

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

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PUBLIC MEETING

DATE: December 16, 2013

PRESENT: John Higgins, Chris D'Alleinne, Kevin Cimei, Richard Scheick, Peter Marra, Sam Mardini (7:05PM), Suzanne Kleinhans and Brian Mullay.

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

ABSENT: Michael Brady.

CALL TO ORDER

Chairman Higgins called the meeting to order at 7:04P.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, and the Star Ledger, no later than the Friday prior to the meeting.

MINUTES

Chris D'Alleinne moved and John Higgins seconded a motion to approve the regular meeting minutes of November 4, 2013 as corrected. The Board concurred unanimously. Brian Mullay abstained.

NEW BUSINESS

1. Approval of Vouchers – Brian Mullay moved and Rich Scheick seconded a motion to approve the vouchers. The Board concurred unanimously.

REPORTS & ASSIGNMENTS

1. Report from Council: Kevin Cimei reported that the Council had addressed the issue of reducing the size of the Planning Board.

2. Report from Ordinance Committee: Chairman Higgins reported that the Corridor District map needed to be updated and the committee had asked Michael Sullivan to update and re-create a map to post on the website and have in the Planning office. Mr. Higgins discussed other revisions to the ordinance, including definition changes.
3. Report from Open Space: There was no report.
4. Report from Environmental Commission: There was no report

WAIVER OF SITE PLAN REVIEW

CENTURYLINK, Block 75, Lot 1

Megan Ward, Esq. introduced herself on behalf of the applicant. She stated that the applicant was seeking a waiver of site plan review for the central office for New Jersey. She explained that the BPU required a backup generator, but noted that the current one only had a 250 gallon tank. She noted that the applicant would like to install a larger state-of-the-art above-ground diesel fuel tank. The generator was located in the front of the building, so the tank would need to be located in close proximity. Ms. Ward stated that no variances were needed and described the brick wall enclosure. Chairman Higgins asked about the height of the brick wall and Ms. Ward responded that it would be six feet tall, which would exceed the top of the tank by 6 inches. She stated that the wall would have a closed solid gate. Chairman Higgins commented that the wall height would have to exceed the height of the tank.

Sam Mardini expressed the opinion that the proposal impacted the site plan. Ms. Ward stated that it didn't impact the site plan, noting that it was just a standby fuel tank for the generator. The ordinance criteria for an approval of a waiver of site plan review were discussed. Ms. Ward stated that the building was a business office and technology center, and that the employees entered through the rear entrance. The tank would be five feet from the building. Jon Drill discussed the fact that the submitted site plan was not signed. Ms. Ward stated that she had been the attorney for the application in 1996.

Chairman Higgins commented that there was probably an approved site plan in the files, noting that the tank was far from the parking lot. Brian Mullay suggested that the approval be based on criterion C with a landscaping condition. Chris D'Alleinne recommended that the landscaping be installed to the satisfaction of the Board landscape architect. Chairman Higgins expressed the opinion that landscaping would unify the look. Mr. Drill suggested that Michael Sullivan handle the design review. Cathy Marcelli asked about whether there would be a concrete slab and Ms. Ward stated that excavation would be no more than 12" deep for the slab. The depth of the pipe was discussed. Cathy Marcelli stated that the building was located in the limestone area. Mr. Drill suggested that if excavation should be necessary, the applicant shall perform a geotechnical examination. Discussion ensued as to the location of the outlets, hose connection and potential leaks. Chris D'Alleinne moved and Sam Mardini seconded a motion to approve the waiver of site plan review with conditions as discussed. Members in favor: Higgins, D'Alleinne, Scheick, Cimei, Mullay, Kleinhans, Marra and Mardini.

PUBLIC HEARING

NY LIFE, Block 3, Lot 17, 26 & 30

Walter Wilson, Esq. introduced himself on behalf of the applicant. William Tanner, engineer and Michael Sullivan, Board Planner were sworn. Mr. Tanner explained that the applicant had appeared before the Board last month and presented an approved site plan for that case. He displayed the site plan and pointed out where the transformer would be located. He stated that the applicant wished to replace the existing transformer, as it was very old. Mr. Tanner noted that the new transformer would be shielded by the old one from view. When old transformer failed, it would also be replaced by an additional new transformer. He explained that it was not a good idea to put additional trees close to the transformer, as they can catch fire. The transformer would sit on a slab, and have a catch basin capable of containing the entire amount of oil in case of a leak.

