

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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March 20, 2017

7:00PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

Chairman Cimei called the meeting to order at 7:30pm.

Chairman Cimei led the Flag Salute.

Chairman Cimei read the Public Notice.

This is the March 20, 2017 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

Butcher, Higgins, Kleinhans, McTiernan, Scheick, Cimei

MEMBERS ABSENT

Kilduff, Mardini, Pfeffer

BOARD PROFESSIONALS/STAFF IN ATTENDANCE

Jonathan Drill, Esq., Board Attorney, Tom Behrens, PP, AICP, Board Planner and Denise Filardo, Board Secretary

MEETING MINUTES

- 1) Minutes of September 21, 2015

Mr. Scheick moved and Ms. Kleinhans seconded a motion to approve the Minutes of September 21, 2015. The vote record follows.

Roll Call: Meeting Minutes of September 21, 2015						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans		X	X			
Mardini						X
McTiernan					Not Eligible	
Pfeffer (Alt. 2)						X
Scheick	X		X			
Cimei			X			

2) Minutes of October 5, 2015

Mr. Scheick moved and Mr. Cimei seconded a motion to approve the Minutes of October 5, 2015. The vote record follows.

Roll Call: Meeting Minutes of October 5, 2015						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini						X
McTiernan					Not Eligible	
Pfeffer (Alt. 2)						X
Scheick	X		X			
Cimei		X	X			

RESOLUTIONS

1) CLINTON TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 2016-10

MAPLE AVENUE PUMP STATION REHABILITATION PROJECT IMPROVEMENTS LOCATED WITHIN AN EASEMENT IN MAPLE AVENUE

Application No. 2016-03

Project Review Pursuant to N.J.S.A. 40:55D-31a AND “C(1)” Variance, Exceptions and Minor Site Plan Approval to Allow Rehabilitation and Replacement of an Existing Sanitary Sewer Pumping Station Located within an Easement in Maple Avenue

Eligible Members: Butcher, Higgins, Kleinhans, Mardini, McTiernan, Scheick, Cimei

Ms. Kleinhans moved and Mr. McTiernan seconded a motion to adopt CTSA Resolution No. CTPB-2016-10. The vote record follows.

Roll Call: CTSA Maple Ave., Resolution No. CTPB-2016-10						
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			

2) CLINTON TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 2016-11

COUNTY ROUTE 641 PUMP STATION REHABILITATION PROJECT IMPROVEMENTS LOCATED WITHIN POSSUM HOLLOW RUN (PRIVATE DRIVEWAY) RIGHT-OF-WAY ON BLOCK 46, LOT 33

Application No. 2016-04

Project Review Pursuant to N.J.S.A. 40:55D-31A AND “C(1)” Variance, Exceptions and Minor Site Plan Approval to Allow Rehabilitation and Replacement of an Existing Sanitary Sewer Pumping Station Located within Possum Hollow Run (Private Driveway) Right-Of-Way on Block 46, Lot 33

Eligible Members: Butcher, Higgins, Kleinhans, Mardini, McTiernan, Scheick, Cimei

Mr. McTiernan moved and Mr. Scheick seconded a motion to adopt CTSA Resolution No. CTPB-2016-11. The vote record follows.

Roll Call: CTSA County Rt. 641 Resolution No. CTPB-2016-11						
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	X			
Cimei			X			

3) CRC HEADLEY FARM ESTATES

Block 46, Lot 33 & 33.01

RESOLUTION NO. 2016-12

Three (3) Year Extension of Final Subdivision Approval protection period from February 6, 2017 to February 6, 2010 as well as Extension of Time within which to obtain signatures on the Final Plan and to record the Final Plat from February 6,

2017 to February 6, 2020.

Application No. 2010-01

Eligible Members: Higgins, Kilduff, McTiernan, Pfeffer, Scheick, Cimei

This Resolution to be adopted at the next meeting.

G. REQUEST FOR EXTENSION OF TIME

CLINBAR, LLC (FORMER OL' WEST BBQ – LMG CLINTON, LLC)

BLOCK 29, LOT 34

Application No. 2006-07

Applicant requests seventh extension of the time within which to comply with condition #12 of Resolution No. 2007-13, Condition #3 of Resolution No. 2016-02, Condition #16 of Resolution no. 2016-03 and Condition #2 of Resolution No. 2016-06 relating to completion of construction improvements.

S.M. Chris Franzblau, Esq., appeared on behalf of the applicant. While all of the work, permits, and approvals from the Township and its experts have been received, the applicant is still awaiting the final approval of the mandated contract of maintenance for the advanced site septic system from NJDEP. The final closure document for the Treatment Works Approval (“TWA”) application cannot be submitted until the maintenance contract is signed. A such the applicant is seeking a further extension of time with which to comply with the above referenced conditions.

Mr. McTiernan moved and Mr. Scheick seconded a motion to grant an additional extension of time until August, 28, 2017. The vote record follows.

