

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD
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PUBLIC MEETING

DATE: December 1, 2014

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

PROFESSIONALS: Jon Drill, Attorney, Andrea Malcolm, Planner and Rebecca D'Alleinne, Administrator.

ABSENT: Richard Scheick and John Kilduff

CALL TO ORDER

Chairman Higgins called the meeting to order at 7:33P.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 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.

NEW BUSINESS

Chairman Higgins suggested that the Board consider the approval of the vouchers while awaiting the Board attorney's arrival. Brian Mullay moved and Chris D'Alleinne seconded the motion to approve payment of the vouchers. The Board concurred unanimously.

REPORTS & ASSIGNMENTS

1. Report from Council: There has been no meeting.
2. Report from Ordinance Committee: There was no report.
3. Report from Open Space: There was no report.
4. Report from Environmental Commission: Brian Mullay reported that the Environmental Commission and Open Space were meeting to design a layout for hiking trails on the Windy Acres property.

RESOLUTION

NJ SOLAR/GODDARD SCHOOL, Block 78, Lot 1

Resolution #2014-12, Application #2014-11

Chairman Higgins stated that Draft #3 was under consideration. Chris D'Alleinne moved and Kevin Cimei seconded a motion to approve the resolution. Members in favor: Higgins, D'Alleinne, Cimei, Mullay and Kleinhans.

Chairman Higgins called a recess at 7:41PM. The meeting was called to order at 7:47PM.

PUBLIC HEARINGS

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

Walter Wilson, Esq. introduced himself on behalf of the applicant. He indicated that the applicant was asking for a 90-day extension to sign the site plans, due to the fact that his client had not kept his escrow account current. Kevin Cimei discussed the rationale for the extension and Jon Drill discussed the practical matters. Harold Wilbert explained that his escrow account had been co-mingled and had asked for the accounts to be separated. Chris D'Alleinne asked about the January due date and whether it would provide sufficient time. Jon Drill discussed balancing the issues. The Board determined to extend the date to January 12, 2015. Chris D'Alleinne moved and Brian Mullay seconded a motion to grant the extension to January 12, 2015. Members in favor: Higgins, D'Alleinne, Mardini, Mullay and Kleinhans. Members opposed: Cimei.

CRC COMMUNITIES/HEADLEY FARM ESTATES, Block 46, Lots 33 & 33.01

Brian Mullay recused himself from the application. Guliet Hirsch, Esq. introduced herself on behalf of the applicant and asked for two one-year extensions: one after-the-fact extension and one subsequent one-year extension of the protection period to 2016. She stated that the applicant had originally been granted preliminary subdivision approval in 2005, final subdivision approval in 2010 and an amended final subdivision approval in 2012 for an emergency access. She stated that most of the site improvements had been installed and described them in detail, noting that the improvements had totaled \$2.3 million. Ms. Hirsch reported that the outside government approvals had been obtained. She discussed the MLUL extension provisions and case law criteria for granting extensions. One criterion was the public interest due to any zoning change. She pointed out that there had been a zone change in 2006 that had affected the property and expressed the opinion that the public interest in the development of the site was not as intense because the site was no longer pristine. She noted that the site was surrounded by existing development and handed out a map showing all of the development in the area, which was subsequently marked into evidence as Exhibit A-1. The second criterion cited in the MLUL was the developer's interest in the project and Ms. Hirsch expressed the opinion that the applicant was very invested in the project.

Robert Checchio, CRC Communities President and Andrea Malcolm, Board Planner were sworn. Mr. Checchio indicated that Ms. Hirsch's description of the improvements and the costs were accurate and stated that for the record that the site

improvements were valued at \$2.3 million. He stated that all that needed to be finished were the top course and landscaping.

Chairman Higgins asked whether the Board should first exhaust all conventional extensions. Ms. Hirsch commented that the applicant would go the traditional route and that the third criterion to consider was the effect of recession. She expressed the opinion that if the economy turned around, the developer would be positioned to start building. Jon Drill discussed the balancing test. He discussed Resolution Condition #3 and expressed the opinion that it also needed an extension, as the final plat still needed to be signed. Ms. Hirsch agreed and indicated that the economy was the reason for the extension request, noting that the developer had put in the subdivision improvements thinking that the economy would improve and it had not.

Mr. Drill recommended that the Board extend the final protection to February 6, 2016, noting that the site plans were signed but the plat had not been signed. Kevin Cimei moved and Chairman Higgins seconded a motion to extend the final protection period and the time within which to sign the plat to February 6, 2016. Members in favor: Higgins, D'Alleinne, Mardini, Cimei and Kleinhans. Brian Mullay rejoined the meeting.

CRC COMMUNITIES/LONGVIEW MANOR, Block 10, Lot 1 & 9.01

Chairman Higgins discussed a recent Board of Education report that was forecasting a slowdown in the school age population within the township. Robert Checchio, president of CRC Communities and Andrea Malcolm, Board Planner were sworn. Guliet Hirsch introduced herself on behalf of the applicant and commented that the subdivision had experienced many problems over the years. She noted that the applicant was seeking an extension of time for the preliminary subdivision protection period. She reported that the preliminarily approved project consisted of 15 building lots with large open space lots. Ms. Hirsch discussed the history of the application, commenting on the zoning change and litigation, noting that the approved layout had been designed by Board Planner Michael Sullivan. The new subdivision took a year and a half to get an approval from the Board. She commented that Resolution #2012-02 had granted a first and second extension of the approval protection period. She requested an extension under the MLUL provision for larger properties. Ms. Hirsch also mentioned the errors by the applicant's professionals, and asked for a three-year extension to November 16, 2017.

