

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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June 6, 2016

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 June 6, 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, Pfeffer, Scheick, Cimei

Ms. Butcher arrived at 7:42pm.

**MEMBERS ABSENT**

Butcher, Kilduff

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

1. Jonathan Drill, Esq., Board Attorney
2. Cathy Marcelli, PE, Board Civil and Traffic Engineer
3. Joseph Burgis, PP, AICP, Board Affordable Housing Planner
4. Brian Bosenberg, CLA Board Landscape Architect
5. Steve Bayly, Vice Chair of Township Historic Commission
6. Denise Filardo, Board Secretary

**MINUTES**

1. MEETING MINUTES of April 6, 2015

Mr. Mardini moved and Mr. Scheick seconded a motion to approve the Minutes of 2/17/16. The vote record follows.

<b>Roll Call: Minutes of 4-6-15</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					Not Eligible	
Pfeffer (Alt. 2)					Not Eligible	
Scheick		X	X			
Cimei			X			

2. MEETING MINUTES of January 11, 2016

Mr. McTiernan moved and Ms. Kleinhans seconded a motion to approve the Minutes of 1/11/16. The vote record follows.

<b>Roll Call: Minutes of 1-11-16</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			X			

3. MEETING MINUTES of February 17, 2016

Held until June 20, 2016.

**APPOINTMENT OF CONFLICT PROFESSIONALS FOR 2016**

1. SELECTION OF CONFLICT PLANNERS

Robert A. Michaels, PP, AICP of Robert Michaels and Associates

2. SELECTION OF CONFLICT ENGINEERS

Remington, Vernick and Vena Engineers

Mr. Higgins moved and Mr. Cimei seconded a motion to approve the selection of Conflict Professionals for 2016 The vote record follows.

<b>Roll Call: Appointment of Conflict Professionals for 2016</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		X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini			X			
McTiernan			X			
Pfeffer (Alt. 2)			X			
Scheick			X			
Cimei		X	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.

<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	X			
McTiernan			X			
Pfeffer (Alt. 2)			X			
Scheick			X			
Cimei	X		X			

**COMPLETENESS HEARING**

1. INGERMAN DEVELOPMENT CO., LLC

Application No. PB-2016-02

Preliminary Site Plan, “C(1)” and “C(2)” Variances and Exceptions

Beaverbrook Homestead Property, Block 60.03, Lot 26

Applicant seeks approval to construct a residential development consisting of six (6) residential buildings containing sixty-six (66) affordable multi-family units together with associated common and amenity space, parking spaces and related improvements.

Mr. Higgins recused himself from the Ingerman application.

Peter J. Wolfson, Esq., applicant’s attorney introduced himself.

It was noted that Cathy Marcelli, Board Engineer had no objections to the requested waivers.

Mr. McTiernan moved and Mr. Pfeffer seconded a motion to grant waivers and deem the application complete. The vote record follows.

<b>Roll Call: Ingerman Development Co. Blk 60.03, Lot 26 -Completeness</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					Recused	
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini			X			
McTiernan	X		X			
Pfeffer (Alt. 2)		X	X			
Scheick			X			
Cimei			X			

**PUBLIC HEARING**

**INGERMAN DEVELOPMENT CO., LLC**

Application No. PB-2016-02

Preliminary Site Plan, “C(1)” and “C(2)” Variances and Exceptions

Block 60.03, Lot 26,

Beaverbrook Homestead Property, designated an Area in Need of Redevelopment. Applicant seeks approval to construct a residential development consisting of six (6) residential buildings containing sixty-six (66) affordable multi-family units together with associated common and amenity space, parking spaces and related improvements.

Attorney Wolfson gave a description of the property and the application.

Ingerman Development Company, LLC is the contract purchaser and designated redeveloper of an approximately 10.65-acre lot which has frontage on Beaver Avenue and Austin Hill Road in the Annandale section of the Township. This is currently the site of the historically significant Beaver Brook Homestead, and is located in the AH-4 Affordable Housing zoning district which zone permits multifamily housing. The applicant submitted an application dated April 15, 2016 to the Clinton Township Planning Board with the consent of Beaver Brook Homestead, LLC which owns the property, seeking Preliminary Site Plan approval with “C(1)” and “C(2)” variances and exceptions to construct a 100% affordable housing project to be known as “Willows at Annandale”, consisting of six (6) multifamily residential buildings containing a sixty-six (66) units, and including redevelopment and reuse of the historic Beaver Brook

Homestead main house as a community building, and construction of related site improvements such as stormwater facilities, landscaping, and parking.

