

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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February 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 February 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**

Higgins, Kleinhans, Mardini, McTiernan, Scheick, Pfeffer, Cimei  
Ms. Butcher arrived at 7:38pm

**MEMBERS ABSENT**

Kilduff

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney, Andrea Malcolm, PP, AICP, Board Planner, Brian Bosenberg, LLA, RLA, ASLA, Board Landscape Architect, Mike Lombardozi, Stenographer and Denise Filardo, Board Secretary

**MEETING MINUTES**

MINUTES OF AUGUST 17, 2015

Mr. Mardini motioned and Mr. Cimei seconded a motion to approve the Minutes of August 17, 2015. The vote record follows.

<b>Roll Call: Meeting Minutes of August 17, 2015</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini	X		X			
McTiernan					Not Eligible	
Pfeffer (Alt. 2)					Not Eligible	
Scheick			X			
Cimei		X	X			

**RESOLUTIONS**

None.

**PUBLIC HEARINGS**

**THE FOOD CURE, LLC, Block 59, Lot 4.01**

Application No. 2017-01

Applicant is seeking an Amended Site Plan review to modify Condition D.1.d of Resolution No. 2016-04 pertaining to landscaping.

The applicant’s attorney, Barry Weinstock, explained the amended application request. The Planning Board Granted Preliminary and Final Site Plan Approval with “C” Variances to allow the conversion of the property and building from a principally permitted bank use to a principally permitted restaurant use, memorialized in Resolution No. 2016-04. After obtaining the approvals, Mr. DeChellis, the applicant’s principal inquired regarding whether it would need relief from installation of a portion of the landscape buffer along the southern edge of the building site parking lot area. The Board’s landscape expert, Brian Bosenberg, responded to the applicant’s inquiry by letter date January 20, 2017, indicating that, based on a site inspection, the existing woodland could serve as an adequate buffer in that area, however, relief from the requirement to install that portion of the southern buffer would require Board approval because it was required by the 2016 approvals.

As a result, the applicant submitted the application before the Board this evening seeking Amended Final Site Plan Approval to allow for the landscape buffering modification.

The following individuals were sworn and testified during the hearing:

- 1) Josh DeChellis (applicant’s principal)
- 2) Brian Bosenberg, LLA (Board’s landscape architectural expert);

There were no exhibits were submitted into the record.

Mr. DeChellis explained the landscape buffering modification referencing the replacement of the approved site plan sheet titled, “Landscape and Lighting Plan” (sheet 5) with a revised sheet also titled “Landscape and Lighting Plan” (sheet 5A), reflecting a revision date of January 24, 2017.

Mr. Bosenberg noted that the applicant’s request will comply with the ordinance and that he is in support of the Board approving this request for the landscape buffering modification.

Mr. Pfeffer motioned and Mr. Higgins seconded a motion to grant an additional extension of time until August, 28, 2017. The vote record follows.

<b>Roll Call: Food Cure, Block 59, Lot 1 – Amended Final Site 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
Higgins		X	X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini			X			
McTiernan			X			
Pfeffer (Alt. 2)	X		X			
Scheick			X			
Cimei			X			

**ST. CLAIRE REAL ESTATE, LLC, Block 59, Lot 1**

Application No. CTPB-2016-10

Applicant is seeking Waiver of Site Plan approval and “C” Variances to modify a former TD Bank building into a dentist office.

The following individuals were sworn and testified during the hearing:

- 1) Andrea Malcolm, PP, AICP (Board’s planning expert)
- 2) Wayne Ingram, PE, PP, PLS, Engineering and Land Planning Associates, (Applicant’s engineering, planning and licensed surveying expert)

**EXHIBITS**

- A-1 Color rendered sheet 4 of 6 of the site plans.
- A-2 Color photo of the building and a portion of the property showing TD Bank’s existing wall signage and free-standing sign depicting the applicant’s replacement signage.
- A-3 Directional signs (entrance and exit) exhibit.
- A-4 Letter from C. Gregory Watts, Esq. (attorney for the Clinton Township Sewage Authority) to William Gianos, Esq. (applicant’s attorney) dated January 23, 2017, with attached utility bill indicating 600 gallons per day of sanitary sewage treatment capacity allocated to the property.

The applicant's attorney William Gianos, Esq. Gianos described the application to convert a former TD Bank building to a Dental Office.

Wayne Ingram's credentials were accepted by the Board.

Referencing the exhibits, Mr. Ingram's testimony included the following:

- The proposed use is less intensive than the former TD Bank.
- The lot is fully developed consisting of the existing building, a stormwater basin and parking area, leaving no room for making any changes.
- The pavement on the Drive-thru will be removed reducing impervious coverage.
- The exiting signage will be used by swapping out the text.
- There will be minimal clean up including line striping.
- No changes will be made to affect lighting, landscaping, traffic or circulation.
- We propose install two (2) directional entrance & exit signs, no logos or signage of the dental practice.
- The site has 600gallon sewer capacity.
- Hours of proposed operation to be 6 days a week from 8:00am – 8:00pm and closed on Sundays.
- Main Variance relief sought is the parking. The doctor will have four (4) operatories and six (6) employees on site. It is estimated that four (4) patients being treated, four (4) patients waiting plus six (6) employees equals fourteen (14) parking spots with four (4) left over. Ass such we feel the proposed number of eighteen (18) is sufficient.

#### BOARD FINDINGS AND CONCLUSIONS

- Prior preliminary and Final Site Plan Approvals were obtained for the property and approved and signed Final Site Plan exists for the property.
- The proposed development will have an insignificant impact on the previously approved site plan provided.
- The Board thus concludes that a Waiver of Site Plan Approval is warranted.
- The Board finds and concludes that "C(1)" variances are not warranted to allow the following deviations because they are self-created in that the deviations can physically be eliminated but the applicant has chosen not to eliminate them:
  - the number of off-street parking spaces.
  - the sign area of the free-standing sign.
- "C(2)" Variances are warranted to permit the parking and sign deviations as part of the proposed development.
- The area of the sign must be larger than 25 square feet in order to contain letters large and tall enough to be able to be seen with enough stopping distance so that vehicles travelling at the posted speed limit on County Route 626 will be able to slow down and stop to turn into the site in sufficient time so as not to cause traffic safety hazards.
- A "C(2)" Variance to allow the proposed 92 square foot size sign will promote traffic safety which is within the public health and safety purposes of the MLUL.
- These are Community wide zoning benefits and will substantially outweigh any detriments.

- The sign size variance can and should 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 the applicant complies with the imposed conditions.

**RELIEF GRANTED**

The following relief was granted based upon the applicant complying with the Board imposed conditions:

**“C(1)” Variances** to allow the following deviations as part of the proposed development:

- Lot area of 21,676 square feet where the Schedule requires a minimum lot area of 75,000 square feet.
- 51.47% impervious coverage where the Schedule provides that the maximum impervious coverage is 40%.
- Front yard setback from Beaver Avenue of 25.45-feet where the Schedule requires a minimum front yard setback of 40-feet.
- Front yard setback from Route 31 of 17.5-feet where the Schedule requires a minimum front yard setback of 40-feet.

**“C(2)” Variances** to allow the following deviations as part of the proposed development:

- 18 parking spaces where the ordinance requires the minimum number of parking spaces for a dental office to be 22.
- Sign area on the free-standing sign of 92 square feet where ordinance states that the maximum freestanding sign area allowed is 25 square feet.

**Waiver of Site Plan Approval** to allow the proposed development.

Mr. McTiernan motioned and Mr. Higgins seconded a motion to grant Waiver of Site plan and “C” Variances. The vote record follows.

<b><i>Roll Call: St. Claire Real Estate, Blk 59, Lot 1 – Site Plan Waiver and “C” Variances</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			
Higgins		X	X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini			X			
McTiernan	X		X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick			X			
Cimei			X			

**NEW BUSINESS**

**APPROVAL OF VOUCHERS**

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

<b><i>Roll Call: Approval of Vouchers</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			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini			X			
McTiernan			X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick		X	X			
Cimei	X		X			

**REPORTS**

Report from Council – Mr. Higgins reported the following:

- Introduction of a Bond Ordinance for the Kaufelt property.
- Introduction of a Bond Ordinance for Sewer Capacity.
- Adoption of an Ordinance correcting typos correcting in Building height ordinance.
- Discussion of a project to redevelop old Municipal building.
- Discussion of land acquisition uses: a few trails which are not in public use, looking at options to provide access to Windy Acres, Kaufelt & Marookian. Sites. Constructing a dog park was discussed. The High School is interested in cross country type course.

Report from Ordinance Subcommittee – Mr. Mardini reported that they met this evening prior to the Planning Board meeting. Topics discussed were changes to the Carbonite Rock and Cell Tower ordinances to incorporate Highlands language. Discussion regarding changes to the application Completeness Review procedure.

Attorney Drill will prepare a resolution designating the Board Secretary to determine completeness and incompleteness of applications and authorizing a committee consisting of the Board Secretary and Board Engineer to make completeness waiver determinations. This will eliminate the need for completeness hearing by the Board.

Report from Open Space – They will be spending \$2000 to repair a broken fence.

Report from Environmental Commission – Mr. Cimei reported that they met last week and are planning to mark trails at Windy Acres at the end of March.

**RESOLUTION TO ENTER CLOSED SESSION**

**Resolution No. 2017-0B**

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, Jon Drill plans to render attorney-client privileged legal advice to the Board regarding the HPE&FSP.

Mr. McTiernan motioned and Mr. Mardini seconded a motion to adopt Resolution No. 2017-0B to enter into Closed Executive Session. The vote record follows.

<b><i>Roll Call: Resolution No. 2017-0B to enter Closed Session</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			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini		X	X			
McTiernan	X		X			
Pfeffer (Alt. 2)			X			
Scheick					Not Eligible	
Cimei			X			

The Board entered Closed Session at 8:31pm and completed Closed Session ended at 8:59pm.

**ADJOURNMENT**

Ms. Butcher motioned and Mr. Mardini seconded a motion to adjourn. The meeting was adjourned at 8:59pm.

Respectfully Submitted,  
*Denise Filardo*  
Planning Board Secretary

These minutes approved on April 16, 2018