

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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August 20, 2018

7:00PM

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 August 20, 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, McTiernan, Pfeffer, Scheick, Cimei

**MEMBERS ABSENT**

Butcher, Kilduff

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney

Tom Behrens Jr., PP, AICP, Board Affordable Housing Planning Expert

Denise Filardo, Board Secretary

**MEETING MINUTES**

- 1) MINUTES OF APRIL 2, 2018

Mr. Scheick motioned and Mr. Higgins seconded a motion to approve the Minutes of April 2, 2018. The vote record follows.

| <b>Roll Call: Meeting Minutes of April 2, 2018</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)                                   |               |            |            |           | Not Eligible   | X             |
| Kleinhans  |               |            | X          |           |                |               |
| Mardini  |               |            | X          |           |                |               |
| McTiernan  |               |            | X          |           |                |               |
| Pfeffer (Alt. 2)                                   |               |            |            |           | Not Eligible   |               |
| Scheick  | X             |            | X          |           |                |               |
| Cimei  |               |            | X          |           |                |               |

2) MINUTES OF JUNE 4, 2018

Mr. Pfeffer motioned and Mr. Higgins seconded a motion to approve the Executive Session Minutes of June 4, 2018. The vote record follows.

| <b>Roll Call: Minutes of June 4, 2018</b> |               |            |            |           |                |               |
|---|---------------|------------|------------|-----------|----------------|---------------|
| <b>Member</b>                             | <b>Motion</b> | <b>2nd</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b> |
| Butcher                                   |               |            |            |           | Not Eligible   | X             |
| Higgins                                   |               | X          | X          |           |                |               |
| Kilduff (Alt. 1)                          |               |            |            |           | Not Eligible   | X             |
| Kleinhans                                 |               |            | X          |           |                |               |
| Mardini                                   |               |            | X          |           |                |               |
| McTiernan                                 |               |            |            |           | Not Eligible   |               |
| Pfeffer (Alt. 2)                          | X             |            | X          |           |                |               |
| Scheick                                   |               |            |            |           | Not Eligible   |               |
| Cimei                                     |               |            |            |           | Abstained      |               |

**RESOLUTIONS**

None.

**MASTER PLAN CONSISTENCY REVIEWS**

Prior to the Board beginning the reviews, Attorney Drill noted on the record that the public does not have the right to comment.

Attorney Drill reported that the Affordable Housing Sub-committee met before this Planning Board meeting tonight and they feel that there are a few non-substantial changes that should be recommended by the Planning Board.

1) ORDINANCE NO. 1120-18

An ordinance of The Township of Clinton amending Chapter 165 of the “Code of the Township of Clinton” by creating the AH-6 and AH-7 Affordable Housing Zoning Districts to facilitate affordable housing developments on the “108 Alton Place” Lot (Block 79.07, Lot 1) and a ±nine-acre portion of the “LeCompte” property (block 29, lot 4); amending the Clinton Township Zoning Map and Schedule of Zoning Requirements accordingly; and correcting the section numbers in article XXIIB, “AH-5 Affordable Housing District”.

Chairman Cimei noted that there were a few members of the public in attendance. A member of the public stated that they were residents of Beaver Brook. Chairman Cimei communicated that this is a Public meeting and not an open forum. The meeting of the governing body is the forum where members of the public may provide comments and ask questions. Following the first introduction of these Ordinances they are referred to the Planning Board because they deal with Land Use. This is a technical step in the process and the Planning Board’s job is to review the ordinances and determine consistency with the Township Master Plan.

Although not required, members of the Board invited public comment, several questions were asked, which resulted in a lengthy and productive discussion between Board Members, the Board attorney, the Board Affordable Housing Planner and members of the public.

*The following member of the public asked to speak:*

*Dana Goodman, residing at 7 Greenbriar Lane.*

*Ms. Goodman asked if a traffic study had been conducted.*

*Attorney Drill explained that a study has not yet been conducted as that occurs further down the road by the applicant who will develop the property.*

*Mayor Higgins gave an enlarged copy of page 60 from the Housing Plan Element and Fair Share Plan to Ms. Goodman for the public to view.*

The discussion consisted of a history of, and an overview of the Affordable Housing process to date, including the following topics:

- Mount Laurel 1 and 2, COAH and Fair Share Housing Act.
- Settlements and Trials.
- The benefits of settling versus the possibility of being exposed to a builder’s remedy.
- 100% projects versus inclusionary projects. Inclusionary projects which typically yield five (5) times the number of units to reach the number of affordable units needed.
- Minimizing financial risk to the Township.

- The Township must comply – so we have worked to find the best-case scenario in a worst-case situation.
- Site Selection Process.

Attorney Drill added that the Affordable Housing Subcommittee met this evening prior to this meeting and they believe that a few non-substantial changes should be recommended to the Township Council by the Planning Board.

Tom Behrens then reviewed the Affordable Housing Alternatives and the rationale used by the Township in the site selection process. Mr. Behrens discussed that the Alton Place location was a better choice than a proposal of utilizing the Golf Club site. Alton Place will utilize less land. There will be a mix of Townhouses and multi-family dwellings. The Affordable Housing will be located within the multi-family buildings. The actual concept is included in the Township's Housing Plan. Mr. Behrens stated that this Ordinance is consistent with the Township Master Plan.

The Board found the ordinance to be consistent with the Township Master Plan, as it is entirely consistent with the recently adopted Housing Plan and Fair Share Plan element of the Master Plan.

The Planning Board had a few non-substantive recommended ordinance language changes to clarify the intended meaning of the ordinance language.

The recommended changes to Exhibit A, Article XXIIC, **AH-6 Affordable Housing District** provide clarification to building height as described in § 165-155.13.O. and § 165-155.13.P., **Required Conditions**, are underlined below:

- O. Maximum building height for Townhouses: No building shall exceed a height of 2-1/2 stories or 40 feet. Stories shall not include basements and cellars.
- P. Maximum building height for Multi-Family buildings: Buildings shall have a maximum height of 3 stories and 45 feet not to exceed 60% of a building and 3 stories and 40 feet not to exceed 40% of a building. 3-story buildings shall include a sloped or variable roofline, the ridgeline of which may not exceed an uninterrupted length of 50 feet. Stories shall not include basements and cellars.

The recommended change to Exhibit B, Article XXIID, **AH-7 Affordable Housing District** provides clarification to building height as described in § 165-155.38.L. **Required Conditions**, is underlined below:

- L. Maximum building height: No building shall exceed a height of 2 stories or 35 feet. Stories shall not include basements or cellars.

Mr. Higgins motioned and Mr. Pfeffer seconded a motion finding Ordinance No. 1120-18 to be not inconsistent with the Master Plan. The vote record follows.

| <b>Roll Call: Master Plan Consistency Review Ordinance No. 1120-18</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          |           |                |               |

2) ORDINANCE NO. 1121-18

An Ordinance of The Township of Clinton further amending Chapter 165 of the “Code of The Township of Clinton” by creating the AH-8 Affordable Housing Zoning District to facilitate an inclusionary Affordable Housing Development on the Headley Farm Estate (Block 46, Lots 33 & 33.01), and amending The Clinton Township Zoning Map and Schedule of Zoning Requirements accordingly.

The Board found the ordinance to be consistent with the Township Master Plan, as it is entirely consistent with the recently adopted Housing Plan and Fair Share Plan element of the Master Plan.

The Planning Board had a few non-substantive recommended ordinance language changes to clarify the intended meaning of the ordinance language.

The recommended changes to Exhibit A, Article XXIIE, **AH-8 Affordable Housing District** provide clarification to building height as described in the following ordinance sections **§ 165-155.51.L., § 165-155.52.M., § 165-155.54.D. and 165-155-55.6.** are underlined below:

**§ 165-155.51. Building standards for multifamily buildings.**

M. The maximum building height shall not exceed 3½ stories and 50 feet. Stories shall not include basements or cellars.

**§ 165-155.52. Building standards for townhouses.**

N. Maximum building height: 2 ½ stories and 40 feet. Stories shall not include basements or cellars.

**§ 165-155.54. Building standards for courtyard singles (clustered, small attached buildings).**

D. Maximum height of 2½ stories and 40 feet but the minimum roof pitch shall be 5/12. Stories shall not include basements or cellars.

**§ 165-155.55. Schedule of area and bulk requirements for single-family detached and two-family dwellings.**

|   |   | Detached Single-Family Residential Dwellings | Two-Family Dwellings          |
|---|---|--|-------------------------------|
| 6 | Maximum permitted height: principal building<br>Stories<br>Feet | 2 ½<br><u>40</u> <sup>1</sup>                | 2 ½<br><u>40</u> <sup>2</sup> |

<sup>1</sup> Building shall have a minimum roof pitch of 5/12.

<sup>2</sup> Building shall have a minimum roof pitch of 5/12.

Mr. Pfeffer motioned and Mr. Cimei seconded a motion finding Ordinance No. 1121-18 to be not inconsistent with the Master Plan. The vote record follows.

| <b>Roll Call: Master Plan Consistency Review Ordinance No. 1121-18</b> |        |     |     |    |         |        |
|--|--------|-----|-----|----|---------|--------|
| 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   |    |         |        |
| Cimei  |        | X   | X   |    |         |        |

3) **ORDINANCE NO. 1122-18**

An Ordinance by The Township of Clinton amending Chapter 165 of The “Code of The Township of Clinton” to revise the regulations applicable in the AH-5 Affordable Housing District comprising a portion of the “Marookian” Property on Route 31.

The Board found the ordinance to be consistent with the Township Master Plan, as it is entirely consistent with the recently adopted Housing Plan and Fair Share Plan element of the Master Plan.

The Planning Board did not have any recommended changes.

Mr. Mardini motioned and Mr. Pfeffer seconded a motion finding Ordinance No. 1122-18 to be not inconsistent with the Master Plan. The vote record follows.

| <b>Roll Call: Master Plan Consistency Review Ordinance No. 1122-18</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          |           |                |               |
| Pfeffer (Alt. 2)   |               | X          | X          |           |                |               |
| Scheick  |               |            | X          |           |                |               |
| Cimei  |               |            | X          |           |                |               |

**REQUEST FOR EXTENSION OF TIME**

- 1) T-MOBILE NORTHEAST LLC (“T-MOBILE”)
  - Block 13.01, Lot 1
  - 1480 Route 22
  - Application No. 2014-16
  - Resolution No. 2015-19
  - Conditional Use Approval and Preliminary and Final Site Plan Approval for a Wireless Communications Facility

Attorney Drill noted that the letter requesting the extension of time submitted by the applicant’s attorney, Frank Ferraro, Esq. referenced an incorrect date. Attorney Drill suggested that the Board move out all dates for a period of one (1) year. The Board agreed.

Mr. McTiernan motioned and Mr. Pfeffer seconded a motion finding Ordinance No. 1122-18 to be not inconsistent with the Master Plan. The vote record follows.

| <b>Roll Call: Master Plan Consistency Review Ordinance No. 1122-18</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          | X          |           |                |               |
| Scheick  |               |            | X          |           |                |               |
| Cimei  |               |            | X          |           |                |               |

**NEW BUSINESS**

VOUCHERS

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

| <b>Roll Call: Payment of Vouchers</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                               |               |            | X          |           |                |               |
| Cimei                                 |               |            | X          |           |                |               |

**REPORTS**

- 1) Report from Council – Mr. Higgins reported the following:
  - Held a work-session regarding forest preservation and deer control.
  - Adopted an ordinance creating the category of a Class Three Officer.
  - Adopted an Ordinance Repealing And Replacing in its Entirety Chapter 151 of The “Code of The Township Of Clinton” Regarding Affordable Housing, To Address The Requirements Of The Fair Housing Act And The Uniform Housing Affordability Controls (UHAC) and to Comply With The Township’s Third Round Affordable Housing Obligations.
  - The three (3) Affordable Housing Ordinances we discussed this evening were introduced.
- 2) Report from Ordinance Subcommittee - Nothing to report.
- 3) Report from Open Space - Nothing to report.
- 4) Report from Environmental Commission - Nothing to report.

**ADJOURNMENT**

Mr. McTiernan motioned and Mr. Mardini seconded a motion to adjourn. All were in favor and the meeting was adjourned at 8:11pm.

Respectfully Submitted,  
*Denise Filardo*  
 Planning Board Secretary

These minutes approved on October 15, 2018