

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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September 21, 2015

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 September 21, 2015 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, and the Star Ledger no later than the Friday prior to the meeting.

Secretary Filardo called the roll.

**MEMBERS PRESENT**

Butcher, D'Alleinne, Higgins, Kilduff, Kleinhans, Mullay, Scheick, Cimei

Brian Mullay arrived at 7:49pm

**MEMBERS ABSENT**

Sam Mardini

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney, Andrea Malcolm, PP, AICP, Board Planner, Joseph Burgis, PP, AICP, Tom Behrens, PP, AICP and Denise Filardo, Board Secretary

**MINUTES**

1) **EXECUTIVE SESSION MINUTES** August 17, 2015

Ms. Kleinhans moved and Mr. Scheick seconded a motion to approve the Executive Session Minutes of 8/17/15. The vote record follows.

<b>Roll Call: Executive Session Minutes 8/17/15</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	
D'Alleinne			X			
Higgins			X			
Kilduff (Alt 1)					Not Eligible	
Kleinhans	X		X			
Mardini						X
Mullay						X
Scheick		X	X			
Cimei			X			

**RESOLUTIONS**

**1) CELLCO PARTNERSHIP dba VERIZON WIRELESS, Block 7, Lot 33  
42 CHERRY STREET**

Resolution No. 2015-10, Application No. 2015-07

Waiver of Site Plan Review and Approval Pursuant to Ordinance Section 165-36.A.(1) to allow 4G LTE Technology Upgrade to Verizon Wireless Communications Facility.

Eligible Members: D'Alleinne, Higgins, Kleinhans, Mardini, Mullay, Scheick

Mr. Higgins moved and Ms. Kleinhans seconded a motion to memorialize Resolution No. 2015-10. The vote record follows.

<b>Roll Call: Cellco Partnership dba Verizon Wireless, Block 7, Lot 33 Resolution No. 2015-10</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not eligible	
D'Alleinne			X			
Higgins	X		X			
Kilduff (Alt 1)					Not eligible	
Kleinhans		X	X			
Mardini						X
Mullay						X
Scheick			X			
Cimei					Not eligible	

**2) CELLCO PARTNERSHIP dba VERIZON WIRELESS, Block 59, Lot 3  
79 Beaver Avenue**

Resolution No. 2015-11, Application No. 2015-08

Waiver of Site Plan Review and Approval Pursuant to Ordinance Section 165-36.A.(1) to allow 4G LTE Technology Upgrade to Verizon Wireless Communications Facility.

Eligible Members: D'Alleinne, Higgins, Kleinhans, Mardini, Mullay, Schei

Ms. Kleinhans moved and Mr. D’Alleinne seconded a motion to memorialize Resolution No. 2015-11. The vote record follows.

<b>Roll Call: Cellco Partnership dba Verizon Wireless, Block 59, Lot 3 Resolution No. 2015-11</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	
D’Alleinne		X	X			
Higgins			X			
Kilduff (Alt 1)					Not Eligible	
Kleinhans	X		X			
Mardini						X
Mullay						X
Scheick			X			
Cimei					Not Eligible	

**3) CELLCO PARTNERSHIP dba VERIZON WIRELESS, Block 89, Lot 5.02  
1217 Route 31 South**

**Georges Plumbing / Heddon Brothers Site**

Resolution No. 2015-12, Application No. 2015-11

Waiver of Site Plan Review and Approval Pursuant to Ordinance Section 165-36.A.(1) to allow 4G LTE Technology Upgrade to Verizon Wireless Communications Facility.

Eligible Members: Cimei, D’Alleinne, Higgins, Kleinhans, Mardini, Scheick

Mr. D’Alleinne moved and Mr. Scheick seconded a motion to memorialize Resolution No. 2015-12. The vote record follows.

<b>Roll Call: Cellco Partnership dba Verizon Wireless, Block 89, Lot 5.02 Resolution No. 2015-12</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	
D’Alleinne	X		X			
Higgins			X			
Kilduff (Alt 1)					Not Eligible	
Kleinhans			X			
Mardini						X
Mullay					Not Eligible	X
Scheick		X	X			
Cimei			X			

**4) NOVACAT ENTERPRISES, LLC dba COUNTRY SQUARE PLAZA**

**Melissa Murphy Rafano dba Sweet Melissa Patisserie**

Block 89, Lots 8 & 8.02

Resolution No. 2015-13, Application No. 2015-13

Waiver of Site Plan Approval to Allow a Combined Bakery and Fast Food Establishment to Operate in Units 1 & 2 of Country Square Plaza I Without Additional Parking Spaces.

Eligible Members: Cimei, D'Alleinne, Kleinhans, Mardini, Mullay, Scheick

Mr. Higgins moved and Mr. D'Alleinne seconded a motion to memorialize Resolution No. 2015-13. The vote record follows.

