

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

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PUBLIC MEETING

DATE: March 2, 2015

*PRESENT:* Kevin Cimei, Chris D'Alleinne, Richard Scheick (7:19PM), Sam Mardini, Suzanne Kleinahns, Brian Mullay, John Higgins, John Kilduff and Sandra Butcher.

*PROFESSIONALS:* Jon Drill, Attorney, Joseph Fischer, Geotechnical Expert, Kris Hadinger, Township Attorney, Denise Filardo, Planning Board Trainee, Marvin Joss, Township Administrator, Michael Wright, Construction Official and Rebecca D'Alleinne, Administrator.

*ABSENT:* None.

*CALL TO ORDER*

Chairman Cimei called the meeting to order at 7:03P.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 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*

1. Approval of Vouchers  
Chris D'Alleinne moved and Sam Mardini seconded a motion to approve payment of the vouchers. The Board concurred unanimously.

*MINUTES*

Brian Mullay and Suzanne Kleinahns pointed out several corrections that needed to be made. Jon Higgins moved and Brian Mullay seconded a motion to approve the minutes as corrected. Members in favor: Cimei, D'Alleinne, Mardini, Higgins, Mullay, Kleinahns and Butcher, with Kilduff abstaining.

*RESOLUTIONS*

**EXXON/MOBIL, Block 30, Lots 30, 31, 17 & 41**

Resolution #2015-04, Application #2014-13

Jon Drill reported that Version #3 was under consideration. John Higgins moved and Brian Mullay seconded a motion to approve the resolution as written. Members in favor: D'Alleinne, Higgins, Mullay, Kleinhans, Kilduff and Butcher.

**HUNTERDON RADIOLOGICAL/BREMS, Block 29, lot 12**

Resolution #2015-05, Application #2014-07

Jon Drill reported that after some indecision, the applicant had determined that the resolution was acceptable with corrections. He suggested that the Board proceed with the approval of the resolution. Chris D'Alleinne moved and Suzanne Kleinhans seconded a motion to approve the resolution. Members in favor: D'Alleinne, Higgins, Mullay, Kleinhans, Kilduff and Butcher.

*REPORTS & ASSIGNMENTS*

1. Report from Council: Brian Mullay reported that a report had been presented to the Council concerning the public meeting that had been held to receive input from the neighbors and interested parties on the potential redevelopment of the Old Municipal Building. He also discussed a neighbors' dispute concerning a road, and whether it should be vacated.
2. Report from Ordinance Committee: There was no report.
3. Report from Open Space: There was no report.
4. Report from Environmental Commission: There was no report.

Mr. Scheick joined the meeting. Chairman Cimei called a recess at 7:20PM, as the applicant had not appeared. The meeting was called to order at 7:30PM by Chairman Cimei.

*JOINT MEETING*

Planning Board Chairman Cimei announced that the Mayor and Council would be joining the meeting. Mayor John Higgins read the Open Public Meetings statement into the record. The Planning Board Administrator was deputized to perform as the acting clerk for the remainder of the meeting and the roll was called.

Council Members Present: Switlyk, Imbriaco, Marra, Mullay and Higgins.

Planning Board Members Present: Cimei, D'Alleinne, Mardini, Scheick, Higgins, Mullay, Kleinhans, Kilduff and Butcher.

*EXECUTIVE SESSION*

Township Attorney Kris Hadinger read the following resolution into the record:

*Be it resolved that the Mayor and Council and Clinton Township Planning Board will now convene in a joint closed session with respect to matters to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.*

*The general nature of the subjects to be discussed in this closed session is as follows: advice of counsel with respect to pending and anticipated affordable housing litigation and related affordable housing matters, including the housing element and fair share plan.*

*It is unknown precisely when, if ever, the matters discussed in closed session may be disclosed to the public. No action shall be taken in closed session. Matters concerning litigation may be announced at the conclusion of any settlement or trial of that litigation.*

Mayor Higgins moved and Brian Mullay seconded a motion to enter joint executive session. Council Members in favor: Switlyk, Imbriaco, Marra, Mullay and Higgins.

Brian Mullay moved and John Higgins seconded a motion to enter joint executive session. Planning Board Members in favor: Cimei, D'Alleinne, Mardini, Scheick, Higgins, Mullay, Kleinhans, Kilduff and Butcher.

The Planning Board and Council entered joint executive session 7:32PM.

*OPEN PUBLIC SESSION*

The Council and Planning Board entered open public session at 9:15PM. There were no questions or comments from the public in attendance. Peter Marra moved and Amy Switlyk seconded a motion to adjourn the Council portion of the meeting. The members concurred unanimously and the Council meeting was adjourned at 9:15PM.

