

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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October 5, 2015

7:30PM

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 October 5, 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, and the Star Ledger no later than the Friday prior to the meeting.

Secretary Filardo called the roll.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Butcher, Mardini

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney, Andrea Malcolm, PP, AICP, Board Planner, and Denise Filardo, Board Secretary

**PUBLIC HEARINGS**

**1) NEW YORK LIFE, Block 3, Lot 26**

Application # 2015-12

Applicant seeks Waiver of Site Plan Review to remove and replace lighting heads from existing lighting poles.

This application was carried from September 21, 2015.

The applicant was represented by Brian R. Tipton, Esq. of Florio, Perrucci, Steinhardt & Fader, LLC.

This application proposes no new improvements to the property. Instead it intends to remove and replace lighting heads from existing light poles. There will be insignificant impact on the previously approved Site Plan. This proposal involves normal repair and replacement of equipment. The applicant proposes a night light test as a condition approval for this waiver.

The Following individuals were sworn and testified:

- 1) Robert Ragozine, Managing Director of Energy Services for Facility Solutions Group, Lighting distributor and a non-union Electrical Contractor (Applicant's Lighting Expert)
- 2) Ted Sales, of Diefenderfer Electric, subcontractors have worked on the applicant's site for the past 15 years. They have a direct contract with NY Life.
- 3) Andrea Malcolm, PP, AICP, Board Planner

Mr. Ragozine explained the project as replacing the existing parking lot and roadway lighting at the New York Life Facility. The goal to replace the current outdated lighting with new LED better quality lighting with significant energy efficiency improvement. Energy costs for NY Life will decrease by two thirds. The parking lot will be better lit and increase safety. The intent of the design is to retrofit the existing lighting fixtures as they are currently.

At the direction of Attorney Drill, the applicant's Lighting Expert will send a letter to Hatch Mott MacDonald tomorrow explaining how they comply with the following comments in the Hatch Mott MacDonald Lighting Review dated September 17, 2015, specifically as outlined below:

- The applicant will address comment 1.1 by revising the exterior lighting upgrade plan to indicate an average illumination value of 2.09 fc (foot candles) to comply with the ordinance.
- The applicant will address comment 1.2 by adding fixtures along the entrance drive from Cokesbury Road. Applicant will also perform selective pruning of existing trees to improve lighting in the parking areas.
- The applicant will address comment 1.3 by adding model numbers to the Lighting Plan.

They are seeking exceptions from those few requirements to comply with code.

#### BOARD FINDINGS AND CONCLUSIONS:

- The Board finds that while the applicant is proposing to improve existing conditions is seeking exceptions from the few requirements they do not comply with on the basis of hardship because of existing conditions. They just have not been able to eliminate all of the nonconformities.
- The Board further finds that the proposed development involves normal repair, maintenance or in this case specifically replacement and therefore can and should grant Waiver of Site Plan with exceptions.

**RELIEF GRANTED:**

- The Board granted Waiver of Site Plan on the basis that the proposed development involves normal repair, maintenance or in this case specifically replacement and therefore can and should grant Waiver of Site Plan with exceptions.

Ms. Kleinhans moved and Mr. D’Alleinne seconded a motion to grant the Waiver of Site Plan with two (2) exceptions. The vote record follows.

<b><i>Roll Call: New York Life, Blk 3, Lot 26 – Waiver of Site Plan with exceptions</i></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			
Kilduff (Alt 1)			X			
Kleinhans	X		X			
Mardini						X
Mullay					X	
Scheick			X			
Cimei			X			

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

Application # 2015-16

Applicant seeks Preliminary and Final Site Plan Approval, Conditional Use Approval and both C(1) and C(2) Variances

The applicant was represented by Frank Ferraro, Esq. of Ferraro & Stamos, LLP.

The applicant is proposing to erect a 115’ stealth monopole wireless communications tower to replace an existing COW Cell-On-Wheels. The monopole is designed to look like a tall pine tree located within a fenced compound area. Nine antennas are proposed to be located at the centerline elevation of 100’ with the top antennas at approximately 102.3’. Three equipment cabinets are proposed at the base of the tower to be located on a 4 foot by 20’ concrete pad. Three trees are proposed to be removed to construct the driveway. Access to the site is proposed via a new 12’ wide gravel drive from Petticoat Lane and one parking space and turn-around space is proposed along the west side of the equipment compound area. The applicant is proposing tree and shrub plantings around the compound and along the driveway.