Ms. Hirsch commented on the public interest in the zoning change, noting that the subdivision layout showed a cluster subdivision that would provide a large amount of open space and buffer the subdivision from the surrounding homes. She discussed the developer's interest in protecting the subdivision approval, noting that no site improvements had been installed and that outside agency approvals had not been secured. She pointed out that many years had been invested in the application process, citing the zoning change and subsequent litigation. Ms. Hirsch noted that the circumstances under which the request had arisen were tied to the economic recession in the housing industry. Mr. Checchio stated that for the project to work, he would need to ask for \$1,150,000 and higher per unit, expressing the opinion that there was no market for houses in that range. Chairman Higgins wondered whether they would build the Headley project first. Mr. Checchio indicated that the homes in the proposed Headley Farm subdivision would be

priced at \$850,000-\$975,000. Chairman Higgins commented that the BOE had just finished a demographic study concerning a decline in enrollment.

Guliet Hirsch asked for the long-term extension based on economic conditions. Jon Drill expressed the opinion that the Permit Extension Act did not apply. Ms. Hirsh commented that the newspaper articles that she had included for the members were to demonstrate economic trends. Brian Mullay asked whether an agreement had been reached with the county engineer and she stated that they had reached an agreement.

Kevin Cimei moved and Brian Mullay seconded a motion to extend the preliminary subdivision protection period to November 16, 2017. Members in favor: Higgins, D'Alleinne, Mardini, Cimei, Mullay and Kleinhans.

Guliet Hirsch stated that in light of the Board's decision, she would withdraw the amended preliminary and final subdivision applications that had been filed. Brian Mullay recused himself from the following application.

BOURBON STREET/RUTLAND PLAZA, Block 70, Lot 2

Michael Wade, Esq. introduced himself as the applicant and attorney. Kevin Smith, applicant's Engineer and Andrea Malcolm, Board Planner were sworn. Jon Drill noted for the record that an amended final site plan approval did not require public notice and discussed the addition of the application to the agenda, expressing the opinion that the application was properly on the agenda. Kevin Cimei commented that the Board tried to accommodate applicants when possible.

Kevin Smith stated that the applicant had appeared for preliminary and final site plan approval, which had been granted. He noted that the applicant would like to open the store in time for Christmas. Michael Wade was sworn and indicated that he was the managing member of Bourbon Street. He stated that the liquor license would be transferred on December 12, 2014 by the township council. The site light poles were scheduled to be shipped on December 19, 2014, but Mr. Wade expressed optimism that they would come in sooner. He indicated that his advertising was already paid for. Chairman Higgins asked what had happened and Mr. Wade stated that he had found out last Tuesday about the problem. Mr. Higgins asked whether there was lighting on the façade, and Mr. Smith responded that it was not appreciable. He displayed Sheet 3 of 10 of the signed site plans. He pointed out three free-standing fixtures in the front of the building and stated that the applicant proposed temporary site lighting. He noted that there were a total of six fixtures in the front of the building on the approved plan.

Jon Drill noted that there was an email from Michael Wade (12/1/14), a memo from Cathy Marcelli (12/1/14), and an email from Kevin Smith (12/1/14) which would be considered as application documents. The Board members read all of the documents. Recess was called at 9:03PM and the meeting was called to order at 9:05PM. Mr. Drill noted that a site lighting analysis had been distributed by the applicant. Mr. Smith stated that the temporary lights would be 15 feet high. Kevin Cimei discussed the need for a TCO for the interim period of time. Chairman Higgins discussed safety and glare and suggested that they cut off the rear parking lot lighting and concentrate on the front. Chris D'Alleinne discussed the arrangement of the temporary lights. Chairman Higgins called a recess at 9:12PM and appointed a subcommittee to discuss the layout. The meeting was called to order at 9:22PM.

An exhibit was prepared by the applicant: Site Lighting Plan (12/1/14) was marked into the record as Exhibit A-1. Mr. Smith displayed Exhibit A-1, noting that there had been consultation with the Board representatives. He proposed to eliminate the rear parking lot light and have two temporary lights in the front of the building. The points of agreement were enumerated. It was agreed to put up barricades to the back lot at 4:00PM each day. There would be two temporary lighting units that would be no taller than 15 feet in the front lot. It was agreed to move the fixtures closer to the front of the building, subject to the town engineer's approval. A night light test shall be conducted prior to the issuance of a TCO. Mr. Smith noted that one of the bulbs would be aimed at the driveway and may need shields. A TCO will be issued for the liquor store only, lasting until January 20, 2015. Chris D'Alleinne discussed the southern driveway light fixture and possible glare to the highway. It was determined to let Cathy Marcelli review the proposed lighting. The designated employee parking area was marked on the exhibit.

Sam Mardini moved and Chris D'Alleinne seconded a motion to approve an amended final site plan approval to allow a temporary CO to be issued prior to the installation of permanent site lighting extending until January 20, 2015. Members in favor: Higgins, D'Alleinne, Mardini, Cimei and Kleinhans. Mr. Drill stated that he would draft a resolution with the conditions, and forward it to the construction official.

ADJOURNMENT

Sam Mardini moved and Chris D'Alleinne seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 9:44PM.

These minutes were approved on February 9, 2015.

Rebecca E. D'Alleinne
Administrator