The current site of the Beaver Brook Homestead consists of several structures, including an historic main house and accessory buildings. The Beaver Brook Homestead is located on the southern half of the Property. Two stone foundations remain from the previously demolished dairy and cattle barns. A tenant house located on the Property is currently being rented for residential occupancy. The northern portion of the Property contains environmentally sensitive areas. The Property is surrounded by single family homes to the north, commercial and offices uses to the south, a Fire Department facility (Annandale Hose Co. #1) to the east, and the Church of the Nazarene and a NJDOT facility to the west.

**The following individuals were sworn and testified during the hearing:**

1. Lara Schwager, Applicant's representative presented background on the applicant.
2. Thomas Fik, PE, Applicant's civil engineering expert presented a review of existing conditions of the property and the surrounding area.
3. Maurice Rached, PTOE, Applicant's traffic engineering expert discussed traffic and parking.
4. Thomas Bauer, CLA, Applicant's landscape architectural expert discussed landscaping plan.
5. James Haley, Applicant's unlicensed architectural design expert discussed the architectural details of the project.
6. John McDonough, PP, AICP, Applicant's planning expert discussed the relief requested.
7. Cathleen Marcelli, PE, Board's civil and traffic engineering expert.
8. Joseph Burgis, PP, AICP, Board's affordable housing planning expert.
9. Brian Bosenberg, CLA, Board's landscape architectural expert.
10. Steve Bayly, Vice Chair of Clinton Township Historic Preservation Commission.

**EXHIBITS**

- A-1 "Aerial Site Plan" prepared by Carrol Engineering dated April 21, 2016
- A-2 Color rendered "Grading and Storm Water Management Plan"
- A-3 "Garbage Truck Circulation Diagram" prepared by Carrol Engineering dated April 21, 2016
- A-4 Color rendered site plan over an aerial dated June 6, 2016 titled "Overall Site Plan"
- A-5 Photos of existing stone wall
- A-6 Additional Photos of existing stone wall
- A-7 Photo of a golf course with manicured lawn with grasses at different heights
- A-8 Photo of building with higher grass
- A-9 Photo of trees along Beaver Avenue
- A-10 Redlined tree assessment plan prepared and signed by Thomas Bauer, CLA, dated April 15, 2015, last revised May 15, 2016

- A-11 Color rendered First Floor Plan prepared by James Haley dated June 6, 2016
- A-12 Color rendered Second and Third Floor Plans” prepared by James Haley dated June 6, 2016
- A-13 Color corner rendering prepared by James Haley dated June 6, 2016
- A-14 Color front rendering prepared by James Haley dated June 6, 2016
- A-15 Color rendered alternative perspective
- A-16 Photos of existing Beaver Brook Homestead buildings and site
- A-17 Color rendered Preliminary Architectural Plans cover sheet

Attorney Wolfson introduced Lara Schwager, development principal of Ingerman who gave background on the applicant.

Ingerman is a multi-family Developer group with a specialty in tax credit affordable housing. Ingerman is a group of companies and has an in-house Development company, Construction Company and Management company which provide for one stop shopping for municipalities. Ingerman currently has approximately 7,000 apartment homes in their portfolio and growing. They are developers in New Jersey, Pennsylvania and Maryland with their principal offices in New Jersey. Approximately 50% of Ingerman’s portfolio is in New Jersey.

Thomas Fik, PE of Carroll Engineering credentials were accepted by the Board. Mr. Fik discussed the orientation of the site. The current site of the Beaver Brook Homestead consists of several structures, including an historic main house and accessory buildings. The Beaver Brook Homestead is located on the southern half of the Property. Two stone foundations remain from the previously demolished dairy and cattle barns. A tenant house located on the Property is currently being rented for residential occupancy. The northern portion of the Property contains environmentally sensitive areas. The Property is surrounded by single family homes to the north, commercial and office uses to the south, a Fire Department facility (Annandale Hose Co. #1) to the east, and the Church of the Nazarene and a NJDOT facility to the west.

