

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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April 18, 2016

7:30PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

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

Chairman Cimei led the Flag Salute.

Chairman Cimei read the Public Notice.

This is the April 18, 2016 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.

Secretary Filardo called the role.

**MEMBERS PRESENT**

Higgins, Kilduff, Kleinhans, Mardini, McTiernan, Pfeffer, Scheick, Cimei

**MEMBERS ABSENT**

Ms. Butcher arrived at 8:04pm

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney  
Cathy Marcelli, PE, CME, Board Engineer  
Andrea Malcolm, PP, AICP, Board Planner  
Lucille Grozinski, Board Stenographer  
Denise Filardo, Board Secretary

**RESOLUTION MEMORIALIZATION**

1. T-MOBILE NORTHEAST, LLC, Block 13.01, Lot 1, Application No. 2015-16  
**Resolution No. PB-2015-19**  
Preliminary & Final Site Plan and Conditional Use Approval for a Wireless Communication Facility.

Ms. Kleinhans noted a word correction on page 19, and that numbering is off on page 24. Mr. Scheick noted that his last name was incorrectly spelled on the last page of this resolution.

Mr. Higgins moved and Mr. Scheick seconded a motion to approve Resolution No. 2015-19 with said corrections. The vote record follows.

<b>Roll Call: T-Mobile Resolution No. 2015-19</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Higgins	X		X			
Kilduff (Alt. 1)			X			
Kleinhans			X			
Mardini					Not Eligible	
McTiernan					Not Eligible	
Pfeffer (Alt. 2)					Not Eligible	
Scheick		X	X			
Cimei			X			

**PUBLIC HEARING**

1. THE FOOD CURE, LLC

Block 59, Lot 4.01. Application No. 2015-22  
73 Beaver Ave., Annandale, NJ

Applicant is seeking Preliminary and Final Major Site Plan Approval to convert a former PNC Bank site to a restaurant.

The following individuals were sworn and testified:

- a) Josh DeChellis (applicant’s principal),
- b) Michael Textores, PE (applicant’s engineering expert),
- c) Alfredo Trevino, AIA (applicant’s architectural expert),
- d) James Kyle, PP (applicant’s planning expert),
- e) Cathleen Marcelli, PE, CME (Board’s civil and traffic engineering expert),
- f) Brian Bosenberg, LLA (Board’s landscape architectural expert), and
- g) Andrea Malcolm, PP, AICP (Board’s planning expert)

**EXHIBITS**

- A-1 Sheet 2 of the site plans titled “Boundary and Topographic Survey”,
- A-2 Color rendered Sheet 3 of the site plans titled “Preliminary and Final Site Plan,” with some minimal line changes and color rendering added for demonstrative purposes
- A-3 Color rendered Sheet 5 of the site plans titled “Landscape and Lighting Plan,” dated November, 2015, last revised April 8, 2016, with some minimal line changes and color rendering added for demonstrative purposes

- A-4 Letter from the Hunterdon County Planning Board dated December 18, 2015, memorializing the grant of conditional approval, but not to construct
- A-5 Color rendering prepared by Alfredo R. Trevino, Architect dated April 18, 2016
- A-6 “Architectural Floor Plans and Elevations” prepared by Alfredo R. Trevino, Architect dated March 25, 2016, last revised April 6, 2016, consisting of 1 sheet

Barry Weinstock, applicant’s attorney introduced himself and Mr. Robert DeChellis, applicant’s principal. Mr. DeChellis discussed his family background, heritage and experience in operating many restaurants.

Mr. Textores, applicant’s engineer discussed that the applicant is proposing to convert a former bank (located in the C1 zone) into a restaurant, expanding the square footage of the 1<sup>st</sup> floor from the existing 2,395 sf to 3,151 sq. ft. and utilizing the existing 1,320 sq. ft. basement for storage. A new 952 sq. ft. patio is proposed on the east side of the building. Other proposed improvements include reconfiguration and expansion of the parking area, new lighting, signs and landscaping. He referenced Exhibits A-1, A-2, A-3 and A-4 during his testimony.

