

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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March 6, 2017

7:30PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

Chairman Cimei called the meeting to order at 7:32pm.

Chairman Cimei led the Flag Salute.

Chairman Cimei read the Public Notice.

This is the March 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.

Secretary Filardo called the roll.

MEMBERS PRESENT

Kilduff, Mardini, McTiernan, Scheick, Pfeffer, Cimei
Mr. Higgins arrived at 7:34pm

MEMBERS ABSENT

Butcher, Kleinhans

BOARD PROFESSIONALS/STAFF IN ATTENDANCE

Jonathan Drill, Esq., Board Attorney, Andrea Malcolm, PP, AICP, Board Planner, Cathleen Marcelli, PE, CME, Brian Bosenberg, LLA, RLA, ASLA, Board Landscape Architect, Joanne Sekella, Stenographer and Denise Filardo, Board Secretary

MEETING MINUTES

None.

RESOLUTIONS

None.

PUBLIC HEARINGS

1) 2017 ROUTE 31 CLINTON, LLC, Block 76, Lot 2

Application No. CTPB-2016-08

Applicant is seeking Preliminary and Final Major Site Plan approval to construct a Chase Bank with drive-through facilities at the current Country Griddle Restaurant site. This hearing was carried over from January 30, 2017.

The following individuals were sworn (and remain under oath) and testified during the January 30, 2017 hearing:

1. Tom Moffatt (Applicant's representative, VP Chase Bank, NE Construction Manager),
2. Jeffrey Martell, PE (Applicant's civil engineering and planning expert)
3. Charles Olivo, PE (Applicant's traffic engineering expert)
4. Brian Bosenberg, CLA (Board's landscape architectural expert)
5. Cathleen Marcelli, PE (Board's civil and traffic engineering expert)
6. Andrea Malcolm, PP, AICP (Board's planning expert)

Robert Ridolfi, Esq. the applicant's attorney indicated that they re-noticed.

Tom Moffatt, VP Chase Bank and Jeff Martell, PE were in attendance and remain under oath.

It was noted that Jeff Martell, PE the applicant's engineering expert met with Brian Bosenberg, CLA, the Board's Landscape Expert and the applicant has agreed to comply with all of Mr. Bosenberg's suggestions.

Attorney Drill referred to page 15 of Andrea Malcolm's memo dated November 30th, 2016 and updated January 20th, 2017 reviewing the Summary of the requested Variances and requested Exceptions.

There were no questions or comments from the public.

FINDINGS AND CONCLUSIONS

- the Board found that granting the C(1)" variances to allow the proposed deviations from the accessory structure setback regulations 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,
- the setback deviations will not impact any surrounding commercial properties or create any visual, operational or other detriments,
- the Board found that the accessory structures are customary and incidental

components that will ensure that the bank use functions efficiently, and in fact are so customarily found with bank uses that the deviations as to their proposed location within the proposed setbacks will not seem out of character or create any negative impacts,

- the Board finds that in light of the minimal building envelope area and unique Property shape, without some allowance for improvements to be located within the setbacks the reasonable development of the Property would not occur,
- the Board further finds that the location of the accessory uses will not impair the intent or purpose of the master plan and zoning ordinance because it will allow for the reasonable commercial development of the Property,
- the Board finds that the installation and inclusion of such accessory structures as proposed add to the overall efficacy of the use, as same would otherwise be compromised.
- the Board found that granting of the impervious coverage variance and two signage variances would advance the purposes of the MLUL. Provided that the imposed conditions are complied with, the Board further found that the benefits of these deviations would substantially outweigh any detriment,
- the Board found that the deviations resulted in benefits to the community, and not solely benefit the Applicant. Finally, provided that the conditions set forth below are imposed and complied with,
- the Board found that the grant of the “C(2)” variances would not result in any substantial detriment to the public good or substantial impairment of the intent or purpose of the master plan or zoning ordinance as such the Board concludes that it can and should grant the “C(2)” variances at issue subject to the applicant’s compliance with the imposed conditions,
- 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, subject to the conditions set forth below being imposed and complied with,
- the Board found that it would be an undue hardship or impracticable to literally enforce the site plan ordinance requirements at issue under the circumstances. As such, the Board concludes that it can and should grant the exceptions at issue subject provided that the imposed conditions are complied with,
- the Board’s ultimate finding was that preliminary and final site plan approval is warranted and should be granted provided that the imposed conditions are complied with.

RELIEF GRANTED

The following relief was granted subject to the applicant’s compliance with the imposed conditions.

“C(1)” Variances from Minimum Lot Size, Minimum Front Yard Setback and Minimum Rear Yard Setback Zoning Ordinance Regulations

- which establishes a minimum lot size of 75,000 square feet, minimum front yard setback of 40 feet and minimum rear yard setback of 75 feet, to allow a lot size of 28,082 square feet, front yard setback of 8.9 feet and rear yard setback of 26.6 feet.

“C(1)” Variances from Accessory Structure Setback Zoning Ordinance Regulations

- which require a 40-foot street setback, 50-foot side yard setback and 75-foot rear yard setback for accessory buildings and structures, to allow: the ATM canopy with a 10.6-foot street setback and 44.9-foot rear yard setback; light poles with a two (2) foot street setback, 11-foot side yard setback and 11-foot rear yard setback; and stormwater inlets with a 2.5-foot street setback, 16.6-foot side yard setback and an approximate 2.5-foot rear yard setback.

“C(2)” Variance from Zoning Ordinance Impervious Coverage Regulation

- which requires a maximum impervious coverage of 40%, to allow 68.8% impervious coverage.

“C(2)” Variances from Zoning Ordinance Signage Regulations

- which require a maximum of two wall signs per principal façade, to allow three (3) wall signs,
- which allow a maximum sign area of 25 square feet for freestanding signs, to allow for a freestanding sign area of 58.78 square feet.

Exception from Site Plan Ordinance Parking Setback Requirement

- to allow a seven (7) foot parking setback from the building, where a 12-foot setback is required;
- to allow a 3.8-foot distance from the street where 50 feet is required;
- to allow an approximate 12-foot distance from the property line, where 25 feet is required.

Exception from Site Plan Ordinance Pedestrian and Vehicular Access Requirement

- to allow for no direct vehicular access or pedestrian walkway or pathway to adjoining lots, where both pedestrian and vehicular access to the adjoining lots is required.

Exception from Site Plan Ordinance Building Arrangement Requirement

- which requires an 80-foot front yard setback (no more than 100 feet), to allow an 8.9-foot front yard setback.

Exceptions from Site Plan Ordinance Landscaping / Buffering Requirements

- to allow an average buffer of between 10 and 20 feet along the majority of the site and a minimum one (1) foot buffer to the northwest of the building and sidewalk,
- to allow a 14.5-foot buffer between the Property and the western Property line, and a 2.8-foot buffer between the interior driveway and the southern Property line,
- to allow planting within four (4) feet of the Property line, where same is not permitted.

Exceptions from Site Plan Ordinance Architectural Design Standards / Requirements to allow the following:

- a flat roof (hipped roof proposed at entrance), where a pitched roof is required;
- the volume or form of the proposed development not consistent with the local architectural traditions;
- the building proposed as a single story (where a two or three-story building is required);
- a lack of a minimum of 30% of primary building façade at the building setback line;

- a lack of the minimum required glass area for the façade;
- the use of EIFS (which is not traditional building material as required).

Exceptions from Site Plan Ordinance Exterior Solid Waste Collection Requirements

- to allow for solid waste to be maintained internal to the bank building and removed from the site via a private company, whereas solid waste is contemplated for exterior storage and removal.

Preliminary and Final Site Plan Approval

- to construct a Chase Bank building with drive-through facilities at the former Country Griddle Restaurant site.

Mr. Pfeffer motioned and Mr. Scheick seconded a motion to grant Preliminary and Final Site Plan approval with Exceptions and Variances. The vote record follows.

<i>Roll Call: 2017 Route 31, LLC, Block 76, Lot 2 – Preliminary & Final Site Plan Approval</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins			X			
Kilduff (Alt. 1)			X			
Kleinhans						X
Mardini			X			
McTiernan			X			
Pfeffer (Alt. 2)	X		X			
Scheick		X	X			
Cimei			X			

2) HESCO LIGHTING, Block 59, Lot 5

Application No. CTPB-2017-02

Applicant is seeking Waiver of Site Plan to install Rooftop Solar Panel System on existing building.

The applicant was represented by Kristen Perry, Esq. Attorney Perry explained the nature of the application.

Hesco Electric Supply Company, Inc. owns an approximately 1.5-acre lot located on the south side of Beaver Avenue with a street address of 71 Beaver Avenue, Annandale, New Jersey 08801, and is situated in the C-1 Commercial zoning district. There is a one-story building containing a lighting and electric supply store which is a principally permitted use in the C-1 zone. The applicant applied to the Board for a waiver of site plan review and approval to allow it to install a solar energy system on the roof of the building.

Attorney Perry introduced and qualified Chris Nusser, PE, the applicant’s engineering expert. Mr. Nusser’s qualifications were accepted by the Board.

The following individuals testified during the hearing, were subject to cross examination, and their testimony is part of the record in this matter:

- 1) Christopher R. Nusser, PE, PP, Engineering & Land Planning (applicant's engineering expert);
- 2) Andrea Malcolm, PP, AICP (Board's planning expert)

Mr. Nusser's testimony included but was not limited to the following:

- A description of the array, noting that the array will not be taller than 18" above roof height,
- Description of the view from all directions,
- The array is strictly an accessory use which will simply provide power to the Hesco building,
- Structural soundness of the roof to support the weight of the solar array,
- Minimal visual impacts
- The proposed solar array will not affect existing circulation, parking, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review.

Board Attorney Drill noted that we have the original approved Site Plan.

EXHIBITS

- A-1 Building roof plan with four (4) HVAC units crossed out (due to the fact that they have been removed from the roof of the building), and
- A-2 Structural report letter dated November 17, 2016 certified by James Adams, PE;

There were no questions from the Board, no questions or comments from the public.

BOARD FINDINGS AND CONCLUSIONS

- the Board found that the proposed development will not affect existing circulation, parking, drainage, building arrangements, landscaping, buffering, lighting, or other considerations of site plan review, provided that the imposed conditions are complied with.
- the Board concluded that it could and should grant a Waiver of Site Plan Approval provided that the imposed conditions are complied with.

RELIEF GRANTED

Waiver of Site Plan Review and Approval to allow the applicant to obtain zoning permits for the proposed roof-mounted solar energy system.

Mr. Higgins motioned and Mr. Pfeffer seconded a motion to grant a Waiver of Site Plan. The vote record follows.

Roll Call: Hesco Lighting, Block 59, Lot 5 – Waiver of Site Plan						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins	X		X			
Kilduff (Alt. 1)						
Kleinhans						X
Mardini			X			
McTiernan			X			
Pfeffer (Alt. 2)		X	X			
Scheick			X			
Cimei			X			

NEW BUSINESS

APPROVAL OF VOUCHERS

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

Report from Council - provided by Dan McTiernan

- The County will be conducting a Traffic analysis on Beaver Ave.
- Adopted a Bond Ordinance to purchase the Kaufelt Property for Open Space purposes. Discussions for use include a Cross Country Path, take risk off High School students running on Regional Road and affording them a home place to run, a dog park and gravel overflow parking.
- Adopted a Bond Ordinance providing for the purchase of sewer capacity for planned and future affordable housing projects.
- Deputy OEM coordinators were appointed.
- The Old Municipal Building will be purchased by Rob Hernandez who has completed a building in High Bridge across from Circa and another behind Circa in High Bridge.

It was noted that Township Council will send request to the Planning Board to amend or revise the Redevelopment Plan, as this is on the Council Agenda for this coming Wednesday.

Ordinance Subcommittee is continuing work on ordinance revisions.

Open Space - No meeting, nothing to report.

Environmental Commission - No meeting, nothing to report.

A member of the public, Richard Shaw stated that lives near Windy Acres. Mr. Shaw had a question regarding access to Windy Acres and the cost of a new bridge. Chairman Cimei stated that cost would be approximately \$250,00 and noted that it crosses over a C1 Stream. There was a brief discussion regarding a Possible adjustment to the open Space Ordinance to develop project plans to increase amount of open space tax. The tax would not be going up, it would be a reallocation of the use. Another possibility for access may be an adjacent landowner.

ADJOURNMENT

Mr. Scheick motioned and Mr. McTiernan seconded a motion to adjourn. The meeting was adjourned at 8:31pm.

Respectfully Submitted,
Denise Filardo
Planning Board Secretary

These minutes approved on May 7, 2018