The proposed Project will consist of thirteen (13) one-bedroom units, thirty-six (36) two-bedroom units and seventeen (17) three-bedroom units to be distributed among the six (6) residential buildings, with all of the units being affordable units. The existing historic main house which is part of the Beaver Brook Homestead will be reused as a community building and management facility with an adjacent outdoor tot lot. Access to the site will be from Austin Hill Road directly opposite the driveway of the Church. The two existing driveways on Beaver Avenue will be removed. There will also be bicycle parking in a few areas. Site improvements include the following:

- 116 parking spaces to service the residential development
- approximately 16 square foot ground mounted identification sign and
- a stormwater management system. The stormwater management system will include inlets in the parking area, inlets in the yard throughout the green spaces, vegetated swales, five subsurface detention basins, and three water quality manufactured treatment devices.

Discussion ensued regarding the “C(2)” variance for the trash enclosure, specifically regarding the location and turning radius required for garbage trucks and the safety concerns regarding trucks backing up. The Board was Straw polled regarding the location of the trash enclosure. It was decided that the trash enclosure would be relocated, with details to be worked out.

On behalf of the applicant, Mr. Fik agreed to all comments contained in Ms. Marcelli’s, engineering report and Mr. Burgis’ planning report to be conditions of the approval if granted by the Board. The applicant will satisfy the Construction Code Official regarding the number of barrier free parking spaces. The applicant is in agreement with all comments contained in Mr. Fischer’s geologic report.

Thomas Bauer, President of Melilo & Bauer Associates, credentials were accepted by the Board. Mr. Bauer presented the landscaping plan which included a safety surfaced tot lot.

Discussion ensued regarding the location and visibility of the tot lot from Beaver Avenue with respect to the historical character of the site. Mr. Steve Bayly, Vice Chairman of the Clinton Township Historic Preservation Commission commented on the historical nature of the site.

The Board was straw polled and it was decided that the tot lot would remain in the proposed location, however with an alternate design. Mr. Bauer with work with Mr. Bosenberg on the alternate design.

The proposal was made for a meadow or golf course type course grasses. The Board concurred.

James Haley, principal of Haley Donovan has 24 years-experience in Architecture, mostly in multi-family & affordable housing. Attorney Drill stated that Mr. Haley can be qualified as an architectural design expert. JD states he is not licensed in the state of NJ. The plans were prepared by Haley Donovan Architecture who is a NJ licensed architectural firm. Mr. Haley presented the architectural details of the project referring to exhibits A-11 through A-17.

The first Floor Plan represents one and two-bedroom flat ground floor plans. The second and third floor plans, represent a mix of two and 3 three-bedroom units. The outside of the buildings will be a mix of stone and clapboard siding.

It was requested by a Board member that the sign base be constructed with matching stone instead of the proposed brick. The applicant agreed to substantially match the stone as well as to provide grills between the glass window panes to match the pattern of the Beaver Brook Homestead.

John McDonough, PP, AICP, the applicant’s planning expert’s credentials were accepted by the Board. Mr. McDonough presentation addressed the following relief requested by the applicant:

## VARIANCES AND EXCEPTIONS REQUESTED

- 1) “C(1)” variances to allow:
  - a) a disturbance of 5.6% in areas of the site with steep slopes in excess of 25%;
  - b) a disturbance of 37.3% in areas with steep slopes between 15% and 25%. (*Township ordinance does not permit any development in areas with slopes that exceed 25% and permits development in a maximum of 15% of the area in areas with slopes between 15% and 25%.*)
- 2) “C(2)” variances from the front and side yard setback regulations established in the Redevelopment Plan to allow:
  - a) a trash enclosure to be located in the front yard setback area; and
  - b) a retaining wall to be located in the side yard setback area.
- 3) “C” variance to allow a ground sign area of 30 square feet where 24 square feet is the maximum size permitted. The applicant withdrew the request for the ground sign variance during the hearing in response to questions from the Board as to whether the applicant could comply with all zoning ordinance regulations applicable to the proposed ground sign.
- 4) Exception from the RSIS requirement to provide 116 off-street parking spaces where the RSIS requires 131 off-street parking spaces.
- 5) Exception from the Redevelopment Plan ordinance requirement for landscape plantings around the foundations of all buildings.
- 6) Preliminary Site Plan approval.

