

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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August 17, 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 August 17, 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

D'Alleinne, Higgins, Kleinhans, Mardini, Mullay, Scheick, Cimei

MEMBERS ABSENT

Butcher, Kilduff

Mr. D'Alleinne exited the meeting at 9:00pm.

BOARD PROFESSIONALS/STAFF IN ATTENDANCE

Jonathan Drill, Esq., Board Attorney, Andrea Malcolm, PP, AICP, Board Planner, Cathy Marcelli, PE, Board Civil and Traffic Engineer and Denise Filardo, Board Secretary

INFORMAL REVIEW OF CONCEPT PLAN

- 1) YMCA, Block 13.01, Lot 8.02
Applicant will present a new Concept Plan

The following individuals presented information related to the Concept Plan:

- Lloyd Tubman, Esq., Attorney for the YMCA
- Peter McCabe, PE of Van Cleef Engineering

- Bruce Black, CEO of YMCA

The YMCA is asking the Board's consideration in the Board's planning role, in view of the Highlands Council's approval of Highlands Regional Master Plan (RMP) conformance for Clinton Township. The YMCA has submitted a Conceptual Development Plan which shows the following:

- potential expansion of the present YMCA building
- future tennis courts in an enclosed 40,000sf addition
- multi-purpose athletic fields
- Possible Park & Ride facility with 200 parking spaces, about which the Y has been approached by Clinton Township and the Town of Clinton.
- Proposed access to the Park & Ride from the DOT jug handle for better accessibility. The YMCA has discussed this possibility with the DOT.
(It was noted that this decision is solely up to the approval of the DOT)

The YMCA's concern is that the Highlands RMP places the YMCA's Round Valley property within a Conservation Zone despite Route 78 at the northern boundary and Route 22 to the south. It is improbable that the facility expansion, tennis courts, athletic fields or a park and ride could be accomplished within an RMP Conservation Zone.

The YMCA would like a more modern Y to provide additional Community services with a pool and expanded programs.

There was a brief discussion regarding the reason for the addition of a second detention basin and the purpose for having a monitoring well.

By way of an informal poll, all Board members present are in support of considering this in the Highlands. The Board recommends that the YMCA write to the Township Council to request that the Council address the YMCA's RMP concern with the Highlands Council. The Board feels that this is a unique property in its present and potential contribution of community services, recreation opportunities and prospective commuter benefit.

1) **NOVACAT, COUNTRY SQUARE PLAZA, Block 89, Lot 8**

Application # 2015-13

Applicant seeks Waiver of Site Plan Review and approval to permit a Bakery to operate in the first two units of Country Square Plaza I.

Steve Farsiou, Esq. attorney for the applicant provided a brief history of the property.

The following individuals were sworn:

1. Joseph Santomo, applicant's managing member
2. Eric Keller, PE, PP, applicant's Traffic Engineering expert
3. Melissa Murphy Rafano, proprietor of Sweet Melissa Patisserie
4. Cathleen Marcelli, PE, Board's Traffic Engineering expert
5. Andrea Malcolm, PP, AICP, Board's planning expert

No exhibits were submitted.

Novacat Enterprises owns the property on Block 89, Lots 8, 8.02. There is a shopping Plaza located on the property known as Country Square Plaza I (located on Lot 8) and Country Square Plaza II (located on Lot 8.02). The shopping Plaza is a principally permitted retail sales and service establishment located in the C-1 Zone. The property is subject to various approvals. The approval pertaining to the application before the Board tonight is reflected in Condition # 3 of Resolution No. 2008-07 which states the following:

3. Fast Food Restaurants. No new or expanded fast food restaurants shall be allowed in Country Square Plaza I without prior Planning Board review and approval as to traffic generation and parking (as fast food restaurant use in Country Square Plaza I pre-existed the requirement imposed in ordinance section 165-126 that would now necessitate a “d(3)” conditional use variance). No fast food restaurants shall be allowed in Country Square Plaza II without prior “d(3)” conditional use variance approval along with conditional use approval by the Board of Adjustment unless Township ordinance section 165-126 is amended to permit same without having to obtain a “d(3)” variance. Unless otherwise defined in an amendment to the Township ordinance, a fast food restaurant is defined as an establishment in which food or drink is served inside the building from counters for consumption either inside or outside the building;

Since no “D” Variance relief is necessary for this application, the Board has jurisdiction over traffic and parking.

