

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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May 4, 2015

7:00PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

Vice Chairman D'Alleinne called the meeting to order at 7:00pm.

Vice Chairman D'Alleinne led the Flag Salute.

Vice Chairman D'Alleinne read the Public Notice.

This is the May 4, 2015 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.

Secretary Filardo called the roll.

**MEMBERS PRESENT**

D'Alleinne, Scheick, Higgins, Kleinhans, Mullay, Kilduff

Chairman Cimei arrived at 7:17pm

Ms. Butcher arrived at 7:30pm

**MEMBERS ABSENT**

Mardini

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney, Joseph Burgis, PP, AICP and Tom Behrens, PP, AICP, Board Affordable Housing Planners and Denise Filardo, Board Secretary

**MEETING MINUTES**

**1) MINUTES OF MARCH 16, 2015**

Mr. Mullay moved and Ms. Kleinhans seconded a motion to adopt the Meeting Minutes of March 16, 2015 with noted correction of minor typos. The vote record follows.

<b>Roll Call: Meeting Minutes of March 16, 2015</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)						X
D'Alleinne			X			
Higgins			X			
Kilduff (Alt 1)			X			
Kleinhans		X	X			
Mardini						X
Mullay	X		X			
Scheick			X			
Cimei						X

**2) JOINT EXECUTIVE SESSION MINUTES OF MARCH 2, 2015**

Ms. Kleinhans moved and Mr. Scheick seconded a motion to adopt the Joint Executive Session Meeting Minutes of March 2, 2015. The vote record follows.

<b>Roll Call: Joint Executive Session Meeting Minutes of March 2, 2015</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)						X
D'Alleinne			X			
Higgins			X			
Kilduff (Alt 1)			X			
Kleinhans	X		X			
Mardini						X
Mullay			X			
Scheick		X	X			
Cimei						X

**RESOLUTIONS**

**1) CLINTON POINT, LLC/COUNTRY GRIDDLE, Block 76, Lot 2**

**Resolution No. 2015-08**, Application No. 2005-08

Modification of Condition No. 1 of Resolution No. 2014-07 extending the Time within which the applicant must revise and obtain signatures on the Site Plan.

*Eligible Members: Cimei, D'Alleinne, Kleinhans, Kilduff, Mardini, Mullay and Scheick*

Mr. Mullay moved and Ms. Kleinhans seconded a motion to adopt Resolution No. 2015-08. The vote record follows.

<b>Roll Call: Resolution No. 2015-08</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	X
D'Alleinne			X			
Higgins					Not Eligible	
Kilduff (Alt 1)			X			

Kleinhans		X	X			
Mardini						X
Mullay	X		X			
Scheick			X			
Cimei						X

**CAPITAL IMPROVEMENT REVIEW**

- 1) NORTH HUNTERDON HIGH SCHOOL, Block 79, Lot 1**  
Application No. 2015-06  
Applicant proposes addition of an elevator to existing school facility.

Mr. Mullay recused at 7:15pm.

Applicant’s Professionals:

Scott Collins, Esq., of Riker Danzig Scherer Hyland & Perretti LLP  
Andrew Adornato AIA, RA of USA Architects  
William Burr, PE of Mazur Consulting

Attorney Drill explained Section thirty one (31) of the MLUL “Review of a Capital Project” and stated that there is no need to swear these professionals in since this is not an application for development.

Mr. Adornato, Architect of Record for North Hunterdon Voorhees provided revised plans to all Board members.

Mr. Adornato described age & location of the current elevator from the 1960’s is to be replaced in the three (3) story wing. The current elevator is antiquated & not ADA compliant. We looked at possibility of putting new elevator in the building & widen shaft but would lose classroom space. This new area which serves all 3 floors made best sense. The dimensions, 12’ x 25’ can accommodate wheelchairs and ambulatory handicap. This project was approved by the NJ Department of Education and the district is receiving 40% funding for this project.

Mr. Burr, stated dimensions and explained location of elevator at southwest corner of building. Explained changes in sidewalk improvements restabalizing the steep slope from elevator to courtyard area, new ADA access and landscaping and new low-level bollard lights for safety. Plan was revised to address all of Cathy’s requirements. We revised our plan, which you now have, to address all six (6) of comments in Cathy Marcelli’s April 28, 2015 memo.

Mr. Adornato stated that construction will start immediately and the whole facility coming full circle to ADA compliance.

The applicant will send copies of the revised plans to Cathy Marcelli, Board Engineer and Andrea Malcolm, Board Planner.

The Board Secretary will address a letter to Board of Education with copies to Mr. Adornato, Mr. Collins, & Mr. Burr.

There was no one from the public present for this application.

Mr. Higgins moved and Mr. D'Alleinne seconded a motion to deem the application not inconsistent with the Master Plan and addressing the six (6) comments in Cathy Marcelli's memo dated April 28<sup>th</sup>, 2015. The vote record follows.

<b>Roll Call: Master Plan Consistency Review - North Hunterdon High School Capital Improvement for elevator addition</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)						X
D'Alleinne		X	X			
Higgins	X		X			
Kilduff (Alt 1)			X			
Kleinhans			X			
Mardini						X
Mullay					Recused	
Scheick			X			
Cimei			X			

## **PUBLIC HEARING**

- 1) PROPOSED 2015 HOUSING PLAN ELEMENT AND FAIR SHARE PLAN
  - Presentation
  - Public Questions and Comments
  - Board Action

Chairman Cimei announced a brief Recess at 7:32pm Recess to set up projector for a PowerPoint Presentation.

The Public Hearing resumed at 7:40pm and Mr. Mullay re-joined the meeting.

