

May 1, 2007

Mr. Scott called the Workshop 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. Mazza, Mrs. Nargi, Mr. Martin, Mr. Lukasik, Mr. Kirkpatrick, Mr. Walchuk, Mr. Taibi, Mr. Scott, Mr. Bischoff

Members Absent: Mr. Brandt

Others Present: Atty. William Sutphen, Robert Brightly, Douglas Dickinson, Atty. Judy Babinski, Glenn Scherer, Colleen Connolly, Atty. Raymond Drake

Mr. Scott announced that Zoning Ordinance Issues will be rescheduled for the June 2007 Workshop.

Scherer: Block 15, Lots 10, 11, 22, 24 & 52: Atty. Judy Babinski gave a brief overview of applicant's concern. The 92.6 acre property fronts on Baptist Church Road; however, because of wetlands, it would not be feasible to use that access. There is access through a private road, Williamson Lane. Applicant's house would be the third one on Williamson Lane. Mr. Scherer explained the environmental impact of accessing via Baptist Church Road. He also said the property meets all Highlands and buffer requirements and there are no environmental restrictions. Mr. Scott said it would be necessary to check with the Township Planner to see if a variance is required or if the access by Baptist Church Road satisfies having frontage on a public road even though the access would be from another area. Mr. Scherer had spoken with Zoning Official Richard McManus who advised him to come to the Workshop. Mrs. Nargi asked if the proposed access was considered a Driftway. Ms. Babinski said Williamson Lane is a private road and is paved to a fork in the road. Mrs. Nargi asked about a landlocked parcel in the rear of the subject property. Mr. Scherer said there are two landlocked parcels. Mr. Scherer said those lots are not buildable because of buffering and stream issues. Mayor Mazza asked if the previous owner, Russ Quartararo, had come before the Board with a subdivision application. Mrs. Nargi said that was a number of years ago. Mr. Scherer had information indicating there had been a subdivision application around 1990.

Atty. Raymond said his client, the Petris, Block 15, Lot 8, own Williamson Lane. Mr. Drake said he doesn't know that Mr. Scherer has a right to use the Lane and if there is an easement that allows that use. He said he was not familiar with the back title on the property. Mr. Drake was appearing tonight on behalf of the Petris. Mr. Scott said the Board would not be the one to decide whether the easement, if it exists, is valid. Mr. Scherer said he has a title report that assures access through Williamson Lane to his property. Atty. Sutphen said he would contact Carl Hintz to discuss the matter. Mr. Sutphen said if Mr. Hintz is of the opinion that a variance is not required a building permit would be issued. Information should be forthcoming after the discussion.

Robert Brightly arrived after the Scherer discussion. He asked if the Highlands had been mentioned. Atty. Babinski said applicant is exempt. Mr. Brightly said he had a different opinion. Atty. Sutphen said it first has to be determined if any review or approval would be required by the Board. If none is required, Highlands would not be an issue for the Board. If it is determined the matter has to come before the Board, Highlands approval would be a condition of approval.

Dickison: Block 25.01, Lot 4, 5 Fox Chase Turn, Public Hearing: Atty. Sutphen reviewed the Notice Documents and found them to be order, giving the Board jurisdiction to hear the matter. The Documents were marked Exhibit A-1. Mr. Dickison was sworn by Atty. Sutphen. Mr. Dickison gave an overview of the Variance Request for a Second Driveway which will provide access to his detached garage. He had provided a history of the project at the April 3, 2007 Workshop. Mr. Dickison reiterated that he did not know about the Ordinance which allows only one driveway for a single family home. He said that the detached garage could not be reasonably accessed from the existing driveway because of the topography of the site. Mr. Dickison submitted a Chart with nine photographs taken at various locations on the property. The Chart was marked Exhibit A-2. A packet containing a chronology of events and exhibits pertaining to the application was marked Exhibit A-3. Mrs. Nargi asked Mr. Dickison to explain the location of the garage. Mr. Dickison said it was relocated after he received building permits. He said Messrs. Bogart and Leonard recommended relocating the garage because of soil conditions. Mr. Scott said Mr. Dickison has a building that has been properly permitted; however, there is no access because the driveway permit was not obtained simultaneously with the building permit. Mrs. Nargi said the Township doesn't allow a second driveway. Mr. Scott said there is a question as to whether Mr. Dickison had that information.

Mr. Taibi had a question about elevation. Mr. Dickison provided details. Mrs. Nargi asked about the letter from Quakertown Fire Company recommending the access. Mrs. Nargi said she does not have a driveway to her barn and the Fire Company had never made a recommendation for special access. Mr. Dickison said the Fire Company made the recommendation after visiting the property. Mr. Brightly asked Mr. Dickison his plan for the entrance of the driveway. Mr. Dickison said he would like to install a 15-foot paver apron and $\frac{3}{4}$ inch red stone. He would like to install curbing to keep the stone in place. Mr. Brightly said the curb could collect runoff that would channel into the Road. Mr. Ferriero had recommended a gap in the curbing and installation of spacers to allow proper drainage. Mr. Brightly said sections of dropped curb every 20-25 feet would allow water to flow naturally, rather collecting and running into the Street. Mr. Scott asked if those issues could be taken care of at a pre-construction meeting. Mr. Brightly said if there is curbing, a condition of approval would be that there are openings to allow for natural flow of water. Atty. Sutphen said a condition of approval would be that Mr. Dickison would submit information to the Township Engineer for review and approval.

Mr. Kirkpatrick said Mr. Dickison had indicated previously that grass pavers would be used. Mr. Dickison said he is no longer considering the pavers because of maintenance and economic reasons. Mayor Mazza asked if the proposed driveway was near the septic system. Mr. Dickison said it was not. Mr. Walchuk said Mr. Dickison indicated it was the obligation of the Township to inform him at the time of the construction that a permit for a driveway would be required. Mr. Walchuk asked Atty. Sutphen if that was an obligation of the Township, as opposed to the applicant being responsible to know the Ordinance. Mr. Sutphen replied. He said it would be nice if something had been told to the applicant; however, there is no legal obligation. Atty. Sutphen said the Ordinance is a matter of public record.

Mr. Scott said Mr. Dickison had made application to the Board for a Variance for a Second Driveway because of a hardship imposed by the topography of the site. Without the Variance, Mr. Dickison might not be able to access the building that was permitted. Mr. Scott said he feels it is irrelevant how Mr. Dickison got to this point. Mr. Bischoff referenced information that states the Ordinance allows one driveway opening per lot and that Mr. Dickison avers he did not receive. Mr. Scott said he was of the understanding that Messrs. Bogart and Mills thought Mr. Dickison would be using the existing driveway. Mrs. Nargi agreed with Mr. Scott that the issue before the Board is a Variance application. She asked Atty. Sutphen to explain how the Board could avoid setting a precedent. Mr. Sutphen said the important distinction with this application is that the garage is already built. He said a variance is an exception and the Board takes into consideration the circumstances that the applicant presents under a specific set of facts and makes a decision on that basis. Mr. Kirkpatrick said Mr. Dickison's proposal would have less environmental impact than connecting it with the existing driveway. There would be significant disturbance using the existing driveway.

Mr. Scott asked for a motion. Mr. Kirkpatrick made a motion to approve the application, with the condition that the design of the driveway be reviewed and approved by the Township Engineer and that no runoff from the driveway shall enter the public right-of-way. Mr. Bischoff seconded the motion.

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

Nayes: Mrs. Nargi, Mr. Walchuk, Mr. Taibi

Petri: Block 15, Lot 8, 25 Stonehaven Lane: Atty. Raymond Drake said he was appearing on behalf of Rita Petri. Mrs. Petri owns a 31 acre parcel off of Stonehaven lane, a private road.. Mr. Drake said the property is oddly configured. It has a flagpole that contains Williamson Lane. The main house is off of Stonehaven Lane. There are three other buildings, a house, barn and shed, at the southwesterly portion of the property. Mrs. Petri's son lives on that portion of the property and Mrs. Petri would like to subdivide 8.3 acres from the 31 acre parcel.

The 8.3 acre lot with the three buildings would be transferred to her son and access would be from Stonehaven Lane. The remaining lands would still be a flagpole out to Main Street. A new lot would be created with no public road frontage. No building permits would be required. Atty. Drake said the proposal is for purposes of Estate Planning. Mr. Drake said if there were any major objections to the proposal, he would like to know before his client spends a great deal of money. Atty. Drake said setback variances would be required for the proposed 8.3 acre lot, along with the subdivision. He does not believe variances would be required for the remaining parcel because it has frontage on a public road. Mr. Lukasik asked how approvals were obtained because of the closeness to property lines. Atty. Drake said he believes the house on the proposed remaining parcel is very old and he does not know how approval was obtained for a second residence. A question was asked about who has access to Stonehaven Lane and what variances would be required. Atty. Drake said additional title research would be required. Mr. Drake indicated he did not believe that Highlands was an issue since no improvements were proposed. Mr. Bischoff said it might be worthwhile asking Board Professionals if they foresee any problems. Mr. Bischoff said he did not. Atty. Drake said that matter would be addressed if an application was filed.

Public Comment/Other Discussion: Mr. Bischoff gave a brief update regarding the MP Road that crossed the Gambony property, Block 19, Lot 5.01, 737 Route 625. He contacted Carter van Dyke and was told the Township eliminated the MP Road when the MP was revised in 1999. Mayor Mazza asked about a Checklist for the Zoning Official. Mrs. Nargi said there is a definite need to establish a process. She said Township Engineer John Reymann and Zoning Official Richard McManus should work with the Committee on the matter. Mrs. Nargi also asked about matters related to trees at "The Sanctuary". Does Mr. Hintz go to the site to check the trees? It was determined the Township Committee should look into the matter. Mr. Lukasik asked if anyone knew the status of the Cyrus Apgar matter (A barn had been constructed and was later converted to a residence). Mr. Bischoff said he understood that Mr. Apgar was working with the Hunterdon County Dept. of Health. Mr. Lukasik thought the Zoning Official should be asked to look into the matter. Mayor Mazza will be in contact with Mr. McManus tomorrow.

Motion to Adjourn: Mr. Bischoff made a motion to adjourn. Mrs. Nargi seconded the motion. (8:30 p.m.)

Grace A. Kocher, Secretary