

September 27, 2012

Mr. Kirkpatrick called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Open Public Meetings Act Notice: I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated January 19, 2012, as published in the Hunterdon County Democrat and the Courier News. A copy of the notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Clerk.

Members Present: Mr. Bischoff, Mr. Hirt, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen, Mr. Ryland, Mrs. Dziubek, Mr. Kastrud, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Walchuk

Others Present: Atty. Jolanta Maziarz, Tom Decker, Atty. Michael Cresitello, Rick Roseberry, Peter Streletz, Atty. Joseph Novak, Stephen Risse, Brian Plushanski, Atty. Walter Wilson (8:10 p.m.) Rev. Barbara Hoffman, Tammy Williams, Gerry Moore

Approval of Minutes: Mrs. Dziubek made a motion to approve the minutes of the August 9, 2012 meeting, as amended. Mr. Ford seconded the motion.

Vote: Ayes: Mrs. Dziubek, Mr. Ford, Mr. Hirt, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen

Abstain: Mr. Bischoff, Mr. Ryland, Mr. Kastrud, Mr. Kirkpatrick

Ikaria, Inc. Block 13, Lot 6, 53 Frontage Road, Perryville Corporate Park: Memorialization of Resolution: Mr. Hirt made a motion to memorialize the Resolution. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Hirt, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen, Mrs. Dziubek, Mr. Ford

Pattenburg Quarry Solar Project: Block 1.08, Lot 23, County Route 614: Issue of Completeness: Preliminary and Final Site Plan/Use Variance: Mr. Kirkpatrick noted there were numerous deficiencies in the application and no mention of off-site impact. He made a motion to deem the application incomplete. Mr. Ford seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Ford, Mr. Bischoff, Mr. Hirt, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen, Mr. Ryland, Mrs. Dziubek

P.S. Construction/Rolling Hills Estates: Block 22, Lot 27, 22 Race Street: Issue of Completeness: Final Major Subdivision: Atty. Michael Cresitello was present on behalf of applicant. Mr. Cresitello said reports from Planner Hintz and Engineer Roseberry had been received and reviewed. As per Mr. Hintz's report dated September 26, 2012, applicant has agreed to apply for any bulk variances required to construct two affordable housing units on the previously approved three-lot subdivision, also Block 22, Lot 27. P.S. Construction is the owner of the three lots.

The application must be made by December 5, 2012, in accordance with the Resolution of approval dated May 22, 2008. Atty. Cresitello said Mr. Roseberry's letter dated September 25, 2012 identified a number of checklist items that could be waived since they were previously submitted and reviewed. Mr. Cresitello requested a waiver from submission of As-Built Plans at this time. He asked that be addressed as a condition of approval. Atty. Cresitello said copies of Covenants, Deed Restrictions and Easements had been submitted in 2006 and, therefore, a waiver was requested. Mr. Roseberry indicated he would review his files regarding those submissions. He had no objections to granting waivers applicable to the Preliminary approval. Mr. Roseberry noted that improvements have been installed and As-Built Plans would be premature at this time and said a waiver could be granted. He said the Board could proceed with the Hearing; however, a Cost Estimate should be provided. Mayor Bischoff said the Resolution states that applicant must receive prior written approval from the Township Committee for the off-site affordable units. Atty. Cresitello said that was identified in Mr. Hintz's report; however, the condition imposed on applicant was to file for the variances by December 5, 2012. Applicant would request approval from the Committee. The affordable units are to be built and certificates of occupancy issued prior to issuance of the eighth building permit for the market rate dwellings.

A motion to deem the application complete, providing the additional information requested was received within five days of the Hearing, was made by Mr. Ryland and seconded by Mr. Hirt.

Vote: Ayes: Mr. Ryland, Mr. Hirt, Mr. Bischoff, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen, Mrs. Dziubek, Mr. Ford, Mr. Kirkpatrick

Perryville Centre LLC: (Members Brian and Michelle Plushanski) Block 12, Lot 9, 78 Route 173 West: Amended Preliminary and Final Site Plan with Confirmation of Variances/Existing Site: Issue of Completeness: Atty. Joseph Novak, representing Perryville Centre, gave an overview of the application. Preliminary approval had been granted to E.J. Foley in 1989 for a Caterpillar Showroom, Offices, an Outside Display and a garage to service equipment. The site was dormant for an extended period of time. Mr. Novak said the Plushanskis purchased the property and constructed the Centre for which Permits and Certificates of Occupancy were issued. The Centre has been occupied for six years. However, Final Site Plan approval had not been granted and various occupants have leased space. Brian Plushanski's Construction Company occupies most of the Centre. Applicant had been told to submit an Amended Preliminary and Final Site Plan application that would include any changes made from the granting of Preliminary approval, determine which Standards should apply and any additions to the site. Water management on the site was an issue. It has been determined that additional water retention measures are not necessary. Owners have removed areas of impervious surface coverage and now comply with what was approved for E.J. Foley regarding water management.

Atty. Novak said applicant had received reports from Messrs. Clerico and Hintz, dated September 26, 2012. Mr. Novak asked to address the issue of completeness. Applicant's Engineer Stephen Risse and Managing Member Brian Plushanski were asked to come forward.

Atty. Maziarz emphasized that no testimony could be given since this is a completeness issue. Atty. Novak said Mr. Clerico indicated waivers that could be granted for several checklist items, as well as granting temporary waivers for certain items for completeness. Waivers requested include Site Capacity Calculations. Applicant requests a waiver because the site is developed and they propose a 2,000 square foot (sf) addition in an area that is impervious. The addition would increase the Maximum Building Coverage for which a variance would be required. Applicant requests a waiver from Provision of Topography within 200 feet of property. A temporary waiver was requested from providing a Soil Erosion and Sediment Control Plan. Applicant should obtain HCSCD Certification regarding disturbance at the site. A waiver from submission of an E.I.S. was requested because the site is mostly developed. An As-Built Plan would be submitted and approved prior to sign-off of the Final Site Plan.

Mr. Risse apprised the Board of revisions that have already been made to the Plan in response to Mr. Clerico's letter and will be made as a result of Comments from the Board tonight.

A motion to deem the application complete, granting waivers for Site Capacity Calculations, Topography within 200' of property boundaries, an E.I.S. and an As-Built Plan and temporary waivers for the Soil Erosion and Sediment Control Plan, a copy of the Deed and a L.O.I., was made by Mr. Badenhausen and seconded by Mrs. Corcoran. The Deed, L.O.I. and Soil Erosion and Sediment Control Plan must be submitted to Mr. Clerico and the Board office within five days.

Vote: Ayes: Mr. Badenhausen, Mrs. Corcoran, Mr. Bischoff, Mr. Hirt, Mr. Nace, Mr. Ryland, Mrs. Dziubek, Mr. Ford, Mr. Kirkpatrick

The Public Hearing for Perryville Centre LLC will be held at the October 11, 2012 Workshop, if required information is received.

Correspondence: None

Comments from the Public/Other Discussion: North Hunterdon United Methodist Church (Norton Block 5, Lot 6, 51 Route 635/Charlestown Road): Rev. Barbara Hoffman was present on behalf of the NHUM Church. The Church is under contract to purchase the residential dwelling which is adjacent to the Church property. It is proposed to use the dwelling for a parsonage. Rev. Hoffman noted the limited parking area for the Church and its Thrift Shop. She asked if the properties could be joined and if parking could be expanded to utilize the acquired property and how they could get approval. Mr. Kirkpatrick advised Rev. Hoffman to make an application to the Zoning Officer. He would advise as to whether a variance or variances were necessary. Mr. Kirkpatrick also told Rev. Hoffman to seek the advice of professionals prior to contacting the Zoning Officer, since the property is in the Highlands Preservation Area and they have stringent regulations. Rev. Hoffman thanked the Board for their time.

Celldex: Block 23, Lot 2.04, 6 Route 173 (Former Premiere Development/Ikaria Building): Tibor Keler, was present on behalf of Celldex Therapeutics. Mr. Kirkpatrick said that a corporation must be represented by an attorney. Mr. Keller said he understood this would be a very informal discussion.

Mr. Keler said Celldex is a bio-technology company currently located in Phillipsburg, N.J. He said Celldex hopes to purchase Block 23, Lot 2.04 and utilize the building for offices, plus a research laboratory that would include testing on mice. The previous occupant used the property for office use. Mr. Keler had applied to the Zoning Officer just recently; however, he had not had a response. Mr. Kirkpatrick said the Zoning Officer had to make a decision as to whether the use was permitted. If the Zoning Officer determines it is not permitted, then an application for a variance should be made to this Board. If the Zoning Officer determines it is permitted, a permit would be issued and Celldex could proceed with their proposal. Mr. Kirkpatrick recalled the building was approved for 50,000 sf, built for 60,000 sf, with the provision that the 10,000 sf would not be occupied until additional parking was constructed. Mr. Kirkpatrick said Mr. Keler should discuss the proposed use with the Zoning Officer to find out if it conforms with the terms of the Resolution.

Atty. Walter Wilson, representing Pattenburg Quarry, apologized for being late. He understood the Board had deemed the application incomplete. Mr. Wilson had a question about establishing the Municipal Boundary Line with Bethlehem Township, as noted in Mr. Clerico's letter dated September 24, 2012. Mr. Clerico said the application should be deemed incomplete, unless the Boundary was located and monumented. Atty. Wilson indicated he would like to see that as a condition of approval. Mr. Decker thought that would be appropriate. He will confer with Mr. Clerico about the matter. Mr. Kirkpatrick referenced the E.I.S. He said the chief component of the E.I.S. is identifying the offsite impact. Atty. Wilson said relevant information would be submitted.

Motion to Adjourn: A motion to adjourn was made by Mrs. Corcoran and seconded by Mrs. Dziubek. (8:20 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary