

**SPECIAL MEETING MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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February 21, 2018

7:00PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

Vice Chairman Mardini called the meeting to order at 7:00pm.

Vice Chairman Mardini led the Flag Salute.

Vice Chairman Mardini read the Public Notice.

This is the February 21, 2018 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, Kilduff, Kleinhans, Mardini, McTiernan, Pfeffer, Scheick

**MEMBERS ABSENT**

Butcher, Cimei

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

- 1) Jonathan Drill, Esq., Board Attorney
- 2) Tom Behrens, PP, AICP, Board Planner
- 3) Brian Bosenberg, LLA, ASLA Board Landscape Architect
- 4) Jeff Keller, PhD., Board Environmental Expert
- 5) Cathleen Marcelli PE, CME, Board Engineer
- 6) Matt Mulhall, PG, Board Geologist and Hydrogeologist
- 7) Jackie Klapp, Stenographer
- 8) Denise Filardo, Board Secretary

**MEETING MINUTES**

1) MINUTES OF DECEMBER 19, 2016

Mr. Mardini motioned and Ms. Kleinhans seconded a motion to approve the Minutes of August 1, 2016. The vote record follows.

<b><i>Roll Call: Meeting Minutes of August 1, 2016</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					Not Eligible	
Kilduff (Alt. 1)					Not Eligible	
Kleinhans		X	X			
Mardini	X		X			
McTiernan			X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick					Not Eligible	
Cimei						X

**NEW BUSINESS**

APPROVAL OF VOUCHERS

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

**PUBLIC HEARINGS**

1) EZENERGY NJ, LLC

Block 70, Lot 13

Site of the Hunterdon Wellness Center

Applicant is seeking Minor Site Plan and Variance Approval for the installation and operation of a ground mounted solar array to provide electricity to the existing on-site facility.

The applicant was represented by Guliet D. Hirsch, Esq.

The following individuals were sworn and testified during the hearing:

- 1) Kurt Hoffman, PE (Applicant's engineer)
- 2) Jim Brown (Applicant's president)
- 3) Jeff Keller (Board environmental expert)
- 4) Brian Bosenberg, LLA, ASLA (Board landscape architectural expert)
- 5) Tom Behrens, PP, AICP (Board planning expert)

### EXHIBITS

- A-1 Color rendered version of Overall Layout sheet of Site Plan set.
- A-2 Color rendered version of Buffer Plan sheet of Site Plan set.
- A-3 Sheet titled, "40 Scale Sheet" of Site Plan set.
- A-4 Email exchange between Kurt Hoffman and Steve Milne, Fire Official of February 21, 2018.
- A-5 Sheet titled "40 Scale Sheet" with revisions dated March 6, 2018 to show east-west aisle with gate.
- A-6 March 1, 2018 Email from Fire Marshall, Steve Milne

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

- Identification of EZnergy NJ, LLC as a Solar panel installation Company.
- EZnergy was awarded the bid from Hunterdon Wellness Center to install a two (2) megawatt DC system generating 2.6 megawatt hours per year.
- Terms of lease, financing, maintenance and warranty.
- At end of lease term, the finance company is required to pay for removal of solar panels and restore the land to prior condition.
- Noise, noting that the modern inverters proposed do not produce noise.

Referencing the Exhibits listed above, Mr. Hoffman's testimony included but was not limited to the following:

- Orientation of the proposed solar array on the site, noting that the array is similar to stadium seating which will be facing to the south towards Route 31.
- Steep Slopes, detention basin,
- A chain link fence surrounding the array will have 3 openings to comply with the request of Fire Marshall Milne.
- A 10-foot wide opening down the center of the array was added for circulation and access to comply with the request of the Fire Marshall. To facilitate this, a portion of the middle panels will be eliminated so as not to increase impervious coverage.
- Separating the panels would not be feasible as that would lead to redesign and loss of a large number of panels.

Upon completion of a discussion on landscape buffering Mr. Hoffman noted that the applicant will comply with the recommendations in Mr. Bosenberg's report.

The applicant also agreed to comply with the recommendations made in Jeff Keller's report.

