

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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September 19, 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 September 19, 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.

MEMBERS PRESENT

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

Ms. Butcher arrived at 7:32pm

MEMBERS ABSENT

McTiernan

BOARD PROFESSIONALS IN ATTENDANCE

Jon Drill, Esq., Board Attorney
Cathy Marcelli, PE, Board Engineering Expert
Kendra Lelie, PP, AICP, Board Planning Expert
Brian Bosenberg, CLA, Board Landscape Expert
Joseph Fischer, Board Geology Expert
Mike Lombardozi, Board Stenographer
Denise Filardo, Board Secretary

MINUTES

None.

RESOLUTIONS

None.

NEW BUSINESS

Approval of Vouchers

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

| <i>Roll Call: Payment of Vouchers</i> | | | | | | |
|--|---------------|------------|------------|-----------|----------------|---------------|
| Member | Motion | 2nd | Yes | No | Abstain | Absent |
| Butcher | | | X | | | |
| Higgins | X | | X | | | |
| Kilduff (Alt. 1) | | | X | | | |
| Kleinhans | | | X | | | |
| Mardini | | | X | | | |
| McTiernan | | | | | | X |
| Pfeffer (Alt. 2) | | | | | Not Eligible | |
| Scheick | | X | X | | | |
| Cimei | | | X | | | |

MASTER PLAN CONSISTENCY REVIEW OF PROPOSED MULTI-PURPOSE LAND USE ORDINANCE AMENDMENTS

In accordance with N.J.S.A. 40:55D-64, the Township Council referred proposed **Ordinance No. 1092-16** to the Planning Board for a Master Plan consistency report pursuant to N.J.S.A. 40:55D-26a.

Kendra Lelie summarized the proposed amendments as listed below.

This is a Multi-purpose Ordinance amending chapter 165 “Land Use Regulations” of the code of the Township of Clinton to exempt replacement of lighting, mechanical equipment and fencing from site plan review; clarify that repair or replacement of existing subservice septic disposal systems is permitted within required yard setbacks; clarify the enforcement of temporary sign removal; remove references to former R1 and R2 zones; and revise the zoning map and zoning schedule to remove the former R1 and R2 zones.

The Board found the ordinance to be not inconsistent with Master Plan. In fact, the Board found that the ordinance was consistent with some of the recommendations contained in the recently adopted 2015 Re-examination Report. The Board had no recommendations as to any changes or revisions to the proposed ordinance.

Mr. Mardini moved and Ms. Kleinhans seconded a motion finding the ordinance to be not inconsistent with Master Plan and that the ordinance was consistent with some of the recommendations contained in the recently adopted 2015 Re-examination Report. The vote record follows.

| Roll Call: Master Plan Consistency Review of Ordinance No. 1092-16 | | | | | | |
|---|---------------|------------|------------|-----------|----------------|---------------|
| Member | Motion | 2nd | Yes | No | Abstain | Absent |
| Butcher | | | X | | | |
| Higgins | | | X | | | |
| Kilduff (Alt. 1) | | | X | | | |
| Kleinhans | | X | X | | | |
| Mardini | X | | X | | | |
| McTiernan | | | | | | X |
| Pfeffer (Alt. 2) | | | | | Not Eligible | |
| Scheick | | | X | | | |
| Cimei | | | X | | | |

PUBLIC HEARINGS

1) RE-ADOPTION OF 2016 HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

Tom Behrens, Township Affordable Housing Planner was sworn by Mike Lombardozi, board stenographer.

Attached here with is 2016 Housing Element & Fair Share Plan dated September 19, 2016. Prepared by: Thomas Behrens, P.P., AICP

There were no questions or comments from the public.

Mr. Higgins motioned and Mr. Kleinhans seconded a motion to re-adopt the revised HPE&FSP. The vote record follows.

| Roll Call: Re-adoption of 2016 HPE&FSP | | | | | | |
|---|---------------|------------|------------|-----------|----------------|---------------|
| Member | Motion | 2nd | Yes | No | Abstain | Absent |
| Butcher | | | X | | | |
| Higgins | X | | X | | | |
| Kilduff (Alt. 1) | | | X | | | |
| Kleinhans | | X | X | | | |
| Mardini | | | X | | | |
| McTiernan | | | | | | X |
| Pfeffer (Alt. 2) | | | | | Not Eligible | |
| Scheick | | | X | | | |
| Cimei | | | X | | | |

2) EXXONMOBIL RESEARCH AND ENGINEERING COMPANY

This hearing was continued from August 1, 2016

Application No. CTPB-2016-05

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 Preliminary and Final Site Plan Approval with Bulk Variance relief to expand its existing office/research facility.

Chairman Cimei explained the process/procedure of the hearing.

The following Board Members recused from this hearing:

Mr. Higgins, Mr. Scheick and Mr. McTiernan

The applicant's attorney, Tom Malman reviewed which professionals provided testimony during the August 1st hearing and stated there are three (3) more professionals to testify during this hearing.

The following individuals were sworn and testified during the August 1st hearing and remain under oath:

- 1) Russell Giglio, Business Advisor to the Research and Development Operations at the Research Facility (Applicant's representative)
- 2) Thomas Kikolski, Health and Safety Expert (Applicant's representative)
- 3) Ronald Kennedy, PE (Applicant's civil engineering expert)
- 4) Gary Dean, PTOE (Applicant's traffic engineering expert) (Testimony not heard until this hearing)
- 5) Paul Phillips, PP (Applicant's planning expert)
- 6) Cathleen Marcelli, PE (Board's civil and traffic engineering expert)
- 7) Brian Bosenberg, CLA (Board's landscape architectural expert)
- 8) Joseph Fischer, PE (Board's geotechnical engineering expert)
- 9) Kendra Lelie, PP (Board's planning expert)

The following individuals were sworn and testified during this hearing:

- 1) Brian Bosenberg, CLA (Board's landscape architectural expert)
- 2) Norman Dotti, PE (Applicant's acoustical engineering expert)

EXHIBIT

A-6 NJDOT letter of No Interest dated September 1, 2016 was entered into evidence.

The first witness this evening was Gary Dean and his qualifications as a traffic engineering expert were accepted by the Board.

Mr. Dean's testimony included the following:

- Review of prior traffic studies conducted in 1979 and 1980

- Current traffic capacity is lower than the original site as designed
- Dates and times of peak hour traffic counts
- Locations of traffic study both on Route 22 and Route 31
- Percentage of proposed site expansion as related to anticipated traffic
- Review of Exhibit A-6, noting that the NJDOT made no recommendations to mitigate by adjusting timing of traffic signals. The extra few seconds will be burdened by employees waiting to exit.
- Parking demand, surplus and buffer

Cathy Marcelli, noted that if it is found that additional parking is needed, there is room.

The following members of the public asked questions relating to Mr. Dean's testimony:

- 1) Vero Mirowsky of 41 Sand Hill Road
- 2) Pam Maluski of 6 Pine Tree Drive
- 3) Richard Shaw of 2 Pine Tree Drive
- 4) Doug Pecota of 1 Sky View Garden Road
- 5) Cathy Sipe of 15 Sand Hill Road
- 6) Georgia Iam of 6 Burlinghoff Lane
- 7) Philip Rizzolo of 50 Sand Hill Road
- 8) Clifford Billick of 27 Sand Hill Road
- 9) Marty Heckman of 9 Madonna Lane
- 10) Edward Stenroos of 2 Madonna Lane
- 11) Craig Naylor of 45 Sand Hill Road

Question topics included:

- Possible tree removal
- On-site parking be exceeded due to special events
- Confirmation that the approved Cancer Center was included in the traffic study
- Employee entrance of route 22
- The number of tractor trailers entering the site

The second witness was Norman Dotti and his qualifications as an acoustical engineering expert were accepted by the Board.

Mr. Dotti's testimony included the following:

- Reference to his report dated June 17, 2016
- N.J.A.C. 7:29, the measure for Noise Control used by the State of New Jersey
- Testing performed at three (3) locations to the closest residential receivers
- The bulk of sound in the area is from Route 78
- State limitations of DBA from operations for daytime and night time
- Noise produced from MAD's Building
- Noise produced from Process Chillers (which provide cooling to the systems)
- Mufflers on fans

The following members of the public asked questions of Mr. Dotti:

- 1) Clifford Billick of 27 Sand Hill Road
- 2) David Ruppert of 28 Sand Hill Road
- 3) Arne Olsen of 24 Westchester Terrace
- 4) Georgia Iam of 6 Burlinghoff Lane
- 5) Marty Heckman of 9 Madonna Lane

Questions were centered on the decibels produced from a conversation as compared to the noise that will be generated from the MADS Building and Process Chillers.

The third witness was Paul Philips and his qualifications as a Professional Planner were accepted by the Board.

Mr. Phillips' testimony included the following:

- Summary of the needs of the applicant to consolidate operations.
- Details on his visit to the Paulsboro facility.
- Located ROM-1 Zone and this is a principal permitted use in the district.
- Reviewed requested Variances & Waivers.
- Safety, visual aesthetics.
- Township Ordinance regarding permitted tank capacity.
- Unique benefits of this 750+ acre site allows for significant separation from existing roads and adjacent uses. The closest residents on Sand Hill Road will be over 1,000 feet from the tanks and proposed operations.
- Tanks are imperative to the operation.
- Benefits allow ExxonMobil to continue R&D on the site.
- Negative criteria, can be granted without substantial detriment to the public.
- Public Health and safety tank designs, water storage fire suppression, will meet NFAA.
- Tanks are proposed in an already disturbed area.
- The proposed application has received Highlands approval.
- Air Quality will be within the accepted regulatory allowed.
- Visual impacts: the residences on Sand Hill Road will be more than protected due to distance, landscaping and berms.
- Height of tanks is lower than what zoning permits.
- There is no substantial detriment to residents.
- Ratable values over 100 million dollars.
- The Steep Slopes the applicant proposing to modify are man-made slopes.
- The application will promote Public Health Safety & General Welfare.
- This is already an existing large Research & Development facility in the Township and it is consist with Master Plan and Zone requirements which encourage Research & Development.
- Lighting exception.

The following members of the public asked questions of Mr. Philips:

- 1) Arne Olsen of 24 Westchester Terrace
- 2) Philip Rizzolo of 50 Sand Hill Road
- 3) John Mulligan of 38 Sand Hill Road

- 4) Clifford Billick of 27 Sand Hill Road
- 5) Georgia Iam of 6 Burlinghoff Lane
- 6) Peter Donnelly of 2 Davis Farm Road
- 7) Edward Stenroos of 2 Madonna Lane
- 8) Doug Pecota of 1 Sky View Garden Road
- 9) Pam Maluski of 6 Pine Tree Drive

Question topics included:

- Tank storage capacity
- Visual impact, safety and intensity
- Possibility of shorter and wider tanks
- Possible relocation of tanks
- Lighting
- Tornado safety

Attorney Malman stated that there are no further witnesses.

The Board took a brief break from 11:10pm - 11:13pm and remained on the record.

Chairman Cimei invited Public Comments at 11:14pm.

- 1) David Ruppert of 28 Sand Hill Road had concerns about potential noise.
- 2) Philip Rizzolo of 50 Sand Hill Road had questions about carbonite rock.

It was noted that Mr. Fischer, the Board's Geotechnical expert concluded his investigation but has not yet completed his analysis. Additional information is needed from the applicant and would be best addressed by the applicant providing a Geological expert witness.

Chairman Cimei noted that it appears that we will not be able to finish this application tonight.

- 3) Arne Olsen of 24 Westchester Terrace requested more control on the MADS.
- 4) Cathy Sipe of 5 Sand Hill Road opposed the application.
- 5) Maria Bonita Duncan (Bonnie) of 38 Molasses Hill Road works for United Way and has volunteered for 19 years at the Exxon Facility. Exxon bears a social responsibility for the Township and the County. They support The ARC, Meals on Wheels, Grow-A-Row and more. Ms. Duncan is in support of the application.
- 6) John Anderson of 6 Beaver Brook Road, is a Board Member of the Chamber of Commerce and in supported the applicant.
- 7) Peter Donnelly sworn 2 Davis Farm Rd Annandale, opposed the application due to the large volume of tank storage.
- 8) Gerri Riccardi of 10 Madonna Lane Annandale opposed the application.
- 9) Andy Fornaro of 3 Catawba Lane Annandale, did not agree with the testimony of the applicant's acoustical engineering expert. He requested Board Members make a Site visit to his backyard. A few Board members agreed.
- 10) Richard Shaw of 2 Pine Tree Drive was in support of the application and suggested that the applicant provide details at the next hearing as to why the 300,000 gallons of fuel storage is needed.
- 11) William Glaser of 35 Pinehurst Circle encouraged the Board to approve this application.

Chairman announced that the Public Hearing is closed for now, it will have to be re-opened for Geologic testimony.

Attorney Drill stated that we will continue this hearing to Oct 17, 2016 at 7:30pm with no additional notice needed. The Board will waive the 21 day submission requirement and allow the applicant to submit at late as 10 days prior to October 17th.

REPORTS

1. Report from Council – None.
2. Report from Ordinance Subcommittee – None.
3. Report from Open Space – None.
4. Report from Environmental Commission – None.

ADJOURN

A motion was made by Mr. Mardini, seconded by Mr. Cimei to adjourn. All were in favor and the meeting was adjourned at 11:48pm.

Respectfully submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes approved on March 5, 2018