

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

DATE: August 24, 2015

Chairman McCaffrey called the meeting to order at 7:30pm.

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:

Filus, Lefkus, Lewis, Matsen, McCaffrey, Stevens, Olsen, Yager

BOARD MEMBERS ABSENT:

Roberts

BOARD PROFESSIONALS IN ATTENDANCE:

- Lisa John-Basta, Esq., substituting for Jonathan Drill, Esq., Board Attorney,
- Brian Bosenberg, LLA, RLA, ASLA, of Bosenberg & Co., Board Landscape Architect
- Andrea Malcolm, PP, AICP of Clarke Caton Hintz, Board Planner
- Cathy Marcelli, PE, CME of Mott MacDonald, Board Engineer
- Denise Filardo, Board Secretary

APPROVAL OF VOUCHERS

Mr. McCaffrey moved and Mr. Lefkus seconded a motion to approve the vouchers for payment. The vote record follows.

Roll Call: Payment of Vouchers						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus		X	X			
Lewis			X			
Matsen			X			
McCaffrey	X		X			
Roberts						X
Stevens			X			
Yager (Alt 1)			X			
Olsen (Alt 2)					X	

REQUEST FOR EXTENSION OF TIME

1) KATZENBERGER, Block, 16, Lot 48

Application No. 2014-03

Resolution No. 2014-08

Applicant seeks extension of time from Resolution No. 2014-08 to Obtain Permits, Commence & Complete Construction, and Obtain Certificates of Occupancy.

Mr. Katzenberger explained that they have just received bids and want additional time to review since they came in a little higher than expected. Mr. Katzenberger confirmed that there is no change in the footprint. Chairman McCaffrey suggested a one (1) year extension.

A motion was made by Mr. Matsen and seconded by Ms. Stevens to grant a One (1) Year extension of time to Obtain Permits, Commence & Complete Construction, and Obtain Certificates of Occupancy. The vote record follows.

Roll Call: Katzenberger: Grant (1) Year Extension of Time Reso. No. 2014-08						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus			X			
Lewis			X			
Matsen	X		X			
McCaffrey			X			
Roberts						X
Stevens		X	X			
Yager (Alt 1)			X			
Olsen (Alt 2)					X	

PUBLIC HEARINGS

1) CLINTON/US FUEL, Block 69, Lot 3

Application # 2015-03

Applicant seeks an Amended Site Plan

US Fuel was noticed for this evening and has requested to carry this application to Monday September 28, 2015 at 7:30pm. Attorney John-Basta read details of the notice and stated the application will be carried to September 28, 2015 with no need for further notice.

2) AAA WORLDWIDE TRANSPORTATION, INC, Block 59, Lot 3

Application # 2015-14

79 Beaver Ave., Annandale

Applicant seeks a Waiver of Site Plan for a Generator installation.

Guliet Hirsch, Esq. of Archer and Greiner, standing in for Lloyd Tubman, gave history of the application noting that the plans show existing site conditions and that the application was transferred from Planning Board to the Board of Adjustment.

Jonathan Kliment, Applicant’s Administrative Manager and Scott Greenwald, Applicant’s Facility General Manager were sworn.

There was discussion regarding the electric work for the generator, parking, and square footage of the AAA office and whether any other tenants would be utilizing the generator. It was noted that the generator is not visible from any adjoining properties and would be used solely by AAA.

Chairman McCaffrey noted that there was no one in the public for this application.

EXHIBITS:

- A-1 Four (4) photos of the generator taken from different locations on the site
- A-2 Seven (7) photos of the property taken from different locations on and off the property;

BOARD FINDINGS:

- Prior Site Plan approval was secured and the installation of the generator has an insignificant impact on the approved site plan and
- The installation of the generator does not affect parking, drainage, building arrangements, landscaping, lighting and other considerations of site plan review.

As a result the Board found that formal site plan review and approval can be waived subject to conditions.

A motion was made by Mr. Matsen and seconded by Ms. Stevens to grant approval for the Site Plan Waiver with conditions. The vote record follows.

<i>Roll Call: AAA Limousine: Waiver of Site Plan</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus			X			
Lewis			X			
Matsen	X		X			
McCaffrey			X			
Roberts						X
Stevens		X	X			
Yager (Alt 1)			X			
Olsen (Alt 2)					X	

Chairman McCaffrey announced a break at 8:56pm. The meeting resumed at 9:03pm.

3) CLINTON TOWN WELL # 4, Block 1, Lot 20

Application # 2015-04

Preliminary and Final Site Plan, “D(2)” & “C(1)” Variances

Tara St. Angelo, Esq., of Gebhardt & Kiefer on behalf of the applicant described the application. The applicant is proposing to construct a new Well House to replace the

existing well house in order to conform to NJDEP water regulations. The relief sought is as follows:

- Preliminary & Final Site Plan Approval
- “D(2)” Variance to expand a non-conforming use
- “C(1)” Variances for front yard setback, minimum lot area, minimum lot width at building and minimum side yard setback for accessory structures
- Level Two (2) Environmental Review mandated by DEP under N.J.A.C. 7:22-10.5

This application was noticed for the last BOA meeting of July 27, 2015 however it was carried to this meeting.

The following professionals were sworn:

- Andrew Holt, PE, PP, CME of Suburban Consulting for the Applicant
- Brian Bosenberg, LLA, RLA, ASLA, of Bosenberg & Co., Board Landscape Architect
- Andrea Malcolm, PP, AICP of Clarke Caton Hintz, Board Planner
- Cathy Marcelli, PE, CME of Mott MacDonald, Board Engineer

Andrew Holt, principal of Suburban Consulting Engineers is the consulting engineer to the Town of Clinton Water Department. Mr. Holt provided testimony regarding the following:

- Description of the 300 foot 50 plus year old well, originally constructed to serve drinking water needs, also provides fire protection
- Existing drainage easement on the site
- Site is in a flood hazard area
- A partially buried chamber is within the limits of the flood plain area which makes servicing the well challenging
- Power outages of significant duration and no emergency power at this location
- Proposed 24 foot by 24 foot one story structure proposed

Based on guidance and recommendations by the US EPA & NJDEP in terms of regulating public water, it is necessary that the well facilities have the ability to withstand natural and man-made catastrophic events and still be able to produce drinking water. Additionally, providing emergency power and avoiding flood plains are goals to be achieved by this project.

EXHIBITS:

- 1) A-1 N.J.A.C. 7:22-10.5, Level 2 Environmental Review
- 2) A-2 Four-page set of seven colored photographs taken on July 17, 2015
- 3) A-3 Well 4 Landscape/Lighting Details revision B, dated July 30, 2015

Discussion ensued regarding, landscaping, lighting, fencing, noise, wider siding, building colors, ensuring that servicing pick-up trucks have room for a K-turn, and status of the applicant’s DEP approval. It was noted that if the well is not upgraded, in time it would most likely be shut down by the state.

Jill Gregson, of 31 Deer Hill Road, Block 4.01, Lot 4 was sworn. The drainage easement runs alongside her property and she has been affected by flooding. She inquired as to whether the Water Department is planning to do any work in the easement. Mr. Holt confirmed that no work would be done within the easement.

BOARD FINDINGS:

- The proposed application is inherently beneficial to the community as the safety of the drinking water and the fire suppression of the water system outweigh any impact on the community or impairment of the zoning.
- The property bears a hardship due to being located within the existing flood plain.
- The applicant will mitigate any other impacts associated with the visual or aesthetic via conditions to be set forth in the resolution.

Mr. Matsen made the observation that if the Township of Clinton owned this well, there would be no need for a use variance because anything owned by the municipality is permitted. In this case it is not really the *use*, it is the *ownership of the use*.

RELIEF:

- Preliminary and Final Site Plan Approval
- “D(2)” Variance for the expansion of a non-permitted use
- “C(1)” Variances for front yard setback, minimum lot area, minimum lot width at building and minimum side yard setback for accessory structures

A motion was made by Ms. Stevens and seconded by Mr. Matsen to grant approval for the Site Plan Waiver and Variances with conditions. The vote record follows.

Roll Call: Town of Clinton - Well No. 4						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus			X			
Lewis			X			
Matsen		X	X			
McCaffrey			X			
Roberts						X
Stevens	X		X			
Yager (Alt 1)			X			
Olsen (Alt 2)					X	

CLINTON WELL NO. 4 LEVEL TWO (2) ENVIRONMENTAL REVIEW:

Mr. Holt stated that they were required to make certain statements to the public about the environmental work completed in connection with this project. Mr. Holt felt that the BOA meeting was an appropriate public venue to deliver those statements. Accordingly Mr. Holt presented the following which was not directly related to the application before the BOA:

This project is being funded through the New Jersey Environmental Infrastructure Trust. We have published a Level Two (2) Environmental Review dated March of 2015. It was referenced in the notice for this hearing and it was available at the Town of Clinton Municipal Building for review. It identifies and describes the existing setting of the project, topography, drainage, geology, hydrology, plant and animal species, agricultural and environmental critical areas and the like. Then we did a quick assessment of what the potential impacts on all those communities that exist on the property or in the area, what impact there might be of the proposed project. We were asked to look at alternatives, just as this Board asked, what if the project does not occur, what is the benefit associated with it. After addressing those issues our conclusion is that there is really little or no environmental impact to the project.

We will submit the log of our findings to the DEP and they will be happy we discussed it.

ADJOURNMENT

A motion was made by Mr. Lefkus and seconded by Mr. Roberts to adjourn. All members in favor and the meeting was adjourned at 9:39pm.

Respectfully submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on October 24, 2016