

June 25, 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: Mrs. Dziubek, Mr. Bischoff, Mr. Badenhausen, Mr. Nace, Mr. Ford
Mr. Kirkpatrick

Members Absent: Mr. Walchuk, Mr. Taibi, Mrs. Corcoran, Mr. Ryland

Others Present: Atty. Mark Anderson, Carl Hintz, Kevin Smith, William Smith, Robert and Jennifer Belickjian, Atty. James Knox, Robert Streker, Atty. Scott Carlson, Atty. Salvatore DeFazio, Marla Roller, Robert Zelley

Approval of Minutes: Mr. Ford made a motion to approve the minutes of the May 28, 2009 meeting. Mrs. Dziubek seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Badenhausen, Mr. Nace, Mr. Kirkpatrick

Abstain: Mrs. Dziubek, Mr. Bischoff

Belickjian: Block 29.02, Lot 1, 2 Stires Way: Issue of Completeness: Engineer Smith recommended the application be deemed complete. Mr. Kirkpatrick noted that the elevation of the house did not match the elevation of the floor plan. He said that should be corrected before the Hearing. A motion to deem the application complete was made by Mr. Ford and seconded by Mr. Bischoff.

Vote: Ayes: Mr. Ford, Mr. Badenhausen, Mr. Nace, Mr. Kirkpatrick

Mr. Bischoff, Mrs. Dziubek

Mr. Kirkpatrick said the Hearing should be scheduled for July 23, 2009.

Union Station Associates, LLC: Block 22, Lot 19, County Route 513: Atty. James Knox was present on behalf of applicant. Mr. Knox gave an overview of the application. He said Preliminary Site Plan approval had been granted on April 27, 2006. Atty. Knox asked Engineer Robert Streker to come forward. Atty. Anderson swore Mr. Streker. Mr. Streker stated his credentials. He is the Project Manager for Bohler Engineering. The Board accepted his credentials. Mr. Streker gave an outline of the differences between the Preliminary approval and the application before the Board. Mr. Streker said that applicant proposed tying into the Town of Clinton sewer. There was no sewer allocation available from Clinton. Applicant applied to the Hunterdon County Board of Health for an on-site septic system and has their approval. Mr. Streker said that another aspect of the Preliminary approval was to obtain Hunterdon County Planning Board (HCPB) approval. HCPB has jurisdiction over Pittstown Road. Mr. Streker said the driveway off Pittstown Road would be restricted to a right-hand turn only. There will be a median within Pittstown Road, which will prohibit left turns into the property. Those were two alternatives offered to the Board at the time of Preliminary application.

Atty. Knox said detailed reports had been received from Board Professionals and applicant had resubmitted plans in response. Mr. Knox said applicant would address any concerns. Mr. Kirkpatrick noted there were more items pending than satisfied in Engineer Smith's letter dated June 24, 2009. Mr. Smith said the traffic circulation plan shows a canopy clearance height that would be insufficient for maneuvering by a trash truck. Mr. Streker said he believes that a trucker could pass through by maneuvering in a different way. He will provide a plan to Mr. Smith showing how that can be accomplished. Mr. Ford asked about markings. Mr. Streker said they would be provided if that made the Board more comfortable. Mr. Bischoff asked about a thru-lane. Mr. Streker said a bypass lane is proposed. Mr. Smith emphasized his concern about the tightness for trash truck maneuvering. Mr. Streker said the curb could be shifted further away from the canopy. Mr. Kirkpatrick asked Mr. Streker if he would be willing to accept the Board Engineer's recommendation. Mr. Streker replied in the affirmative.

Mr. Smith referenced the retaining wall. It was acceptable to Mr. Streker that design calculations for the wall, signed and sealed by an engineer, would be a condition of approval. Mr. Smith mentioned Anthony Rana's April 20, 2006 letter regarding a Carbonate Rock Study. Mr. Smith recommended that the letter be addressed. Regarding the Stormwater Ordinance, Mr. Smith said applicant is not proposing an infiltration system because the site is in a Carbonate Rock area. Mr. Smith said infiltration must be addressed. Mr. Kirkpatrick emphasized that applicant must meet Stormwater Standards. Mr. Streker said the Township Ordinance allows that mitigation can be done off-site. Mr. Kirkpatrick said either infiltration must be done on-site or applicant should find his or her own mitigation. Mr. Bischoff questioned why Clinton Fire Department had issued a letter regarding the fire hydrant. Mr. Bischoff said Pattenburg Fire Company is the Township's primary Department. He suggested that a letter be elicited from the Pattenburg Fire Chief. Mr. Kirkpatrick said a condition of approval would be that the final location of the fire hydrant should be coordinated with Clinton and Pattenburg Fire Companies.

Mr. Hintz referenced his letter dated June 23, 2009, Section 6.1.8 pertaining to tree removal and caliper ranges of trees being from 6" to 12"s. He said applicant did not indicate if any trees proposed to be removed were greater than 12". Mr. Hintz said trees greater than 12" must be replaced. Mr. Kirkpatrick said a complete tree inventory would be required and replacements be provided, if required, as per the Tree Ordinance.

Mr. Hintz referenced Signage. Atty. Knox informed the Board that his client is no longer proposing a freestanding sign. Mr. Hintz said variances were required for two incidental and two directional signs. He had no objection to the variances. Mr. Kirkpatrick asked if additional variances would be required. Mr. Hintz said the machinery or equipment signs are not included in sign regulations. Applicant should provide testimony on those signs. Mr. Kirkpatrick thought there could be a notice issue. Atty. Knox said the Board has interpreted that kind of deviation as a waiver.

Mr. Hintz said the problem is that the sign ordinance was amended last year. Atty. Knox said there was a question as to whether a new stricter ordinance can be imposed on an application that has Preliminary approval. Atty. Knox asked to put that aside. It then needs to be determined if the issue is a design standard situation for which case a waiver would be required; or if it is a use or bulk variance issue. Mr. Knox believes it is a waiver issue. He does not believe that rules can be changed when an applicant has preliminary approval, unless there is a zone change. Atty. Anderson responded. He did not think that the sign waiver or variance falls within the general terms and conditions for which applicant has protection by their preliminary approval. Atty. Anderson said there are various new requirements including health and safety issues and signs may fall within that category. Mr. Anderson reemphasized that he did not see sign waivers or variances protected by preliminary approval. He was not convinced whether a waiver or a variance was required. Mr. Hintz addressed the issue. He said it relates to the two signs over the canopy. They are twice the size permitted by the current Sign Ordinance. The three-square foot incidental sign at the entrance to the drive-up does not comply with the Ordinance. A maximum of one-square foot is all that is permitted. Mr. Kirkpatrick asked if this matter could be addressed by providing a condition that applicant either modify the signage on the property to conform to the Sign Ordinance or seek waivers or a variance. Mr. Hintz replied in the affirmative. Mr. Kirkpatrick said he did not want the Board to get into a situation where an approval was granted when, technically, a variance was required.

Atty. Anderson said if applicant agrees to comply with the Sign Ordinance or make an application for anything that does not comply, then it is not an issue on the table at this time. Atty. Knox thought that was the best thing to do. He said if applicant feels strongly about relief they would return to the Board with proper notices provided. Mr. Hintz said relief would be for the clearance and drive-up signage. Mr. Hintz said applicant should provide information on the color of the roof shingles to his and the Board's office. He also asked that either samples of the bricks for the building or information from the manufacturer be sent to both his and the Board office and Zoning and State Code Officials. Payment of COAH Fees would also be included in a Resolution.

Mr. Kirkpatrick asked for comments from the Board and Public. There were none. He asked for a motion. Atty. Anderson stated the conditions. They are as follows: Access under canopy for trash truck/sanitation vehicle, by either moving the curb or changing plan to the satisfaction of the Township Engineer; Wall detail, as approved by Township Engineer; Carbonate Rock Checklist Phase II report, as requested by Township Engineer and to his satisfaction; Compliance with infiltration requirements either on-site or another mitigation method; Location of fire hydrant as directed by both Clinton and Pattenburg Fire Departments; Planning comments or conditions, Tree inventory, compliance with Ordinance if inventory indicates that is necessary; No free-standing sign is proposed or approved;

All signs will comply with Sign Ordinance or applicant will make separate application; Type and color of bricks and roof shingles subject to the Township Planner's approval; Subject to COAH Fee.

Mr. Ford made a motion to approve the application, subject to the above-listed conditions. Mr. Badenhausen seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Badenhausen, Mr. Bischoff, Mr. Nace, Mr. Kirkpatrick
Abstain: Mrs. Dziubek

Mr. Kirkpatrick announced the Board would take a recess. (7:40 p.m.)

