

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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November 6, 2017

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 November 6, 2017 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.

Ms. Filardo called the roll.

MEMBERS PRESENT

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

MEMBERS ABSENT

Pfeffer

BOARD PROFESSIONALS/STAFF IN ATTENDANCE

Jonathan Drill, Esq., Board Attorney, Andrea Malcolm, PP, Board Planner and Denise Filardo, Board Secretary

MEETING MINUTES

1) MINUTES OF NOVEMBER 21, 2016

Mr. Mardini moved and Mr. Scheick seconded a motion to approve the Minutes of November 21, 2016. The vote record follows.

Roll Call: Meeting Minutes of November 21, 2016						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher					Not Eligible	
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	
Kleinhans			X			
Mardini	X		X			
McTiernan			X			
Pfeffer (Alt. 2)						X
Scheick		X	X			
Cimei			X			

2) MINUTES OF DECEMBER 5, 2016

Mr. McTiernan moved and Mr. Mardini seconded a motion to approve the Minutes of December 5, 2016. The vote record follows.

Roll Call: Meeting Minutes of December 5, 2016						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher					Not Eligible	
Higgins			X			
Kilduff (Alt. 1)			X			
Kleinhans			X			
Mardini		X	X			
McTiernan	X		X			
Pfeffer (Alt. 2)					Not Eligible	X
Scheick			X			
Cimei			X			

RESOLUTIONS

None.

APPROVAL OF VOUCHERS

Mr. Cimei moved and Ms. Kleinhans seconded a motion to approve payment of the vouchers. The vote record follows.

Roll Call: Approval of Vouchers						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	

Kleinhans		X	X			
Mardini			X			
McTiernan			X			
Pfeffer (Alt. 2)						X
Scheick			X			
Cimei	X		X			

REQUEST FOR EXTENSION OF TIME

INGERMAN DEVELOPMENT CO., LLC

70 Beaver Avenue

Block 60.03, Lot 26

Application No. 2016-02

Applicant is requesting Extension of Time within which to comply with Condition D.2. of Resolution No. 2016-08 related to Preliminary Site Plan Approval, “c(1)” and “c(2)” Variances, and Exceptions to allow for construction of a 100% affordable housing project, including redevelopment of a historic structure and construction of related site improvements, to be known as “Willows at Annandale Village”

Board Attorney Drill read from the letter of one of the applicant’s attorneys, Katharine A. Coffey, Esq. dated October 30, 2017, the applicant submitted a request to modify condition #2 of Resolution No. 2016-08 to extend the preliminary approvals one (1) year, from November 7, 2017 to November 7, 2018, to allow the Applicant to apply for and obtain Final Site Plan Approval by November 7, 2018 without the preliminary approvals expiring.

BOARD FINDINGS

- The Applicant is diligently working towards submission of its Final Site Plan Application to comply with the conditions of the preliminary approvals.
- Good cause exists to warrant the modification of condition #2 to extend the life of the preliminary approvals for one (1) year, from November 7, 2017 to November 7, 2018.
- Granting the extension will promote the processing and construction of the Affordable Housing Project and conserve Board and Applicant time in not having to re-hear the preliminary site plan application.
- The factors that weigh in favor of granting the extension substantially outweigh the factors against the extension as there are no negative factors here.
- Good cause and the balancing of the factors that weigh in favor and against the extension warrant the modification of condition #2 and granting the requested extension of the life of the preliminary approvals for one (1) year, from November 7, 2017 to November 7, 2018.

RELIEF GRANTED

The following relief is granted subject to the applicant complying with the Board imposed conditions.

- Modification of Condition #2 of Resolution No. 2016-08 to Grant One (1) Year Extension of the of the Time Within Which the Applicant Must Apply for and obtain Final Site Plan Approval from November 7, 2017 to November 7, 2018, to allow the Applicant to apply for and obtain Final Site Plan Approval by November 7, 2018 without the preliminary approvals expiring.

Mr. Mardini moved and Mr. McTiernan seconded a motion to grant the One (1) Year Extension of Time as specified above. The vote record follows.

Roll Call: Ingerman Development Co., LLC - Blk 60.03, Lot 26						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins					Recused	
Kilduff (Alt. 1)			X			
Kleinhans			X			
Mardini	X		X			
McTiernan		X	X			
Pfeffer (Alt. 2)						X
Scheick			X			
Cimei			X			

PUBLIC HEARING

EXXONMOBIL RESEARCH AND ENGINEERING COMPANY

Application No. CTPB-2017-10
 1545 US Highway 22 East, Annandale
 Block 30, Lots 17, 30, 31, 41
 Block 31, Lot 1
 Block 30.02, Lot 1

Applicant is seeking a Waiver of Site Plan Approval for a proposed walking path and proposed rooftop mechanical equipment.