Upon completion of Mr. McDonough’s testimony, Chairman Cimei asked if there were any other questions from the Board, Professionals or members of the public. There were no questions.

## BOARD FINDINGS & CONCLUSIONS

After considering all of the testimony, the Board findings are as follows:

- The Board found that strict application of the steep slope regulations in this particular case would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the Applicant because the Applicant would be unable to develop the property into the Affordable Housing Project, despite the fact that this is precisely what the Township re-zoned for the property for through the adoption of the Redevelopment Plan in January of 2016.
- The Board found and concluded that granting “C(1)” variances to allow the proposed steep slope disturbances are warranted and can and should be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the master plan and zoning ordinance provided the imposed conditions are complied with.
- The Board found that the construction of the Affordable Housing Project will provide for the housing needs of low and moderate-income families, thereby promoting the general welfare which is a purpose of the MLUL
- Granting “C(2)” variances to allow the trash enclosure and retaining wall to encroach into the front and side yard setback areas will allow the Affordable Housing Project to be constructed, thereby promoting the above referenced general



welfare purposes of the MLUL.

- The Board found that the zoning benefits resulting from the grant of the “C(2)” variances will substantially outweigh any resulting detriment.
- The Board found that the “C(2)” variances can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the master plan and zoning ordinance, provided that the imposed conditions are complied with.
- The Board concluded that it can and should grant the “c(2)” variances subject to conditions.
- The Board found that granting the requested exception to the Foundation Planting Requirement is reasonable and within the general intent and purpose of the provisions for site plan review and approval because the Preliminary Site Plans, provided they are revised in accordance with the conditions set forth below, will promote a desirable visual environment and accentuate building design, which are the primary purposes of the landscaping requirements in the first instance.
- The Board found that the literal enforcement of the foundation planting requirement in this particular case is not practical because providing foundation plantings in this particular case will actually detract from the building design which the Board finds to be aesthetically pleasing.
- The Board found that since the literal enforcement of the foundation planting requirement rises to the level of undue hardship and enforcement of the requirement will not inhibit the extent to which the property can be used it is not sensible or prudent to insist on the literal enforcement of the foundation planting requirement for no purpose other than blind compliance with the requirement.
- The Board concludes that it can and should grant the exception to the foundation plantings subject to the imposed conditions.
- The Board found and concluded that the requested exception from the RSIS Number of Required Parking Spaces qualifies as a de minimis exception. Granting the exception is reasonable and within the intent of the RSIS standards provided that the imposed conditions are complied with.
- The Board found that the literal enforcement of the RSIS requirements at issue is impracticable because it would require the Applicant to reduce the number of affordable housing units that can be provided on the site to accommodate unnecessary parking spaces and for no reason other than strict compliance with the RSIS requirements, and would require more blacktop paved surfaces on the site to accommodate unnecessary parking spaces and for no reason other than RSIS compliance.
- The Board concluded that it can and should grant the RSIS exception subject to the imposed conditions.
- The Board ultimately found that with the exception of the variances and exceptions above, Preliminary Site Plan approval is warranted and that it can and should be granted provided the imposed conditions are complied with.

## **RELIEF GRANTED**

All of the following relief was granted subject to compliance of imposed conditions.

- “C(1)” Steep Slope Variances

- “C(2)” Setback Variances
- Exception from Redevelopment Plan Requirement of Foundation Plantings
- Exception from RSIS Requirement for the Number of Parking Spaces
- Preliminary Site Plan Approval

Mr. McTiernan moved and Mr. Pfeffer seconded a motion to grant waivers and deem the application complete. The vote record follows.

<b>Roll Call: Ingerman Development Co. Blk 60.03, Lot 26 Preliminary Site Plan, “C(1)” &amp; “C(2)” Variances and Exceptions</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					Recused	
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini			X			
McTiernan		X	X			
Pfeffer (Alt. 2)	X		X			
Scheick			X			
Cimei			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**

Ms. Butcher moved and Mr. Cimei seconded a motion to adjourn. The Board concurred unanimously and the meeting was adjourned at 10:55pm.

These minutes were approved on August 21, 2017.

Respectfully Submitted,

*Denise Filardo*

Planning and Zoning Board Secretary