Correspondence: Molnar: Block 12, Lot 13.01, 92 Route 173: For Board's Information **Gambony: Block 19, Lot 5.01, 737 Route 625:** Mayor Dziubek said Municipal Atty. Jost will be responding to that letter. **Olsen: Block 7, Lot 5a & Block 8, Lot 2.05, Polktown Road:** Mr. Olsen said the zoning of the lot would restrict the height of a dwelling that could be constructed. Mr. Kirkpatrick said a request for relief could be submitted to the Board. Mr. Kirkpatrick also said the zoning could be reviewed and consideration be given to revision.

Pilot Travel Centers LLC: Block 11, Lot 24.03, 68 Route 173 West: Atty. Anderson gave an overview of the situation. A quorum was not present for the Pilot Hearing. Mr. Anderson had spoken with Atty. Carlson about that matter. They also discussed the issue of the construction trailers that are on site. The Board had granted approval for the trailers until June 26, 2009. Attorneys Anderson and Carlson had discussed Pilot extending the time to act on the Traffic Modification to the Site Plan until July 9, 2009, as well as Pilot's request to further extend the presence of the trailers. Atty. Carlson will submit a letter to the Board requesting that the trailers be permitted to stay, without interference, until the Board hears the issue formally at the July 9, 2009 meeting. Atty. Anderson said it would be appropriate for the Board to make a motion to carry the Pilot Hearing until July 9, 2009, at which time both the Modification and trailer issue would be addressed. Mr. Kirkpatrick said that sounded very reasonable.

Mr. Ford made the motion, as stated by Atty. Anderson. Mr. Badenhausen seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Badenhausen, Mr. Nace, And Mr. Kirkpatrick
Abstain: Mrs. Dziubek, Mr. Bischoff

St. Catherine of Siena: Block 22, Lot 34.02, 142 Perryville Road: Mrs. Dziubek recused herself prior to the Hearing. She is a member of St. Catherine's. Atty. Salvatore DiFazio, representing applicant, gave a brief overview of the application. He said the Church is seeking Preliminary and Final Site Plan and Variance approval. Waivers will also be requested. Atty. Anderson swore engineer Paul Sterbenz, Planner Marla Roller and Father Peter Suhaka. Mr. Sterbenz presented his credentials. It was recommended by Township Engineer Smith that the Board accept them.

Mr. Sterbenz had prepared the Exhibits that were presented to the Board. The first Exhibit was a copy of Sheet 2 of 13 of the Site Plan. The Exhibit, which depicted existing site conditions, was marked A-1. The next Exhibit displayed, marked A-2, was Sheet 3 of the Site Plan. It was entitled Layout Dimension Plan. It shows what applicant plans to do if approval is granted. Mr. Sterbenz displayed the next Exhibit, marked A-3. It was Sheet 5 of the Plan. A-3 depicts the Grading and Disturbance Limits. Mr. Sterbenz presented a colored rendering of the Plan. Mr. Sterbenz said it is a hybrid of several sheets of the Plan. It was marked Exhibit A-4. It contains Grading and Landscaping plans. A series of twelve Photographs showing the parking area of the existing Church on Pittstown Road was marked Exhibit A-5. That Exhibit shows the problems there and should justify the requested parking variance.

Mr. Sterbenz displayed a Site Plan of Our Saviour Lutheran Church, the previous occupant of the subject property. It was marked Exhibit A-6. Mr. Sterbenz presented an overview of A-6. He said banked parking was shown on that Exhibit. Mr. Sterbenz said the Plan before the Board is vastly improved over the one that was approved for the Lutheran Church.

Mr. Sterbenz told the Board that St. Catherine's had purchased the property in 2008. He said improvements have been made to the building and the application before the Board is to request additional parking. He said a church is a conditional use in the VR District. A bulk variance is sought for impervious surface coverage. The design waivers being sought include parking in a front yard setback and grading criteria. The building is centrally located on the property. Parking exists southwest of the building close to Perryville Road and the Municipal Building. There are forty-eight parking stalls. One driveway provides ingress and egress. Traffic moves in a counter-clockwise direction. Mr. Sterbenz said the driveway radius is very tight. The driveway is approximately 240 feet north of the access to the Municipal Complex. Applicant does not plan to expand the building. Mr. Sterbenz said the sidewalks and parking lot show signs of wear and tear.