The applicant seeks the following:

- a waiver of site plan review and approval to allow the Patisserie use in Units 1 & 2 of Country Square I and
- Review and approval of the expected traffic generated from The Patisserie use and the resulting parking requirements, in accordance with condition #3 of the condition modification approval resolution (Resolution No. 2008-07).

Novacat, who has a 14 year relationship with the Township, has leased units 1 and 2 in Country Square Plaza I to Melissa Murphy Rafano to operate Sweet Melissa Patisserie, a combined bakery and fast food restaurant.

Mr. Joseph Santomo provided testimony as the sole managing member of Novacat and gave a brief history of prior and current tenants of the shopping center.

Eric Keller, PE, PP provided testimony regarding the traffic generation and parking concluding that based on the current tenants in the shopping plaza there is an adequate number of parking spaces on the property to accommodate the anticipated traffic generated by the Patisserie.

Ms. Murphy Rafano provided testimony regarding the baked goods and food to be sold and served.

BOARD FINDINGS

- Based on the testimony provided by Melissa Murphy Rafano, which the Board found was forthright and informative, the Board finds that the Patisserie will be a

high end bakery, where food products will be baked in Unit 2 and sold in Unit 1, but also where non-baked and non-bakery food products will be cooked and/or sold in Unit 1 for consumption on premises at tables in Unit 1 as part of a breakfast, lunch and/or dinner menu, but also sold from a counter in Unit 1 for consumption off premises.

- The Board finds that the parking requirement for the Patisserie is 45 spaces
- The Board finds on the basis of the testimony of Cathleen Marcelli (Board traffic engineering expert) that, at the present time with the current mix of tenants in Country Square Plaza I & II, there are an adequate number of parking spaces on the property to accommodate the anticipated traffic generated by the Patisserie

CONCLUSIONS

- The Board concludes that the opening of the Patisserie will not affect existing circulation, parking, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review
- The Board concludes that site plan review and approval can and should be waived to allow the proposed development, subject to the imposed conditions

RELIEF

- Approval of Parking and Traffic Generation
- Waiver of Site Plan Review and Approval subject to the imposed conditions.

Mr. Mardini moved and Mr. Mullay seconded a motion to grant Waiver of Site Plan Approval subject to imposed conditions. The vote record follows.

<i>Roll Call: Novacat/Country Square Plaza, Block 89, Lots 8 & 8.02 Approval for Patisserie</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher (Alt 2)						X
D'Alleinne			X			
Higgins					Recused	
Kilduff (Alt 1)						X
Kleinhans			X			
Mardini	X		X			
Mullay		X	X			
Scheick			X			
Cimei			X			

The Board advised Secretary Filardo to ask the Zoning Officer and Construction Code Official to operate as if this approval was a written resolution so the applicant can move ahead expeditiously.

2) CELLCO VERIZON WIRELESS Block 89, Lot 5.02

Application # 2015-11
1217 Route 31 South

Applicant seeks Waiver of Site Plan to upgrade its existing Wireless Communications facility to 4G LTE Technology.

David Soloway, Esq. the applicant's attorney described the property.

The property is a 4.76-acre fairly rectangular shaped lot in the C-1 zone. The building on the property houses the following:

- "George's Plumbing", a principally permitted hardware and plumbing supply store
- "JWS Computers", a principally permitted computer and retail service store
- a limousine business allowed via use variance

Also located on the property is a permitted wireless communications facility operated by the applicant, Cellco/Verizon Wireless, which consists of a 140 foot tall monopole with attached wireless communication antennas and related equipment in contained equipment shelters. This property is also known as the "Hedden Brothers" site.

The following individuals were sworn:

1. Chad Schwartz, PE (applicant's engineering expert), and
2. Andrea Malcolm, PP, AICP (Board planning expert);

Mr. Schwartz's qualifications were accepted by the Board.

Mr. Schwartz discussed the details of the current monopole and the proposed upgrade changes.

There are multiple wireless communications facilities on the property including:

- The applicant, Cellco/Verizon Wireless with their centerlines at 100 feet and their tops at 103 feet above grade.
- T-Mobile has antennas on the monopole at 120 feet above grade
- Sprint has antennas on the monopole at 140 feet above grade
- AT&T Wireless has antennas on the monopole at 130 feet above grade

The proposed upgrade consists of the following:

- removing two (2) of the existing panel antennas and replacing eight (8) of the existing panel antennas, which will decrease the total number of antennas from eleven (11) to nine (9), with the centerlines of the antennas at 100-feet, 6-inches above ground level and the tops of the antennas at 103-feet above grade
- adding three (3) 36.6-inch high by 10.6-inch wide by 5.8-inch deep RRH (Remote Radio Head), with the top of the RRH no higher than 100-feet, 6-inches above grade
- adding one (1) 19.8-inch high by 15.73-inch wide by 10.25-inch deep OVP (Over Voltage Protection) box, with the top of the OVP box no higher than 100-feet, 6-inches above grade
- adding one (1) new cable run down the monopole from the antennas to the equipment located in the existing equipment shelter, which will bring the total number of cables runs attached to the monopole to 13
- Replacing certain equipment in the equipment shelter; all to upgrade the facility to 4G LTE technology.

It was noted that no variances are required.

BOARD FINDINGS:

The Board finds and concludes that the proposed development will not affect existing circulation, parking, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review.

BOARD CONCLUSIONS:

As previously stated under findings, the Board concludes that Site Plan approval can and should be waived to allow the proposed upgrade development subject to imposed conditions.

RELIEF GRANTED:

Subject to the imposed conditions, the Board grants a Waiver of Site Plan review to allow the proposed upgrade development to be installed.

Mr. Higgins moved and Mr. D’Alleinne seconded a motion to grant a Waiver of Site Plan with conditions. The vote record follows.

<i>Roll Call: Cellco/Verizon Wireless, Block 89, Lot 5.02</i>						
<i>Approval to Upgrade Cell Tower</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher (Alt 2)						X
D’Alleinne		X	X			
Higgins	X		X			
Kilduff (Alt 1)						X
Kleinhans			X			
Mardini			X			
Mullay					Recused	
Scheick			X			
Cimei			X			

The Board advised Secretary Filardo to ask the Zoning Officer and Construction Code Official to operate as if this approval was a written resolution so the applicant can move ahead expeditiously.

NEW BUSINESS

1. APPROVAL OF VOUCHERS

Mr. D’Alleinne moved and Mr. Mardini seconded a motion to approve payment of the vouchers. The vote record follows.

<i>Roll Call: Approval of Vouchers</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher (Alt 2)						X
D’Alleinne	X		X			
Higgins			X			

Kilduff (Alt 1)						X
Kleinhans			X			
Mardini		X	X			
Mullay			X			
Scheick			X			
Cimei			X			

REPORTS

1. Report from Council: The Township determined that a portion of Center Street near The Country Griddle is not needed for public travel and that public interest is served by vacating this portion of the road. The Council also approved vacating an old unnamed road dating back to the 1800’s which intersects with Cokesbury-Califon Road. The Redevelopment Plan was adopted.
2. Report from Ordinance Committee: Nothing to report.
3. Report from Open Space: Nothing to report.
4. Report from Environmental Commission: Nothing to report.

EXECUTIVE SESSION

Mr. Higgins moved and Ms. Kleinhans seconded a motion to enter into Executive closed session to allow Attorney Drill to update the Board on status of the Declaratory Judgement on the Mt. Laurel Doctrine. The vote record follows.

The Board entered closed Executive Session from 9:05pm to 9:56pm.

<i>Roll Call: Enter Executive Closed Session</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher (Alt 2)						X
D’Alleinne						X
Higgins	X		X			
Kilduff (Alt 1)						X
Kleinhans		X	X			
Mardini			X			
Mullay			X			
Scheick			X			
Cimei			X			

ADJOURNMENT

Mr. Scheick moved and Mr. Mardini seconded a motion to adjourn. All were in favor and the meeting was adjourned at 9:57pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes approved on February 6, 2017