Roll Call: Clinbar, Block 29, Lot 34 Extension of Time until August 28, 2017						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher		X	X			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini						X
McTiernan	X		X			
Pfeffer (Alt. 2)						X
Scheick			X			
Cimei			X			

H. AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE OLD MUNICIPAL BUILDING (SOMETIMES REFERRED TO AS THE “FOX SEALS” SITE) IN THE VILLAGE OF ANNANDALE, BLOCK 53, LOT 3

Tom Behrens presented the Amended Redevelopment Plan dated March 10, 2017 enclosed herewith. Mr. Behrens explained the differences between the Redevelopment Plan adopted on May 7, 2015 and the Amended Plan dated March 10, 2017.

Following adoption of the Redevelopment Plan, the Township issued a Request for Proposals for redevelopment of the Property in accordance with the Redevelopment Plan. In response to the Request for Proposals, a proposed redeveloper presented proposed revisions to the Redevelopment Plan to the Mayor and Council at a public meeting conducted on February 22, 2017, and the Mayor and Council agreed the proposed revisions have merit and that it would be in the interests of the Township to direct the Planning Board to consider the proposed revisions and amend the Redevelopment Plan accordingly if satisfactory to the Planning Board.

By Resolution No. 44-17 adopted March 8, 2017, the Mayor and Council, pursuant to N.J.S.A. 40A:12A-7.f, directed the Planning Board to consider the revisions to the Redevelopment Plan and, if satisfactory, to prepare an appropriate amendment to the Redevelopment Plan for the Property.

The Planning Board's planning experts have prepared an Amended Redevelopment Plan and the Planning Board approves the Amended Redevelopment Plan for the following reasons.

Unless revisions are made to the Redevelopment Plan, the Property will not be redeveloped due to lack of interest on the part of redevelopers. The most significant changes to the Plan which would result from the proposed revisions is that there would be two (2) building instead of one building, 12 residential units instead of 14 residential units, the addition of a restaurant or other commercial use making the development a mixed-use development, and the number of affordable housing units produced would decrease from three (3) to one (1). Critically, the Board finds that these changes are necessary to provide a financial incentive for a redeveloper to be interested in redeveloping the Property.

The site plan would be revised to reflect two (2) buildings in place of one (1) building. The floor plans for the new buildings would be revised to not only reflect two (2) buildings in place of one (1) building but to also reflect the addition of the commercial space. The elevations for the development would also change to reflect the two (2) buildings in place of one (1) building, but they would be similar to the initial elevations with the exception that the front side of the building facing Center Street and the elevation facing the interior of the Property will be designed in a manner consistent with the character of the surrounding residential development in the neighborhood. The Board finds that the Property, if redeveloped in accordance with the Amended Redevelopment Plan, will fit in with the surrounding residential neighborhood.

Mr. Scheick moved and Mr. Higgins seconded a motion to adopt Resolution No. 2017-0A approving the Amended Redevelopment Plan. The vote record follows.

<i>Roll Call: Resolution No. 2017-0A accepting the Amended Redevelopment Plan for Old Municipal Building, Block 53, Lot 3</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins		X	X			

Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini						X
McTiernan			X			
Pfeffer (Alt. 2)						X
Scheick	X		X			
Cimei			X			

NEW BUSINESS

Approval of Vouchers

Mr. Cimei moved and Mr. Scheick 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
McTiernan			X			
Pfeffer (Alt. 2)			X			
Scheick		X				X
Cimei	X		X			

REPORTS

Report from Council – Nothing to report.

Report from Ordinance Subcommittee – Nothing to report.

Report from Open Space – Mr. Higgins provided the following update: We should be closing shortly on the Kaufelt property. We’ve begun lining up interested people to help with providing better access to the Kaufelt and Marookian properties, such as trails, and a practice track for NHHS. Ms. Switlyk is arranging the first get together and NHHS has appointed Sean Walsh the track coach. We will also be approaching JCP&L to see if they want to help us with the trails.

Mayor Higgins also noted that the state owes us a little more money than we thought. Kris Hadinger & I are meeting next Monday with Brian White, the Council President in Trenton on the Herr property to try to recover \$565,000 back from the state.

Report from Environmental Commission – Nothing to report.

RESOLUTION TO ENTER CLOSED SESSION

Resolution No. 2017-0B

The Board is about to discuss such a matter, specifically, the pending Mount Laurel

Declaratory Judgment litigation and attorney-client privileged advice from the board attorney relating to the 2016 Housing Plan Element and Fair Share Plan (“HPE&FSP”) where the Board attorney, Jon Drill plans to render attorney-client privileged legal advice to the Board regarding the HPE&FSP.

Ms. Kleinhans moved and Mr. McTiernan seconded a motion to adopt Resolution No. 2017-0B to enter into Closed Executive Session. The vote record follows.

Roll Call: Resolution No. 2017-0B to enter Closed Session						
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			

The Board entered Closed Session at 8:24pm and completed Closed Session ended at 9:35pm.

ADJOURNMENT

Ms. Butcher moved and Mr. Scheick seconded a motion to adjourn. The meeting was adjourned at 9:35pm. The vote record follows.

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

Respectfully Submitted,
Denise Filardo
 Planning Board Secretary

These minutes approved on April 17, 2017