

January 9, 2007

Atty. William Sutphen called the reorganization meeting of the Union Township Planning Board/Board of Adjustment to order at 7:15 p.m. The Sunshine Statement was read.

Atty. Sutphen swore in Mrs. Nargi and Messrs. Mazza, Bischoff, Walchuk and Taibi

Members Present: Mr. Mazza, Mrs. Nargi, Mr. Martin, Mr. Lukasik, Mr. Walchuk.
Mr. Taibi, Mr. Scott, Mr. Bischoff

Members Absent: None.

Others Present: Atty. William Sutphen, Carl Hintz, Paul Ferrierio, Robert Brightly, Rick Roseberry, William Burr, John Reyman, Peggy Snyder, Rob Haynes

Election of Chairman: Atty. Sutphen asked for a motion to elect a Chairman: A motion to elect John Scott as Chairman was made by Mr. Bischoff. Mr. Scott declined. A motion was made by Mr. Mazza to elect Mr. Bischoff as Chairman. Mr. Scott seconded the motion. Mr. Sutphen asked for other nominations for Chairman. There were none. Atty. Sutphen asked for a motion to close the nominations. That motion was made by Mrs. Nargi and seconded by Mr. Taibi.

Vote: All Ayes, No Nays, Motion Carried

Atty. Sutphen said since there was only one nomination for Chairman, Mr. Bischoff was elected by unanimous ballot.

Election of Vice-Chairman: Mr. Bischoff proceeded to chair the meeting. He asked for a motion to elect a Vice-Chairman. Mr. Taibi made a motion to elect Mrs. Nargi as Vice-Chairman. Atty. Sutphen said as a Class I Member (Township Committee) she could not serve. It was decided to postpone the Election of a Vice-Chairman until later tonight.

Appointment of Attorney: Mr. Scott made a motion to appoint William Sutphen as Planning Board/Board of Adjustment Attorney. The motion was seconded by Mr. Lukasik.

Vote: All Ayes, No Nays, Motion Carried

Appointment of Engineer: Mr. Scott said three engineers would be interviewed for the position. The interviews will be held during the Workshop. The appointment will be made after the interviews.

Appointment of Planner: A motion to appoint Carl Hintz as Planner was made by Mr. Scott and seconded by Mr. Lukasik.

Vote: All Ayes, No Nays, Motion Carried

Appointment of a Geologist/Hydro-geologist: Mr. Scott made a motion to appoint the firm of Uhl, Rana and Baron as the Board's Geologist and Hydro-geologist, with Anthony Rana serving as the Geologist and Vincent Uhl the Hydro-geologist. Mrs. Nargi seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Appointment of Environmental Consultant: Mrs. Nargi made a motion to appoint Stephen Souza as environmental consultant. Mr. Lukasik seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Appointment of Secretary: Mrs. Nargi made a motion to appoint Grace Kocher as the Board secretary. Mr. Mazza seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Official Newspaper: Mr. Lukasik made a motion to use the Hunterdon County Democrat as the Official paper, with the Courier News as alternate. Mr. Mazza seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Official Meeting Night and Time: Workshop and Regular Meetings: Mr. Bischoff asked if anyone was interested in changing the meeting nights. There were no objections. Mr. Bischoff asked all those in favor of maintaining what was done in the past to signify by saying aye.

Vote: All Ayes, No Nays, Motion Carried

Mr. Bischoff said the official night would be the first Tuesday of the month for Workshops and the fourth Thursday of the month for Regular Meetings. The meetings begin at 7:00 p.m. at the Municipal Building, 140 Perryville Road, Hampton, N.J. 08827. Any changes will be noticed.

Following are dates for Workshops and Regular meetings.

WORKSHOPS

January 9
February 6
March 6
April 3
May 1
June 12
July 10
September 4
October 2
November 13
December 4

REGULAR MEETINGS

January 25
February 22
March 22
April 26
May 24
June 28
July 26
September 27
October 25
November 29
December 20

The Board will not hold Workshop or Regular Meetings in August.

Traffic Engineer: Mr. Scott made a motion to discontinue the use of Kenneth Newman as the Traffic Engineer for the Pilot matter and entertain applications for a new Traffic Engineer. Mr. Lukasik seconded the motion.

Vote: Ayes: Mr. Scott, Mr. Lukasik, Mr. Mazza, Mrs. Nargi, Mr. Martin,
Mr. Bischoff, Mr. Taibi,

Abstain: Mr. Walchuk

Mr. Bischoff asked for a motion to adjourn, with the stipulation that the Board return to the reorganization meeting for the purpose of electing a Vice-Chairman, an Engineer and a Traffic Engineer.

The motion was made by Mr. Lukasik and seconded by Mrs. Nargi. (7:30 p.m.)

Vote: All Ayes, No Nays, Motion Carried

The January 9, 2007 Workshop Session followed:

Chairman Bischoff called the regular workshop session of the Union Township Planning Board/Board of Adjustment to order at 7:30 p.m. The Sunshine Statement was read.

Members Present: Mr. Mazza, Mrs. Nargi, Mr. Martin, Mr. Lukasik, Mr. Walchuk,
Mr. Taibi, Mr. Scott, Mr. Bischoff

Members Absent: None

Others Present: Atty. Sutphen, Carl Hintz, Paul Ferriero, Robert Brightly, Richard Roseberry, William Burr, John Reymann, Peggy Snyder, Rob Haynes

Issue of Completeness: Perryville Group, LLC: Block 22, Lot 4, 37 Route 173 East (Extension) Atty. Sutphen said the application had been deemed incomplete at a previous meeting because the taxes were not current. The taxes have since been paid. Mr. Mazza made a motion to deem the application complete. Mr. Scott seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Scott, Mrs. Nargi, Mr. Martin, Mr. Lukasik, Mr. Bischoff
Abstain: Mr. Walchuk, Mr. Taibi

A concern had been raised about the request for the extension. Atty. Sutphen was asked to provide a legal opinion on the matter.

Public Comments/Other Discussion: None

Planning Board Engineer Interviews: Mr. Scott said Paul Ferriero (Ferriero Engineering), John Reymann ((Roberts & Reymann Engineering) and William Burr (Maser Consulting) would be interviewed.

Mr. Hintz left the meeting prior to the interviews.

Mr. Bischoff asked Paul Ferriero, Ferriero Engineering, Inc. to come forward. Mr. Ferriero stated his credentials and experience. He emphasized the importance of the Highlands Regional Master Plan/Highlands Legislation as it relates to the Master Plan and Zoning. Mr. Ferriero has worked with those matters in numerous municipalities. Mr. Scott said the Board has, in the past, split water quantity and quality issues. The Board engineer reviewed quantity issues and Dr. Souza reviewed quality issues. Mr. Ferriero said he has worked with Dr. Souza and they are presently involved with a project in Bedminster Township. Mr. Ferriero said Robert Brightly, a Union Township resident, is a partner; however, Mr. Ferriero said he would handle Board matters. If Mr. Ferriero was not available Mr. Brightly would represent him. Regarding the Highlands, Mr. Ferriero said it is a good idea to work with other municipalities.

Rick Roseberry, Maser Consulting LLC, came forward. William Burr was also present from the firm. Mr. Roseberry distributed statements of qualifications. He stated his credentials and experience. He would be representing Maser at the regular meetings. Mr. Burr would attend the workshops. He has been performing reviews for Mr. Bogart for the past four years and is familiar with applications before the Board. Mr. Roseberry emphasized the importance of continuity. He said that since Mr. Bogart had been the Engineer for many years there is an extensive library of Township records. He also said Mr. Bogart has agreed to be contacted for advice regarding Township matters. Mr. Roseberry is a Union Township resident and therefore is familiar with the area and could guide the Board with changes that will be required because of the Highlands. As a resident, he has a special interest in the Township. Mr. Roseberry said that he works solely with municipalities. Maser represents over 40 municipalities in New Jersey and associates are required to take training courses in order to keep up with new regulations. He said Maser has other professionals, i.e., traffic engineers, environmental and structural experts who would be available if needed by the Board. Mr. Roseberry said he has never worked for developers.