Mr. Sterbenz said applicant proposes adding ninety-six parking stalls to the forty-eight existing spaces. Seventy-one of the stalls would be built immediately and twenty-five would be banked for future needs, at the discretion of the Church. Mr. Hintz stated in his letter dated June 17, 2009 that proposed parking far exceeds that which is allowed by Ordinance. Mr. Sterbenz said the Ordinance states there shall be one stall for every four seats. The Church is proposing two-hundred and eight-eight seats. Applicant would not be able to meet its needs and conditions would be unsafe if parking complied with the Ordinance. Mr. Sterbenz said there are two masses on Saturday and four on Sunday. Mr. Bischoff noted that the sign in front of the facility says it is a Parish House, as opposed to a Church. Mr. Sterbenz said it is a Parish Center. He also said masses would be held at the site. Mr. Sterbenz said four masses would be held there. One mass will be held at the Pittstown Road site. Mr. Sterbenz said the Church must report attendance to the Diocese every November. Last year the count averaged nine-hundred and ninety-three persons per weekend. The present Church has approximately one-hundred and eighty two seats.

Approximately 66 of those seats are downstairs where persons can participate in the mass by watching it on a screen. Atty. DiFazio asked the Board to review the photographs, which show the parking situation at the existing Church. Mr. Kirkpatrick said the proposed use of the facility is considerably different from what he recalled was described earlier. He understood the facility would be mainly used as a Parish Center rather than moving the majority of the masses to the site. Mr. Kirkpatrick indicated that traffic generated would be much different with the two uses. He noted the facility is directly across from the Elementary School and the School also has weekend events. A mass at either 4:00 p.m. or 5:30 p.m. on Saturday is proposed for this site. Masses will be held on Sunday at 9:15 a.m., 10:30 a.m. and 11:45 a.m. The last mass should end by 12:45 p.m. The only mass that will be held at the Pittstown location is scheduled for 8:00 a.m. on Sunday. Mr. Kirkpatrick reiterated that he understood the site would be a Parish Center and the majority of masses would not be moved to the site. Mr. Sterbenz said he was not involved with earlier discussions. Mr. Ford asked the number of seats at the new facility. Mr. Sterbenz said 288 are proposed. Mr. Ford said that would be approximately 100 more seats than St. Catherine's has at the present. Initially, 71 parking stalls are proposed in addition to the 48 existing spaces. Applicant also proposes 25-banked parking stalls for future needs. Mr. Bischoff asked other uses for the Center besides masses. He was told that Father Suhaka could answer that question.

Mr. Sterbenz said applicant proposes improvements to the existing parking lot to allow greater ease for vehicles to traverse in and out of the facility. The driveway that provides access to the site will be widened. A new driveway that is approximately 170 south of the Elementary School will exit onto Perryville Road. Sixty-seven parking stalls are proposed along the new driveway. Five of the stalls will be for handicapped parking. Twelve stalls will be banked. Atty. DiFazio asked Mr. Sterbenz if he had done a study of the percentage of people who come to the Church from Franklin Township as opposed to Union Township. Mr. Sterbenz said he had not. Mr. Kirkpatrick said that was irrelevant to him. Mr. Sterbenz addressed Mr. Hintz's letter dated June 17, 2009 relating to impervious surface coverage. The Ordinance allows 15% coverage; proposed is 22.4%. Mr. Sterbenz said that comprises all coverage and includes a right-of-way that will be dedicated to Union Township. Mr. Sterbenz responded to Mr. Hintz's concerns about parking. He said the Parish would need the proposed number of parking spaces. Mr. Sterbenz said parking on the north side of the property would not be appropriate because of the adjacent age-restricted community that has been approved. He also mentioned the Church has outdoor activities that would be impacted by parking in that area. Mr. Bischoff asked about the activities. Mr. Sterbenz said there is an annual picnic in September and Vacation Church Camp is held for two weeks during the summer. Mr. Sterbenz said most of the existing trees along Perryville Road will be preserved and additional landscaping will be provided to help conceal front yard parking.

Mr. Sterbenz addressed Mr. Hintz's recommendation that applicant consider a footpath between the easterly parking lot and the Municipal parking lot, as well as to the age-restricted development. Applicant was not amenable to that recommendation. The discrepancy in the Natural Resource Calculation table would be clarified. Trash enclosures will not be required since garbage would be kept inside and transported to the curb or off-site. Mr. Bischoff asked about recycling. Father Suhaka will address the recycling issue. Mr. Sterbenz said Planner Marla Roller would address landscaping and lighting issues. There will be no change to the existing signage.

Mr. Sterbenz said he would address most of the items in Engineer Smith's letter dated June 5, 2009. He said revisions will be made to the Site Plan and Drainage Report and would accept them as a condition of approval. Mr. Sterbenz said curbing would be minimized for storm water and compatibility reasons. He said curb stops will be provided. Applicant seeks additional time for their installation since volunteer help will be sought for that project (perhaps an Eagle Scout Project). Mr. Smith did not object to the additional time. He also had no objection to the Board waiving curbing for the northerly access drive since storm water is managed appropriately on the site. Mr. Sterbenz said the timber guide rail near the detention basin would be labeled on the Plan.

Mr. Sterbenz explained that because of the steepness of the existing parking lot a handicap accessible ramp would not be a good idea. Mr. Sterbenz said some of the existing sidewalk would be removed. He understood that Pattenburg Fire Company had no problems with the proposal. Mr. Sterbenz said driveways would have two-way traffic. Mr. Kirkpatrick asked if there had been a traffic analysis showing how driveways would interact with Elementary School and Age-Restricted Development driveways. He also asked confirmation that 144 parking spaces are proposed and there will be a total of four masses on Sunday. Mr. Sterbenz said there would be three masses on Sunday and one on Saturday evening. Twenty-five of the parking spaces will be banked. Mr. Kirkpatrick said there would be over nine-hundred vehicle trips. He was concerned that there had been no traffic analysis. Mr. Kirkpatrick was assured that if the Board feels it is necessary, an analysis will be provided. Mr. Kirkpatrick voiced a concern about clearing of the under story of trees on the site within the past three years. Mr. Sterbenz believes applicant has addressed storm water requirements.

Mr. Sterbenz explained that in order to comply with Ordinance requirements for impervious surface coverage, applicant would have to eliminate the proposed second driveway, driveways would have to be narrower in the new parking area and only sixty-six parking stalls would be allowed. Mr. Sterbenz provided testimony as to how the MLUL would be advanced by deviation from the Zoning Ordinance. He also said the proposed improvements would be in accordance with the Master Plan (MP). Mr. Kirkpatrick asked if there was anything in the MP that encouraged pedestrian circulation. Mr. Sterbenz said he did not see anything. Mr. Kirkpatrick said that generally the Township would encourage people to walk to facilities within the Town Center. Atty. DiFazio asked if that would be realistic, given the demographics of the Township and the Parish.

Mr. Hintz referenced Mr. Sterbenz' earlier testimony about overflow parking problems at the Church in Franklin Church. He recommended that additional landscape islands be provided at this site to discourage inappropriate parking. Marla Roller will address Mr. Hintz's concern. Atty. DiFazio referenced the Union Township Land Use Code, specifically Traffic Impact Studies. He said applicant does not fit any of the Criteria. Hence, no traffic study was done. Mr. DiFazio said an attempt to perform a study will be made prior to the next meeting. Mr. Sterbenz said the proposal addresses visual impact by saving of trees. Mr. Kirkpatrick asked if there had been a viewscape analysis of surrounding areas. Ms. Roller will address that issue. Mr. Sterbenz emphasized the benefits of the proposal. Mr. Kirkpatrick asked about runoff calculations. Applicant will research the matter and provide further information to the Board. Atty. DiFazio referenced the second driveway. He said the Board had suggested the second driveway at a concept meeting. Mr. DiFazio said applicant has no problem with eliminating that driveway. Elimination of that driveway would remove .09 acres of impervious surface coverage.

Atty. DiFazio asked Father Suhaka to provide testimony on the use of the facility. Atty. Anderson swore Father Suhaka. He said the facility was called a Parish Center rather than an Annex because of the growth of the Parish. There are approximately nine-hundred families. The present facility is too small. The Volunteer's Ministry and Boy Scouts have already used the subject property. The goal is to build a permanent Church on White Bridge Road in Franklin Township and keep this site as a Parish Center. Father Suhaka said the proposal before the Board is a temporary measure. Mr. Kirkpatrick asked about other activities proposed for the site, as well as the hours. Father Suhaka said Church offices are located at the Center and are utilized during daylight hours. He said classes meet at Delaware Valley High School and a Family Program meets at the Union Township Middle School. Small groups of young people meet at the Center once a week and a High School Ministry meets on Sunday. Between eighteen and forty students attend. Activities would be over by 8:30 or 9:00 p.m. There are no plans to have carnivals or bingo.

Geologist Robert Zelle presented his credentials. The Board accepted them. Mr. Zelle said he had received a letter in response to his report of March 2009. He had asked for a waiver from the Ordinance requirement to do well log research within a half-mile radius because the site is not in a limestone area. The Township Geologist denied that request. Mr. Zelle will provide the requested information for the next meeting. The Hearing was adjourned, without further notice, until the next regular meeting to be held July 23, 2009.

Motion to Adjourn: Mr. Ford made the motion to adjourn. Mr. Badenhausen seconded the motion. (10:15 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary