

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD
<http://clintontownshipnj.com>

PUBLIC MEETING

DATE: March 18, 2013

PRESENT: John Higgins, Sam Mardini, Chris D'Alleinne, Brian Mullay, Kevin Cimei, Richard Scheick, Peter Marra and Suzanne Kleinhans.

PROFESSIONALS: Cathleen Marcelli, Engineer, Michael Sullivan, Planner, Jon Drill, Attorney, and Rebecca D'Alleinne, Administrator.

ABSENT: Michael Brady.

CALL TO ORDER

Chairman Higgins called the meeting to order at 7:30P.M.

PUBLIC NOTICE

This is a 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 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.

MINUTES

Peter Marra moved and Brian Mullay seconded a motion to approve the February 4, 2013 minutes, as written. The members concurred unanimously, with Kevin Cimei and Sam Mardini abstaining.

Peter Marra moved and Rich Scheick seconded a motion to approve the February 11, 2013 minutes, as amended. The Board concurred unanimously.

Brian Mullay moved and John Higgins seconded a motion to approve the December 3, 2012 Executive Session minutes as written. The Board concurred unanimously, with Suzanne Kleinhans and Peter Marra abstaining.

RESOLUTIONS

AT&T, Block 4.03, Lot 36.01

Resolution#2013-01, Application #2013-01

Jon Drill reported that Draft #2 of the resolution was under consideration. Brian Mullay moved and Peter Marra seconded a motion to approve the resolution, as written. Members in favor: Higgins, Scheick, Cimei, Mullay, Kleinhans and Marra.

AT&T, Block 30, Lot 30

Resolution #2013-02, Application #2013-02

Jon Drill reported that Draft #1 of the resolution was under consideration. Peter Marra moved and John Higgins seconded a motion to approve the resolution, as written. Members in favor: Higgins, Scheick, Cimei, Mullay Kleinhans and Marra.

CRC HEADLEY FARM ESTATES, Block 46, Lot 33 & 33.01

Resolution #2013-04, Application #2010-01

Brian Mullay recused himself from the following discussion and vote. Jon Drill discussed the two additional revisions and read them into the record. Chris D'Alleinne moved and Peter Marra seconded a motion to approve the resolution as amended. Members in favor: Higgins, D'Alleinne, Cimei, Marra and Mardini. Suzanne Kleinhans abstained.

COMPLETENESS WAIVERS HEARING

SPENCER LANE, Block 13, Lot 3

George Dilts, Esq. introduced himself on behalf of the applicant. He discussed the fact that the other tenants in the building were not conforming uses in the zone. He stated that the applicant had sent letters to the other tenants indicating that they must vacate. Jon Drill explained that all uses must be permitted for the Planning Board to have jurisdiction. He noted that tenant Valverde would leave but that the telephone company was not being co-operative. Chris D'Alleinne asked about issuing a temporary CO, but Kevin Cimei suggested that the issue be resolved before opening. George Dilts commented that the applicant would make it happen so that they could have the CO. Jon Drill expressed the opinion that the Board had conditional jurisdiction.

Discussion of Cathy Marcelli's report ensued. George Dilts reported that #9 had been submitted to the Administrator. Cathy Marcelli indicated that they should revise the site plan for items #41 and #42 to show dimensions and loading areas. Item #45b concerned sewerage, and Mr. Dilts indicated that the applicant would provide additional documentation. Cathy Marcelli expressed concern about the well and septic system, noting that the resolution should limit the number of students. Chairman Higgins asked for a clarification on the number of persons in the building and Mr. Dilts indicated that there would be about 80 students and 26 staff. He stated that the applicant was more than willing to return for additional uses and that they would supply well information. As for

item #49, solid waste storage information would be supplied, so the waiver request would be withdrawn. Under item #56 Ms. Marcelli discussed ADA access and Mr. Dilts noted that the floor plan would be revised to show handicapped access.

Peter Marra moved and Kevin Cimei seconded a motion to grant the waivers as requested. Members in favor: Higgins, D'Alleinne, Scheick, Cimei, Mullay, Kleinhans, Marra and Mardini.

PUBLIC HEARINGS

SPENCER LANE, Block 13, Lot 3

George Dilts, Esq. introduced himself on behalf of the applicant. Michael Costello, Engineer, Toby Loyd, Exec. Director of Hunterdon Learning Center, Bob Mireski, applicant, Board Planner Michael Sullivan and Board Engineer Cathy Marcelli were sworn. Mr. Dilts explained that it was a pre-existing building and that the Learning Center would like to occupy 18,000 sq. ft., approximately half of the space. He noted that the school would occupy the entire building after all tenants had left.

Mr. Loyd explained that the existing school was in Califon, noting that the children were public school students with behavioral disabilities and learning issues. He stated that the kitchen would be used for training, not as a cafeteria, and that the student body would not exceed 80 students. There would be 26 staff persons. He noted that they had never reached that level of numbers. Mr. Loyd stated that there might be lighting and landscaping changes. There were no questions from the public. He stated that the hours of operation were from 8:00AM-3:00PM and that the students were referred by a child study team. He noted that most of the students would be bussed to the facility and that several of the students drove to school.

Michael Costello presented his credentials, which were accepted by the Board. He displayed Exhibit A-1 (Colored-Rendered Site Plan Sheet) and Exhibit A-2 (Bus Turning Exhibit) which were marked into evidence. He indicated that the property consisted of 44 acres in the ROM2 zone, noting that there were 185 parking stalls and that the applicant had provided a full site plan. Mr. Dilts read the report from Michael Sullivan that listed the conditional use requirements. Mr. Costello pointed out the improvements of the light fixtures on the northerly side of the building and the drainage structures. He pointed out where the signage would be located. Floor Area Ratio was discussed. An FAR of 15% was permitted in the zone and the applicant was proposing 3.7%. He stated that 33% impervious cover was permitted in the zone and that 28.8% was proposed. Mr. Costello indicated that no LOI had been submitted, and that he had used the DEP I-Map to delineate the wetlands area. Mr. Dilts noted that there were no adjoining neighbors or structures.

Mr. Dilts discussed the amount of parking spaces that would remain after restriping; stating that the real parking demand was only 28. He indicated that they were asking for a waiver to complete the striping and noted that they could "bank" spaces. 337 were required and if 184 spaces were "banked", 153 would be left. Michael Sullivan discussed the parking standards and the number required by the ordinance. Michael Costello discussed the circulation of the busses and noted that there would be a sidewalk installed. It was noted that the parking was too close to the northerly lot line. Peter Marra asked how many vehicles could be expected per day and Mr. Loyd responded that

there would be 15-20 vehicles daily, ten of which would be busses. Loading spaces were discussed. Mr. Costello indicated that there would be a loading area on the north of the building. He stated that the teachers would access the building through the front door.

Mr. Costello stated that the applicant was proposing to provide foundational landscaping, but not buffering, so would ask for an exception. He pointed out the location of the trash receptacles. Cathy Marcelli suggested that the trash dumpster be relocated 65 feet further east. Mr. Costello indicated that the applicant was not proposing a masonry wall, as the trash enclosure was not visible to any adjacent property. He pointed out that mature vegetation would have to be removed to install buffering. He stated that in order to put in required parking lot plantings, they would have to reduce parking. Michael Sullivan noted that there was some visibility, but that the site couldn't be seen from I-78. He discussed the character district and how the requirements would be very different from the surrounding predominantly agricultural look. No trespassing signs were discussed and Mr. Costello indicated that they would not be needed, noting that there would be no exterior renovations.

Mr. Costello commented that there was an existing light fixture in the steep slope area, which would be replaced. Mr. Loyd stated that there wouldn't be scheduled outdoor programs, and that they currently use the YMCA, the Columbia Trail and Round Valley Reservoir. Signage was discussed and Mr. Costello noted that details had been provided. He stated that the sign at the building would externally lit and that the CenturyLink sign would be removed. Cathy Marcelli suggested a visitors' parking sign. George Dilts stated that they would put the exterior lights on a timer to turn off at 10:00PM. The floodlights are to be replaced with shoebox fixtures. There were no questions from the public.

Peter Marra moved and Chris D'Alleinne seconded a motion to grant the variances, exceptions and site plan approval as discussed. Members in favor: Higgins, D'Alleinne, Scheick, Cimei, Mullay, Kleinhans, Marra and Mardini.

Brian Mullay recused himself from the following hearings.

SPRINT, Block 59, Lot 3 and AT&T, Block 59, Lot 3

Kevin Jones, Esq. introduced himself on behalf of the applicant, Sprint. Jon Drill discussed the fact that the Board would consolidate two of the applications. Mr. Jones discussed the site plan waiver standards. He stated that the applicant had met all three ordinance requirements. He noted that the proposal was to change 6 antennas for 3 antennas, which he characterized as normal wear and tear replacement. Mr. Jones stated that the ground equipment would be replaced and the size of the footprint would not increase, noting that the proposal would not affect circulation or drainage. He discussed the MLUL change that covered collocation by right. He stated that the applicant had received an approval previously and that the additions would not increase the height.

Christopher Quinn, Esq. introduced himself as the attorney for AT&T and agreed with all of Mr. Jones' legal arguments. He stated that the only difference was that nine antennas would be replaced by 12 antennas. Jon Drill reported that Cathy Marcelli's office had conducted a laser measurement and that the pole was the correct height. Engineer Terrence Lulay, Engineer Frank Pazdan and Board Planner Michael Sullivan were sworn. Mr. Lulay presented his credentials, which were accepted by the Board.

Peter Marra moved and John Higgins seconded a motion to approve the waiver of site plan for Sprint, Block 59, Lot 3. Members in favor: Higgins, D'Alleinne, Scheick, Cimei, Kleinhans, Marra and Mardini.

Peter Marra moved and John Higgins seconded a motion to approve the waiver of site plan for AT&T, Block 59, Lot 3. Members in favor: Higgins, D'Alleinne, Scheick, Cimei, Kleinhans, Marra and Mardini.

AT&T, Block 89, Lot 5.02

Christopher Quinn, Esq. introduced himself on behalf of the applicant. He stated that he was making the same legal arguments that had been made in the previous application. He indicated that he was seeking a site plan waiver. Six antennas will be replaced with 12, and that they would increase from 117 feet to 119 feet in height.

Engineer Frank Pazdan and Board Planner Michael Sullivan were sworn. Chairman Higgins noted that the circumstances were the same. Mr. Quinn stated that the tower owner, American Tower, will verify the structural analysis. Jon Drill discussed the history of the structural integrity of the tower. Mr. Quinn expressed the opinion that the request should be approved under ordinance condition #2. Peter Marra moved and Chris D'Alleinne seconded a motion to approve the waiver of site plan as discussed. Members in favor: Higgins, D'Alleinne, Scheick, Cimei, Kleinhans, Marra and Mardini.

Brian Mullay returned to the meeting.

NEW BUSINESS

1. Vouchers: Brian Mullay moved and Chris D'Alleinne seconded a motion to approve paying the vouchers. The Board concurred unanimously.

REPORTS & ASSIGNMENTS

1. Report from Council: Kevin Cimei reported that the Hionis Right to Farm application had been heard before the Hunterdon County Agriculture Development Board and that the township attorney and Board chair were in attendance. Chairman Higgins reported that BOA Chairman Tom McCaffrey had met with the neighborhood group to explain procedural matters. He reported on the history of the original Hionis completeness waivers hearing and noted that the applicant had refused to continue to pursue site plan approval by letting the clock run out and had returned to the CADB to complain that the Clinton Township Planning Board was unreasonable. The township attorney presented the township's point of view at the county meeting. Mr. Higgins reported that Hionis wanted the CADB to approve the proposal without a site plan approval from the township. The attorney representing the neighborhood expressed the opinion that the case was under appeal, so the CADB had no jurisdiction, but the CADB attorney disagreed. Chairman Higgins discussed a presentation he had attended on Agricultural Management Practices at the state level, noting that both the Planning Board and the Board of Adjustment had submitted a letter to appeal some of the provisions. He noted that the CADB can't hire experts to address concerns, so they had suggested that Hionis appear before the township Planning

Board. He reported that the CADB had removed certain aspects from consideration at the site plan hearing. He expressed the opinion that the process and resulting site plan could be looked at as a template for the future. Chairman Higgins noted that he had met with the Hionis family during a recess. He explained to the Board that the DEP would address all stormwater issues, so those concerns would not be within the Planning Board's purview. Chairman Higgins suggested that the Board consider further reducing the initial escrow to \$2500, after the deficit was paid. He stated that the applicant would be on the agenda for April 15th. He noted that the Board had never reduced escrow or fees. Jon Drill pointed out that this was the first time that the Agriculture Development Board had sent a referral to a municipal planning board. Chairman Higgins explained that in determining the amount of escrow needed, he had estimated that only the attorney and engineer would review the submission. He discussed the water issue and noted that the applicant had subsequently supplied proper documentation for the drilling permit. Kevin Cimei indicated that the township had contacted the Town of Clinton Water Department, but they had not responded after the first letter. Chairman Higgins stated the areas under consideration would be that Hionis would look at buffering by the homes and a fence or gate at end of Muirfield Lane. He expressed the opinion that the applicant should explain their operations to the neighbors. He expressed the opinion that the Board wanted a site plan that showed the improvements that were in place at the time of the approval. Kevin Cimei and Peter Marra discussed recusing themselves. A site visit was discussed.

2. Report from Ordinance Committee: Chairman Higgins stated that the committee not met.
3. Report from Open Space: There was no report.
4. Report from Environmental Commission: There was no report.

ADJOURNMENT

Kevin Cimei moved and Brian Mullay seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 10:30PM.

These minutes were approved on April 15, 2013.

Rebecca E. D'Alleinne
Administrator