

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

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PUBLIC MEETING

DATE: February 9, 2015

*PRESENT:* Chris D'Alleinne, Richard Scheick, John Higgins, Suzanne Kleinhans, Brian Mullay, John Kilduff and Sandra Butcher.

*PROFESSIONALS:* Jon Drill, Attorney, Andrea Malcolm, Planner and Rebecca D'Alleinne, Administrator.

*ABSENT:* Kevin Cimei and Sam Mardini

*CALL TO ORDER*

Vice Chairman D'Alleinne called the meeting to order at 7:32P.M.

*PUBLIC NOTICE*

This is a public meeting of the Planning Board of the Township of Clinton, County of Hunterdon and State of New Jersey. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that an Annual Notice was published in the Hunterdon County Democrat and the notice of and agenda for this meeting was posted on the bulletin boards in the Municipal and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, and the Star Ledger, no later than the Friday prior to the meeting.

Jon Drill reported for the record that he had sworn in Rich Scheick (Member) John Kilduff (Alternate #1) and Sandra Butcher (Alternate #2).

*MINUTES*

Brian Mullay moved and John Higgins seconded a motion to approve the minutes of December 1, 2014, as corrected. The Board concurred unanimously, with Scheick, Kilduff and Butcher abstaining.

*RESOLUTIONS*

**T-MOBILE, Block 13.01, Lot 1**

Resolution #2015-01, Application #2014-16

Jon Drill that Version 1 was under consideration. John Higgins moved and Brian Mullay seconded a motion to approve the resolution as written. Members in favor: D'Alleinne, Higgins, Mullay and Kleinhans.

**RESOLUTION DIRECTING BOARD PLANNING EXPERT TO PREPARE A REPORT INDICATING WHETHER THE FORMER MUNICIPAL BUILDING AREA QUALIFIES AS A RE-DEVELOPMENT AREA UNDER N.J.S.A. 40A:12A-5, Block 53, Lot 3**

Mr. Drill indicated that Version 1 was under consideration and read additional revisions into the record. Brian Mullay moved and John Higgins seconded a motion to approve the resolution as corrected. Members in favor: D'Alleinne, Higgins, Mullay and Kleinhans.

**SPRINT SPECTRUM, Block 59, Lot 3**

Resolution #2015-02, Application #2015-01

**SPRINT SPECTRUM, Block 4.03, Lot 36.01**

Resolution #2015-03, Application #2015-02

Vice Chairman D'Alleinne stated that the resolutions were to memorialize a dismissal without prejudice. Mr. Drill reported that Version 1 of both resolutions were under consideration. John Higgins moved and Chris D'Alleinne seconded a motion to approve both resolutions as written. Members in favor: D'Alleinne, Scheick, Higgins, Mullay, Kleinhans, Kilduff and Butcher.

PRESENTATION

**MUNICIPAL BUILDING REDEVELOPMENT FEASIBILITY REPORT**

Vice Chairman D'Alleinne determined, with consent of the Board, to hear the report before the public hearings. Mr. Drill explained that the Board may determine after hearing the report that the property was in need of redevelopment and in that case, a public hearing would then be scheduled.

Joseph Burgis presented a PowerPoint review and noted that the new law replaced the old "blight" statutes. He explained the criteria for determining whether an area was in need of redevelopment. He stated that the Township Council had determined that the town would not use its condemnation power in this situation. Mr. Burgis noted that there were eight statutory criteria for determining whether the property fit the definition. He noted that some criteria would apply to the old municipal building, pointing out that the project did not need to meet all criteria, that just one was necessary. He displayed a number of pictures of the building that demonstrating the level of deterioration. Mr.

Burgis expressed the opinion that there were at least 5 criteria that would apply to the old municipal building. He detailed the statutory redevelopment process that would be followed over the course of two months. Mr. Drill discussed the legal notice requirements and John Higgins commented that a public meeting would be held to make the economic case for redevelopment. Brian Mullay moved and Rich Scheick seconded motion to set a public hearing to determine whether to make a recommendation for redevelopment. The Board concurred unanimously.

*WAIVER OF SITE PLAN*

**EXXON/MOBIL, Block 30, Lots 30, 31, 17 & 41**

William Munday, Esq. introduced himself on behalf of the applicant. He explained that the applicant was seeking a waiver of site plan for the addition of storage containers on the property. He stated that six of the containers had been installed over a period of years without a waiver request, which the applicant wished to rectify. Mr. Munday indicated that the applicant also sought to situate one new container and several temporary storage containers on the property.

Gorka Aurre, Project Manager & Engineer, David Masucci, Engineer, and Andrea Malcolm, Board Planner were sworn. Mr. Aurre reported that there were seven existing chemical lockers and 13 temporary storage containers. Mr. Drill noted that the number could change in the future and suggested that they also ask for an approval for the location area of the temporary containers. Mr. Masucci indicated that they would ask for approval for up to 20 temporary storage containers. The approval being sought was for 7 existing chemical storage lockers to be increased to a total of 8 with a maximum of 20 temporary storage containers. Mr. Masucci reported that the temporary storage containers had no anchors or footings, but that the lockers did have them. Mr. Aurre described the interior of the storage lockers and their foundations.

Vice Chairman D'Alleinne asked about the volume of the sump. Mr. Masucci discussed the chemicals that would be stored in the lockers. The sump capacity and the size of the containers were discussed. Mr. Aurre referred to page six of the PowerPoint materials that they had submitted, discussed the storage of the chemicals and how they would be utilized. Mr. Masucci commented on the advantages for the employees and how the different samples of crude oil were tested. He expressed the opinion that there was plenty of room for additional lockers. Mr. Drill recommended that the Board not consider an approval of additional permanent lockers, as the applicant had not requested that.

Mr. Aurre stated that the analytical equipment in the lockers had been moved in from other locations. He commented on the projects, noting that the equipment and materials were typical. Mr. Masucci indicated that the containers gave them flexibility. Suzanne Kleinhans asked about heating and Mr. Masucci indicated that some of the lockers were heated and some were cooled, explaining that all electrical systems were sealed. Ms. Kleinhans asked if the electrical equipment was classified as explosion proof, and Mr. Masucci described the rating of the electrical systems. Site Plan (Addition of Chemical Storage Locker, 11/6/14) was marked as Exhibit A-1. Vice Chairman D'Alleinne called a recess at 8:28PM. The meeting was called to order at 8:38PM.

Mr. Munday stated that the applicant had marked the proposed area of the temporary storage containers on Exhibit A-1. An Aerial Photograph of the property was marked as Exhibit A-2 (Location of Current Lockers). Mr. Masucci discussed hazardous waste disposal, which is collected by a contractor. He pointed out the location of the well, and various other chemical and gas tanks. He described the chemical storage area as 270,000 sq. ft. and screened. He pointed out the distances to Route 22 and Route 31.

Andrea Malcolm asked about lighting, and Mr. Masucci responded that there was interior lighting, not exterior. Mr. Masucci stated that there was no parking and that just delivery trucks would be using the area. He discussed the storm drains which flowed to the retention pond, noting that if a spill were to occur, a sluice gate would close to enclose chemicals from getting into Beaver Brook. There were no persons in the public who had questions.

Jon Drill discussed which grounds for the waiver of site plan that the Board should consider. Andrea Malcolm expressed the opinion that Criteria #1 did not apply, but that Criteria #3 would apply. Brian Mullay commented that the application was fairly straightforward. Brian Mullay moved and John Higgins seconded a motion to approve the waiver of site plan under Criteria #3. Members in favor: D'Alleinne, Scheick, Higgins, Mullay, Kleinhans, Kilduff and Butcher.

Mr. Munday requested a draft resolution for the zoning officer and construction official and asked that after the applicant had reviewed the resolution, that it be considered as signed for the purposes of obtaining permits. John Higgins moved and John Kilduff seconded a motion to ask the Administrator to make the request of the zoning officer and construction official. The Board concurred unanimously.

### *PUBLIC HEARING*

#### **HUNTERDON RADIOLOGICAL, Block 29, Lot 12**

Sid Donica, Esq. introduced himself on behalf of the applicant. Peter McCabe, Applicant's Engineer and Andrea Malcolm, Board Planner were sworn. Mr. Donica relayed the history of the application, which had been previously approved, noting that the sign was a pre-existing, nonconforming condition and would require a c1 variance. He noted that the trash enclosure was not in a backup lane, and that screening or painting of the enclosure had been discussed.

Peter McCabe stated that he had originally testified that the sign was compliant, not realizing that it did not meet the current height requirements. He noted that the sign had been approved in 1999 and was in a lower elevation, reducing its visual impact. He reported that he had submitted the previous zoning approvals to the Board Administrator. Mr. McCabe expressed the opinion that it would be a hardship to move the sign. He stated that the white vinyl trash enclosure could be painted, but the client was willing to screen it with plantings. Brian Mullay asked about whether the parking lot backup area had been confirmed by the Township Engineer, and Andrea Malcolm responded that it had been confirmed. John Kilduff expressed the opinion that the enclosure should be screened with landscaping and painted. Suzanne Kleinhans suggested that they install plants big enough to hide the enclosure. Brian Mullay discussed painting and planting. Chris D'Alleinne commented that there should be fewer but larger trees. Mr. McCabe suggested white pines, but Andrea Malcolm noted that she would suggest the species.

Mr. McCabe suggested four or five trees. It was noted that the north and west side were visible to the highway. It was suggested that the applicant install 2 trees on west side and 3 on the north side. Mr. McCabe proposed five 6-8 foot plantings to be concentrated on the northwest corner of the enclosure, to the satisfaction of the Board Planner. The Board members deliberated and after discussion, it was determined to require just the planting, as proposed by the applicant. Mr. McCabe noted that the handicapped spots and been presented to the construction official, who had approved of their proposal. He indicated that the lighting was still under review. Mr. Drill reported that a two-year maintenance bond for the landscaping was a standard resolution condition.

Vice Chairman D'Alleinne moved and John Higgins seconded a motion to grant an amended Site Plan approval, a c1 variance for the existing sign and a site plan exception for the trash enclosure. Members in favor: D'Alleinne, Scheick, Higgins, Mullay, Kleinhans, Kilduff and Butcher. Mr. D'Alleinne moved and John Higgins seconded a motion to ask the administrator to petition the zoning officer to consider the resolution as signed after review by the applicant. The Board concurred unanimously.

#### *NEW BUSINESS*

1. Approval of Vouchers

John Higgins moved and Suzanne Kleinhans seconded a motion to approve payment of the vouchers. The Board concurred unanimously.

#### *REPORTS & ASSIGNMENTS*

1. Report from Council: Mayor Higgins reported there has been no recent meeting, but that the affordable housing plan was under consideration. He noted that the Township had motions prepared arguing that the Courts should take over the affordable housing process. Mr. Drill reminded the Board that there would be a joint work session with the Council to discuss the Housing Element and Fair Share Plan on March 2, 2015. Mayor Higgins discussed the diversion process, which would preserve a portion of Windy Acres for affordable housing. 24 acres would be set aside on the Marookian site, creating two locations. Mr. Drill discussed the pending Supreme Court decision. He stated that both public hearings for the Housing Element and Fair Share Plan and the Area in Need of Redevelopment would be heard on March 16, 2015.
2. Report from Ordinance Committee: The committee has not been appointed.
3. Report from Open Space: There was no report.
4. Report from Environmental Commission: There was no report.

*ADJOURNMENT*

Sandra Butcher moved and Chris D'Alleinne seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 9:30PM.

These minutes were approved on April 6, 2015.

Rebecca E. D'Alleinne  
Administrator