Thomas J. Malman, Esq., the applicant’s attorney briefly reviewed the property history and the Applicant’s prior approvals.

The property is a large approximately 757-acre tract which is bounded by State Route 31 on the west, Interstate Route 78 and State Route 22 to the north, and a local street, Sand Hill Road, on the east. The property is located in the ROM-1 zone which allows among other principally permitted uses “laboratories” and “offices for business, executive, professional and administrative purposes.” The Facility which exists on the property contains approximately 850,000 square feet of research / office facilities consisting of a number of buildings and structures, which Facility is a principally permitted use. The Facility was initially approved by the Board as memorialized in Resolution No. 26-84 adopted on June 18, 1984,

granting Final Site Plan Approval. More recently, Preliminary and Final Site Plan Approval for an expansion of the Facility to allow the engine test cell operation with related buildings and structures was granted by Board, as memorialized in Resolution No. PB-2016-09 adopted on November 7, 2016.

The 2016 Site Plan Approval allows the Applicant to construct the following:

- a) An approximately 25,000 square foot addition to the existing main building, which will house, among other things, engine test cells, control rooms, and laboratory space;
- b) Four Mileage Accumulation Dynamometers (“MADs”);
- c) Several smaller research related structures;
- d) Two tank farms consisting of a total of 31 above ground tanks that will store gasoline of various blends, aviation fuel, diesel and lubricant base stocks and will range in size from approximately 2,000 gallons to 20,000 gallons with a total aggregate capacity of approximately 305,000 gallons;
- e) Ninety-six parking spaces;
- f) Other related improvements, such as stormwater facilities and landscaping.

The following individuals were sworn and testified during the hearing:

- 1) Robert Moschello, PE, Applicant’s civil engineering expert
- 2) Andrea Malcolm, PP, Board’s planning expert

EXHIBITS

- A-1 Walking Path Rendering dated November 6, 2017
- A-2 View Shed Exhibit dated October 17, 2016
- A-3 Photograph Exhibit dated October 17, 2016

Mr. Moschello provided testimony regarding the proposed walking trail and mechanical equipment.

The applicant is proposing the following:

- A walking trail for employees that is approximately 5,574 feet in length and constructed of porous pavement around two existing detention ponds to the west of the main building that will also connect to the access road extending from the facility to Route 31.
- Mechanical equipment consisting of exhaust stacks, relief stacks and ducts on the rooftop of the previously approved engine test cell building addition on the south side of the main building to support the engine test cell operation.

The applicant is applying for a Waiver of Site Plan Review and approval to obtain zoning and construction permits for the proposed development without having to undergo the time and expense of preparing a Formal Site Plan and applying for and obtaining Formal Site Plan Approval. The applicant is applying for the Waiver on two of the three possible bases that could warrant a Waiver of Site Plan Review and Approval:

- a) In accordance with ordinance section 165-36.1.A (1), that the applicant secured previous site plan approval and the project will have insignificant impact on the previously Approved Site Plan; and/or
- b) In accordance with ordinance section 165-36.1.A (3) that the project will not affect existing circulation, parking, drainage, building arrangements, landscaping, buffering, lighting and other considerations of Site Plan Review.

BOARD FINDINGS AND CONCLUSIONS

- While the walking trail will affect existing circulation and other considerations of Site Plan Review so that a Site Plan Waiver may not be warranted under ordinance section 165-36.1.A(3), the walking trail will have an insignificant impact on the 2016 Site Plan Approval so a Site Plan Waiver is warranted under ordinance section 165-36.1.A(1). The Board notes in this regard that the walking trail (which will extend a length of approximately 5,574 feet, will impact an area which is quite small when compared with the total size of the property (which totals approximately 757 acres).
- The roof mounted mechanical equipment, while affecting building arrangements and other considerations of Site Plan so that a Site Plan Waiver may not be warranted under ordinance section 165-36.1.A(3), the roof mounted mechanical equipment is in keeping with other rooftop equipment on the building, will support the previously approved test cell operations in the new engine test cell building addition, and will not be able to be seen by neighboring residential lots.
- The entire proposed development will not be easily perceptible, if visible at all, from any of the surrounding public roads nor from dwellings in the area.
- The Board ultimately finds that provided the Board imposed conditions are complied with, the proposed development will have an insignificant impact on the existing visual, spatial or physical character of the site as will be developed pursuant to the 2016 approved site plan so a waiver of site plan approval is warranted under ordinance section 165-36.1.A(1). Having made this finding, the Board makes no definitive finding as to whether a Site Plan Waiver is also warranted to allow the proposed development pursuant to ordinance section 165-36.1.A(3).
- There is a previously Approved Site Plan for the property and the project will have an insignificant impact on the previously approved site plan provided, that the Board imposed conditions are complied with.
- The Board concludes that it can and should grant a Waiver Of Site Plan Review and Approval pursuant to ordinance section 165-36.1.A(1) to allow the Applicant to obtain zoning and construction permits without obtaining site plan approval provided, that the Board imposed conditions are complied with.

Mr. Mardini moved and Mr. Kilduff seconded a motion to grant Waiver of Site Plan. The vote record follows.

Roll Call: EXXONMOBIL Waiver of Site Plan						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins					Recused	
Kilduff (Alt. 1)		X	X			
Kleinhans			X			
Mardini	X		X			
McTiernan					Recused	
Pfeffer (Alt. 2)						X
Scheick					Recused	
Cimei			X			

REPORTS

1. Reports from Council:

Mr. Higgins reported the following:

- We closed on the Herr Matter dates back to 1999, all signatures on all paper and State has it on their December 7th meeting agenda. The proceeds for The Township are about \$630,000.
- Approved Shared Services agreement with North Hunterdon High School for 10 months of a dedicated Law Enforcement Officer at North Hunterdon High School. This formalizes an arrangement we have had for about a year.
- Designated Annandale Village, LLC as the Redeveloper for the Old Municipal Building and authorized the execution of the Redevelopment Agreement with Annandale Village, LLC.
- Approved NJDOT recommendation for Potterstown Road related to a reimbursement grant in the amount of approximately \$200,000.
- Began work on rehabilitation of Stanton Mountain Road which is a very large project. We were awarded a contract for \$1,300,000 for the first phase. The overall project is estimated at \$2,200,000. The milling, repair and draining work will be done before the winter and the paving will be done in the Spring.

Mr. McTiernan reported the following:

- There will be a Public Information session regarding The Round Valley Reservoir project (repairing of the dam) at North Hunterdon High School on November 14th from 6:30-8:00pm.

2. Report from Ordinance Subcommittee:

Mr. Mardini reported that the Committee met this evening prior to the Planning Board meeting and started the conversation of developing a process to ease the Site Plan approval process and applying for changes of tenancy. No decisions have been made yet. The Committee will meet again soon to discuss further and then make recommendations to the Board.

3. Report from Open Space – They did not meet.
4. Report from Environmental Commission – They did not meet.

EXECUTIVE CLOSED SESSION

The Board entered into Closed Executive Session so that Board Attorney and Special Affordable Housing Counselor Drill could update the Board on Affordable Housing.

Attorney Drill read the following Resolution No. CTPB-2017-0D into the record.

RESOLUTION TO GO INTO CLOSED SESSION

WHEREAS, N.J.S.A. 10:4-12 (the Open Public Meeting Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters;

WHEREAS, the Board is about to discuss such a matter, specifically, the pending Mount Laurel Declaratory Judgment litigation and attorney-client privileged advice from the board attorney relating to the 2016 Housing Plan Element and Fair Share Plan (“HPE&FSP”) where the Board attorney plans to render attorney-client privileged legal advice to the Board regarding the HPE&FSP where confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;

WHEREAS, for the foregoing reasons, this Board believes the public should be excluded from the discussion of the matter;

NOW, THEREFORE, be it resolved by the Clinton Township Planning Board on November 6, 2017 that the Board now go into closed session and the public be excluded and the discussion held in closed session may not be disclosed to the public on the basis that it is protected by the attorney-client privilege.

The above Resolution was adopted on November 6, 2017 by the following vote of Board members:

Ms. Kleinhans moved and Mr. Higgins seconded a motion to enter into Executive Closed Session at 8:18pm. All were in favor.

<i>Roll Call: Resolution to Enter into Closed Session</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins		X				
Kilduff (Alt. 1)			X			
Kleinhans	X		X			
Mardini			X			
McTiernan			X			
Pfeffer (Alt. 2)						X
Scheick			X			
Cimei			X			

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The Closed Executive Session concluded at 9:20pm.

ADJOURNMENT

Ms. Butcher moved and Mr. Higgins seconded a motion to adjourn. All were in favor and the meeting was adjourned at 9:22pm.

Respectfully Submitted,
Denise Filardo
Planning Board Secretary

These minutes approved on February 5, 2018