

**MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT**

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**PUBLIC MEETING**

DATE: March 28, 2016

Chairman McCaffrey called the meeting to order at 7:31pm.

Chairman McCaffrey led the Flag Salute.

Chairman McCaffrey read the 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 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.

**BOARD MEMBERS IN ATTENDANCE:**

Lefkus, Matsen, McCaffrey, Stevens, Yager, Olsen

**BOARD MEMBERS ABSENT:**

Filus, Lewis, Roberts

**BOARD PROFESSIONALS IN ATTENDANCE:**

Jon Drill, Andrea Malcolm, Denise Filardo, Board Administrator

**APPROVAL OF VOUCHERS**

Mr. McCaffrey moved and Mr. Lefkus seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

<b><i>Roll Call: Payment of Vouchers</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
McCaffrey	X		X			
Matsen			X			
Filus						X
Lefkus		X	X			
Lewis						X
Roberts						X
Stevens			X			
Yager			X			
Olsen			X			

**MINUTES FOR ADOPTION**

**1. MINUTES OF APRIL 20, 2015**

Chairman McCaffrey noted these minutes are a slightly different format than we have seen in the past. We have asked Jon Drill to give us advice as to what exactly is required in the minutes. These new minutes reflect the key essential elements that are required by law.

Mr. Lefkus noted Chairman McCaffrey is misspelled on the 4<sup>th</sup> page.

Mr. Lefkus moved and Mr. Matsen seconded a motion to approve the Minutes of April 20, 2015 with the noted correction. The Board concurred unanimously.

<b>Roll Call: Minutes of April 20, 2015</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
McCaffrey			X			
Matsen		X	X			
Filus						X
Lefkus	X		X			
Lewis						X
Roberts						X
Stevens			X			
Yager			X			
Olsen			X			

**RESOLUTIONS FOR MEMORIALIZATION**

**1. FOX MEADOW PROPERTIES, LLC – THEODORE AND EUNICE BENCH**

Block 95, Lot 2, Application No. BOA-2008-12

Resolution No. BOA-2016-01

Third modification of condition No. 12 of Resolution No. 2010-20 to further extend the time within which the applicant must obtain construction permits.

Eligible Members: *Filus, Lefkus, Lewis, Matsen, McCaffrey, Roberts, Yager*

<b>Roll Call: Resolution No. BOA-2016-01</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
McCaffrey			X			
Matsen	X		X			
Filus						X
Lefkus			X			
Lewis						X
Roberts						X
Stevens					X	
Yager		X	X			
Olsen					X	

**PUBLIC HEARING**

APM MANAGEMENT/VALERO, Block 68, Lot 11  
Application # 2016-01  
Applicant is seeking a Waiver of Site Plan to install a generator.

Steven Tombalakian, attorney for the applicant, Clinton Valero on Route 31 Southbound. introduced himself.

Attorney Tombalakian, stated that the applicant is seeking Waiver of Site Plan and would like to take advantage of the State Economic Development Authority Program known as the Retail Fuel Station Energy Resilient Program to provide Grant money to allow certain stations funding for an emergency back-up generator. It is strictly for emergency purposes. It is a 48 Kilowatt generator and the proposed location is in the back of the existing convenience store.

Chairman McCaffrey asked Attorney Tombalakian take us through Andrea Malcolm's memo and explain why you think this application qualifies as a Waiver of Site Plan.

Attorney Drill discussed the 3 qualifying criteria for the Board to grant a Site Plan Waiver.

Criteria I - If you secured previous Site Plan approval and the proposed development will have insignificant impact on the previous approved Site Plan.

Attorney Drill noted that they do not meet Criteria II, as the proposed generator does not involve normal repair, replacement or maintenance.

Criteria III - What you are proposing will not affect existing circulation, parking, drainage, building arrangements, landscaping, buffering, lighting, or other considerations of Site Plan review.

Attorney Drill said that since they do not meet Criteria II, they should focus on either Criteria I or III.

Attorney Drill suggested that Attorney Tombalakian direct his attention to pages 4 and 5 of Andrea Malcolm's memo.

Attorney Tombalakian discussed that the proposed generator is de minimis, it will be located in the back of the existing convenience store, it is not taking up parking space, drainage de minimis, impervious de minimis, there is no change to the building no proposed landscaping, it is not a lit facility and when power goes out the generator will turn on by itself.

Attorney Tombalakian introduced Mr. Jasvinder Arjani, R.A. of Burton Engineering, 66 Glen Avenue, Glen Rock, NJ. Mr. Arjani is a licensed Registered Architect and a Site Planning expert.

Mr. Arjani and Andrea Malcolm, Board Planner were sworn by Attorney Drill.

Mr. Arjani's qualifications were accepted by the board.

Chairman McCaffrey noted one person present in the audience. Attorney Tombalakian identified him as the contractor for the applicant, Michael Ryan, who will hopefully be installing the generator. Chairman McCaffrey noted there is no one in audience from the public.

Mr. Arjani referred to Drawing 1 included with the application, dated 1-11-16. This was marked as Exhibit A-1 and dated 3-28-16. Mr. Arjani stated that he sketched in the shed in pencil and the generator is identified in orange.

Mr. Arjani's testimony addressed the following items in Andrea Malcolm's memo:

- 1) Currently there is a shed which was not indicated on the original Site Plan.
- 2) Trees have been removed from the original Site Plan
- 3) The generator will be in close proximity to a residential neighbor. Will the generator meet the NJ Noise Code?

Mr. Arjani explained that the Original Site Plan was used for this submission and the shed was installed later. The trees were removed by the owner to create better visibility. The specs, operation and exercising of the generator were discussed.

Discussion ensued regarding the applicant addressing the items above by:

- 1) Either moving the shed to a compliant location or eliminating the shed.
- 2) Replacing the trees as per the prior approved Site Plan
- 3) Ensuring that the generator meets the New Jersey Noise code.

Due to time constraints in obtaining permits for the generator as required by the NJ Grant, the Board will require a Performance Guaranty be posted for the landscaping.

The Board found that the proposed generator will not affect existing circulation, parking, drainage, building arrangements, landscaping, buffering, lighting, or other considerations of Site Plan review. Therefore the Board granted the Site Plan Waiver with conditions.

A motion was made by Mr. Matsen and seconded by Ms. Stevens to grant the Site Plan Waiver with conditions. The motion passed unanimously.

<b>Roll Call: APM Management/Valero Site Plan Waiver</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
McCaffrey			X			
Matsen	X		X			
Filus						X
Lefkus			X			
Lewis						X
Roberts						X
Stevens		X	X			
Yager			X			
Olsen			X			

**ADJOURNMENT**

A motion was made by Ms. Stevens and seconded by Mr. Lefkus to adjourn. The motion passed unanimously and the meeting was adjourned at 8:33pm.

<b>Roll Call: Adjourn</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
McCaffrey			X			
Matsen			X			
Filus						X
Lefkus		X	X			
Lewis						X
Roberts						X
Stevens	X		X			
Yager			X			
Olsen			X			

Respectfully submitted,

*Denise Filardo*  
Planning and Zoning Board Administrator

These minutes were approved on July 26, 2016.