Mr. Burgis, Board Affordable Housing Planner introduced himself and explained that we made some adjustments to the HPE&FSP. He discussed the 90 Day stay to allow Municipalities to prepare their plans, and the timeframe from June 8, 2015 to July 8, 2015 to file our Declaratory Judgement.

Mr. Burgis was sworn at the April 22, 2015 Public Hearing and out of an abundance of caution Attorney Drill swore Mr. Burgis again this evening.

Mr. Burgis facilitated a PowerPoint Presentation entitled "2015 Housing Plan Element and Fair Share Plan Overview" dated May 4, 2015 attached herewith.

Mr. Burgis provided a document with adjustments/edits from the April 22, 2015 Housing Plan. Attorney Drill noted the redlined changes on Pages 23, 25, 26, 36, 38, 39 & 40 and additional redlined changes on pages 26 & 36.

Chairman Cimei opened comments to the public. There was one (1) member of the public in attendance for this hearing.

Nick Corcodilos of Clinton Township was sworn. Mr. Corcodilos testified in opposition to the Windy Acres site being included in the Township’s Housing Plan Element and Fair Share Plan. Mr. Corcodilos contended that the Windy Acres site is non-developable.

Attorney Drill suggested the Board enter an Executive Closed session so that he may render his legal advice to the Board.

Mr. Higgins moved and Mr. Scheick seconded a motion to enter Closed Executive Session so that Attorney Drill can render legal advice to the Board. The vote record follows.

<b>Roll Call: Motion to enter Closed Session for advice from Board Attorney</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not eligible	
D’Alleinne			X			
Higgins	X		X			
Kilduff (Alt 1)			X			
Kleinhans			X			
Mardini						X
Mullay			X			
Scheick		X	X			
Cimei			X			

The Board entered Executive Closed Session at 8:32pm.

Closed Executive Session ended and the Public Hearing resumed at 8:45pm.

Attorney Drill stated that there will be no closed session minutes, he put the minutes into the record now:

The Board is of the opinion and I am of the opinion that the factual statements on page 40 of the HPE&FSP are true. The issue is if you have a site that does not have current sewer infrastructure; will a court determine that that site is not developable?

Mr. Burgis reviewed that the plan has two (2) different alternate approaches. The affordable housing need number that we are assigned does not all have to be built on day one. It is allowed to be stretched out over time. Courts have said in past that you may not have certain infrastructure available on day, you may have it available in say year three (3) or year five (5) and that is sufficient, particularly when you have another approach which will allow you to address your number if the other alternative does not come to fruition.

Attorney Drill referenced that Judge Serpentelli, decided the Allen Dean vs. Bedminster case in 1985. If Windy Acres was the only or primary site that might be a problem for the Township, in the Allen Dean case there were seven (7) or eight (8) sites, and not all sites were necessary to comply. A couple of objectors took objection to a couple of sites. One (1) objector filed because of lot assemblage needed and others for lack of sewer infrastructure. Judge Serpentelli said in his published opinion that that if that site was determined to be necessary for the plan to comply he may not have approved, but because it was a secondary site it wasn't disapproved. If the Judge says it's not developable, the Township has to take it out and get another site.

Attorney Drill suggested the following:

There are still bunch of issues from the March 10<sup>th</sup>, 2015 Supreme Court opinion that are a little unclear to the Township professionals including me, the Township attorney and Mr. Burgis. We want to discuss and review the issues we discussed here tonight. Even though I put my opinion and what we discussed in closed session out there in these minutes I suggest that the Board not act on the plan tonight. Let's take some time and if there are no further changes made then this hearing can be continued without need for further notice to one of the June meetings. If there are changes we will have to re-notice. The deadline to file the Declaratory Judgement action is June 8<sup>th</sup>; my preference is that we file Declaratory Judgement and the Housing Plan at the same time. As such Attorney Drill advises that Planning Board and Board of Adjustment switch meeting dates of June 15<sup>th</sup> and June 22<sup>nd</sup>.

Mr. Higgins moved and Mr. Scheick seconded a motion to carry the HPE&FSP hearing to June 22, 2015, if there are no further changes made. If there are changes to the plan there will be a need to re-notice. The vote record follows.

<b>Roll Call: Motion to Carry HPE&amp;FSP Hearing to 6/22/15</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	
D'Alleinne			X			
Higgins	X		X			
Kilduff (Alt 1)			X			
Kleinhans			X			
Mardini						X
Mullay			X			
Scheick		X	X			
Cimei			X			

**NEW BUSINESS**

1. Approval of Vouchers

Mr. D'Alleinne moved and Ms. Kleinhans seconded a motion to approve payment of the vouchers. The vote record follows.

<b>Roll Call: Approval of Vouchers</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	

D'Alleinne	X		X			
Higgins			X			
Kilduff (Alt 1)			X			
Kleinhans		X	X			
Mardini						X
Mullay			X			
Scheick			X			
Cimei			X			X

**REPORTS**

Report from Council - Mr. Higgins reported the following from Council:

- The Township budget was introduced.
- There is a high probability that we will be on full Highlands for the June 18<sup>th</sup> Council meeting.

Report from Ordinance Subcommittee – Nothing to report.

Report from Open Space – Nothing to report.

Report from Environmental Commission – Nothing to report

The Board secretary will follow-up with Attorney Drill tomorrow regarding a schedule for the Amended HPE&FSP.

**ADJOURNMENT**

Ms. Butcher moved and Mr. D'Alleinne seconded a motion to adjourn. All were in favor and the meeting was adjourned at 9:07pm.

Respectfully Submitted,  
*Denise Filardo*

These minutes approved on January 9, 2017