

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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December 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 December 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

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

Mr. Pfeffer arrived at 7:39pm

MEMBERS ABSENT

None.

BOARD PROFESSIONALS IN ATTENDANCE

Jon Drill, Esq., Board Attorney
Jason Cline, PE, Board Conflict Engineering Expert
Andrea Malcolm, PP, Board Planning Expert
Joanne Sekella, Board Stenographer
Denise Filardo, Board Secretary

MINUTES

- 1) MINUTES OF MAY 4, 2015 deferred until the next meeting.
- 2) MEETING MINUTES OF JUNE 1, 2015

Ms. Kleinhans motioned and Mr. Scheick seconded a motion to adopt the Meeting Minutes of June 1, 2015. The vote record follows.

Roll Call: Minutes 6/1/15						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher					Not Eligible	
Higgins			X			
Kilduff (Alt. 1)			X			
Kleinhans	X		X			
Mardini			X			
McTiernan					Not Eligible	
Pfeffer (Alt. 2)					Not Eligible	X
Scheick		X	X			
Cimei			X			

- 3) MEETING MINUTES OF APRIL 25, 2016

Mr. Mardini motioned and Ms. Kleinhans seconded a motion to adopt the Meeting Minutes of April 25, 2016. The vote record follows.

Roll Call: Minutes 4/25/16						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher					Not Eligible	
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	
Kleinhans		X	X			
Mardini	X		X			
McTiernan					Not Eligible	
Pfeffer (Alt. 2)						X
Scheick					Not Eligible	
Cimei			X			

RESOLUTIONS

None.

NEW BUSINESS

Approval of Vouchers

Mr. Cimei motioned and Mr. Mardini 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			
Kilduff (Alt. 1)					Not Eligible	
Kleinhans			X			
Mardini		X	X			
McTiernan			X			
Pfeffer (Alt. 2)						X
Scheick			X			
Cimei	X		X			

COMPLETENESS HEARING

CLINTON TOWNSHIP SEWER AUTHORITY (CTSA)

Application No. CTPB-2016-04

Block 46, Lot 33 (County Route 641)

Applicant is seeking Site Plan Approval for the rehabilitation of an existing sanitary sewage pumping station.

The Board granted waivers from submission of certain information and documents required for completeness of the application and, after granting the completeness waivers, the Board deemed the application to be complete.

Mr. Mardini motioned and Mr. McTiernan seconded a motion to grant waivers and deem the application complete. The vote record follows.

<i>Roll Call: Completeness - CTSA CR 641, Block 46, Lot 33 (CR 641)</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	
Kleinhans			X			
Mardini	X		X			
McTiernan		X	X			
Pfeffer (Alt. 2)						X
Scheick			X			
Cimei			X			

PUBLIC HEARING

CLINTON TOWNSHIP SEWER AUTHORITY (CTSA)

Application No. CTPB-2016-04

Block 46, Lot 33 (County Route 641)

Applicant is seeking Site Plan Approval for the rehabilitation of an existing sanitary sewage pumping station.

The following individuals were sworn and testified during the hearing:

- 1) John S. Rolak, Jr., PE (applicant's engineering expert)
- 2) Charles Mc Groaty, PP (applicant's planning expert)
- 3) Jason Cline, PE (Board conflict engineering expert)
- 4) Andrea Malcolm (Board planning expert)
- 5) Paul Bogart (neighboring lot owner at 16 Possom Hollow and objector)
- 6) John Neiman (neighboring lot owner at 1 Williams Way and objector)
- 7) Allison Majkowski (neighboring lot owner at 5 Williams Way)
- 8) Josh Warsop (neighboring lot owner at 2 Williams Way and objector)

EXHIBITS

- A-1 Sheet 16 of 17 of the site plans with yellow highlighting around the exterior of the proposed electrical cabinet, and
- A-2 Sheet 3 of 17 of the site plans with yellow highlighting showing pavement and green highlighting showing landscaping objector Josh Warsop would like the applicant to install;

The applicant's attorney, Greg Watts, Esq. provided an overview of the application. CTSA owns and operates 17 pump stations throughout the town. The Pump Station located on CR 641 in need of rehabilitation. An application was already submitted to and has been approved by the NJDEP.

