

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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October 15, 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 October 15, 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

Butcher, Higgins, Kleinhans, Pfeffer, Cimei

Ms. Butcher arrived at 7:17pm

MEMBERS ABSENT

Kilduff, Mardini, McTiernan

BOARD PROFESSIONALS/STAFF IN ATTENDANCE

Kathryn Razin, Esq., Board Attorney (Substituting for Jon Drill, Esq.)

Tom Behrens, Jr., PP, AICP, Board Planner

Denise Filardo, Board Secretary

MEETING MINUTES

1) MINUTES OF AUGUST 20, 2018

Mr. Higgins motioned and Ms. Kleinhans seconded a motion to approve the Minutes of August 20, 2018. The vote record follows.

Roll Call: Meeting Minutes of August 20, 2018						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher					Not Eligible	X
Higgins	X		X			
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans		X	X			
Mardini						X
McTiernan						X
Pfeffer (Alt. 2)			X			
Scheick			X			
Cimei			X			

2) MINUTES OF OCTOBER 1, 2018

Ms. Kleinhans motioned and Mr. Pfeffer seconded a motion to approve the Minutes of October 1, 2018. The vote record follows.

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

RESOLUTIONS

1) ANNANDALE VILLAGE, LLC

Block 53, Lot 3

6 West Street

Application No. PB-2018-03

Resolution No. 2018-09

Preliminary Site Plan Approval, Minor Subdivision Approval and C(1) and C(2)

Variances to allow Retrofitting of Existing Historical Building to accommodate a Mixed-

Use Multi-Family Residential with Restaurant Building and Construction of a New Multi-Family Residential Building Along with Separate Community Parking Lot.

Eligible Members: Kilduff, Kleinhans, Mardini, Pfeffer, Cimei

Ms. Kleinhans motioned and Mr. Pfeffer seconded a motion to adopt Resolution No. 2018-09. The vote record follows.

Roll Call: Annandale Village, LLC Blk 53, Lot 3 - Resolution No. 2018-09						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher					Not Eligible	
Higgins					Not Eligible	
Kilduff (Alt. 1)						X
Kleinhans	X		X			
Mardini						X
McTiernan					Not Eligible	X
Pfeffer (Alt. 2)		X	X			
Scheick					Not Eligible	
Cimei			X			

2) INGERMAN DEVELOPMENT CO., LLC

Block 60.03, Lot 26

Application No. 2017-13

Applicant is requesting and Extension of the Time within which to comply with Condition D(1) of Resolution No. 2018-05.

Mr. Cimei motioned and Ms. Kleinhans seconded a motion to grant the requested Extension of Time and to adopt Resolution No. 2018-11 memorializing the action. The vote record follows.

Roll Call: Ingerman Development Co., LLC - Blk 60.03, Lot 26						
Extension of Time and adopt Resolution No. 2018-11						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher					Not Eligible	
Higgins					Not Eligible	
Kilduff (Alt. 1)						X
Kleinhans		X	X			
Mardini						X
McTiernan					Not Eligible	X
Pfeffer (Alt. 2)			X			
Scheick					Not Eligible	
Cimei	X		X			

PUBLIC HEARING

1) JOHN B. ALDERMAN-PERSON

Block 89, Lot 5

1221 Route 31 South

Application No. 2018-06

Applicant is seeking Minor Site Plan Approval to install roof-mounted Solar Panels on the existing Game Butcher building.

The applicant was represented by Kristen Perry, Esq.

The following individuals were sworn by Attorney Razin and testified during the hearing:

1. John Alderman-Person, Applicant
2. Christopher Nusser, PE Applicant's Engineer
3. Tom Behrens, PP, AICP, Board Planner

Mr. Nusser's qualifications were accepted by the Board.

There were no members of the public interested in this application.

Attorney Razin explained that the applicant is potentially a pre-existing non-conforming use. There is nothing that establishes the permit-ability of this use. The applicant needs to first establish that they are a pre-existing non-conforming use before the Board can hear and decide on the Minor Site Plan for the solar panels. Attorney explained the ways in which the applicant can demonstrate this.

Tom Behrens testimony included and was not limited to the following:

- Noting that the Site is in C1 Zone and the permitted use of "Meat Market" is closest to this use. But the processing element is not a permitted use.
- There are currently two (2) principal uses on the site, also not permitted.
- The only proposed site change is the installation of the roof-mounted solar panels.
- The proposed change is not an expansion of the existing use.

