

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

www.clintontwpnj.com

July 5, 2016

7:30PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

Chairman Cimei called the meeting to order at 7:34pm.

Chairman Cimei led the Flag Salute.

Chairman Cimei read the Public Notice.

This is the July 5, 2016 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 Building 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.

MEMBERS IN ATTENDANCE

Higgins, Kleinhans, Mardini, McTiernan, Kilduff, Cimei

MEMBERS ABSENT

Butcher, Scheick, Pfeffer

BOARD PROFESSIONALS/STAFF IN ATTENDANCE

1. Jonathan Drill, Esq., Board Attorney
2. Andrea Malcolm, PP, AICP, Board Planner
3. Tom Behrens, Jr. PP, AICP, Board Affordable Housing Planner
4. Denise Filardo, Board Secretary

RESOLUTION MEMORIALIZATION

1. CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
BLOCK 4.03, LOT 36.01
1130 Route 22 West, Application No. PB-2015-15

Resolution No. PB-2015-20

Upgrade of a wireless communication facility.

Eligible Members: *Cimei, Higgins, Kleinhans, Scheick, Mardini & Kilduff*

It was noted that the escrow account for this applicant is currently deficient. The Board advised Ms. Filardo, Board Secretary Not to sign or publish this memorialized resolution until the Escrow Account is sufficiently replenished.

Mr. Mardini moved and Ms. Kleinhans seconded a motion to grant the extension of time. The vote record follows.

Roll Call: Cellco Verizon Wireless Resolution No. CTPB-2015-20						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins			X			
Kilduff (Alt. 1)			X			
Kleinhans		X	X			
Mardini	X		X			
McTiernan					Not eligible	
Pfeffer (Alt. 2)						X
Scheick						X
Cimei			X			

NEW BUSINESS

1. Approval of Vouchers

Mr. Cimei moved and Mr. Mardini seconded a motion to approve payment of the vouchers. The vote record follows.

Roll Call: Approval of Vouchers						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins			X			
Kilduff (Alt. 1)			X			
Kleinhans			X			
Mardini		X	X			
McTiernan			X			
Pfeffer (Alt. 2)						X
Scheick						X
Cimei	X		X			

EXTENSION OF TIME

1. CLINBAR, (FORMER OL' WEST BBQ – LMG CLINTON), Block 29, Lot 34
Application No. 2006-07
Applicant is seeking an additional extension of the time within which to comply with

conditions #10 and #12 of Resolution No. 2007-13 relating to obtaining signed plans and completing construction improvements.

Marty Fenik, esq. explained the applicant’s problem with the manufacturer of concrete tanks for the septic system. The last tank is not due to be delivered until the end of July. The balance of the work cannot be done until all of the tanks are installed. Asking 90 days from end of July to Oct 31, 2016 (Halloween)

Mr. Cimei said clearly making progress.

Ms. Kleinhans moved and Mr. McTiernan seconded a motion to grant the extension of time. The vote record follows.

Roll Call: Clinbar, Blk 29, Lot 34 – Extension of Time						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins			X			
Kilduff (Alt. 1)			X			
Kleinhans	X		X			
Mardini			X			
McTiernan		X	X			
Pfeffer (Alt. 2)						X
Scheick						X
Cimei			X			

COMPLETENESS HEARING

1. ROBERT LECOMPTE, Block 29, Lot 4
Application No. PB-2015-14
Waiver of Site Plan and Bulk Variance

Wayne Ingram, applicant’s engineer communicated that the applicant is good with the recommendations made by Cathy Marcelli in her completeness review.

Mr. Mardini moved and Mr. Cimei seconded a motion to grant waivers that Cathy Marcelli, Board Engineer did not object to & deem the application complete. The vote record follows.

Roll Call: Completeness – LeCompte, Blk 29, Lot 4						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins			X			
Kilduff (Alt. 1)			X			
Kleinhans			X			
Mardini	X		X			
McTiernan			X			
Pfeffer (Alt. 2)						X
Scheick						X

Cimei		X	X			
-------	--	---	---	--	--	--

PUBLIC HEARING

1. ROBERT LECOMPTE, Block 29, Lot 4
Application No. PB-2015-14
Waiver of Site Plan and Bulk Variance

The following individuals were sworn by Attorney Drill:

- a) Wayne Ingram, P.E., P.L.S., P.P., C.M.E, Applicant’s Engineer
- b) Robert LeCompte, Applicant
- c) Andrea Malcolm, PP, AICP, Board Planner

Mr. Ingram’s qualifications as an engineering expert were accepted by the Board.

Attorney Drill reviewed the following:

This application was submitted for a septic with a “C” setback variance for a proposed permitted use. Upon review of the application with the planning experts there were concerns because there was no use proposed for the septic and therefore did not know if the use would be for a permitted or a non-permitted use. The applicant is proposing a Waiver of Site Plan for both the permitted structure and the septic which is accessory to the structure and a C Variance is sought for the septic within the setback.

Mr. Ingram states that in his opinion a Farm market is an agricultural use and therefore a permitted use. Ms. Malcolm, Township Planner’s interpretation of the ordinance is that a Farm Market is not a permitted use.

Discussion ensued as to whether a Farm Market is a permitted use in this zone and that the applicant would most likely to go to the County Agricultural Board to seek approval for the Farm Market. If the County approves it they will refer back to the Planning Board to see is they would like to impose conditions.

There was conversation regarding the possible relocation of the septic in a compliant location. Mr. Ingram explained this is the only area with an excellent perk test, most of the 40 acre site is clay. Dozens of logs were done and there is only one other area that passes, but just barely.

Discussion ensued regarding removal of the Farm Market from the plan and it was noted that the applicant does not have a current LOI.

A Straw Poll, regarding the applicant obtaining a current LOI, resulted in all Board members in favor of the applicant obtaining a current LOI.

The Board found that they can grant a C-1 Hardship Variance since the septic can not be placed in any other location on the property.

Chairman Cimei asked for a motion to grant Site Plan Waiver to allow an 8’x12’ shed to be installed and to grant a C-1 variance subject to the following two conditions:

1. The applicant will eliminate the Farm Market from the Plans
2. The applicant will obtain a new LOI (NJDEP Freshwater Wetlands Letter of Interpretation)

Mr. McTiernan moved and Mr. Kilduff seconded a motion to grant the Site Plan Waiver and “C(1)” Variance with conditions. The vote record follows.

Roll Call: LeCompte, Blk 29, Lot 4 – Site Plan Waiver & C-1 Variance with Conditions						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins			X			
Kilduff (Alt. 1)		X	X			
Kleinhans			X			
Mardini			X			
McTiernan	X		X			
Pfeffer (Alt. 2)						X
Scheick						X
Cimei			X			

WORKSESSION ON 2016 HPE&FSP:

Below is a link to the Township’s Draft 2016 Housing Element and Fair Share Plan dated June 30, 2016 for review. The link also contains the previous June 22, 2015 HE&FSP for comparison.

https://www.dropbox.com/sh/e7qvpf848tzf3d/AACHdXDBIQJ_qqjX7NnMf0Jpa?dl=0

Tom Behrens Jr. PP, AICP of Burgis Associates, Township Affordable Housing Planner presented the Draft update and noted, changes listed below, from the adopted plan dated June 22, 2015.

The document has been reorganize for purposes of clarity:

- 1) The Introduction has been tweaked to address all that has occurred from last June 22, 2015 to now.
- 2) The Township prepared a Redevelopment Plan and approved Preliminary Site Plans for a 100% Affordable 66 Unit Multi-family development at the Beaver Brook Homestead Site.
- 3) A request for Proposals has been issued for another property designated as an “Area in Need or Redevelopment”, the Township’s former Municipal Building (Fox/Seals) property which is anticipated to yield 3 Affordable Housing Units.

- 4) In June-2015 the Township along with 270 other NJ municipalities entered into a shared Services Agreement (“SSA”) to retain Dr. Burchell of Rutgers University to prepare an expert report containing updated Fair Share calculations for all municipalities. Health issues precluded the finalization of Dr. Burchell’s involment in the process causing Rutgers University to terminate the SSA contract on September 11, 2015. In response the consortium of municipalities entered into a contract with Econsult Solutions, Inc. (“Econsult”) to prepare a second report – the “Solutions Report” – to calculate fair share obligations for all New Jersey municipalities.

- 5) The Windy Acres site has been removed from the plan.

Mr. Behrens will include that the Township adopted the Highlands Ordinances and refer to 1082-16 Highlands Checklist Ordinance and 1083-16 Highlands Exception Ordinance.

Chairman Cimei moved and Mr. McTiernan seconded a motion to direct the Board Secretary to schedule the 2016 HPE&FSP for a Public Hearing on July 18, 2016. The vote record follows.

Roll Call: Schedule 2016 HPE&FSP for Public Hearing on 7/18/16						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins			X			
Kilduff (Alt. 1)			X			
Kleinhans			X			
Mardini			X			
McTiernan		X	X			
Pfeffer (Alt. 2)						X
Scheick						X
Cimei	X		X			

REPORTS

1. Report from Council
None.
2. Report from Ordinance Subcommittee
None.
3. Report from Open Space
None.
4. Report from Environmental Commission
None.

ADJOURNMENT

Mr. McTiernan moved and Mr. Mardini seconded a motion to adjourn. The motion carried unanimously and the meeting was adjourned at 9:37pm.

These minutes were approved on November 7, 2016.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary