

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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January 9, 2017

7:30PM

PUBLIC SAFETY BUILDING  
1370 Route 31N  
Annandale, NJ 08801

Board Secretary Filardo called the meeting to order at 7:30pm.

Secretary Filardo led the Flag Salute.

Secretary Filardo read the Public Notice.

This is a 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.

**MEMBERS PRESENT**

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

Ms. Butcher arrived at 7:44pm

**MEMBERS ABSENT**

None.

**NOMINATIONS AND ELECTIONS**

**NOMINATION OF BOARD CHAIR**

Mr. Mardini motioned and Mr. McTiernan seconded a motion to appoint Mr. Cimei as the Board Chairman for 2017. The vote record follows.

<b><i>Roll Call: Nomination of Kevin Cimei as Board Chairman</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Cimei			X			

Higgins			X			
Kleinhans			X			
Mardini	X		X			
McTiernan		X	X			
Scheick			X			
Kilduff, Alt. 1			X			
Pfeffer, Alt 2					Not Eligible	

NOMINATION OF BOARD VICE CHAIR

Mr. McTiernan motioned and Mr. Scheick seconded a motion to nominate Sam Mardini as Vice Chairman. The vote record follows.

<b><i>Roll Call: Nomination of Sam Mardini as Vice Chairman</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Cimei			X			
Higgins			X			
Kleinhans			X			
Mardini			X			
McTiernan	X		X			
Scheick		X	X			
Kilduff, Alt. 1			X			
Pfeffer, Alt 2					Not Eligible	

NOMINATION OF BOARD VICE CHAIR PRO TEMP

Mr. Cimei motioned and Mr. McTiernan seconded a motion to nominate Suzanne Kleinhans as Vice Chair Pro Temp. The vote record follows.

<b><i>Roll Call: Nomination of Suzanne Kleinhans as Vice Chair Pro Temp</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Cimei	X		X			
Higgins			X			
Kleinhans			X			
Mardini			X			
McTiernan		X	X			
Scheick			X			
Kilduff, Alt. 1			X			
Pfeffer, Alt. 2					Not eligible	

**SELECTION OF BOARD EXPERTS**

Mr. McTiernan motioned and Ms. Kleinhans seconded a motion to approve the Board Professionals. The vote record follows.

<b><i>Roll Call: Approval of 2017 Board Professionals</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Cimei			X			
Higgins			X			
Kleinhans		X	X			
Mardini			X			
McTiernan	X		X			
Scheick			X			
Kilduff, Alt. 1			X			
Pfeffer, Alt. 2					Not Eligible	

**APPROVAL OF THE 2017 CALENDAR**

Mr. Higgins moved and Mr. Scheick seconded a motion to approve the 2017 calendar. The vote record follows.

<b><i>Roll Call: Approval of 2017 Calendar</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Cimei			X			
Higgins	X		X			
Kleinhans			X			
Mardini			X			
McTiernan			X			
Scheick		X	X			
Kilduff, Alt. 1			X			
Pfeffer, Alt. 2					Not Eligible	

**RESOLUTION APPROVING OF THE 2017 RULES AND REGULATIONS**

Mr. Mardini motioned and Mr. Higgins seconded a motion to adopt the 2017 Rules and Regulations. The vote record follows.

<b><i>Roll Call: Approval of 2017 Rules and Regulations</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Cimei			X			
Higgins		X	X			
Kleinhans			X			
Mardini	X		X			
McTiernan			X			

Scheick			X			
Kilduff, Alt. 1			X			
Pfeffer, Alt. 2					Not Eligible	

**APPROVAL OF VOUCHERS**

There were no vouchers for approval.

**APPROVAL OF MINUTES**

**MAY 4, 2015 MINUTES**

Mr. Higgins motioned and Mr. Scheick seconded a motion to adopt the meeting Minutes of May 4, 2015. The vote record follows.

<b><i>Roll Call: Meeting Minutes May 4, 2015</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	
Cimei					Not Eligible	
Higgins	X		X			
Kleinhans			X			
Mardini					Not Eligible	
McTiernan					Not Eligible	
Scheick		X	X			
Kilduff, Alt. 1			X			
Pfeffer, Alt. 2					Not Eligible	

**JUNE 22, 2015 MINUTES**

Mr. Higgins motioned and Mr. Cimei seconded a motion to adopt the meeting Minutes of June 22, 2015. The vote record follows.

