

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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June 5, 2017

7:00PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

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

Vice Chairman Mardini led the Flag Salute.

Vice Chairman Mardini read the Public Notice.

This is the June 5, 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.

Ms. Marcelli called the roll.

**MEMBERS PRESENT**

Butcher, Kilduff, Kleinhans, Mardini, McTiernan, Pfeffer, Scheick, Cimei

**MEMBERS ABSENT**

Higgins

Butcher arrived at 7:34, Cimei arrived at 7:40

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney and Cathleen Marcelli, Board Engineer filling in for Denise Filardo, Board Secretary

**MEETING MINUTES**

1) MINUTES OF DECEMBER 7, 2015

Mr. Scheick moved and Ms. Kleinhans seconded a motion to approve the Minutes of December 7, 2015. The vote record follows.

<b>Roll Call: Meeting Minutes of Dec 7, 2015</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Higgins						X
Kilduff (Alt. 1)			X			
Kleinhans		X	X			
Mardini			X			
McTiernan			X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick	X		X			
Cimei			X			X

2) MINUTES OF DECEMBER 21, 2015

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

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

**RESOLUTIONS**

1) CHABAD OF HUNTERDON COUNTY, INC.

Block 90, Lot 2.15  
Payne Road  
Application No. PB-2016-06

**Resolution No. 2017-05**

Amended Preliminary Site Plan Approval, Conditional Use Approval, “C(2)” Variance and Exceptions to Allow Construction of a Synagogue, Community Center and Religious Education Building and Related Site Improvements

*Eligible Members: Butcher, Higgins, Kilduff, Kleinhans, Mardini, McTiernan & Scheick.*

Mr. McTiernan moved and Ms. Kleinhans seconded a motion to adopt Resolution No. CTPB-2017-05 with revisions. The vote record follows.

<b>Roll Call: Chabad of Hunterdon County, Block 90, Lot 2.15 Resolution No. CTPB-2017-05 – with additions and corrections.</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins						X
Kilduff (Alt. 1)			X			
Kleinhans		X	X			
Mardini			X			
McTiernan	X		X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick			X			
Cimei					Not Eligible	

- 1) UNITED TELEPHONE COMPANY OF NEW JERSEY, INC. d/b/a CENTURYLINK  
 Block 75, Lot 1  
 160 Center Street  
 Application #PB-13-19  
**Resolution No. 2017-07**  
 Minor Site Plan Approval to Allow Installation of an Above-Ground Fuel Storage Tank and Two Ground-Level Air Conditioning Units  
Eligible Members: Higgins, Scheick, McTiernan, Cimei, Mardini & Kleinhans.

Mr. Mardini moved and Mr. McTiernan seconded a motion to adopt Resolution No. CTPB-2017-07. The vote record follows.

<b>Roll Call: United Tel. d/b/a/ Century Link, Block 75, Lot 1, Resolution No. CTPB-2017-07</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher					Not Eligible	
Higgins						X
Kilduff (Alt. 1)					Not Eligible	
Kleinhans			X			
Mardini	X		X			
McTiernan		X	X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick			X			
Cimei			X			

**REQUEST FOR EXTENSION OF TIME**

- 1) CRC COMMUNITIES AT LONGVIEW MANOR, INC.  
 Block 10, Lots 1 and 9.01  
 Application No. 2006-08

Applicant is requesting an Extension of Time for Preliminary Subdivision Approval and deadline for submission of an application for Final Subdivision Approval, pursuant to N.J.S.A. 40:55D-49d.