<b>Roll Call: Resolution No. 2015-13 Novacat/Country Square Plaza, Block 89, Lots 8 &amp; 8.02 Approval for Patisserie</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	
D'Alleinne			X			
Higgins					Not Eligible	
Kilduff (Alt 1)					Not Eligible	
Kleinhans		X	X			
Mardini						X
Mullay						X
Scheick	X		X			
Cimei			X			

**5) RESOLUTION AUTHORIZING EXECUTIVE SESSION ON 8/17/15**

Mr. Higgins moved and Ms. Kleinhans seconded a motion to memorialize the Resolution No. 2015-OI entering Executive Session to allow Attorney Drill to update the Board on status of the Declaratory Judgement on the Mt. Laurel Doctrine. The vote record follows.

<b>Roll Call: Resolution No. 2015-OI authorizing Executive Closed Session on 8/17/15</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)						Not Eligible
D'Alleinne			X			
Higgins		X	X			
Kilduff (Alt 1)			X			
Kleinhans			X			
Mardini						X
Mullay			X			
Scheick	X		X			
Cimei			X			

**WORKSESSION ON MASTER PLAN RE-EXAM REPORT**

Andrea Malcolm, Board Planner reviewed the proposed schedule for the 2015 Master Plan Re-Exam, enclosed herewith.

The Board appointed a Subcommittee to review report issues and clarify issues. The subcommittee will be comprised of the following three (3) Board members:

- 1) Rich Scheick
- 2) John Higgins
- 3) Kevin Cimei

Mr. Mullay moved and Mr. Scheick seconded a motion appointing the subcommittee and authorizing Clarke, Caton Hintz to prepare the 2015 Master Plan Re-exam. The vote record follows.

<b><i>Roll Call: Appointment of Subcommittee and Authorization of Clarke Caton Hintz to prepare the 2015 Master Plan Re-exam</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	
D'Alleinne			X			
Higgins			X			
Kilduff (Alt 1)			X			
Kleinhans			X			
Mardini						X
Mullay	X		X			
Scheick		X	X			
Cimei			X			

**REQUEST FOR EXTENSION OF TIME**

THE COMMONS ON PAYNE, BLOCK 90, LOT 2

Application # 2011-06

Applicant requests Two (2) additional One (1) year extensions of to meet the conditions of Resolution No. 2011-17R

George Dilts, Esq. appeared on behalf of the applicant.

The Commons on Payne Office building project Resolution No. 2011-17R contains condition #6 which requires that the applicant obtain final site plan approval by March 19, 2015, which coincides with the initial 3-year preliminary protection period. Dr. Nenna is requesting a modification of that condition to add two (2) years to that time limitation, from March 19, 2015 to March 19, 2017, which would coincide with two (2) one-year extensions of the preliminary protection period.

Mr. Mullay moved and Mr. Higgins seconded a motion to grant the requested extension of time. The vote record follows.

<b>Roll Call: Commons on Payne - Blk 90, Lot 2 - Grant Extension of Time</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	
D'Alleinne			X			
Higgins		X	X			
Kilduff (Alt 1)			X			
Kleinhans			X			
Mardini						X
Mullay	X		X			
Scheick			X			
Cimei			X			

**PUBLIC HEARING**

NEW YORK LIFE, Block 3, Lot 26

Application # 2015-12

Applicant seeks Waiver of Site Plan Review to remove and replace lighting heads from existing lighting poles.

*The applicant requested an adjournment for this evening.*

**EXECUTIVE SESSION**

Closed session for attorney (Jon Drill), client privileged advice regarding Mount Laurel Declaratory Judgment litigation and the 2015 HPE&FSP.

Mr. Scheick moved and Mr. Higgins seconded a motion to approve the resolution to enter Executive Session. The vote record follows.

<b>Roll Call: Resolution to enter Executive Session</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher (Alt 2)					Not Eligible	
D'Alleinne			X			
Higgins			X			
Kilduff (Alt 1)	X		X			
Kleinhans			X			
Mardini						X
Mullay		X				
Scheick			X			
Cimei			X			

**NEW BUSINESS**

**APPROVAL OF VOUCHERS**

Mr. D'Alleinne moved and Mr. Scheick 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 (Alt 2)					Not Eligible	
D'Alleinne	X		X			
Higgins			X			
Kilduff (Alt 1)			X			
Kleinhans			X			
Mardini			X			
Mullay						X
Scheick		X	X			
Cimei			X			

## **REPORTS**

1. Report from Council by Mr. Higgins:
  - Cable Committee reconstituted received Notice from Comcast.
  - Finally defined the design of the Old Municipal Building RFP.
  - There was remarkable community discussion regarding firearms restrictions in the State of NJ.
  - We received the grant from Highlands.
2. Report from Ordinance Committee: Nothing to report.
3. Report from Open Space: Meeting scheduled for tomorrow night.
4. Report from Environmental Commission: Nothing to report.

## **ADJOURNMENT**

Ms. Butcher moved and Mr. D'Alleinne seconded a motion to adjourn. All were in favor and the meeting was adjourned at 10:23pm.

Respectfully Submitted,  
*Denise Filardo*  
Planning and Zoning Board Secretary

These minutes approved on March 20, 2017