Mr. Textores noted that the applicant will comply with all items in the following review letters:

- Cathy Marcelli’s Engineering report dated 4/5/16
- Jason Harkin’s Lighting report dated 4/13/16
- Joe Fischer’s Geotechnical report dated 3/16/16
- Michael Wright, Construction Code Official Barrier Free parking letter dated 2/17/16
- Robert Emery, Fire Chief Letter dated 3/1/16

Detailed discussion ensued regarding Brian Bosenberg’s Landscape review letter dated 4/12/16.

Mr. Trevino discussed the architectural details of the proposed restaurant referring to exhibits A-5 and A-6.

Mr. Kyle gave testimony regarding the rationale for the board granting preliminary and final site plan approval along with the requested variances and exceptions.

#### BOARD FINDINGS AND CONCLUSIONS

- Re-using the property is better for the community than developing a vacant undeveloped lot
- Restaurants require more parking than banks resulting in more impervious coverage
- Light poles for the parking lot and infiltration trenches must be placed in locations to meet needs

- The public health and safety will be advanced by granting these “C(2)” variances
- The required number of parking spaces is not needed
- The benefits significantly outweigh the detriments
- The Board’s ultimate finding is that preliminary and final site plan approval is warranted provided that the imposed conditions are complied with

**RELIEF GRANTED**

- A. Preliminary and Final Site Plan approval subject to the conditions
- B. The following “C(2)” Variances were granted subject to conditions:
  - Impervious Coverage variance is granted from the 40% maximum impervious coverage to allow 59.2% impervious coverage.
  - Accessory Structures Setback Variances to allow light poles and stormwater infiltration trenches to encroach into the street and side yard setback requirements.
  - Parking Variance is granted to allow 62 parking spaces (54 paved and 8 banked) where the minimum number of parking spaces is 90.
  - Grant of Exceptions from Site Plan Ordinance Requirements subject to conditions to allow the following:
    1. Parking Setback
    2. Loading and Unloading Space
    3. Landscaping, Buffering, Tree Replacement
    4. Vehicular Cross Access

Mr. Mardini moved and Mr. Higgins seconded a motion to grant Preliminary and Final Major Site Plan, variances and exceptions approvals with conditions. The vote record follows.

<b><i>Roll Call: The Food Cure, LLC</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher					Not Eligible	
Higgins		X	X			
Kilduff (Alt. 1)			X			
Kleinhans			X			
Mardini	X		X			
McTiernan			X			
Pfeffer (Alt. 2)					X	
Scheick			X			
Cimei			X			

**NEW BUSINESS**

1. Approval of Vouchers

Mr. Scheick moved and Mr. McTiernan seconded a motion to approve payment of the vouchers. The vote record follows.

<b>Roll Call: Approval of Vouchers</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)					X	
Kleinhans			X			
Mardini			X			
McTiernan		X	X			
Pfeffer (Alt. 2)					X	
Scheick	X		X			
Cimei			X			

Brief discussion regarding the vouchers for Hionis. Cathy Marcelli explained that the applicant is still on performance bonds. They have CO's for their buildings but they have not provided a lot of the information to support some of the construction they did. Chairman Cimei noted their escrow account is deficient despite requests to replenish. The board asked Secretary Filardo to ask CFO to issue a written stop work order.

**REPORTS**

Report from Council - Mr. McTiernan reported the following from Council:

- Council reapproved Highlands Checklist Ordinance
- Held first board of health meeting
- Letter sent to BOE requesting a meeting and also sent to the newspaper regarding Board of Education stating 26 questions the Township Council has regarding the BOE budget.

Report from Ordinance Subcommittee – We met this evening and are just about ready to present to the PB exemptions for lighting, mechanical, fencing, minor tweak to sign ordinance, R1 & R2 cleaning up. We are fairly caught up, on Ordinance Subcommittee

Report from Open Space – No meeting.

Report from Environmental Commission – Environmental Commission will be at Community Day giving out trees.

All should come out to Community Day.

**ADJOURNMENT**

Mr. McTiernan moved and Mr. Mardini seconded a motion to adjourn. The meeting was adjourned at 9:46pm. The vote record follows.

<b>Roll Call: Adjournment</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)					X	
Kleinhans			X			
Mardini		X	X			
McTiernan	X		X			
Pfeffer (Alt. 2)					X	
Scheick			X			
Cimei			X			

Respectfully Submitted,  
*Denise Filardo*

These minutes approved on December 5, 2016