A Conditional Use Approval was granted for a period of two years by the Board in 2010, with subsequent extensions of time through December 2015.

The Board considered this new application at a duly noticed public hearing which commenced on April 6, 2015, and was continued and completed on October 5, 2015, with affidavits of service of notice and publication of notice being submitted to the Board, thereby conferring procedural jurisdiction over the new application with the Board, during which hearing the

The following individuals were sworn and testified:

1. Joseph Menio (Applicant's radio frequency engineering expert),
2. Dan Collins (Applicant's FCC compliance expert),
3. Lauren Schmidt (Applicant's historic preservation expert),
4. Jennifer Leynes (Applicant's historic preservation expert),
5. Joshua R. Cottrell, PE (Applicant's civil engineering expert),
6. Timothy Kronk, PP (Applicant's planning expert),
7. Charles Hecht (Board's radio frequency engineering expert),
8. Cathleen Marcelli, PE, CME (Board's civil engineering expert),
9. Andrea Malcolm, PP, AICP, (Board's planning expert), and
10. Brian Bosenberg, ASLA (Board's landscape architectural expert);

**EXHIBIT:**

The following exhibit was submitted into evidence during the hearing on the new application, are on file with the Board, and are part of the record in this matter:

- A-1 Photo of the "evergreen tree tower" located at the Delbarton school in Morris Plains, Morris County, New Jersey;

**BOARD FINDINGS AND CONCLUSIONS OF THE CONDITIONAL USES:**

The Board finds that the proposed development and site plan will comply with all applicable conditional use standards and bulk regulations, as well as with all other site plan ordinance requirements and design standards, provided that the imposed conditions are complied with. The Board concludes that the applicant has satisfied all conditional use standards applicable to the "visual compatibility" of the wireless communications tower

- The Board concludes that the applicant has satisfied all conditional use standards applicable to "antennae and tower locations"
- The Board concludes that the applicant has satisfied all conditional use standards relating to establishing a "gap" in service
- The Board concludes that the applicant has satisfied all conditional use standards relating to establishing a reasonable level of service.
- The Board concludes that the applicant has satisfied all conditional use standards relating to establishing 100 feet as the centerline height of antennas in order to fill its gap in service with a reasonable level of service. The Board notes that the tower structure itself will be permitted to reach a height of 110 to accommodate an additional carrier (which is a better alternative than having a second 100-foot-tall tower erected) and with an additional 5' for "branches" at the top of the tower. The resulting total height of the "Evergreen Tree" camouflaged tower will be 115'.
- The Board thus concludes that Conditional Use Approval and Preliminary and Final Site Plan Approval are warranted subject to conditions.

**RELIEF GRANTED**

- Subject to the imposed conditions, Conditional Use Approval is granted to allow the proposed wireless facility to be operated on the property.
- Subject to the imposed conditions, Preliminary and Final Site Plan Approval is granted.

Mr. Mullay moved and Mr. Scheick seconded a motion to grant Conditional Use Approval and Preliminary & Final Site Plan Approval with conditions. The vote record follows.

<b>Roll Call: T-Mobile, Blk 13.01, Lot 1 - Conditional Use, P&amp;F Site Plan</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			
Mardini						X
Mullay	X		X			
Scheick		X	X			
Cimei			X			

**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

Closed session for attorney (Jon Drill), client privileged advice regarding Mount Laurel Declaratory Judgment litigation and the 2015 HPE&FSP.

Mr. D'Alleinne moved and Mr. Higgins seconded a motion to enter Closed Executive Session. The vote record follows.

<b>Roll Call: Resolution No. 2015-OJ Authorizing Entering Closed Session</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			X			
Scheick			X			
Cimei			X			

**VOUCHERS**

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

<b>Roll Call: 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)						X
D'Alleinne			X			
Higgins			X			
Kilduff (Alt 1)			X			
Kleinhans			X			
Mardini						X
Mullay	X		X			
Scheick		X	X			
Cimei			X			

**REPORTS**

1. Report from Council by Mr. Higgins:
2. Report from Ordinance Committee: Nothing to report.
3. Report from Open Space: Meeting scheduled for tomorrow night.
4. Report from Environmental Commission: Nothing to report.

**ADJOURNMENT**

Mr. Scheick moved and Mr. Cimei seconded a motion to adjourn. All were in favor and the meeting was adjourned at 10:23pm.

Respectfully Submitted,  
*Denise Filardo*  
Planning and Zoning Board Secretary

These minutes approved on March 20, 2017