EXHIBITS

A-1 Copy of Deed dated July 16, 1974 when applicant's parents took ownership of the property.

Mr. Alderman-Person's testimony included and was limited to the following:

- When his parents purchased the property and business it was an abbatoir until approximately 1978.
- The current business is seasonal processing of deer during the months of September through February. The business is closed from March through August.
- The business has State and County Board of Health Licenses.
- The business participates with Hunters helping the Hungry.

BOARD FINDINGS AND CONCLUSIONS REGARDING THE PRE-EXISTING NON-CONFORMING USE

- The Applicant holds and maintains both County and State Board of Health Licenses.
- This is a long-standing business which is very visible to the community.
- The Use is very close to the definition of a Butcher, the word Butcher is even contained in the business name.
- When entire animals are brought to the site, they are dead on arrival which differentiates the business from a slaughtering house.
- The applicant's family has been operating this business for forty-four (44) years, it could even be fifty (50) to sixty (60) years when counting the years prior. No one has challenged or disagreed with the use.

Based on the findings above, the Board conducted a straw-pole and unanimously concluded that they have jurisdiction and find the existing Use to be Pre-existing non-conforming.

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

- Referencing the proposed Site Plan, he oriented the Board with the layout of the property and the location of the proposed roof-mounted solar panels on the Game Butcher building.
- Location of the panels will be screened by the parapet wall and the array will follow the contour of the building.
- The applicant will comply with all of the requirements in the ordinance pertaining to Solar.
- The applicant is not requesting any Variances or design exceptions.
- The applicant is also seeking approval for the existing roof-mounted solar panels which are in compliance.

BOARD FINDINGS AND CONCLUSIONS AS TO MINOR SITE PLAN APPROVAL

- Roof-mounted solar energy systems are permitted Accessory Uses in all Zones.
- Based upon the testimony provided the Board found that it can and should grant Minor Site Plan Approval to allow the applicant to obtain zoning permits for the proposed roof-mounted solar energy system provided the applicant complies with the Board imposed conditions.
- Based upon the testimony provided the Board found that it can and should grant Minor Site Plan Approval to allow the existing roof-mounted solar energy system provided the applicant complies with the Board imposed conditions.

RELIEF GRANTED

Minor Site Plan Approval:

- a) To allow the existing roof-mounted solar energy system and

- b) To allow the applicant to obtain zoning permits for the proposed roof-mounted solar energy system provided the applicant complies with the Board imposed conditions.

Mr. Pfeffer motioned and Mr. Scheick seconded a motion to grant Minor Site Plan Approval. The vote record follows.

Roll Call: Alderman-Person (Game Butchers) Blk 89, Lot 5						
Minor Site Plan Approval						
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			

NEW BUSINESS

VOUCHERS

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

Roll Call: Payment 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			

REPORTS

- 1) Report from Council – Mr. Higgins reported:
 - The Ordinance creating the AH-8 Zone for Headley Farms was introduced and suspended. We cancelled the initial version of the ordinance then amended it.

- Easement Right of Way was revoked rededicating of a previously vacated portion of Center Street in front of the former Country Griddle.
- A Bond Ordinance providing for the demolition and removal of certain structures on and the clearing of the Windy Acres Site. The DEP suggested a Baily Bridge to provide access over the C1 Stream to the Windy Acres Site.
- A Bond Ordinance in the amount of \$525,000 was adopted to purchase sewer capacity from Benbrook. We negotiated the price down from \$100 per gallon to \$75 per gallon.

Mr. Higgins also noted that there have been changes to the qualifying allocation program for Affordable Housing financing. If a 100% project is approved in a census district you have to wait another year before you can apply for another 100% project. We don't think we will get financing for Marookian this time around and as a result the LeCompte financing would slip two years.

- 2) Report from Ordinance Subcommittee – Nothing to report.
- 3) Report from Open Space – Discussed Township sponsored deer management and deer culling.
- 4) Report from Environmental Commission – Nothing to report.

ADJOURNMENT

Ms. Butcher motioned and Mr. Scheick seconded a motion to adjourn. All were in favor and the meeting was adjourned at 8:30pm.

Respectfully Submitted,
Denise Filardo
Planning Board Secretary

These minutes approved on December 17, 2018