UNION TOWNSHIP PLANNING BOARD

MEETING

JULY 28, 2016

The Township of Union Planning Board held its regular meeting on July 28, 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, Perkins, Rev. Starling, Delisfort, Bowser and Guerra-Frazier. Absent were Cantalupo, Florio, Mayor Figueiredo and Louis. Also present were Robert J. Pansulla, Esq., Special Counsel to the Board on the Lidl U.S. Operations, LLC, and appearing for the absent Daniel McCarthy, Esq., Board Attorney; Joseph Venezia, Township Engineer, Jason A. Cline, Engineer, for the Lidl matter and Diana Rutledge, Clerk.

Mr. Morrison then asked for a motion to approve the minutes of the June 23, 2016 meeting. Mr. O'Hara then made a motion to approve the minutes of that meeting which was seconded by Ms. Perkins. On the vote: Guerra-Frazier, abstain; Morrison, yes; O'Hara, yes; Perkins, yes; Delisfort, yes; Bowser, abstain.

Mr. Morrison asked, at this point, that Joseph R. Venezia, Township Engineer, be sworn by the Court Reporter in the event he needed to give testimony or comments to the Board during the meeting.

The next matter to come to the attention of the Board was Application 2016-06, City MD Urgent Care for Resolution of Approval. Ms. Perkins then made a motion that Application 2016-06, City MD Urgent Care be approved, which was seconded by Mr. O'Hara. On the vote: Guerra-Frazier, abstain; Morrison,yes; O'Hara, yes; Perkins, yes; Delisfort, yes.

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The next matter to come to the attention of the Board was Application 2016-07, Russo Acquisition, LLC, for minor subdivision. Christopher H. Minks, Esq., came forward on behalf of the applicant. Mr. Minks gave the Board an overview of the application and called Douglas Bartels, A professional engineer, to testify. Mr. Bartels gave his qualifications and was accepted to testify. Mr. Bartels advised that the applicant was seeking minor subidvision for a lot line adjustment, transferring 3,596 acres from Lot 2 to Lot 4.0201, resulting in 40,392 acres in Lot 2 and 13,033 acres in Lot 4.0201 for a total of 53,425 acres. He advised that the applicant also seeks bulk "c" variances for parking setback violations along the west end of Lot 4.0201, and an increase in impervious coverage for Lot 2 from 80.6% to 81.7%. He also submitted two exhibits from which he testified. He also enumerated other variances which were needed. He advised that nothing is proposed for this application physically. He advised all the buildings on the property will be demolished within one year. Upon compliance, all variances except for the parking variances, will be mitigated. He advised that the applicant will comply with the comments of the Township Engineer. He advised there will be no impact on the Historic Overlay District by the development. He advised that a Redevelopment Plan for this property will comd before the Board in the near future. After no 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. Minks then waived his summation and Mr. Morrison then asked for a motion. Ms. Guerra-Frazier then made a motion that the Board grant Applicant 2016-07, Russo Acquisition, LLC for minor subdivision, which was seconded by Mr. Bowser. On the vote: Guerra-Frazier, yes; Morrison, yes; O'Hara, yes; Delisfort, yes; Bowser yes. It should be noted that Ms. Perkins abstained from sitting on the case and recused herself from hearing the matter.

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The next matter to come to the attention of the Board was Application 2016-05, Jans Realty Urban Renewal, LLC for major site plan. Corey Klein, Esq. came forward on behalf of the applicant. Mr. Klein then called Robert Coriell, a land surveyor and professional planner, to testify. Mr. Coriell gave his qualifications and was accepted to testify. Mr. Coriell advised the Board that the applicant is seeking minor site plan approval for the storage of vehicles and equipment associated with a landscaping business on Lot 42.01. Mr. Coriell described the property in question. He also submitted an exhibit from which he testified. He described that none of the storage will be in the flood zone or floodway. He advised that the storage of vehicles could be there for days or overnight. He advised there will be fence around the property for security. He advised if the application were approved, the applicant must apply for a Jurisdictional Determination from the NJDEP for the proposed use within a Flood Hazard area. He advised if the NJDEP does not require a Flood Hazard area permit, then the applicant shall apply for a Development Permit from the Township. He advised there will be no lighting installed. He advised that no heavy equipment will be stored on the property. There will be no storage of materials on site. After several clarifying questions by the Board, Mr. Morrison opened the witness to the public for questioning on the testimony given and no one came forward to question the witness. Mr. Klein stated that the applicant might be interested in doing some temporary storage of materials in addition to the vehicles. No gasoline will be stored but things like mulch, and they will be stored securely. He also advised there would be a eight foot fence and nothing will be stored above the top of the fence. Mr. Morrison then asked for a motion and Mr. Bowser moved that Application 2016-05, Jans Realty Urban Renewal, LLC for minor site plan be granted, which was seconded by Ms. Guerra-Frazier. On the vote: Guerra-Frazier, yes; Morrison, yes; O'Hara, yes; Perkins, yes; Delisfort, yes; Bowser, yes.

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The next matter to come to the attention of the Board was Application 2016-02, Continuance of Lidl U.S. Operations, LLC for major site plan. It should be noted that Rev Starling entered the meeting at this point, Mr. Stephen F. Hehl, Esq. came forward on behalf of the applicant. He advised that the matter was heard in April and that the Board adjourned the matter to await comments from the Fire Department and Police Department. He also advised the applicant had revised its plans and that the applicant would comply with the comments of the Township Engineer. It should be noted that Jason A. Cline, Engineer, was sitting on the matter in place of Joseph R. Venezia, Township Engineer. He advised that only two variances were needed in regard to signage and lighting. Mr. Hehl then called Benjamin Crowder who took the Board through the revised site plan and the changes that were made. The new site plan was marked A-8 in evidence. He advised the applicant was in agreement with the comments of the Fire and Police Departments. He advised the new plans shift the store 47 feet to the south towards Route 22. He advised parking will be eliminated in the front yard. He advised the parking spaces will be 10 x 20 and not 9 x 20. He advised that 183 parking spaces will be provided when 180 are required. He advised of the changes to the driveways. He advised that the free-standing sign will be shifted to the southeast corner of the site. He also advised that the above ground stormwater basin will be shifted toward the rear property line. He stated that the applicant would comply with the comments of the Township Engineer. He advised a six foot board-on-board fence will be at the northern property line. He discussed some of the comments of the Township Engineer with the Board. He advised the applicant will be supplying more green space with the proposed new development. An above ground detention system will also be installed. These plans will be provided to the professionals for their review. 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 on the testimony given.

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Mr. Hehl then called Corey Chase, a traffic engineer, to testify. Mr. Chase testified that there will be a discount supermarket located on Route 22. It includes the construction of a 34,094square foot discount supermarket with access provided via one right-in/right-out driveway and one right-out only driveway on Route 22 westbound. He advised there will only be one and a halfcurbcuts as part of the development. He did traffic counts which were in a report that was submitted to the Board members. He advised the applicant would comply with the comments of the Township Engineer. After several clarifying questions by the Board, Mr. Morrison opened the witness for cross-examination on the testimony given and Jack Arseneault, Esq. came forward representing Supermarkets General to cross-examine the witness on the testimony given. Mr. Arseneault thoroughly examined the witness on the testimony given. No one else came forward to examine the witness. Mr. Hehl then called Christine Nazzaro-Cofone, a professional planner, to testify. She advised the Board that with the changes, the application has become more conforming. She felt the variances could be granted and that the applicant has met the statutory burden of proof for the grant of those variances. She advised that safety benefits would result in additional lighting which will be supplied. She further advised the Board that the Board could grant the variances without any substantial detriment to the public good, or the zone plan of the Township. Mr. Morrison opened the witness for cross-examination on the testimony given and no one came forward to question the witness. Mr. Hehl advised he had no further witnesses. Mr. Morrison then asked for comments from the public and no one came forward to testify for or against the application, from the public. Mr. Hehl then gave a brief summation urging the Board to grant the application. Mr. Morrison then asked for a motion and Ms. Perkins then made a motion to approve Application 2016-02, for major site plan, which was seconded by Mr. O'Hara.

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On the vote: Guerra-Frazier, abstain; Morrison, yes; O'Hara, yes; Perkins, yes; Rev. Starling, yes; Delisfort, abstain; and Bowser, yes.

There being no further business to come to the attention of the Board, Mr. O'Hara then made a motion to adjourn which was seconded by Ms. Guerra-Frazier. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Diana Rutledge

DIANA RUTLEDGE,
CLERK OF THE BOARD