

*(The following matters were known at agenda deadline. Other matters may arise thereafter that need timely consideration or reaction.)*

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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January 30, 2017

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 January 30, 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.

**MEMBERS PRESENT**

Higgins, Kilduff, McTiernan, Pfeffer Scheick, Cimei

**MEMBERS ABSENT**

Butcher, Kleinhans, Mardini

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney, Andrea Malcolm, PP, Board Planner, Cathleen Marcelli, PE, CME, Board Engineer, Brian Bosenberg, CLA, Board Landscape Architect and Denise Filardo, Board Secretary

**MINUTES**

None.

**RESOLUTIONS**

None.

**VOUCHERS**

Mr. Pfeffer motioned and Mr. McTiernan seconded a motion to grant the requested Extension of Time as specified above. The vote record follows.

<b><i>Roll Call: Approval of Vouchers</i></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)			X			
Scheick		X	X			
Cimei	X		X			

**REQUEST FOR EXTENSION OF TIME**

CRC COMMUNITIES AT HEADLEY FARM ESTATES, INC.,  
 Block 46, Lots 33 and 33.01  
 Application No. 2010-01

Pursuant to N.J.S.A. 40:55D-52b, the applicant is seeking either a three year extension of time to February 6, 2020 or such extension as the Board considers justified, of Final Subdivision approval and the deadline for obtaining signatures on, and filing of, the final plat.

Guliet Hirsch, Esq. provided history of the development approvals and construction. Headley Farm Estates Subdivision consists of 23 lots, including 21 clustered single-family building lots and two (2) open space/stormwater management basin lots on a tract of land comprising 155.32 acres. Final Subdivision approval was granted on May 3, 2010 with memorializing Resolution 2010-12 adopted on September 20, 2010. Amended Final Subdivision Approval was granted on December 19, 2011 with memorializing Resolution No. 2011-15 adopted on February 6, 2012. A Two-year Extension of Final Subdivision Approval was granted by the Board on December 1, 2014 with memorializing Resolution No. 2014-17 adopted on January 12, 2015. A further Extension of one (1) year to February 6, 2017 was granted on March 21, 2016 with memorializing Resolution No. 2016-07 adopted on November 7, 2016.

The most recent extension to February 6, 2017 is the last of the three (3) extensions authorized pursuant to N.J.S.A. 40:55D-52a, and as recognized in Resolution NO. 2016-07, a further request for extension is authorized under N.J.S.A. 40:55D-52b.

Required governmental approvals have been obtained. Required site improvements have been substantially completed, including storm sewers, roads up to base course, detention facilities, underground fire storage tanks and soil erosion and sediment control measures. The cost of these improvements was \$2,350,000. The only on-site improvements not yet installed are the top course of paving and landscaping.

Attorney Hirsch provided detailed building permit and sales data showing a continuation of the recessionary housing market trends in the State of New Jersey, Hunterdon County and Clinton Township.

### BOARD FINDINGS AND CONCLUSIONS

- The large size of the development and inability of the applicant to sell any of the 21 lots despite the installation of infrastructure are factors that weigh in favor of extending the protection period and the period within which to record the final plat.
- Economic conditions are the cause of the applicant's inability to sell any of the lots.
- The recent economic recession and related current slow pace of economic recovery have negatively affected the large lot, high priced, residential lot market, which is the market that the proposed development is in.
- These economic conditions are factors that weigh heavily in favor of extending the protection period and the period within which to record the final plat.
- The recent economic recession and related current slow pace of economic recovery has not disappeared and, in fact, is negatively impacting development in the Township
- There have been no changes to the neighborhood and no changes to the ordinances applicable to proposed development since the time of final approval.
- The situation the applicant currently finds itself in, namely, having obtained preliminary and final subdivision approval for a development where the nearly all of the site improvements have been installed but underlying zoning has been changed after the initial approval, is precisely the sort of situation the extension provisions of the MLUL were intended to remedy.
- On June 14, 2006, while the property was zoned R-1 and after the applicant's initial application for Preliminary Subdivision Approval was granted, the Township adopted a comprehensive re-zoning, changing much of the R-1 zone, including the subject property, to RC, a much lower density residential classification (the permitted gross density was cut almost in half from 0.2 residential dwellings per acre to 0.11 residential dwellings per acre). However, the preliminary approval brought with it the preliminary protection period which provided protection against the zone change. And, the subsequent final approval brought with it the final protection period which provided continued protection against the zone change.
- There are no factors that prevent extending the final protection period provided, provided that the imposed conditions are complied with.
- The Board finds and concludes that the applicant's request pursuant to N.J.S.A. 40:55D-52d for a further extension of the final protection period and the time within which it must obtain signatures on the final plat and record the final plat is warranted.

### RELIEF GRANTED

- Grant of Three (3) Year Extension of the Final Protection Period. Subject to conditions a three (3) year extension of the final protection period for the subdivision is granted pursuant to N.J.S.A. 40:55D-52d, extending the final protection period from February 6, 2017 to February 6, 2010.
- Grant of Three (3) Year Extension of Time to Obtain Signatures on the Final Plat and Record the Final Plat. Subject to the imposed conditions, the time within which the

applicant must obtain signatures on the final plat and record the final plat is extended three (3) years, from February 6, 2017 to February 6, 2020.

Mr. Pfeffer motioned and Mr. McTiernan seconded a motion to grant the requested Extension of Time as specified above. The vote record follows.

<b>Roll Call: CRC Headley Farms – Block 46, Lots 33, 33.01</b>						
<b>Extension of Time</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	X			
Pfeffer (Alt. 2)	X		X			
Scheick			X			
Cimei			X			

**PUBLIC HEARING**

2017 ROUTE 31 CLINTON, LLC, Block 76, Lot 2

Application No. CTPB-2016-08

Applicant is seeking Preliminary and Final Major Site Plan approval to construct a Chase Bank with drive-through facilities at the current Country Griddle Restaurant site.

Chase Bank was represented by Robert Ridolfi, Esq. Mr. Ridolfi noted that the Board already granted Completeness. The applicant has received an exemption letter from the Hunterdon County Planning Board and NJDOT approval is still pending.

The Applicant proposes to demolish the existing building, remove the existing paved parking areas, and construct the proposed development consisting of the 3,030-square foot proposed bank building to house a Chase Bank branch, and related site improvements consisting of a two-lane drive-through with automatic teller machine (ATM) and a weather protection canopy to be located at the east end of the site, wall and freestanding signage, landscaping, stormwater facilities and parking areas containing a total of 25 parking spaces on the east and west sides of the proposed bank building.

The following individuals were sworn and testified during the hearing:

1. Tom Moffatt (Applicant’s representative, VP Chase Bank, NE Construction Manager),
2. Jeffrey Martell, PE (Applicant’s civil engineering and planning expert)
3. Charles Olivo, PE (Applicant’s traffic engineering expert)
4. Brian Bosenberg, CLA (Board’s landscape architectural expert)
5. Cathleen Marcelli, PE (Board’s civil and traffic engineering expert)
6. Andrea Malcolm, PP, AICP (Board’s planning expert)

Mr. Moffatt's testimony included details on the construction of new Chase Bank branches in New Jersey. The Flemington branch has recently been completed and three additional branches are currently under construction. The high demographics in Clinton make it a good location for a "Chase Private Client" specializing in wealth management. Mr. Moffatt discussed the square footage of the proposed building, the operating hours, number of employees, drive up ATM's and anticipated peak times.