<b><i>Roll Call: Meeting Minutes June 22, 2015</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	
Cimei		X	X			
Higgins	X		X			
Kleinhans			X			
Mardini			X			
McTiernan					Not Eligible	
Scheick			X			
Kilduff, Alt. 1					Not Eligible	
Pfeffer, Alt. 2					Not Eligible	

**JULY 20, 2015 MINUTES**

Mr. Mardini motioned and Mr. Kilduff seconded a motion to adopt the meeting Minutes of July 20, 2015. The vote record follows.

<b>Roll Call: Meeting Minutes July 20, 2015</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	
Cimei			X			
Higgins					Not Eligible	
Kleinhans					Not Eligible	
Mardini	X		X			
McTiernan					Not Eligible	
Scheick					Not Eligible	
Kilduff, Alt. 1		X	X			
Pfeffer, Alt. 2					Not Eligible	

**RESOLUTIONS**

None.

**MASTER PLAN CONSISTENCY REVIEW**

TOWNSHIP OF CLINTON ORDINANCE NO. 1095-17

An Ordinance amending Chapter 165 “Land Use Regulations” of the Code of The Township of Clinton to correct a typographical error in the zoning schedule regarding permitted building height in the C-2 and ROM-3 Zones.

Mr. Scheick motioned and Mr. Higgins seconded a motion finding that the Ordinance No. 1095-17 is not inconsistent with The Master Plan. The vote record follows.

<b>Roll Call: Ordinance No. 1095-17 is not inconsistent with the Master Plan</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Cimei			X			
Higgins		X	X			
Kleinhans			X			
Mardini			X			
McTiernan			X			
Scheick	X		X			
Kilduff, Alt. 1					Not Eligible	
Pfeffer, Alt. 2					Not Eligible	

**PUBLIC HEARING**

CHABAD OF HUNTERDON COUNTY

Application No. CTPB-2016-06

Block 90, Lot 2.15

Applicant is seeking Preliminary Amended Site Plan and Conditional Use Approval  
(This hearing was continued without need for further notice from November 7, 2016)

Mr. Cimei recused himself at 5 8:56pm

Attorney Drill verified that Mr. Mardini and Mr. Kilduff listened to audio tape of  
November 7, 2016 and signed attesting to same.

Mr. Mardini opened the Public Hearing.

Michael Camerino, Esq. the applicant's attorney stated that this application was continued  
from November 7, 2016.

The following individuals were sworn and testified at the November 7, 2016 hearing and  
further testified at this hearing:

- 1) Rabbi Eli Kornfield (Applicant's representative)
- 2) Joshua Zinder, AIA (Applicant's architectural expert)
- 3) Robert Zederbaum, PE (Applicant's civil engineering expert)
- 4) Judd Rocciola, PE (Applicant's traffic engineering expert)
- 5) John McDonough, LA, PP, AICP (Applicant's landscape architectural and planning expert)
- 6) Cathleen Marcelli, PE (Board's civil and traffic engineering expert)
- 7) Andrea Malcolm, PP, AICP (Board's planning expert)
- 8) Robert Brinker (interested party owning a neighboring lot located at 1 Springhouse Court)
- 9) Andrew Moore (interested party owning a neighboring lot located at 23 Boehm Drive)
- 10) Anita Anderson (interested party owning a neighboring lot located at 3 Springhouse Court)
- 11) Rachael McLaughlin (interested party owning a neighboring lot located at 2 Squires Road)
- 12) Danielle Goral (member of the public owning a lot on Wildflower Court)
- 13) Jane Stein (member of the public owning a lot on Nichols Court)
- 14) Rich Melton (member of the public owning a lot on Petticoat Lane)

## EXHIBITS

A-1 Paper copy of Power Point presentation titled "Chabad Jewish Center," prepared by Landau/Zinder Architecture, dated April 7, 2016. This exhibit was entered into evidence at the November 7, 2016 hearing.

A-2 Paper copy of Power Point presentation titled "Chabad Jewish Center," prepared by Landau/Zander Architecture, dated January 9, 2017

A-3 White pearl color panel sample

A-4 Yellow sand color panel sample

- A-5 Cultured field stone sample
- A-6 Letter from Hunterdon County Health Department to Carla Connor, Township Clerk
- A-7 Color rendered Landscaping Composite plan, dated December 19, 2016
- P-1 Paper copy of Power Point titled “Summary of Local Resident Concerns”, dated January 9, 2017
- P-2 Brochure from the builder of Westerleigh Estates, the purchaser from LBP Clinton, LLC of lots in the subdivision abutting the property

During the hearing, sworn members of the public raised questions regarding the following but not limited to: the proposed change of use noise, lighting, traffic, walls, landscaping, screening, signage, the school/daycare, the playground, architectural design and materials, high holy days, events

Josh Zinder, AIA the applicant’s Architectural Expert was sworn on November 7<sup>th</sup>, 2016 and continued his testimony to elaborate on the architectural details of the proposed project.

Mr. Zinder utilized Exhibit A-2, Power Point presentation titled “Chabad Jewish Center,” prepared by Landau/Zander Architecture, dated January 9, 2017, to elaborate on the architectural details of the proposed project. Mr. Zinder provided testimony regarding the loading dock retaining wall which is to be screened with plantings, samples of panels reminiscent of Jerusalem stone, cultured stone and related architectural details of the proposed Chabad site.

Applicant will comply with lighting ordinance requirements.

The Board took a brief recess at 8:28pm and resumed the public hearing at 8:35pm.

Robert Zederbaum was also sworn at the November 7, 2016 hearing and he continued his testimony. Mr. Zederbaum discussed the measured distances from the two closest homes, area of the bank parking. Mr. Zederbaum read a letter to Carla Conner, Township Clerk from the Hunterdon County Board of Health (Exhibit A-6) into the record. Mr. Zederbaum also testified that the applicant will comply with all of the comments in Cathy Marcelli’s memo.

Jebb Rocciola’s qualifications were accepted by the Board.  
There were no questions on Mr. Rocciola’s qualifications from public.

Mr. Rocciola provided testimony referencing his traffic report dated October 28, 2016 which included a parking assessment. The Multi-purpose space and the sanctuary are not coincident; therefore the intent is not to fill both spaces at the same time. Sunday school and/or Pre-K will not take place at the same time of worship. The applicant can comply with the Township code requirement of 177 parking spaces by proposing 76 and 41 banked spaces.

Mr. Rocciola's testimony also included commuter morning and afternoon peak hours, estimated weekend trip generation, stacking, high holy days, banquet events including estimates of the number of people per car.

Discussion ensued and a resulting determination was made regarding on site school or day care. The facility will be licensed by the State of New Jersey; therefore it is Day Care, not a school. There will be no pedestrians, school busses or vans.

The Board took a brief recess at 10:01pm. The public hearing resumed at 10:08pm at which time, Mardini announced that the Board cannot hear testimony after 10:30pm.

Mr. McDonough provided testimony referencing a four (4) part landscape plan. The applicant's landscape plan will comply with the ordinance except for three (3) requests for design exceptions, the applicant will be in compliance of the Township's landscape ordinances.

There were no questions of landscape architect.

Rabbi Kornfeld provided testimony in response to questions from Board members as well as members of the public.

Mr. Brinker prepared a PowerPoint presentation (Marked as Exhibit P-1) which was entered into evidence. The presentation summarized concerns of the local residents. Mr. Moore assisted Mr. Brinker with this presentation. Topics of concern were traffic, noise, lighting, and removal of trees and the proposed change of use.

There were no additional members of the public who wished to provide testimony.

Mr. Mardini closed the Public Session and the Board deliberated.

#### BOARD FINDINGS AND CONCLUSIONS

- The Board found that the proposed development satisfies the four (4) conditional use standards for a conditionally permitted "place of worship of a recognized religious group" which, in this case, is a Jewish place of worship.
- The proposed development complies with all OB-1 bulk regulations as established in the Schedule of Zoning Requirements which is incorporated by reference in and by zoning ordinance section 165-86.
- The Board found that granting a "C(2)" variance to allow the wall height deviation will promote the environmental purposes of the MLUL guiding the development of land in a manner which will promote the general welfare and providing sufficient space in appropriate locations for a variety of uses according to environmental requirements and that the environmental zoning benefit is a community wide benefit and not simply a private benefit to the Applicant.
- The Board also found that the zoning benefits resulting from the grant of the "c(2)" variance will substantially outweigh any resulting detriment.
- The Board found that the "C(2)" variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the



master plan and zoning ordinance, provided that the imposed conditions are complied with. The Board thus concludes that it can and should grant the “C(2)” variance subject to the imposed conditions.

- With the exception of the deviations from the zoning ordinance regulations and the site plan ordinance requirements set forth above and from which the Applicant seeks variance and exception relief, the Board finds that the Amended Preliminary Site Plans, Amended Preliminary Architectural Plans, Amended Preliminary Landscaping Plans, and the other documents referenced above for which Board approval is sought, will comply with all other applicable zoning ordinance regulations and site plan ordinance requirements, provided the imposed conditions are complied with.
- The Board found that it is reasonable and within the intent and purpose of the site plan ordinance provisions to grant the exceptions from the site plan ordinance requirements at issue provided the imposed conditions are complied with. As such, the Board concludes that preliminary site plan approval can and should be granted

### RELIEF GRANTED

#### The following relief was granted subject to conditions:

- “C(2)” Wall Height Variance from the zoning ordinance section 165-117.1.D(1) to allow a wall of up to 10.9-feet high where the maximum permitted wall height is four (4) feet.
- Exception from Parking Setback Requirement from site plan ordinance section 165-71.A.(7) to allow a six (6) foot parking setback from the building, whereas a 12 foot setback is required.
- Exception from Parking Location Requirement from site plan ordinance section 165-75.H(3)(a) to allow for a portion of the parking to be located in the front yard, whereas parking areas are permitted only in the side or rear of buildings.
- Exceptions from Loading Location Requirements from site plan ordinance section 165-71.A(11)(b) and section 165-75.H(3)(a) to allow for the location of the loading area within the front yard area, where loading areas are permitted only the side and rear of buildings.
- Exception from Pedestrian and Vehicular Access Requirement from site plan ordinance section 165-75.H(3)(d) to allow for no direct pedestrian and vehicular access to adjoining lots, where both pedestrian and vehicular access to the adjoining lots is required.
- Exceptions from Requirements for Landscaping Buffering / Planting / Trees from site plan ordinance sections 165-77.K(7)(b) and section 165.77.G(1)(a) to allow: reforestation planting in lieu of the 50-foot buffer requirement along the side and rear yards; and no buffer (consisting of canopy trees, ornamental/understory trees, evergreen trees, shrubs and perennials) within a 10-foot width adjacent to the parking perimeter.
- Exceptions from Architectural Design Standards / Requirements from various provisions of site plan ordinance section 165.75.K which is incorporated by reference by and in site plan ordinance section 165.75.L to allow the following:(a) a flat roof, where a pitched roof is required; (b) lack of window divisions, where more glass and divisions is required; (c) failure to provide minimum 30% of building façade at setback

line; and (d) failure to include sufficient horizontal divisions of building facade and an articulated roof line, where same are required.

- Conditional Use Approval to allow the proposed development, which is comprised of the proposed building (which will house a synagogue, office, community center and religious education facilities) and related site improvements (including parking, stormwater facilities and landscaping).
- Preliminary Site Plan Approval to allow the proposed development, which is comprised of the proposed building (which will house a synagogue, office, community center and religious education facilities) and related site improvements (including parking, stormwater facilities and landscaping).

Mr. McTiernan motioned and Mr. Scheick seconded a motion to grant “C(2)” Variance, Exceptions, Conditional Use and Preliminary Site Plan Approval subject to conditions. The vote record follows.

<b>Roll Call: Chabad Block 90, Lot 2.01 “C(2)” Variance, Exceptions, Conditional Use and Preliminary Site Plan Approval subject to conditions</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Cimei					X	
Higgins			X			
Kleinhans			X			
Mardini			X			
McTiernan	X		X			
Scheick		X	X			
Kilduff, Alt. 1			X			
Pfeffer, Alt. 2					Not Eligible	

## **REPORTS**

Report from Council: None.

Report from Ordinance Committee: None.

Report from Open Space: None.

Report from Environmental Commission: None.

## **ADJOURNMENT**

Ms. Butcher motioned and Mr. Scheick seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at 1:34pm.

Respectfully Submitted,

*Denise Filardo*

Planning and Zoning Board Secretary

These minutes were approved on February 5, 2018