

December 5, 2006

Chairman Scott called the meeting of the Union Township Planning Board/Board of Adjustment to order at 7:10 p.m.

Members Present: Mr. Rossi, Mr. Martin, Mr. Brandt, Mr. Rosol, Mr. Scott

Members Absent: Mr. Mulhall, Mr. Lukasik, Mr. Bischoff, Mr. Roth, Mr. Grossi

Others Present: Atty. William Sutphen, Robert Bogart, Atty. William Gianos, Stanley Erlich, Francis Gambony, Thomas Fitzgerald, William Meurer

**Perryville Group, LLC: Block 22, Lot 4, 37 Route 173 East: Issue of Completeness:**

Applicant asked for an Extension of the Preliminary and Variance approval of the Project. The Checklist requires that Taxes are current. Tax Collector Jack Earley indicated the taxes were in arrears.

A motion to deem the application Incomplete was made by Mr. Rossi and seconded by Mr. Brandt.

Vote: Ayes: Mr. Rossi, Mr. Brandt, Mr. Martin, Mr. Scott

Abstain: Mr. Rosol

**Ehrlich: Block 1.09, Lot 23.01, 705 Deerfield Lane: Public Hearing:** Atty. William Gianos was present on behalf of the Ehrlichs. Atty. Sutphen had reviewed the Notice Documents and they were found to be in order, giving the Board jurisdiction to hear the matter. The Documents were marked Exhibit A-1. Mayor Rossi said he had known the Ehrlichs for many years. Mr. Rossi said, however, that he felt he could make a fair and impartial decision on the matter. Therefore, he did not recuse himself. Atty. Gianos did not object. Mr. Gianos said the Ehrlichs were selling their home when a survey prepared for the buyers showed the porch encroaches 8.4 feet into the rear yard setback. The application was deemed complete on November 14, 2006. At that time, the Board requested that a revised map be submitted showing signature spaces, the septic location and a list of property owners within 200 feet of subject property. The map was submitted. Atty. Kearns asked Stanley Ehrlich to come forward. He was sworn by Atty. Sutphen. Mr. Ehrlich said the porch was constructed in 1977. Mr. Ehrlich had called Building Inspector Charles Negoescu and was told to build the porch. The porch is approximately 24' x 14'. It has a slab floor, there are windows and two or three electrical outlets; however, there is no insulation. Mr. Ehrlich presented a photograph of the porch. It was marked Exhibit A-2.

Atty. Gianos asked Mr. Ehrlich to describe the surrounding area. Mr. Gianos said criteria must be presented to prove that neighbors would not be adversely affected by the granting of the variance. Mr. Ehrlich said the house sits on 1.5 acres. There is a Conservation Easement along the rear of the property. Mr. Ehrlich presented an Aerial photograph obtained through Google which showed the dwelling. The Aerial photograph was marked Exhibit A-3.

The Exhibit indicates that virtually none of the homes would be visible from the porch. The nearest dwelling would be about 160-170 feet from the porch. The Conservation Easement cannot be disturbed by owners of the subject property. Atty. Kearns said he had no further questions for Mr. Ehrlich.

Mr. Brandt had a question about the distances from the dwelling on the subject property to the nearest neighbor's dwelling. He thought the distance could be 190 feet. Mr. Ehrlich said that could be. Mr. Scott asked for questions from the Board and/or the Public. There were none.

Mr. Scott asked for a motion to close the Hearing. The motion was made by Mr. Rosol and seconded by Mr. Brandt.

Vote: Ayes: Mr. Rosol, Mr. Brandt, Mr. Rossi, Mr. Martin, Mr. Scott

Mr. Scott asked for a motion to grant the Variance. The motion was made by Mr. Rossi and seconded by Mr. Rosol.

Vote: Ayes: Mr. Rossi, Mr. Rosol, Mr. Martin, Mr. Brant, Mr. Scott

Atty. Sutphen said he would prepare the Resolution for Memorialization at the December 21, 2006 meeting.

**Public Comment/Other Discussion:** No response.

**Correspondence: Gambony:** See discussion below. **Milligan Farms:** For Board's information.

**Approval of Minutes:** A motion was made by Mr. Brandt and seconded by Mr. Rosol to approve the minutes of the October 26, 2006 meeting.

Vote: Ayes: Mr. Brandt, Mr. Rosol, Mr. Martin, Mr. Scott

Abstain: Mr. Rossi

**Scheduling of 2007 Reorganization and January Workshop Meeting:** A motion was made by Mr. Rossi and seconded by Mr. Rosol to hold those meetings on January 9, 2007, at 7:00 p.m. in the Municipal Building.

**Gambony:** Francis Gambony, Block 19, Lot 5.01, 737 County Route 625, said he would like the Township to vacate the easement on his property that was originally established for a Master Plan Road. Mr. Bogart said the idea of the MP Road was later abandoned by the Planning Board. He said it would be in order for the Planning Board to recommend to the Committee that it has no objection. Mr. Scott said he understood it would be up to the Committee to decide if they want to vacate the easement. Mayor Rossi thought the Board should have Counsel's advice. Mr. Scott emphasized that the Township Committee has always made those decisions. Mr. Rossi said the incoming Committee will have to be enlightened about the history of the matter.

A motion was made by Mr. Rosol and seconded by Mr. Brandt to recommend to the Committee that the Planning Board has no objection to vacating the easement.

Vote: Ayes: Mr. Rosol, Mr. Brandt, Mr. Rossi, Mr. Martin, Mr. Scott

Mr. Bogart advised Mr. Gambony to bring copies of the pertinent maps when he comes to the Township Committee. Mr. Gambony was also told to explain that he is only asking for the vacation of the MP Road easement, not the ones adjacent to the Driftway.

Mayor Rossi advised Mr. Gambony to contact Judy Fabian, Municipal Clerk, about getting on an agenda. Mr. Rossi said Mr. Gambony should also speak to Municipal Atty. Peter Jost about the matter.

**Meurer: International Elevator Co., Inc. Block 23, Lot 2.01, 348 Route 173 West:** Architect Thomas Fitzgerald presented a brief overview of Richard Meurer's proposal. The property currently has a dog kennel and a residential dwelling. Mr. Meurer owns International Elevator Co. and operates out of a 6,000 square foot facility in High Bridge. He proposes a 20,000 square foot building (10,000 s.f. office; 10,000 s.f. warehouse). Variances would be sought for building and impervious surface coverage. Mr. Bogart said a dual use variance would probably be required. Mr. Brandt asked how the warehouse would be used. Mr. Meurer said it would be used for storage of parts that would be shipped to customers. Two shafts are proposed for display purposes only. Mr. Rosol asked about repair work. Mr. Meurer said the warehouse would be used solely for display and storage. Mr. Fitzgerald said five 1,000 s.f. office/warehouse rental suites are proposed initially. Eventually, Mr. Meurer plans to utilize the whole building for his operation. Mr. Scott said parking could be banked. Mr. Bogart emphasized the magnitude of the proposed impervious coverage is not usually permitted by the Board. Mr. Bogart also said the proposal would trigger compliance with new Storm Water Regulations. A variance would be required for front yard parking. Mr. Bogart advised applicant to provide detailed information because of the complexity of the proposal. He also said that an access permit would be required from NJDOT. Mr. Scott said it would be advisable for the Township Planner and Environmental Consultant to be present if applicant plans to proceed. Mr. Scott said he doesn't think the Board is adverse to the proposed concept; however, applicant would be better served by having the Planner and Environmental Consultant present.

Mayor Rossi had a question about the COAH issue. He did not think that the existing dwelling on the site would necessarily count toward COAH. Mr. Meurer understood that was possible. Mr. Rossi understood the dwelling would have to be transferred to another party and the property would have to be subdivided. There might not be adequate land left for the proposed building. Water is supplied by the Town of Clinton. There is an individual on-site septic system. Mr. Bogart said if water usage exceeds 2,000 gallons per day, a permit is required from NJDEP.

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Mr. Brandt voiced a concern about the feasibility of the plan from a business standpoint and made mention of past conceptual proposals. Proposal would comply with setbacks. Mr. Bogart advised against preparing an elaborate proposal prior to obtaining additional input from the Board and its Professionals. Mr. Fitzgerald appreciated the advice. He was told it would be advisable to come to the February Workshop with additional information, if the Firm decided to proceed.

A motion to adjourn was made by Mr. Rosol and seconded by Mr. Brandt. (8:00 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary