

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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June 4, 2018

7:00 PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

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

Chairman Cimei led the Flag Salute.

Chairman Cimei read the Public Notice.

This is the June 4, 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, Kleinhans, Mardini, Pfeffer, Cimei

MEMBERS ABSENT

Butcher, Kilduff, McTiernan, Scheick

BOARD PROFESSIONALS/STAFF IN ATTENDANCE

Jonathan Drill, Esq., Board Attorney, Katy Razin, Esq., Board Attorney and Denise Filardo, Board Secretary

MEETING MINUTES

1) MINUTES OF FEBRUARY 21, 2018

Mr. Mardini motioned and Ms. Kleinhans seconded a motion to approve the Minutes of February 21, 2018. The vote record follows.

Roll Call: Meeting Minutes of February 21, 2018						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher					Not Eligible	X
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans		X	X			
Mardini	X		X			
McTiernan						X
Pfeffer (Alt. 2)			X			
Scheick						X
Cimei					Not Eligible	

2) MINUTES OF MAY 7, 2018

Mr. Pfeffer motioned and Ms. Kleinhans seconded a motion to approve the Minutes of May 7, 2018. The vote record follows.

Roll Call: Meeting Minutes of May 7, 2018						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins					Not Eligible	
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans		X	X			
Mardini					Not Eligible	
McTiernan						X
Pfeffer (Alt. 2)	X		X			
Scheick						X
Cimei			X			

RESOLUTIONS

1) CLINTON AGRICULTURAL ASSOCIATES, LLC

Old Mountain Farm

Block 7, Lot 3

Application No. 2018-02

Resolution No. 2018-06

Without Prejudice Dismissal of application For Amended Preliminary and Final Site Plan Approval.

Mr. Pfeffer motioned and Ms. Kleinhans seconded a motion to dismiss adopt Resolution No. 2018-06. The vote record follows.

Roll Call: Clinton Agricultural Associates, Blk 7, Lot 3 – Resolution No. 2018-06						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher					Not Eligible	X
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans		X	X			
Mardini					Not Eligible	
McTiernan						X
Pfeffer (Alt. 2)	X		X			
Scheick						X
Cimei			X			

APPROVAL OF VOUCHERS

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

PUBLIC HEARINGS

- 1) EZENERGY NJ, LLC
 Block 70, Lot 13
 Ground-mounted Solar panels at the Hunterdon Wellness Center
 1838 Route 31
 Application No. 2017-08
 Applicant is requesting Modification of Condition 1.b.2 of Resolution No. 2018-04 which pertains to landscape revisions.

Mr. Cimei recused himself and left the room.

The applicant’s attorney, Guliet Hirsch, Esq. explained the history of the application and the reason for the condition modification request. Attorney Hirsch noted that Kurt Hoffman, the applicant’s engineer was in attendance.

The following relief was granted on February 21, 2018 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.

This modification is due to an updated tree survey that now confirms the extent of the forested area within the limits of the solar array lease area. Instead of applying the separate tree replacement requirement as imposed in Condition 1.b.4, we are requesting to compensate for the tree removal by correctly applying the Ordinance definition of a forest that requires a minimum of 1/8 acre in size and has at least 100 trees per acre, 50% of which are greater than or equal to 2" DBH. The area of tree removal meets the definition of a forest. As a result, this area should have been subject to the tree replacement requirements for forested areas contained in Ordinance § 165-77.E. The applicant is required under this section to replace the forest trees at the applicable ratio of 1:0.5 per Ordinance § 165-77.E(1).

We are here this evening requesting to revise conditions 1.b.2 through 1.b.6, not to amend the application.

Based upon the information presented by Attorney Hirsch and the memo dated May 30, 2018 prepared by the Board’s Landscape Architect, Brian Bosenberg, the Board was in agreement with granting the requested modification.

Mr. Mardini motioned and Mr. Pfeffer seconded a motion to grant Modification and adopt memorializing Resolution No. 2014-04R. The vote record follows.

Roll Call: EZenergy NJ, LLC Blk 70, Lot 13 - Modification						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini	X		X			
McTiernan						X
Pfeffer (Alt. 2)		X	X			
Scheick						X
Cimei					X	

- 2) EXXONMOBIL RESEARCH AND ENGINEERING COMPANY
 1545 US Highway 22 East
 Annandale, NJ 08801
 Block 30, Lots, 17, 30, 31, 41
 Block 31, Lot 1

Block 30.02, Lot 1

Applicant is seeking Waiver of Site Plan Approval for proposed new gate configuration, including installation of an island and pavement.

The applicant's attorney, Tom Malman, Esq. gave a brief synopsis of the proposed application. The applicant applied for a waiver of site plan approval in accordance with Township ordinance section 165-36.1.A to allow the proposed improvements which include modifications and upgrades to its existing gate system to access the site by installing a new reader, gate and island. In addition, the applicant is proposing to widen the entrance drive by the gate house by a total area of approximately 541 square feet to allow for the curb to be installed, separating the two entrance lanes, and a gate.

The following individuals were sworn and testified during the hearing:

- 1) Ronald Kennedy, P.E. (applicant's engineer)
- 2) Tom Behrens, PP, AICP (Board planning expert)

EXHIBITS

- A-1 "Site Aerial Exhibit",
- A-2 "Photo Exhibit", and
- A-3 "Site Dimension and Grading Plan";

BOARD FINDINGS AND CONCLUSIONS

- The proposed improvements will satisfy the first grounds for waiver of site plan review and approval under Township ordinance section 165-36.1.A(1)
- Prior Site Plan Approval has been granted to the development and, provided that the conditions set forth below are imposed and complied with, the proposed improvements will have an insignificant impact on the previously approved site plans.
- The proposed improvement will not significantly affect parking, drainage, landscaping, buffering or lighting.
- The modifications to the gate and entrance drive constitute upgrades which will enhance the access area to the research facility without creating any significant or negative impacts to the existing plan.
- The Board's ultimate finding and conclusion is that it can and Should Waive Site Plan Review and Approval to allow the proposed improvements to be constructed but subject to the applicant's compliance with Board imposed conditions.

RELIEF GRANTED

Subject to the applicant's compliance with the Board imposed conditions, the Board hereby granted a waiver of site plan review and approval in accordance with Township ordinance section 165-36.1A(1) to allow the proposed improvements as reflected on the plans submitted, after revisions.

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

Roll Call: ExxonMobil – Waiver of Site Plan – Entry Gate Modifications

Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins					Recused	
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini	X		X			
McTiernan						X
Pfeffer (Alt. 2)		X	X			
Scheick						X
Cimei			X			

REPORTS

- 1) Report from Council – Mr. Higgins reported the following:
 - The last meeting was fairly quiet
 - There was not a quorum for budget approval, so a Special meeting has been scheduled on Thursday at 8:30am to adopt the Budget.
 - Truck traffic from the Hionis property is upsetting to some neighbors. The SADC has not yet responded. We had a discussion with the homeowners and are planning another in the next week or so with Councilman Tom Kochanowshi.
- 2) Report from Ordinance Subcommittee – Nothing to report.
- 3) Report from Open Space – New member Rich Shaw has been very active. We had a nice going away party for Cathy Sipe and gave her a commendation at the Council meeting and took pictures.
- 4) Report from Environmental Commission – Nothing to report.

ADJOURNMENT

Mr. McTiernan motioned and Ms. Kleinhans seconded a motion to adjourn. All were in favor and the meeting was adjourned at 7:40pm.

Respectfully Submitted,
Denise Filardo
 Planning Board Secretary

These minutes approved on August 20, 2018.