimented Ms. McBride on her accomplishment. Mr. Badenhausen asked if bike trails could become a part of the conservation easements. Mr. Kirkpatrick cited the restrictions imposed on easements. Bike trails would probably not be permitted.

David Stothoff, 15 Finn Road, had questions about installing solar arrays on his property. The Zoning Official denied Mr. Stothoff a permit for the project. He was told to come before the Board. Mr. Kirkpatrick asked Mr. Stothoff if the solar arrays were to provide power for his farm and if it is farmland assessed. Mr. Stothoff replied in the affirmative. Mr. Kirkpatrick said the Township is in the process of preparing an Ordinance that addresses solar power on farms. He understood the Legislature has passed laws making solar power a part of farming operations. Therefore, he did not believe it required approval of the Board. Mr. Kirkpatrick asked Atty. Anderson for input. Mr. Anderson suggested that Mr. Stothoff research the State Legislation.

He also said that if the Board wishes, he could look at Mr. Stothoff's Plan and give an opinion as to whether it would be covered by the Legislation. Mr. Stothoff said his Plan would have 2,600 square feet of surface coverage. The array would be set above the ground and would not have an impact on impervious surface coverage. Mr. Kirkpatrick was sure that the Legislation made clear that solar panels were not considered impervious surface. Mr. Walchuk asked if there would be a concrete pad under the arrays. Mr. Stothoff said they proposed two options. One would be galvanized steel posts that would set the array about two feet off of the ground. The second option would be to place the arrays on a prepared gravel base. The installation would not be visible from the road, the house or neighboring properties and would be within setbacks... Mr. Kirkpatrick asked what was cited as a reason to deny Mr. Stothoff a permit. Mr. Stothoff said there was a question whether the farm was preserved and referred to the Board. Mr. Kirkpatrick was puzzled about the denial. He said Atty. Anderson should have a conversation with the Zoning Official. Mr. Anderson said he would speak with the Zoning Official to see if the application can be reconsidered and save Mr. Stothoff the need to come before the Board.

Mr. Kirkpatrick asked for other comments from the Public. There were none. Mrs. Corcoran made a motion to adjourn. Mr. Ford seconded the motion. (7:30 p.m.)
Vote: All Ayes

Grace A. Kocher, Secretary