Questions and Comments were opened up to the public.

Laurie Gneiding of the Clinton Township Environmental Commission commented that 2.5 acres loss of vegetation would cause an increase in run-off or erosion from surface area of water.

The following members of the public were sworn:

- 1) Patricia Buriak a neighboring resident of 9 River Bend Road asked why the applicant did not do an EIS wildlife impact. Attorney Hirsch responded that was not necessary since this is an existing developed site.
- 2) Kenneth Oldam a neighboring resident of 81 Grayrock Road asked if any more panels could be eliminated.

The Public Hearing was closed at 8:52pm and the Board deliberated.

#### BOARD FINDINGS AND CONCLUSIONS

- The strict application of the solar panel spacing requirements at issue will result in exceptional and undue hardship on the applicant because its proposed solar facility will be unable to be constructed and that granting the "C(1)" variance from the ordinance provision at issue was warranted to relieve the hardship.
- Granting a "C(2)" variance to allow the proposed fencing at a height of 6'6" will advance the public health and safety purposes as well as the general welfare purposes of the MLUL.
- The public health and safety and general welfare zoning benefits arising from the grant of the variance will substantially outweigh any detriment.
- Board's ultimate conclusion is that it can and should grant both of the requested "C" variances provided that the imposed conditions are complied with.
- Except for the variances set forth above the site plan will comply with all applicable zoning ordinance regulations and site plan ordinance requirements.
- Minor Site Plan Approval is warranted and the Board concluded that Minor Site Plan Approval of the site plan can and should be granted provided that the Board imposed conditions are complied with.

#### RELIEF GRANTED

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

- “C(1)” Variance to allow the proposed solar array system to be installed with continuous rows of 2,041 square feet in excess of the maximum 400 square feet provided for in the ordinance.
- “C(2)” Variance to allow the fence to exceed the permitted height of six (6) feet to allow the proposed fence at a height of 6’6”.
- Minor Site Plan Approval of the proposed development.

Mr. Pfeffer motioned and Mr. Scheick seconded a motion to grant “C(1)” and “C(2)” Variances and Minor Site Plan Approval. The vote record follows.

<b>Roll Call: EZnergy NJ, LLC – Blk 70, Lot 13</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)	X		X			
Scheick		X	X			
Cimei						X

2) BEAVER BROOK URBAN RENEWAL ASSOCIATES, LLC

Willows at Annandale Village

Block 60.03, Lot 26

Beaver Avenue (CR-626) & Austin Hill Road

Applicant is seeking Amended Preliminary Site Plan Approval and initial Final Site Plan Approval to construct a residential development consisting of six (6) residential buildings containing sixty-six (66) affordable multi-family units together with associated common and amenity space, an outdoor play area, parking spaces and related improvements. The Applicant is proposing to construct thirteen (13) one-bedroom units, thirty-six (36) two-bedroom units and seventeen (17) three-bedroom units to be distributed among the six (6) residential buildings. The Applicant is further proposing to reuse the existing historic main house structure as a community building. The Applicant is also seeking “C” variances.

***The applicant requested that this hearing be carried to the March 5th meeting.***

**REPORTS**

Report from Council – Mr. Higgins reported the last meeting had a light agenda. The Council except approved a Modification to the Fair Share Housing Settlement Agreement, removing the Windy Acres site and replacing with the LeCompte site on Route 31. The developer, CIS, will work directly with LeCompte. This is a good change in our plan and eliminates us and Readington Township vying for the same water capacity.

Report from Ordinance Subcommittee – Next meeting at 6:00pm on March 5<sup>th</sup>.

Last printed 6/6/2018 7:11:00 PM

Report from Open Space – They are meeting tonight. The Herr check is in the mail.

Report from Environmental Commission – Nothing to report.

**ADJOURNMENT**

Mr. Scheick motioned and Mr. Pfeffer seconded a motion to adjourn. The meeting was adjourned at 9:08pm.

Respectfully Submitted,  
*Denise Filardo*  
Planning Board Secretary

These minutes approved on June 4, 2018