The applicant's attorney, Guliet D. Hirsch, Esq. presented the history of this application along with the reasoning for the requested extension of time. CRC is requesting this extension of time due to its inability to proceed due to detrimental local and state housing market conditions. This is a 170-acre property fronting Cokesbury Road. In December of 2005 CRC submitted a Preliminary Subdivision application proposing a 19-lot subdivision in the R-1 Zone. The application was deemed complete in February of 2006. In June of 2006 while the application was still in public hearings before the Board, Clinton Township adopted comprehensive rezoning, changing much of the R-1 Zone, including the Longview Manor property, to a lower density classification. Pursuant to the new Rural Conservation (RC) Zoning, permitted density was cut almost in half. The pending application was therefore dismissed. Litigation challenging the RC Zoning designation was resolved by a settlement agreement in October of 2007. This Litigation Settlement allowed a cluster development with up to 15 lots and no less than 126.5 acres of open space on the property in conformance with a conceptual plan developed by Township Planner, Michael Sullivan. CRC was required to submit a Preliminary Subdivision application within 120 days. The required application was approved by the Board in May of 2009 after seven (7) public hearings with memorializing Resolution No. 2009-17 adopted on November 16, 2009. It thus took CRC four (4) years to obtain preliminary subdivision approval.

During and after the preliminary subdivision process, CRC encountered an unusual number of engineering and surveying issues, including:

- Four of CRC's consultants went out of business resulting in duplicative and expensive plan preparation.
- Due to errors by the original engineer and environmental consultant, the existence of an off-tract C-1 stream, which required a 300-foot stream buffer to be located on the Longview Manor property, was not revealed until after the subdivision had been fully engineered and approved.
- Additional engineering errors showed a 50-foot wetlands transition area where a 150-foot wetlands transition area was required by DEP letter of interpretation.
- Surveying errors were discovered after discussions with the Hunterdon County Planning Board.
- A second aquifer test and report had to be done by a new hydrogeologist due to issues that could not be resolved by the original hydrogeologist.
- CRC had to engage in extended negotiation with the Hunterdon County Engineer's office due to that agency's insistence on extensive frontage improvements along Cokesbury Road. These frontage improvements would have violated the 2007 Litigation Settlement Agreement and required unobtainable DEP permits for disturbance of wetlands, wetlands transition areas and stormwater resource protection area buffers.

By Resolution No. 2012-02, this Board granted two one-year extensions of the preliminary subdivision approval, the second extension expiring on November 16, 2014. By Resolution No. 2014-15, this Board granted a three-year extension expiring November 16, 2017.

Hunterdon County has from 2006 to 2016 produced a relatively low percentage of the state’s new housing and the trend has continued into 2017. Clinton Township falls in the lowest housing production category with zero permits issued in 2016. In the Longview price range of \$1.3 to \$1.5 million, in Hunterdon County, there were only two homes listed and one home sold.

**Board Findings and Conclusions**

- Economic Conditions are the cause of the applicants’ inability to sell any of the lots.
- Recent economic recession and related slow pace of economic recovery have negatively affected the large lot and high priced residential lot market.
- These economic conditions weigh heavily in favor of granting the requested extension of time.

Mr. McTiernan moved and Mr. Mardini seconded a motion to grant an extension of time 11/16/20. The vote record follows.

<b>Roll Call: CRC Longview Estates, Block 10, Lots 1 and 9.01, Resolution No. CTPB-2017-07</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins						X
Kilduff (Alt. 1)			X			
Kleinhans			X			
Mardini		X	X			
McTiernan	X		X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick			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.

<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				X		
Higgins						X
Kilduff (Alt. 1)				X		
Kleinhans				X		
Mardini				X		
McTiernan				X		
Pfeffer (Alt. 2)					Not Eligible	
Scheick		X		X		
Cimei	X			X		

**REPORTS**

1. Report from Council – Nothing to report.
2. Report from Ordinance Subcommittee – Nothing to report.
3. Report from Open Space – Nothing to report
4. Report from Environmental Commission – Nothing to report.

**ADJOURNMENT**

Ms. Butcher moved and Mr. Mardini seconded a motion to adjourn. All were in favor and the meeting was adjourned at 8:08pm.

Respectfully Submitted,  
*Denise Filardo*  
Planning Board Secretary

These minutes approved on August 7, 2017