Mr. Tanner expressed the opinion that there would be no change in the site plan, traffic or additional lighting. He noted that the machine would be in the front yard setback, which required a variance. He stated that it would not encroach further than the existing transformer and indicated that they would come back to the Planning Board at the time when they have to install the second transformer. Mr. Tanner explained that they could run on a 5mw transformer and within 6 months could bring in a second 5mw transformer. Jon Drill suggested that the applicant could ask that the Board approve the variance for 2 years and return for an extension, if necessary. Peter Marra moved and Chris D'Alleinne seconded a motion to grant a variance for one year for the first transformer and a two year variance for the second transformer and a waiver of site plan. Members in favor: Higgins, D'Alleinne, Scheick, Cimei, Mullay, Kleinhans, Marra and Mardini.

CLINTON AGRICULTURAL ASSOC./OLD MTN. FARM, Block 7 Lot 3

Walter Wilson, Esq. introduced himself on behalf of the applicant. Chairman Higgins reported that the proceeding was a continuance of the previous hearing. He noted that there were letters from the Fire Chief and Building Official that had been submitted.

Mr. Nusser described the site plan changes that had been made since the last hearing. Exhibit A-4 (Colorized Phase 1 Site Plan, 12/12/13) was marked into evidence. He reviewed the changes on Exhibit A and noted that it depicted the smaller, Phase One version of the greenhouse. He displayed the Exhibit B, Phase 2 layout of the greenhouse. There would be one open bay on the east side of both phases. Exhibit C depicted an expansion of the gravel parking area, to demonstrate sufficient parking in case the open bays were to be enclosed in the future. The trash enclosure was moved closer to the building in response to the Fire Chief's request.

Exhibit D depicted an extension of the driveway and a closure of the easternmost entrance and exit. Mr. Nusser indicated that the layout would provide circulation for hayrides. He discussed the gravel area in front of the existing farm stand. Harold Wilbert stated the combines and other farm machinery needed the wide turning radius. Exhibit E was updated by relocating the fire lane as well as the loading and trash area. A fire pond

was discussed. Mr. Wilson reported that the fire tank would hold 30,000 gallons. Mr. Nusser stated that the concrete and stand pipes would be next to the parking lot, noting that the tank location was chosen by the fire department. Mr. Wilson reported that the department would like a final field review of the fire lane and no parking signs. He further commented that the tank would not be located in the drive path. Mr. Wilson stated that the applicant agreed to erect bollards to protect the tank.

Mr. Nusser discussed the concrete curb stops. Cathy Marcelli brought up an extension of the sidewalk along the front of the building and Mr. Wilson indicated that the applicant had agreed to do so. Mr. Nusser discussed the DOT access points. He stated that discussions had been held with DOT officials, who suggested switching the two driveways. Mr. Drill commented that if there was a conflict between the DOT access and the approved site plan, the applicant would have to come back to the Board.

Exhibit A-5 (Sheet F, Steep Slopes, 12/12/13) and Exhibit A-6 (Sheet G, Proposed Steep Slopes, 12/12/13) were marked into evidence. Mr. Nusser pointed out the edges of the terracing, noting that the exhibits had been prepared in accordance with an approved soil conservation plan.

Mr. Nusser discussed the Route 78 Highway Corridor District. Michael Sullivan stated that the officially adopted map was incorrect. Chairman Higgins reported that Township Clerk Donna Burham had found the official map, dated 2002 with the districts depicted by cross hatching. He indicated that the property was originally going to be developed as an office and retail use. He reported that Planner Michael Sullivan was tasked with creating a rendition of the map that could then be approved by the Council.

Mr. Nusser discussed creating a compliant lighting plan, stating that the applicant would agree to a review by the lighting expert. Ms. Marcelli commented on revisions to the loading area. Mr. Nusser stated that the parking lot had been extended and that there were a total of 194 stalls, in case he enclosed last open greenhouse bay. Cathy Marcelli asked about septic system, noting that if the green house became retail space, it must be included in the discharge calculations. She commented on a possible need for a TWA and indicated that the DEP may make a determination that the project required a permit.

Michael DeSapio, Esq. introduced himself on behalf of the objector, Richard Pfauth, stating that his client was interested in the existing farm stand. Their position was that the applicant should be required to remove the existing farm stand, because the Board needed to grant a setback variance. Mr. Wilson stated that the applicant would accept a condition not to park or store trucks or farm equipment, north and east of the farm stand. Mr. Drill opined that the Board could require that the farm stand be moved or demolished. Chairman Higgins observed that the building was there and being used constructively. Brian Mullay commented that the building had been there for 60 years. Jon Drill stated that Exhibit A-4 depicted the revisions that were proposed in addition to conditions as discussed.

Brian Mullay moved and Kevin Cimei seconded a motion to approve the site plan as discussed. Members in favor: Higgins, D'Alleinne, Scheick, Cimei, Kleinhans and Mullay.

Chairman Higgins called a recess at 8:48PM. The meeting was called to order at 8:57PM. Chairman Higgins and Brian Mullay recused themselves from the following application and left the meeting. Vice Chairman D'Alleinne accepted the gavel.

RUTLAND PLAZA/BOURBON STREET, Block 70, Lot 2

Michael Wade, Esq. introduced himself as the applicant. Thomas Berenbrok was sworn as the applicant's landscaping expert and he presented his credentials, which were accepted by the Board. Mr. Wade stated that the Board professionals had met with the applicant's professionals and the plans had been revised.

Kevin Smith presented Exhibit A-6 (Colorized Rendering, 12/16/13) was marked into evidence. He indicated that the parking lot had been adjusted to allow maneuvering into the loading area and a sidewalk had been added all around the building. He noted that the patio was marked as a "Future" patio, and stated that it had been counted in the impervious cover calculations. Mr. Wade stated that he would like to come back to the Board if they find that they don't have a problem with parking. Mr. Drill discussed the Board's standard conditions, noting that the applicant could ask for an approval for the patio for two years. Mr. Smith stated that the septic system was not designed to include the outdoor seating. Cathy Marcelli discussed the state regulations for septic systems. Mr. Smith stated that the trash area would consist of a masonry enclosure. He reported that they had extended the curbing, noting that they didn't have curbs in the back in order to encourage sheet flow. He indicated that they would include a beam guiderail in the back to discourage parking on the grass.

Mr. Smith stated that they had conducted further analysis on the lighting. He stated that there would be fixtures around the perimeter, that the levels were within the code, and that they would use LED lights. Jon Drill read from the Board's lighting expert's report concerning granting an exception. Kevin Smith stated that they took no exception to most items in the report. He discussed item 1.2 concerning the lighting levels at the perimeter of the property. He indicated that the levels were higher than ordinance allowed and the Board expert had suggested shielding. Mr. Smith asked for relief from that requirement. Mr. Drill commented that the Board would have to grant an exception.

Mr. Smith stated that to south, there was a state-owned open lot and on the northern side, a grade change and landscaping. He expressed the opinion that light spillover would be minor. Discussion ensued as to the hours of operation to determine when lights would be on. Mr. Wright stated that the lights would be on a timer and would go on at dusk and off at midnight. Kevin Cimei indicated that he had no problem with the proposed lighting. He expressed the opinion that the grade change would mitigate the spillage, suggesting that they shield the south boundary lights. Peter Marra expressed concern and the applicant indicated that they would put shields on all of the southerly lights and recalculate the northerly lights. Mr. Smith stated the applicant would provide the information for items 1.4 and 1.5. A sensor for turning on the lights at dusk was discussed.

Mr. Drill read from the ordinance concerning lighting time limits. Safety for the employees was discussed. Kevin Smith stated that it was possible to have differing levels of lighting. Mr. Sullivan commented that they could have a higher level of lighting for the employee parking area. Mr. Drill noted that the ordinance was trying to limit light trespass, but also create an area bright enough to be safe. Kevin Cimei pointed out that the premise of the ordinance was that during the hours of operation, the lights would be

on for safety reasons. Discussion ensued concerning dropping the level of lighting down after hours. Michael Wade asked about safety lighting. Jon Drill indicated that in the ordinance it was called security lighting. The Board determined that it preferred that all the lights not be on all night and if the applicant can't work it out with the Board expert, they may come back to the Board. Mr. Smith stated that for item 1.7 concerning the height of the lighting fixture, he would revise the detail on the plan. He discussed the temperature and the color of the fixtures, noting that they would like to have 4000K degree lighting fixtures. Brian Bosenberg stated that the lower temperature was softer. Kevin Smith expressed concern that the lighting would be too yellow and that it would alter the color of the façade. The applicant agreed to install 3000K degree fixtures.