The Planning Board remained in session in order to continue with the remainder of its agenda items.

*PRESENTATION*

**PROPOSED DRAFT 2015 HOUSING PLAN ELEMENT & FAIR SHARE PLAN**

Joe Burgis, Affordable Housing Planner introduced himself. He discussed the township's affordable housing obligations, comparing and contrasting the current and prior round obligations. He explained rental credits and how they were calculated. Mr. Burgis locating some of the affordable housing units on the Marookian property and some on the Windy Acres site, while also referring to a possible third site. He displayed some draft layouts of the units on both properties.

Chairman Cimei noted that if the Board agreed with the proposal as outlined, that it needed to direct Mr. Burgis to prepare a 2015 Housing Plan Element and Fair Share

Plan. Mr. Drill noted that Mr. Burgis should have the plan submitted ten days in advance (by March 6, 2015) to the Board office and the Hunterdon County Planning Board, so that a public hearing could be held on the matter on March 16, 2015. The administrator and the Board professionals were directed to work together on the required public notices. Sam Mardini moved and Chris D'Alleinne seconded a motion to direct Mr. Burgis to prepare a Housing Plan and Fair Share Element consisting of two options with a reference to a third possible site, as discussed. Members in favor: Cimei, D'Alleinne, Mardini, Scheick, Higgins, Mullay and Kleinhans.

### *PUBLIC HEARINGS*

#### **CENTURYLINK, Block 75, Lot 1**

Megan Ward, Esq. introduced herself on behalf of the applicant. She explained the history of the application, noting that the Board had approved a waiver of site plan for an above-ground storage fuel tank for the existing standby generator. She discussed geotechnical expert Joe Fischer's report indicated that the subsurface conditions would probably require investigation under the limestone ordinance. Exhibit A-1 (Legal Memorandum 11/1/13) was marked into evidence. Ms. Ward stated that the Board had waived site plan approval with conditions, one of which was that the depth of the excavation would not exceed 12 inches. She indicated that she had discussed the matter with her professionals after the hearing, who had agreed that the 12" excavation depth condition was acceptable and the project could be built as discussed. Resolution #2013-26 was adopted on Jan. 27, 2014. Ms. Ward stated that a day tank was required for the generator.

Jon Drill read the conditions concerning the tank's structural support consisting of a slab on grade which would not exceed an excavation depth of 12 inches. He made the point that the limestone ordinance would not apply unless the excavation exceeded 12 inches. He read from the resolution findings, noting that the application satisfied the third criteria for granting the site plan waiver approval. Mr. Drill stated that the resolution had noted that the limestone ordinance was applicable, as per Mr. Fischer's report concerning the underlying limestone conditions, and that anything other than shallow excavation would trigger the limestone ordinance requirements. Ms. Ward asked that the scope of work be approved by Mr. Fischer, but Mr. Drill indicated that the Board did not generally designate that approval authority.

Joseph Fischer, Board's geotechnical expert and William Pirrone, applicant's Engineer were sworn. Mr. Fischer discussed the construction details that would be required from the applicant and commented on the recommendations that he might make. Ms. Ward asked whether he had reviewed the proposed scope of work and he responded that he had done so. He estimated on the time frame that would be involved. Mr. Drill suggested that the applicant file a minor site plan application because the limestone ordinance was another "consideration of site plan". He noted that the reason that the waiver of site plan originally had been approved was because the applicant had indicated that they would not excavate more than 12". The limestone ordinance would apply if the excavation exceeded 12 inches, which would change the application from a waiver of site plan to a minor site plan. Ms. Ward expressed the opinion that it would be premature to apply for a minor site plan, and thought they should wait for the results of the

geotechnical report. She commented that a waiver should be granted because it was such an insignificant project. Mr. Pirrone discussed the drawings, noting that the resolution conditions were listed thereon. It was noted that the work had been done without permits. Mr. Pirrone commented on the report by the geologist concerning the wall, and stated that they did have permits. He stated that the subcontractor had dug below the frost line, while he was away from the job site. Mr. Drill discussed the notes on the plan and expressed the opinion that the third one was added by someone else, possibly an engineer. The Board deliberated and generally agreed that the applicant should return with a minor site plan application. It was determined that the applicant would return on April 6, 2015 for a minor site plan, but was encouraged to submit the application packet promptly.

Arne Olsen, 24 Westchester Terrace, asked about the proper depth of the foundation and Mr. Pirrone discussed the NJ Code regulations. Building Code Official Mike Wright was sworn. He stated that the Uniform Construction Code had set the frost line depth at 36 inches.

#### *ADJOURNMENT*

Sandra Butcher 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 by the Planning Board on April 6, 2015.

Rebecca E. D'Alleinne  
Administrator