EXHIBITS:

- A-1 Aerial Exhibit, prepared by Stonefield Engineering & Design, LLC, dated January 30, 2017.
- A-2 Site Plan Rendering (color rendered version of sheet C-4), prepared by Stonefield Engineering & Design, LLC, dated January 17, 2017.
- A-3 Existing Building Envelope Exhibit, prepared by Stonefield Engineering & Design, LLC, dated January 30, 2017.
- A-4 Proposed Building Envelope Exhibit, prepared by Stonefield Engineering & Design, LLC, dated January 30, 2017.
- A-5 Proposed Exterior Elevations Exhibit (color rendered), prepared by Core States Group, dated September 28, 2016.

Mr. Martell's testimony included and was not limited to:

1. Orienting the Board with the property and proposed development referring to Exhibits A-1 through A-5
2. Details in support of the requested Variances:
  - a) "C(1)" Variances from Minimum Lot Size, Minimum Front Yard Setback and Minimum Rear Yard Setback Zoning Ordinance Regulations section 165-86.
  - b) "C(1)" Variances from Accessory Structure Setback Zoning Ordinance Regulations sections 165-97.B and 165-97.C(2).
  - c) "C(2)" Variance from Zoning Ordinance Impervious Coverage Regulation referenced in zoning ordinance section 165-86.
  - d) "C(2)" Variances from Zoning Ordinance Signage Regulation section 165-109.N(2)(a).  
*Attorney Drill noted that the applicant's Notice did not mention the sign variance, so they proceed at their own risk.*
3. Details in support of the requested Exceptions:
  - a) Exception from Site Plan Ordinance section 165-71.A(7), Parking Setback Requirement.
  - b) Exception from Site Plan Ordinance section 165-75.H(3)(d), Pedestrian and Vehicular Access Requirement.
  - c) Exception from Site Plan Ordinance section 165-75.H(1)(b), Building Arrangement Requirement.
  - d) Exceptions from Site Plan Ordinance sections 165-77.K(7)(a)(1), 165-77.K(7)(b) and 165-77.M(7) Landscaping / Buffering Requirements. Upon discussion of this exception it was noted that Brian Bosenberg's suggestions were not implemented in the exhibits submitted.

- e) Exceptions from Site Plan Ordinance sections 165.75.K and 165.75.L Architectural Design Standards / Requirements.
- f) Exceptions from Site Plan Ordinance section 165-71.A(13) Exterior Solid Waste Collection Requirements.

The meeting paused for a break at 9:33pm. The meeting resumed at 9:42pm.

Mr. Martell discussed the two (2) proposed Drive thru lanes (without tubes) with a total of a ten (10) car queue, ATM's, sidewalks, bike rack, reduction in impervious coverage, wall signs and landscaping.

Mr. Martell noted that the applicant has satisfied the Geotechnical and Carbonate rock comments contained in Mr. Fischer's report.

Upon request from Mr. Higgins, the applicant agreed to install a Sidewalk across the east to west on Center Street.

Attorney Ridolfi noted that the applicant will have a contract shredder and refuse hauler pick-up from inside building and cart all refuse away, there will be no need for a dumpster on site.

Mr. Olivo's qualifications were accepted by the Board.

Mr. Olivo's testimony on traffic included the discussion of twenty-five parking stalls, site circulation, the level of service during peak hours to apply safety and a buffer to the expected demand to prevent conflict with other vehicles as well as ingress and egress.

At 10:30pm it was noted that this application would be carried to March 6<sup>th</sup>, 2017. The applicant will re-do the notice, obtain Public Utility and Will Serve Letters, provide testimony on the requested Landscaping and Lighting Exceptions, loading and closely review Cathy Marcelli's report.

## **REPORTS**

1. Report from Council – Mr. Higgins reported that the borrowing of funds for the Kaufelt property has been approved.
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**

Mr. Scheick motioned and Mr. Pfeffer seconded a motion to adjourn. All were in favor and the meeting was adjourned at 10:40pm.

Respectfully Submitted,  
*Denise Filardo*  
Planning Board Secretary

These minutes approved on February 5, 2018