Mr. Rolak's qualifications were accepted by the Board and there were no questions regarding his qualifications from interested members of the public.

Mr. Rolak's testimony included the following:

Location of the pumping station will remain within the easement it is currently located. The station is relatively small servicing approximately twenty-five (25) mostly residential buildings. The station is approximately 30 years old and there have been no major renovations since constructed. NJDEP approval was needed since the station is located near the Beaver Brook. The Control Package is the major change required for this upgrade. The size is larger and taller than the existing due to it's location within a flood area. Resultingly it needs to be raised. The upgrade will take approximately six (6) to eight (8) weeks to complete. There is no need for off street parking as the site will only be visited once a week for a period of 10-15 minutes. There will be a portable generator on standby for power outages. A light will be illuminated to signal a potential problem, and an auto dial for emergency. There will not be any sound. The new electrical panel will be larger. Bypass pumping will occur approximately once a week.

The applicant agreed to the technical comments contained in the Board's Conflict engineering experts memo to become conditions of an approval.

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

Mr. McGourty's testimony included:

- Front yard setback Variance - This is a permitted use and qualifies as a C(1) Variance as we meet the hardship criteria. There is no substantial detriment to the public as the upgraded facility is for the public good and will provide safe and efficient use. The upgrade is consistent with Master Plan encouragement to develop necessary utilities. There is no impairment to the Zone Plan. There is no other place to put this as the existing pump station apparatus is located here.
- Parking Variance – C(2) Variance as we prefer not to put more impervious coverage no parking is provided but there us a small paved area large enough for the utility truck, no detriment to the Zoning ordinance and no impairment to the Master Plan.
- Stream Corridor Protection – There will be no additional areas of disturbance and the new upgrades will be further away from the stream corridor.

It was determined that the Board will treat the parking variance as a "C(1)" Hardship variance as it is an extremely constrained site.

Topics raised by members of the public included:

- Request the stainless-steel cabinet be painted brown
- Concern for damage to residential mailboxes
- Safety concerns for children since there is a school bus stop in close proximity
- Request for landscape screening
- Questions regarding the strobe emergency light

BOARD FINDINGS AND CONCLUSIONS

- The pumping station as located entirely within the front yard setback area is a lawfully created condition which constitutes an extraordinary and exceptional situation uniquely affecting the property.
- The strict application of the front yard setback requirement would result in exceptional and undue hardship on the applicant by preventing the application from going forward with the proposed development because it would prevent the applicant from upgrading the pumping station to bring it up to modern standards. The Board notes that the only means of complying with the ordinance provision at issue would be to either forego the replacement of the pumping station or look for a new location for the pumping station, both of which options are totally unreasonable under the circumstances.
- The Board notes that the applicant attempted but was unable to obtain a larger easement area. Further, the Board repeats from above that the pumping station has existed in its current location for 30 years
- The sewer trunk lines in this area are also located in existing easement areas which lead to the site.

- A “C(1)” variance can be granted to allow the pumping station to be located where proposed entirely within the front yard setback area 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.
- It is physically impossible to comply with ordinance requiring one (1) parking space because no off-street parking spaces can be provided on the site due to the small area of the easement at issue. The literal enforcement of the off-street parking requirement would effectively prevent the application from going forward with the proposed development. The Board finds that this would result in undue hardship on the applicant by prohibiting the applicant from upgrading the pumping station to bring it up to modern standards.
- It is physically impossible to comply with ordinance pertaining to No Disturbance in the stream corridor because the site is located within a stream corridor associated with the Beaver Brook tributary. Literal enforcement of the no disturbance in a stream corridor requirement would prevent the application from going forward with the proposed development. The Board finds that this would result in undue hardship on the applicant by prohibiting the applicant from upgrading the pumping station to bring it up to modern standards This exception can and should be provided that the imposed conditions are complied with.
- Other than those zoning ordinance regulations and Site Plan ordinance requirements from which the Board has determined that variances and exceptions can and should be granted, the Board found that the site plans will comply with all other applicable ordinance provisions provided, however, that the conditions set forth below are imposed and complied with.

RELIEF GRANTED

The following relief was granted by the Board subject to the applicant’s compliance with the Board imposed conditions:

- “C(1)” Fencing Variance to allow fencing within the public right-of-way and within the publicly owned easement area as shown on the site plans.
- Off-Street Parking Exception to allow no off-street parking spaces.
- Stream Disturbance Exception to allow disturbance of the stream corridor associated with the Beaver Brook tributary as shown on the site plans.
- Minor Site Plan Approval.

Mr. McTiernan motioned and Mr. Mardini seconded a motion to grant Minor Site Plan Approval, “C(1)” Variance and Exceptions. The vote record follows.

Roll Call: CTSA CR 641, Block 46, Lot 33 - Minor SP Approval, “C(1)” Variance & Exceptions						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	
Kleinhans			X			
Mardini		X	X			
McTiernan	X		X			

Pfeffer (Alt. 2)					Not Eligible	
Scheick			X			
Cimei			X			

The Board took a brief Recess at 9:35pm. The Public Hearing resumed at 9:39pm.

COMPLETENESS HEARING

CLINTON TOWNSHIP SEWER AUTHORITY (CTSA)

Application No. CTPB-2016-03

Block 60.03, ROW between Lots 14 and 15 (Maple Ave.)

Applicant is seeking Site Plan Approval for the rehabilitation of an existing sanitary sewage pumping station.

The Board granted waivers from submission of certain information and documents required for completeness of the application and, after granting the completeness waivers, the Board deemed the application to be complete.

Mr. Mardini motioned and Mr. McTiernan seconded a motion to grant waivers and deem the application complete. The vote record follows.

<i>Roll Call: Completeness - CTSA Maple Ave., ROW between Lots 14 & 15</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	
Kleinhans			X			
Mardini	X		X			
McTiernan		X	X			
Pfeffer (Alt. 2)						X
Scheick			X			
Cimei			X			

PUBLIC HEARING

CLINTON TOWNSHIP SEWER AUTHORITY (CTSA)

Application No. CTPB-2016-03

Block 60.03, ROW between Lots 14 and 15 (Maple Ave.)

Applicant is seeking Site Plan Approval for the rehabilitation of an existing sanitary sewage pumping station.

The applicant’s attorney, Greg Watts, Esq. provided an overview of the application. This pumping station is located within an easement owned by the CTSA which is located in the Possum Hollow Run right-of-way, which is a private drive easement over Block 46, Lot 33. Block 46, Lot 33 is owned by CRC Communities and is situated in the Suburban Residential (SR) Zone.

The following individuals were sworn and testified during the hearing:

- 1) John S. Rolak, Jr., PE (applicant's engineering expert)
- 2) Charles Mc Groaty, PP (applicant's planning expert)
- 3) Jason Cline, PE (Board conflict engineering expert)
- 4) Andrea Malcolm (Board planning expert)

The Board accepted the qualifications of the aforementioned applicant's professionals as they were all qualified for the previous application this evening.

No one from the public was in attendance for this application.

There were no exhibits entered for this application.

Mr. Rolak provided testimony inclusive of the following:

- This pumping station services approximately 50 home and is located on a paper road which is an extension of Maple Ave.
- The pumping station is proposed to be taken out of the flood zone and moving it further away from wetlands.
- The station will be fenced for security as it is in a gulley.
- A 125gallon diesel generator filled to approximately 80% will provide a run time for 24 to 48 hours. The generator will be tested weekly for about 30 minutes between the hours of 11:00am and 2:00pm on weekdays. The generator will be required to meet air quality standards. The fuel tank will be filled manually by hand by an operator.
- Lighting will be operated only when an operator is on site.
- There is an emergency dialer, no lights or sirens.
- The color will be dark earth tones.

Mr. McGourty provided testimony in support of the requested relief. A variance is required for the fence as the building is located within a right of way. There is no detriment to public, it is for safety and the building has already been approved by the Township. The pumping station is located in the woods and will not obscure visual impact. Mr. McGourty referred to his testimony in the prior application with respect to the Parking Variance and Stream Corridor Exception. He noted that the existing fence has barbed wire, however the new fence will not have barbed wire.

BOARD FINDINGS AND CONCLUSIONS

- The pumping station as located in the street is a lawfully created condition which constitutes an extraordinary and exceptional situation uniquely affecting the property.
- Strict application of the prohibition on fences would prevent the application from going forward with the proposed development because it would prevent the applicant from providing for safety and security of the pumping station resulting in exceptional and undue hardship on the applicant by prohibiting the applicant from upgrading the pumping station to bring it up to modern standards, including the installation of an emergency generator for use in power outages.
- The only means of complying with the ordinance provision at issue would be to either forego the replacement of the pumping station or look for a new location for the pumping station outside the street, on a nearby lot, both of which options are totally unreasonable under the

circumstances. In this regard, the Board repeats from above that the pumping station has existed in the street for 30 years (it was constructed in 1986). The Board further notes and finds that the sewer trunk lines in this area are also located in the street

- “C(1)” variance can and should be granted to allow the fencing at issue without substantial detriment to the public good and without substantial impairment of the intent and purpose of the master plan and zoning ordinance.
- It is physically impossible to comply with the ordinance because no off-street parking spaces can be provided on the site because the entire site is located wholly within the street and the literal enforcement of the off-street parking requirement would effectively prevent the application from going forward with the proposed development. The Board finds that this would result in undue hardship on the applicant by prohibiting the applicant from upgrading the pumping station to bring it up to modern standards, including the installation of an emergency generator for use in power outages.
- The pumping station has existed in the street for 30 years and the sewer trunk lines in this area are also located in the street.
- Granting the exception is reasonable and within the general purpose and intent of the provisions for site plan review and approval.
- It is physically impossible to comply with the Stream Disturbance ordinance because the site is located within a stream corridor associated with the Beaver Brook tributary and the literal enforcement would prevent the application from going forward with the proposed development resulting in undue hardship on the applicant by prohibiting the applicant from upgrading the pumping station to bring it up to modern standards, including the installation of an emergency generator for use in power outages. The Board notes that the only means of complying with the ordinance provision at issue would be to either forego the replacement of the pumping station or look for a new location for the pumping station on a nearby lot outside the stream corridor, both of which options are totally unreasonable under the circumstances.
- Granting the exception is reasonable and within the general purpose and intent of the provisions for site plan review and approval.
- other than those items above the Board found that the site plans will comply with all other applicable ordinance provisions.

RELIEF GRANTED

The following relief was granted by the Board subject to the applicant’s compliance with the Board imposed conditions:

- “C(1)” Front Yard Setback Variance to allow the pumping station to be located entirely within the 50-foot front yard setback area.
- Grant of Off-Street Parking Exception to allow no off-street parking spaces.
- Grant of Stream Disturbance Exception to allow disturbance of the stream corridor associated with the Beaver Brook tributary as shown on the site plans.
- Minor Site Plan Approval

Mr. McTiernan motioned and Mr. Mardini seconded a motion to grant Minor Site Plan Approval, “C(1)” Variance and Exceptions. The vote record follows.

Roll Call: CTSA Maple Ave., ROW between Lots 14 & 15 - Minor SP Approval, "C(1)" Variance & Exceptions						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	
Kleinhans			X			
Mardini		X	X			
McTiernan	X		X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick			X			
Cimei			X			

HIGHLANDS COUNCIL UPDATE

Andrea Malcolm reported that Corey Piasecki, the Highlands Council staff liaison assigned to Clinton Township, has sent us an update of the Township’s Highlands ERI. The Board should consider scheduling review and adoption of this document (as a component of the Master Plan) early next year. The Highlands has also provided draft language to be reviewed by the Township which would amend the Township’s Highlands Checklist ordinance in order to eliminate a potential conflict with NJDEP WMP rules.

(This was followed by a brief discussion among Board members of several other ordinance amendments which should be taken up by the Ordinance Subcommittee in 2017)

REPORTS

Report from Council – Mayor Higgins reported that Council authorized the Township to purchase the Kaufelt property.

Report from Ordinance Subcommittee – None.

Report from Open Space – None.

Report from Environmental Commission – None.

ADJOURN

A motion was made by Ms. Butcher, seconded by Mr. Scheick to adjourn. All were in favor and the meeting was adjourned at 10:34pm.

Respectfully submitted,
Denise Filardo
 Planning and Zoning Board Secretary

These minutes approved on April 16, 2018