UNION TOWNSHIP PLANNING BOARD

MEETING

MAY 26, 2016

Before the regular meeting commenced, the Board held its conference meeting for consideration regarding 2184 Morris Realty, LLC, for a site plan waiver. Stephen F. Hehl, Esq. appeared for the applicant Mr. Hehl advised that the matter had been heard by the Board in June of 2015 for renovation of the premises and received a Resolution of Approval. He advised that the plans at the time were to have a partial demolition of the existing structure and an addition to the rear of the building. He advised that the applicant fully intended to leave the existing first floor of the building essentially in place and construct the various improvements. During the construction process, it was determined that the walls of the structure were in extremely poor condition being rotted and severely damaged by termite infestation. He stated that a portion of the walls collapsed during the work. This necessitated removal of the walls to insure proper construction. The foundation and first floor will remain and will be the basis for the addition. He had photographs of the building which he gave to the Board. He was asking the Board to be permitted to continue with the reconstruction of the building. The final building will look the same as the elevations that were given to the Board, except for the fact that a more significant portion of the building would have to be reconstructed. Mr. Hehl then called Norman Schroeder as a witness to testify. He also advised that the building was rotted and had termite damage. He advised that with the new building, it will be a lot stronger and a lot better. He advised that he purchased the building one year ago. He advised when they bough the building, they did not see any damage. He advised that the new building will look the same as the plans that the Board approved. On the interior studs will be new.

It should be noted that as thewitness testified, he was referring to the pictures attached to the letter given to the Board dated May 24, 2016. The Board then gave its approval to make the final repairs. All members present were in favor.

The Township of Union Planning Board held its regular meeting on May 26, 2016, pursuant to the Sunshine Law of the State of New Jersey, at 7:00 p.m., in the Municipal Building, 1976 Morris Avenue, Union, New Jersey. Present were Morrison, O'Hara, Bowser, Perkins, Moyer, Rev. Starling, Guerra-Frazier, Louis and Delisfort. Absent were Florio, Mayor Figueiredo and Cantalupo. Also present was Robert J. Pansulla, Esq., Special Counsel to the Board on the Lidl U.S. Operations, LLC, and Diane U. Dabulas, Esq., on behalf of the absent Daniel McCarthy, Esq., Philip A. Haderer, Assistant Township Engineer, on behalf of the absent Josepy R. Venezia, Township Engineer, and Diana Rutledge, Clerk.

Mr. Morrison asked, at this point, that Philip A. Haderer, Assistant Township Engineer for the Township, be sworn by the Court Reporter in the event he needed to give testimony or comments to the Board during the meeting.

Mr. Morrison then asked for a motion to approve the minutes of April 29, 2016. Ms. Perkins then made a motion to approve the minutes of that meeting which was seconded by Rev. Starling. On the vote: Guerra-Frazier, abstain; Morrison, yes; Moyer, yes; O'Hara, yes; Perkins, yes; Rev. Starling, yes; Bowser, yes;and Louis, abstain

The next matter to come to the attention of the Board was Application 2005-14, RT Sales, 1675 Route 22 West for a one year extension. Mr. Moyer then made a motion to approve the application which was seconded by Mr. O'Hara.

On the vote: Guerra-Frazier, abstain; Morrison, yes; Moyer, yes; O'Hara, yes; Perkins, yes; Rev. Starling, yes; Delisfort, abstain; Bowser, yes; and Louis, abstain. The next matter to come to the attention of the Board for Resolution of Approval was Application for an Ordinance Amending Chapter 170, Article XIIC, UCBD District, Residential Zoning Requirements for Mixed Use Development. Mr. Moyer then made a motion that the Resolution of Approval be granted, which was seconded by Mr. O'Hara. On the vote: Guerra-Frazier, abstain; Morrison, yes; Moyer, yes; O'Hara, yes; Perkins, yes; Rev. Starling, yes; Delisfort, abstain; Bowser, yes, and Louis, abstain.

The next matter to come to the attention of the Board was Application No. 2016-02 (UTP0028), Lidl U.S. Operations, LLC for major site plan and variance. Stephen F. Hehl, Esq. came forward on behalf of the applicant. Mr. Hehl was requesting that the matter be carried to the June 23, 2016 meeting. He advised that the applicant was making some revisions to the plans to address some of the comments from the Board and the professionals. He advised the plans will be submitted very shortly, so that the Board and the professionals will be able to review them before the meeting. He asked that no further notice be given and that he would grant any extension of time necessary. Mr. Pansulla, Special Counsel to the Board, advised that the time constraint time had not arrived, but acknowledged the offer by the applicant. The Board then adjourned the matter to June 23, 2016.

The next matter to come to the attention of the Board was Application 2016 (UTP) 030, Jans Realty Urban Renewal, LLC for minor site plan. He advised that the applicant abuts Springfield within 200 feet and that the applicant hasn't gotten the list yet, so appropriate notices couldn't be sent out. Mr. Hehl asked that the matter be adjourned to June 23, 2016.

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The next matter to come to the attention of the Board was Application No. 2016-04 (UTP-029, KCL Union, LLC for minor subdivision and variance. Stephen F. Hehl, Esq. came forward on behalf of the applicant. Mr. Hehl gave overview of the application and that he would be calling two witnesses. Mr. Hehl then called Yauhong Cheung, an architect, to testify. He gave his qualifications and was accepted to testify. He advised that the tract consists of four lots, The applicant seeks to subdivide the consolidated lots, creating two new lots for construction of two-two family homes. They will be modern duplex-styled homes, with three bedrooms. He advised there will be Building A and Building B. They will be constructed on oversized lots and will be compliant with the building setback, building coverage and impervious coverage requirements. The duplex homes will be three story and slightly higher than 35 feet. He advised that a variance is required because of the building height and number of stories. He introduced or presented seven Boards showing the floor plans and the proposed buildings. He advised that there will be a garage on the first floor along with storage, laundry and utility rooms. Living space will be on the second and third floors. Each units were explained by the witness using his exhibits. Each duplex will have three bedrooms and two bathrooms. The units will be side by side. He described what will be put on the outside of the buildings and a 5 on 12 roof. The applicant is proposing four parking spaces for the homes; four for each. A detention facility will hold the water from both lots. After several clarifying questions by the Board, Mr. Morrison opened the witness to the public for cross-examination on the testimony given and no one came forward to question the witness. Mr. Hehl then called James R. Watson who is a land surveyor and professional planner to testify. He gave his qualifications and was accepted to testify. He advised the new lots will have two duplexes on them. He described the property in question and also the surrounding area. He described several sheets of the plans to the Board. He advised there will be room for two cars outside and one car inside.

He advised new curbcuts will be put on Arcadia Avenue and Sophia Avenue. Two storm water management facilities will be placed for collecting water from the roof leaders. A detention facility will be built. There will be four units in each building. He advised that the applicant would erect a fence if the Board required, but instead the Board preferred landscaping to a fence. He also advised that new sidewalks will be built. He advised that the applicant would adhere to the comments of the Township Engineer. The witness advised there will be special soundproof insulation installed in the homes. Mr. Haderer will review the landscape plan when it is presented. As to the planning testimony, he talked about the positives and negatives of the application. He gave his opinion that the proposed use would fit into the neighborhood. He felt this project would help the Township and the Master Plan and the zoning ordinance. He concluded that the positives of this application far outweigh any negatives. He also concluded that granting the variance will not have any detrimental effect on the zoning ordinance or Master Plan. After several questions by the Board, Mr. Morrison then opened the witness for cross-examination on the testimony given and no one came forward to question the witness on the testimony given. Mr. Hehl then advised he had no further witnesses. Mr. Morris then asked for public comments and no one came forward to testify for or against the application. Mr. Hehl then gave a brief summation asking that the Board grant the application. Mr. Morrison then asked for a motion and Ms. Guerra-Frazier then made a motion to grant Application 2016-04, KCL Union, LLC for minor subdivision which was seconded by Mr. O'Hara, with the stipulation that the motion would be subject to the landscaping plan being submitted by the applicant for engineering approval and also the addition of the Special Sound Insulation. On the vote: Guerra-Frazier, yes; Morrison, yes; Moyer, yes; O'Hara, yes; Perkins, yes; Rev. Starling, yes; Delisfort, abstain; Bowser, yes; and Louis, yes.

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The next matter to be taken up by the Board was the area in need of Rehabilitation Resolution. Mr. Haderer addressed the Board and stated that in 2011, The Township Committee deemed a rather large section of the downtown area in need of rehabilitation. The proposal in front of the Board this evening is to include three additional lots within that same block, naming it as an area in need of rehabilitation in order to facilitate the further development of the downtown area. He advised that that is theproposal in front of the Board for their consideration. Mr. Haderer advised the Board that there should be a motion to declare this area in need of rehabilitation, which are three lots; Lots 27, 28 and 29 in Block 2903. Mr. O'Hara then made a motion that the Board approve the request to declare Lots 27, 28 and 29 as an area in need of Rehabilitation, which was seconded by Rev. Starling. On the vote: Guerra-Frazier, yes; Morrison, yes; O'Hara, yes; Perkins, yes; Rev. Starling, yes; Delisfort, yes; Bowser, yes; and Louis, yes.

There being no further business to come to the attention of the Board, Ms. Perkins made a motion to adjourn which was seconded by Ms. Guerra-Frazier. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Diana Rutledge

DIANA RUTLEDGE,
CLERK OF THE BOARD