Mr. Berenbrok stated that he had gone over many of the issues with Board Landscape Architect Brian Bosenberg, noting that the applicant wanted to provide buffering and additional street trees. He noted that some deciduous trees and bushes would be added along Route 31. He stated that they would not be meeting the ordinance requirements, noting that it would be an upgrade on an existing site. Vice Chairman D'Alleinne asked specifically what the waivers were for. Mr. Bosenberg's report listed the exceptions needed and that they would need an exception for everything listed therein. Jon Drill commented that the basis of the waiver request was that the site was a redevelopment, and that the upgrade would improve the conditions. Mr. Bosenberg reported that the applicant had "met in the middle" and had improved the property. Michael Sullivan discussed reforestation in the meadow. Mr. Berenbrok commented that it would only be mowed several times a year and would revert to natural vegetation closer to the stream corridor. Michael Sullivan suggested "whips" rather than waiting for invasive species to take over. Mr. Berenbrok felt that the issue could be resolved to the Board's satisfaction. Stream corridor protection was discussed and the applicant stated that they would comply with the ordinance. Kevin Cimei expressed the opinion that the landscape plan improved the facility.

Kevin Smith discussed the proposed new sign, which would be set back a conforming 15 feet. He indicated that there would be entrance and exit signs and Mr. Drill noted that there would be a resolution condition that the signage would have to conform and be depicted on the plan. Mr. Smith displayed a detail on Sheet 9, stating that the freestanding sign would be a conforming 8 feet high. He reported that the sign would be externally lit with an area of 24 square feet for each of two tenants, noting that the ordinance allowed a total 24 square feet. Mr. Wade indicated that the current sign was 83 feet and that they had reduced to 48 sq. feet. He stated that there was precedent in that the adjacent Shoprite had a large sign. He stated that a larger sign would make the property much more attractive and provide safety for drivers. Previous approvals were discussed. Mr. Smith distributed sign calculations.

Exhibit A-7 (Signage Area Calculation) was marked into evidence. Mr. Smith discussed the ASHTO report and the driving distance that was needed for stopping safely. He discussed the size of the text that was needed and the calculations that he had used to determine the size of the sign. Cathy Marcelli stated that the calculations were for traffic control devices, not identifying signs. Kevin Smith pointed out that that the TD Bank had only one tenant and that this development would have multiple tenants and would need a larger sign. Michael Sullivan discussed the size of the type, expressing the opinion that it would better to have a place name on the sign, and that they shouldn't have

more than two tenants. Wall signage was discussed in addition to pulling the freestanding sign back from the road to increase the size allowed by ordinance. Michael Wade stated that they would comply to achieve the size that he wanted. Exhibit A-8 (Sign Exhibit) was marked into evidence. Excavation was discussed and Joe Fischer's report concerning the limestone ordinance. Mr. Drill suggested a resolution condition for an expert experienced in karst construction be involved. He read a proposed condition into the record. He expressed the opinion that the Board could delegate the matter because the excavation was only for a septic system. Mr. Drill listed the procedure for the applicant to follow in the event that limestone was found. Cathy Marcelli expressed the opinion that there should be a witness to certify that there was no karst present.

Kevin Smith discussed the parking issues. He explained that the reason for granting the variances was due to the fact that it was an existing and constrained site. He noted there was an ordinance requirement for 84 spaces and that they were proposing 78, thereby improving the parking situation. The current owner testified that there were 25 existing spaces. Mr. Smith stated that the current amount of impervious cover would be reduced from 89.5% to 58.9%. Cathy Marcelli discussed her technical issues from her 12/9/13 report. She discussed the number of access trip generations to and from the property.

Peter Marra moved and Chris D'Alleinne seconded a motion to approve a Preliminary and Final Site Plan with variances, exceptions and conditions as discussed. Members in favor: D'Alleinne, Scheick, Cimei, Kleinhans, Marra and Mardini.

ADJOURNMENT

Rich Scheick moved and Peter Marra seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 10:55PM.

These minutes were approved on February 18, 2014.

Rebecca E. D'Alleinne
Administrator