

**Alexandria Township
Land Use Board
Reorganization & Regular Meeting Minutes January 16, 2020**

Phil Rochelle called the reorganization meeting of the Alexandria Township Land Use Board to Order at 7:30 pm. The meeting was duly noticed.

MEMBERS PRESENT: Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola

MEMBERS ABSENT: Tucker, Deputy Mayor Kiernan, Committeeman Pfefferle

Motion to Nominate Chairman

A motion was made by **Papazian** and seconded by **Pauch** to nominate **Rochelle** to serve as chairman. **Vote: Ayes: Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Motion to Nominate Vice Chairman

A motion was made by **Kimsey** and seconded by **Fritsche** to nominate **Papazian** to serve as vice chairman. **Vote: Ayes: Chair Rochelle, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. Abstain: Papazian. No Nays: Motion passed.**

Motion to Nominate Board Secretary

A motion was made by **Papazian** and seconded by **Pauch** to nominate **Giannone** to serve as Recording Secretary. **Vote: Ayes: Chair Rochelle, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola and Papazian. No Nays: Motion passed.**

Motion to Nominate Board Attorney

A motion was made by **Giannone** and seconded by **Chair Rochelle** to nominate **Kara Kaczynski of McNally, Yaros, Kaczynski, and Lime** to serve as Board Attorney. **Vote: Ayes: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Motion to Nominate Recording Secretary

A motion was made by **Papazian** and seconded by **Kimsey** to nominate **Leigh Gronau** to serve as Board Secretary. **Vote: Ayes: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Motion to Nominate Board Planner

A motion was made by **Papazian** and seconded by **Fritsche** to nominate **David Banisch of Banisch and Associates** to serve as Board Planner. **Vote: Ayes: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Motion to Nominate Board Engineer

A motion was made by **Papazian** and seconded by **Kimsey** to nominate **Tom Decker of VanCleaf Engineering** to serve as board engineer. **Vote: Ayes: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Motion to Designate Official Newspaper/Back-up

A motion was made by **Papazian** and seconded by **Fritsche** to designate the Hunterdon County Democrat as the Official Newspaper and the backup newspaper as the Express Times. **Vote: Ayes: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Motion to Set Meeting Time, Place and Dates

A motion was made by **Fritsche** and seconded by **Papazian** to set the regular meetings at 7:30pm on the third Thursday of each month. **Vote: Ayes: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Approval of the November 21, 2019 Meeting Minutes

A motion to approve the minutes of the November 21, 2019 Meeting as amended was made by **Kimsey** and seconded by **Canavan**. **Vote: Ayes: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Correspondence

NJPO Newsletters – Informational only

New and Pending Matters

De Sapio Properties #6 Inc. and Delaware River Tubing Inc. – Completeness Review
Block 17.01 Lots 12
776 Milford-Frenchtown Road

Chair Rochelle advised the Board the next item on the agenda is the completeness review only for the applicant. **Kaczynski** summarized this application started out as a use variance application because of that the Class I and Class III members of the Board were not participating at that time. Typically, when the same matter then comes back before the Board for any amendments, we would still treat it as though it was a use variance application and those Class I and Class III members would be recused. However, this is different because the use variance application was then appealed to the Court, and the Court made the determination that it was unnecessary for the Board to grant a use variance and that the appeal the applicant applied for should have been granted. The Board will proceed as though the appeal was what was granted. Therefore, the Class I and Class III members will be allowed to participate. Mr. De Sapio advised that he is there in behalf of De Sapio Properties #6 and Delaware River Tubing, Inc which is one of the tenants on the property. Since 2006, Delaware

River Tubing has been operating renting tubes and other marine equipment for use on the Delaware River pursuant to a site plan that was approved by the Township in 2016. Over the course of the last two years, there has either been changes in Delaware River Tubing’s operational practices or there have been misunderstands between Delaware River Tubing and Township officials as to what was included in the site plan approval or what certain terms of the site plan approval were. Last fall, there was a meeting with Mr. Decker, and the attorney representing the township to discuss open issues. As a result of that meeting, it was decided that they would apply for amendments to the existing site plan to clarify any questions so that there would not be any further misunderstandings between the Township and the operator, and to ask for any changes in the site plan which the operator found were necessitated because of the nature of its operations over the last four years of being in business from which they learned. The third thing they are doing is asking for an expansion of the parking lot to accommodate additional customer traffic on the site and they agreed with the Township at that meeting that they would make the application by the end of the year and that is why they are here.

Decker then reviewed his Completeness Review letter dated January 16, 2020. He reviewed for completeness as an amendment to the originally approved site plan. He advised Items A are mostly administrative. De Sapio confirmed A-3, A-4, A-11 and A-14 need to be completed. Decker advised that A-30, location description, etc. needs to be submitted.

Completeness Review:

Upon review of the Alexandria Township Board of Adjustment Checklist the following items have been noted as deficient.

Checklist Item	Comment
<i>All Applications</i>	
A-3	A certification from the Tax Collector that all taxes, and rollback taxes, if applicable, upon the tract have been paid to date. <i>As indicated in the December 30, 2019 DeSapio letter, a certification was requested that same day.</i>
A-4	A receipt indicating delivery of an application to the Hunterdon County Planning Board. <i>Copy of an application to the County Planning Board has not been provided.</i>
A-11	A written request for individual variances and all waivers. <i>Written request has not been provided.</i>

The plans must show or include the following for a complete application:

A-14	The applicant's phone number. Not shown on plans.
A-30	The location and description of all survey monumentation (concrete monuments, irons, spikes, etc.) found or set. A certified boundary and topographic survey of the property has not been submitted.
Checklist Item	Comment
Preliminary/ Final Site Plan	
E-2	Electronic versions of the prints shall be provided in both Adobe® Portable Document Format (PDF) and Autodesk® Document Exchange Format (DXF). Waiver requested for completeness only.

Decker advised that he is fine with the waiver for E-2 for completeness if the Board gets that before the public hearing.

Checklist Item	Comment
E -3	Proposed soil erosion and sedimentation control pan shall be submitted to and certified by the Hunterdon County Soil Conservation District. Proof of submission has not been provided. Proposed disturbance is greater than 5,000 sf and requires SCD approval.

Decker advised that this doesn't necessarily have to be certified by them yet but it needs to be submitted. De Sapio advised that it has not been submitted yet. **Decker** confirmed for the Board that this is due to the expansion of the parking lot.

E -4	A written description of the proposed project, indicating use and nature of operations, number of proposed employees, number and timing of shifts, anticipated traffic, and future expansion plans shall be included. No written description of the operations or proposed improvements has been submitted. It is noted that the 2016 Site Plan application included a Traffic Impact Assessment as prepared by McDonough & Rea Associates with subsequent testimony. Proposed improvements include 92 additional parking spaces for the Delaware River Tubing operations representing a 77% increase to the 120 spaces previously approved. An updated traffic impact assessment should be provided.
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Decker advised there was no narrative provided for that, at the time of the original site plan application there was a Traffic Impact Submission submitted, however since there is a request for an additional 92 parking spaces an updated traffic assessment needs to be submitted as well as a description of what the proposed project is. Since there are some discrepancies in the understanding between the Township and the applicant as far as what some of the approvals

were, **Decker** believes it would be beneficial to have that in a written form from the start so that there is an understanding in what the applicant is seeking to do.

The plans must show or include the following for a complete application:	
E-15	Provide proposed contours and spot elevations. A reference benchmark shall be indicated. <i>Proposed contours in the parking area have not been provided. Date and datum of existing topography shall be added to the plan.</i>

Regarding E-15, **Decker** advised that there are no proposed contours in the parking area and there is a reference to an area that was done but there is no date of that or the datum which needs to be provided.

E-20	The location and design of existing and proposed stormwater systems, sanitary waste disposal systems and potable water supply, and methods of solid waste storage and disposal. <i>The lot coverage chart on Sheet 3 of the plan set states that there is 33,317 sf of additional gravel. This exceeds the 10,890 sf (1/4 acre) threshold and requires stormwater management.</i>
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Item E-20, **Decker** advised that according to the plan, it states that there is going to be an additional 33,317 SF of gravel area. Gravel is considered an impervious coverage, and once you exceed ¼ acre which is 10,890 sf. of additional impervious coverage, it triggers stormwater management requirements. There has not been an additional stormwater management report provided.

E-21	Landscaping and buffering plan showing what will remain and what will be planted, indicating botanical and common names of plants and trees, dimensions, approximate time of planting and maintenance plans. <i>Applicant requested a waiver for completeness purposes only. Landscape buffering was required as a condition of the original site plan approval that had not been addressed on the plans or onsite. We recommend that the landscape buffering consistent with the original approval be provided prior to completeness determination.</i>
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Decker advised the applicants required a waiver for completeness purposes only for the landscaping and buffering plan. This is an item where there was additional buffering required under the originally approved site plan that was never added to the plans as part of the original resolution of compliance. He suggests that the Board at least's gets that information on the plans and additional buffering provided in keeping with that same theme to get a proposal. He wants to ensure that it gets put on the plans for the Board to review. He advised that is something for the Board to decide.

E-22	Lighting details indicating type of standards, location, radius of light and intensity in footcandles. <i>Lighting of the new parking area has not been provided.</i>
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Decker advised there is no lighting proposed or shown for the new parking area. The existing parking area is lit. One of the conditions of the prior site plan was to do a light test at the site once the Resolution of compliance was satisfied. **Banisch** and **Kaczynski** discussed if that would be a design waiver or a variance. **Banisch** believes it would be a design waiver but that he should look at it to be clear as to what it is. **Decker** advised that if the Board wanted to, they could waive that for completeness purposes and then decide during the hearing as to whether a design waiver is appropriate if they are not going to propose any. **Decker** advised that if it is not shown here, then the applicant may not be proposing any. This could be an item waived for completeness purposes only but if the Board determines that there needs to be additional lighting, it is still on the table for discussion.

Decker advised that an email was received after the submission from Mr. De Sapio on January 6, 2020 indicating that the applicant hadn't had an opportunity to review the plans prior to submission and that there was a potential for plan changes. **Decker** advised that he is hesitant for the Board to start reviewing plans if there is a chance that there will be changes coming. He doesn't feel that's beneficial to the applicant or the Board if there are substantial changes. **Chair Rochelle** asked for clarity if there will be significant changes. De Sapio advised that one of the problems with the first site plan was the wording of certain notes on the plan that were designed to reflect how the operation was going to take place. He advised his clients to review the engineers notes carefully to not get into another situation like that. He advised his clients did not have a chance to review because they committed to the town to have the application to the Board in January, but they did not receive the drawings until December 31st. De Sapio advised that now the applicant has reviewed the notes and advised that the changes to the notes are on sheets 2 & 3. He asked if he submits revised notes, can the applicant avoid printing those sheets over again until they see what happens with the site plan review. **Chair Rochelle** that due to the misunderstanding from the previous site plan, he would like to see a set of plans that has everything on it to avoid a misunderstanding in the future. De Sapio advised that would be fine. Board members felt this would need to be done anyway when digitizing the plans and agreed with the Chair. De Sapio asked if the completeness review could be moved to the next meeting. He was advised that the deficiencies would need to be submitted 10 days prior to the next meeting. **Papazian** commented that he understood the applicant needed to keep their commitment to the Board to have the application submitted in January. De Sapio asked if there was an existing survey on the first site plan. Decker advised that there was and that he believed it was done by George Sniffin worked on it. De Sapio thanked the Board for their consideration and advised that he hoped to have the updated information by February 10th.

Kaczynski recapped on what needs to be provided by February 10th. Items A-14 and E-2 for completeness purposes only based upon the recommendation of the Board engineer. **Decker** advised Lighting, E-22, needs to be confirmed by the applicant. **Banisch** updated the Board that waiver of E-22 is a design exception and not a Variance. Also, the Board needs to decide whether in connection with Item E-4, there will be a traffic study by the applicant. De Sapio

asked when they come back if they can reserve the right to ask for a waiver of another item that is on the list for completeness purposes if their engineer is able to provide a good reason to do that. **Kaczynski** advised that he has the right to request, however she advised that it is important for the Board to get a narrative as to what the applicant is looking to do and also a narrative as to the waivers they are requesting. The Board then has a right to grant or deny the waiver requests. De Sapio advised he understands and appreciates that and will try to get as much as possible. He advised that it's the non-attorney professional items. **Canavan** asked if the Board was considering waiving E-4, the professionals advised no, just A-14 and E-2. They clarified to the applicant's attorney that E-22 will not be a waiver but would be a design exception. **Kaczynski** advised this will not be waived for completeness purposes but needs to be confirmed as to whether or not lighting will be proposed in that area. Any lighting proposed needs to be shown, if it was meant to be omitted, do they plan on providing lighting. If they do provide lighting, it needs to be shown if not a design waiver needs to be requested.

A motion was made by **Kimsey** and seconded by **Canavan** based upon the waivers and clarifications listed above to deem the application incomplete. **Vote: Ayes: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Chair Rochelle asked Mr. De Sapio to keep the Board informed if he is unable to provide those items by the next meeting in February and De Sapio confirmed he would.

Approval of the Bills

A motion to approve the bills was made by **Papazian** and seconded by **Kimsey**. **Vote: Ayes: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Giannone, Kimsey, Hahola. No Nays: Motion passed.**

Comments from the Board/Public

None

Motion to Adjourn

A motion to adjourn at 8:13pm was made by **Fritsche** and seconded by **Freedman**. **All Ayes.**

Leigh Gronau, Board Secretary