John Reymann, Roberts and Reymann Engineering, LLC came forward. He stated his credentials and experience. Mr. Reymann said he has been involved in municipal engineering for the past twenty years. He brought with him, Peggy Snyder, a consultant who works with Reymann Engineering on Stormwater projects. She has experience with the Highlands and Karst soils. Mr. Reymann would be representing the firm. He has not worked in Hunterdon County; however, Ms. Snyder has experience in the County. The firm is located in Hamilton, New Jersey. Mr. Reymann did not think the distance from Union Township would be a problem. Peggy Snyder came forward. She apprised the Board of her credentials and experience. Ms. Snyder emphasized her knowledge of Stormwater Management Rules and Regulations.

There was a discussion about having the same Engineering Firm for the Township Committee and the Planning Board.

Mrs. Nargi asked if there would be a conflict of interest if Maser Engineering was appointed. Maser has an office at Perryville Corporate Park. Mrs. Nargi is a Vice-President at Foster Wheeler. She said FW does not own the real estate. Atty. Sutphen did not believe there would be a conflict.

Mr. Scott emphasized the three dominant issues affecting Union Township. He said they are the Pilot application, Milligan Farms and the COAH implications, and the Regional Master Plan and Highlands. He felt it would be good to maintain Maser Consulting for the Pilot application and consider Maser as a replacement for the Traffic Engineer.

Mr. Lukasik said he did not think that John Reymann had the experience to deal with the Highlands nor was he familiar with Union Township or Hunterdon County. He was comfortable with either Ferrierio or Maser. Mr. Martin agreed. Mr. Taibi did as well. Mr. Walchuk asked if Maser was retained for Pilot, would there be two engineers attending meetings. Atty. Sutphen said only Maser would be in attendance for Pilot Hearings. Ferrierio would represent the Board for all other matters. Mr. Walchuk was impressed with Mr. Ferrierio. Mayor Mazza said he had no problem with using Maser for Pilot. He wanted to review Mr. Ferrierio's resume. Mr. Mazza said he realizes that Mr. Reymann is not from the area; however, that might not be a bad thing. Mrs. Nargi concurred with Mr. Scott. Her concern with Roberts and Reymann is the use of consultants. She supported using Maser for the Pilot application; however, Mrs. Nargi would not want them for other matters. Mrs. Nargi emphasized the need for fresh faces. Mr. Scott agreed with Mrs. Nargi's concern about Roberts and Reymann's use of consultants. He felt the Board needs Professionals who can answer questions that arise at meetings. Mr. Bischoff agreed with Mrs. Nargi with respect to Maser. He believed Ferrierio would be the better choice for the Board, especially since Mr. Ferrierio came with a recommendation from Dr. Souza. Mr. Lukasik mentioned the transition from Maser Consulting to a new firm and the loss of documentation. Mrs. Nargi said the Township should be retaining more records in the Municipal Building.

Mr. Bischoff said the Board would be well advised to make a two-part decision. It would be to retain the services of Maser Consulting exclusively for Pilot and appoint another Engineer for other Board matters. Mr. Taibi asked what if Maser declines the appointment for Pilot. Atty. Sutphen does not think that, professionally, Maser would decline. Maser has not declined the limited appointment with the Township Committee. Rob Haynes said the Committee had not made any formal commitment to Maser as to what applications they would be involved with. Mayor Mazza said Maser is still involved with Lookout Pointe. Mr. Haynes said the Committee was only committed to Maser to do the Milligan Farms survey. Other than that, it was on an as needed basis. There has been no negative feedback from Maser on the issues set forth above.

Mr. Scott made a motion to appoint Maser as a consultant relative to the Pilot application and to also ask them to review that application from a traffic consultant's point of view. Mr. Lukasik seconded the motion. Mrs. Nargi asked if she and Mayor Mazza could vote, since this is a combined Board. Atty. Sutphen cited the MLUL and said they were entitled to vote

Vote: Ayes: Mr. Scott, Mr. Lukasik, Mr. Mazza, Mrs. Nargi, Mr. Martin, Mr. Walchuk, Mr. Taibi, Mr. Bischoff

Mrs. Nargi made a motion to appoint Ferriero Engineering for all other matters. The motion was seconded by Mr. Mazza. Mr. Walchuk asked the downside of a three-month probation appointment. Atty. Sutphen said he believes there are clauses in Professional contracts to protect the Board. Mayor Mazza said he feels comfortable with Mr. Ferriero since Dr. Souza had made a favorable recommendation.

Vote: Ayes: Mrs. Nargi, Mr. Mazza, Mr. Martin, Mr. Lukasik, Mr. Walchuk, Mr. Taibi, Mr. Scott, Mr. Bischoff

Mr. Bischoff asked for a motion to return to the reorganization meeting for the sole purpose of electing a Vice-Chairman. Mayor Mazza made the motion. Mrs. Nargi seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Lukasik made a motion to elect John Scott as Vice-Chairman. Mrs. Nargi seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Lukasik made a motion to close the reorganization meeting. Mrs. Nargi seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

The Workshop reconvened.

Mr. Scott asked about Certificates for the mandatory Training Sessions for Board members. Messrs. Bischoff and Scott had attended a Session in October. Secretary was asked to check into the matter.

Correspondence: Various: **Highlands Council:** Mr. Bischoff noted that Council Chairman Weingart's letter dated 12/13/06, including the enclosure, was incomplete. Secretary was asked to check into the matter and send pertinent information to Board members. The CD mentioned in the letter was not submitted to the Board office.

Highlands Council: Information Session on Draft Regional MP: The Hunterdon County Planning Board and the Council have scheduled a meeting on 01/17/07 at the Freeholders Assembly Room. The implications of the MP will be discussed. Public input is sought. Mr. Bischoff asked Paul Ferriero to find out when there will be a meeting that should be attended by a Board or Committee member, or both.

Toll Bros.: Petition for Substantive Certification and Third Cycle Housing Element and Fair Share Plan objection Withdrawal: Matt Mulhall said the decision was made after an October 2006 meeting. Mr. Mulhall said Toll realized the Township was not budging.

Brian Kirkpatrick arrived at 9:05 p.m. He was sworn in by Atty. Sutphen.

Approval of Minutes: Messrs. Bischoff and Scott made some correction. Mr. Scott made a motion to approve the November 30, 2006 minutes, as modified. Mr. Lukasik seconded the motion.

Vote: Ayes: Mr. Scott, Mr. Lukasik, Mr. Martin, Mr. Bischoff

Abstain: Mr. Mazza, Mrs. Nargi, Mr. Kirkpatrick, Mr. Walchuk, Mr. Taibi

Mr. Scott made a correction to the December 5, 2006 Workshop minutes. Mr. Scott made a motion to approve those minutes, as modified. Mr. Martin seconded the motion.

Vote: Ayes: Mr. Scott, Mr. Martin

Abstain: Mr. Mazza, Mrs. Nargi, Mr. Lukasik, Mr. Kirkpatrick, Mr. Walchuk, Mr. Taibi, Mr. Bischoff

A motion to go into Executive Session to discuss litigation, specifically the Bulvanoski and Case matters, was made by Mr. Scott. The motion was seconded by Mrs. Nargi.. (9:15 p.m.)

Vote: All Ayes, No Nays, Motion Carried

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 January 9, 2007, in the Union Township Municipal Building, 140 Perryville Road, Hampton, N.J. 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 9:25 p.m.

A motion to reopen the Public meeting was made by Mr. Scott. Mr. Lukasik seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Other Business: Mr. Lukasik voiced a concern about the issuance of a building permit to Pilot Travel Centers to remodel Johnny's Truck stop. The application did not go to the zoning official. Mr. Lukasik's concern pertained to the absence of sprinklers in the building. He said the restaurant has been removed and the whole area is a convenience store. Mr. Lukasik believes that is a change of use. He did not know if the store had been approved. Mr. Lukasik feels that all applications should be reviewed by the Zoning Official. Atty. Sutphen concurred with Mr. Lukasik about the review process. Mrs. Nargi requested Mayor Mazza to contact John Leonard tomorrow, January 10, 2007.

Mr. Bischoff asked for other business. There was none. He welcomed new members Kirkpatrick, Taibi and Walchuk to the Board.

Mr. Taibi had a question about the NJPO Mandatory Training Programs. Mr. Bischoff said anyone who plans to attend should contact the secretary.

Motion to Adjourn: Mrs. Nargi made a motion to adjourn. Mr. Scott seconded the motion. (9:30 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary