

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

www.township.clinton.nj.us

PUBLIC MEETING

June 24, 2013

PRESENT: Tom McCaffrey, Sharon Stevens, Dave Roberts, John Lefkus, John Matsen and Sharol Lewis.

PROFESSIONALS: Cathy Marcelli, Engineer, Beth McManus, Planner, Joe Fischer, Geologist, Jon Drill, Attorney and Rebecca D'Alleinne, Administrator.

ABSENT: Wayne Filus, Ira Breines and Amy Switlyk.

CALL TO ORDER

Chairman McCaffrey called the meeting to order at 7:30PM.

PUBLIC NOTICE

This is a public meeting of the Zoning 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 outside the Planning and Zoning Office on the 1st Floor of the building and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, the Star Ledger and the North County Branch of the Hunterdon County Library, no later than the Friday prior to the meeting.

NEW BUSINESS

Vouchers

Chairman McCaffrey moved and John Matsen seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

MINUTES

Dave Roberts moved and Sharon Stevens seconded a motion to approve the minutes of May 28, 2013, as corrected. The Board concurred unanimously.

RESOLUTIONS

MCDONALDS, Block 77, Lot 4.01

Resolution #2013-05, Application #2011-11

Chairman McCaffrey stated that Version 1 was under consideration. Jon Drill reported that he had received an email from the applicant's attorney approving the draft. Dave Roberts moved and John Lefkus seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Matsen, Stevens, Lefkus, Roberts and Lewis.

WOODMONT INDUSTRIAL PARTNERS, Block 13, Lot 11.01

Resolution #2013-06, Application #2011-09

Chairman McCaffrey stated that Version 1 was under consideration. Jon Drill indicated that the applicant's attorney had no changes. John Matsen moved and Sharon Stevens seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Matsen, Stevens, Lefkus, Roberts and Lewis.

97 SPENCER LANE, Block 13, Lot 3

Resolution #2013-07, Application #2013-04

Jon Drill reported that Version 3 had been distributed and read the additional corrections into the record. John Matsen moved and Dave Roberts seconded a motion to approve Draft #4 of the resolution. Members in favor: McCaffrey, Matsen, Stevens, Lefkus, Roberts and Lewis.

DISMISSAL WITHOUT PREJUDICE

RIDGE FIVE, LLC, Block 4.03, Lot 29

Resolution #2008-28, Application #2011-06

Chairman McCaffrey noted that the application was over two years old. Jon Drill recommended that the application be dismissed without prejudice due to a lack of prosecution and gave a short history of the application. Sharon Stevens moved and John Matsen seconded a motion to dismiss without prejudice. Members in favor: McCaffrey, Matsen, Stevens, Lefkus, Roberts and Lewis.

PUBLIC HEARINGS

WATER'S EDGE HOMEOWNERS' ASSOC., Block 68, Lot 9.04

Application #2012-15

Chairman McCaffrey reported that the application would be heard on July 22, 2013 and that a new notice was required.

VILLAGE GREEN/MEURER DEVELOPMENT, Block 49, Lot 25

Resolution #2012-07, Application #2011-07

Chairman McCaffrey noted that the applicant had not properly noticed and would return at a later date. A new notice will be required.

Chairman McCaffrey and Vice Chairman Matsen recused themselves from the following application and left the meeting. Sharon Stevens took the gavel.

ZINN REALTY, Block 74, Lot 16, 18, 19

Application #2012-07

James Knox, Esq. introduced himself on behalf of the applicant. He discussed the history of the application, noting that a use variance for a medical office building had been previously granted and that the applicant was seeking Preliminary and Final Site Plan approval. He noted that the applicant had revised the site plan using the Board's priorities as a guide and that the Board professionals had been consulted. Mr. Knox also explained that the Town of Clinton had withdrawn its will-serve letter for water, but noted that recently the DEP ban had been lifted. Eric Rupnarain, Engineer, Don Shuman, Realtor, Chris Pickell, Architect, Gary Dean, Traffic, Joe Fischer, Board Geologist, Beth McManus, Board Planner and Cathy Marcelli, Board Engineer were sworn.

Exhibit A-1, (Color-Rendered Site Plan, dated 1/16/12) and Exhibit A-2 (Color-Rendered Site Plan, dated 3/25/13) were marked into evidence. Mr. Rupnarain noted that the dogleg had been eliminated in the subdivision. He explained that the 20' fire lane had been eliminated with the approval of the fire marshal, because the applicant agreed to have the building sprinklered. He stated that there would be landscape islands in the parking lot, which would eliminate some of the impervious coverage. Mr. Rupnarain indicated that the landscape buffering along the west side would be widened, but not to ordinance standards. A waiver will be required as 30' was required and the proposal was for 18.5' at the narrowest. He stated that the applicant would put in a dense evergreen screen, which had been approved by the Board's landscape architect. He noted that Mr. Bosenberg's opinion was that it had actually been overplanted. He stated that the building had been slightly narrowed, which reduced the parking requirements and noted that the current lot coverage was 58%. Mr. Knox noted that there were two issues that needed to be addressed: the circulation and signage. Sharon Stevens asked about the dogleg and Mr. Knox indicated that the Board had indicated a preference for eliminating it. She asked about the sustainability of the buffering and noted that in his report, Brian Bosenberg had expressed the opinion that the arrangement of the trees was too dense in the proposed landscape design. Mr. Knox stated that the applicant would accept Mr. Bosenberg's guidance. Beth McManus read from Mr. Bosenberg's report.

Sharon Stevens read from the use variance resolution condition concerning buffering. Jon Drill read from the resolution. Mr. Knox indicated that the Board needed to address whether what the applicant was proposing was "sufficient" and stated that the applicant would do what Mr. Bosenberg wanted. He pointed out that they had reduced the size of the building and added sprinklers, noting that ultimately, it was the Board's decision whether to grant the exception. Beth McManus discussed the look of the buffer

in five years. Sharon Stevens stated that there was a reason for the variance. Mr. Knox noted that Mr. Bosenberg's report did not say that it was an "insufficient" buffer. It was determined to call Brian Bosenberg to come to the meeting. Beth McManus recommended that the Board should consider light trespass, noise and activity levels. She discussed a fence as an option and suggested one-way circulation in the parking lot. Mr. Knox discussed the elevation level between the property and the neighboring lot. Mr. Rupnarain noted that the headlights would be lower than the neighbor's lot and so there would be no light intrusion. John Lefkus discussed the buffer and the grade change, expressing the opinion that there would be no value to a fence.

Eric Rupnarain discussed the traffic circulation and pointed out that now there would be stairs between the two floors of the building, which would improve access from the parking lots. He commented on how important signage was in an emergency situation. He pointed out where the signs and the directional arrows would be located. Mr. Rupnarain discussed the internal circulation of the lot and noted that there would be a variance needed for a sign setback deviation as it would be too close to signs on other lots. Jim Knox indicated that a C1 hardship variance would be needed due to the characteristics of the lot and that they would apply for a C2 also. Mr. Rupnarain expressed the opinion that the designated location was the best place for the sign. Jon Drill read the sign ordinance requirement into the record. Mr. Rupnarain stated that a second sign was needed to minimize motorists' confusion in locating Dr. Klein's office. He noted that the sign would need a setback variance from both the right of way and the close proximity of other signs. He displayed the sign designs.

Sharon Stevens discussed moving the sign on Greyrock Road to another location and Mr. Rupnarain noted that a line of landscaping along the right-of-way would obscure the sign. Ms. Stevens expressed the opinion that the sign was not going to be visible where it was currently located. Jim Knox stated that the applicant would accept a condition to adjust the landscaping. Directional signs were discussed as an alternative. John Lefkus asked about putting a sign at Fairview and Greyrock. One-way internal circulation was discussed. Cathy Marcelli suggested putting the traffic access from Center Street running in the other direction. Discussion ensued concerning the fact that it would reduce the required number of parking spaces if the building were to be made smaller. James Knox indicated that the applicant would change the direction of the traffic arrows. Brian Bosenberg joined the meeting. Mr. Knox expressed the opinion that the sign on the building would not be sufficient on its own to identify the doctor's office, so the additional sign was needed.

John Lefkus commented on signs for the other tenants and discussed the entrance from Center Street. Dave Roberts discussed the changing the direction of the traffic circulation. Cathy Marcelli suggested that the traffic should be one-way-in off of Center Street and that it should be both an enter and exit off onto Greyrock Road. Discussion ensued and Mr. Rupnarain expressed the opinion that reversing the flow would be acceptable. Cathy Marcelli asked for the difference in the lot sizes between the use variance application and the current application and Mr. Knox stated that the applicant would get the information to her.

John Lefkus commented that he was in favor of granting variances if the result would accomplish good circulation. He recognized that the site would need sign variances. Sharol Lewis commented that she preferred the applicant's proposed

circulation design. Dave Roberts expressed the opinion that the one-way traffic direction behind the building should be reversed, noting that he had no concern about the entrance on Center Street. Sharon Stevens preferred a one-way entrance from Center Street and John Lefkus stated that he had an open mind on a two-way entrance from Center Street. Jon Drill discussed possible confusion from GPS addresses. After discussion, three Board members were in favor of a one-way-in entrance on Center Street.

Mr. Knox discussed the variance required for the proposed two signs. John Lefkus agreed that there was a need to have both signs. Brian Bosenberg wondered whether the main sign could be seen in its current location, and expressed the opinion that the landscaping could be adjusted and the sign moved closer to the right-of-way. The site triangle would be impacted. Discussion ensued as to a better location and the Board agreed with the solution that Cathy Marcelli and Brian Bosenberg recommended to move it 20 feet north.

Brian Bosenberg expressed the opinion that the plan was overplanted to compensate for the lack of space. He noted that it was an improvement and would need a variance, but that the proposal was far from what the ordinance required. Mr. Knox asked whether it was "sufficient" buffer and Mr. Bosenberg responded that, with adjustment to the nature of the plantings, it could be sufficient. John Lefkus asked how the grade change between the property and the next door lot could be handled by the buffer. Mr. Bosenberg suggested that the Board require larger trees, between 10-14 feet, similar to what was installed at Goddard School across the street. He noted that the applicant had agreed to plant 2-3 times the size of material that was usually required. He stated that the buffer should be of a mixed, rural character and expressed the opinion that it was a difficult site. Jim Knox pointed out that the one-way entrance on Center Street would increase the buffer width. John Lefkus commented that the architect had done a good job in a transitional area. Mr. Bosenberg stated that he liked the architectural look and how the building fit on the site, noting that it would be a nice area in a few years. Dave Roberts asked whether requiring a fence was a good idea and Mr. Bosenberg responded that it would create a maintenance issue, noting that he preferred a living buffer. He noted that he had held numerous discussions with the engineer to try to address the deficiencies. He discussed the parking lot islands, and indicated that they couldn't have deciduous trees in the islands because of the underground detention basin. Discussion ensued concerning the parking lot islands and Mr. Bosenberg expressed the opinion that they are as important as the buffer. Cathy Marcelli reminded the Board that the tree roots would intrude on the underground detention basin. Several suggestions for changing the parking spaces and the impact on the detention basin were discussed.

Jon Drill expressed the opinion that the applicant would have to come back to another meeting, because they needed to conform to the geotechnical ordinance requirements. He noted that the engineer had not addressed Mr. Fischer's concerns or included the information on the plan detail sheets. Mr. Rupnarain stated that he had performed soil logs in order to design the project. Mr. Drill expressed the opinion that the consultants' reports should be incorporated in the notes on the plan sheets. Jim Knox stated that they had not received the memo from Mr. Fischer and was unhappy that the issue had not been raised before. Jon Drill read the ordinance requirements for the limestone geologic zone.

John Lefkus asked about whether the change in the direction would require a new traffic report. Gary Dean presented his credentials which were accepted by the Board. He noted that he had submitted a revised traffic report and expressed the opinion that the office building would generate a quarter to a third of the traffic when compared to the Goddard School. He indicated that the low traffic volume would have no effect on the level of service. Mr. Dean expressed the opinion that a two-way entrance on Center Street would be better solution. He discussed the traffic generated by the Goddard School and the resultant level of service at the Center Street and Greyrock Road intersection. He discussed the traffic patterns. Mr. Dean commented that he didn't like one-way on-site circulation, pointing out that there would have to be angled parking to have a one-way flow.

Tom Yager, 10 Greyrock Road, asked whether Greyrock Road would be widened in 2014, and Cathy Marcelli agreed that it was on the township's list for upgrading. She stated that there would be improvements made on the road by the applicant. Mr. Dean was excused. The Board professionals agreed with Mr. Dean's earlier testimony.

Mr. Yager stated that he did not have any issues with Mr. Dean's testimony. He asked about the drainage along the road, noting that it was currently a ditch. Cathy Marcelli discussed the pipe in the ditch and that all the work yet to be completed.

The application was continued to all of the following dates: July 22, August 26 and September 23, 2013, without the need for further notice. Mr. Drill noted that the applicant would need buffer design, revised plans, and sign details. Mr. Knox stated that the applicant would extend the time within which the Board had to act until the October 28, 2013 meeting.

ADJOURNMENT

John Lefkus moved and Dave Roberts seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 10:45PM.

These minutes were approved on July 22, 2013.

Rebecca E. D'Alleinne, Administrator