

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

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PUBLIC MEETING

DATE: August 19, 2013

PRESENT: John Higgins, Chris D'Alleinne, Kevin Cimei, Michael Brady, Peter Marra, Brian Mullay and Suzanne Kleinhans.

PROFESSIONALS: Rebecca D'Alleinne, Administrator.

ABSENT: Sam Mardini and Richard Scheick.

CALL TO ORDER

Chairman Higgins called the meeting to order at 7:35P.M.

PUBLIC NOTICE

This is a 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 outside the Planning and Zoning Office on the 1st Floor of the building and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, the Star Ledger and the North County Branch of the Hunterdon County Library, no later than the Friday prior to the meeting.

MINUTES

Brian Mullay offered a correction to the minutes of July 15, 2013. Mr. Mullay moved and Sue Kleinhans seconded a motion to approve the minutes as corrected. The Board concurred unanimously and Mr. Marra abstained.

RESOLUTIONS

HIONIS FARMS, Block 4, Lot 20

Resolution #2013-10, Application #2012-12

Chairman Higgins announced that resolution consideration would be postponed to the September 16, 2013 meeting. Jon Drill noted that 95% of the changes that had been offered had been incorporated into the working draft. He expressed the opinion that some of the conditions that the applicant had wished to change had been discussed at the meeting and agreed to by the applicant. It was determined that the public hearing would

be reopened on September 16, 2013 to hear the applicant's concerns. New public notice will be required.

HANNA MEMORIAL CANCER CLINIC, Block 47.02, Lot 1
Resolution #2013-13, Application #2011-05

Jon Drill commented that Draft #3 was under consideration. Michael Brady moved and Peter Marra seconded a motion to approve the resolution as written. Members in favor: D'Alleinne, Brady, Cimei, Kleinhans and Marra.

CLINTON AGRICULTURAL ASSOCIATES, Block 7, Lot 3
Application #2013-06

Brian Mully moved and John Higgins seconded a motion to approve the resolution as written. Members in favor: Higgins, D'Alleinne, Cimei, Mully, and Kleinhans.

PUBLIC HEARING

CLINTON POINT/COUNTRY GRIDDLE

Mr. Wilson stated that the applicant had told him that the outstanding escrow would be paid next week. Jon Drill stated that the application would be carried until September 9, 2013 with no need for further notice.

CLINTON AGRICULTURAL ASSOCIATES, Block 7, Lot 3
Application #2013-06

Walter Wilson, Esq. introduced himself on behalf of the applicant. He reported that public notice had been given. Christopher Nusser, Engineer, Harold Wilbert, Managing Member and Kendra Lelie, Board Planner were sworn. William Shurts, Esq. introduced himself on behalf of interested party Richard Pfauth (Block 7, Lot 2). Mr. Wilson stated that the variance relief that was advertised for covered both the existing residence on the new lot and the farm stand on the remaining lands. He noted that the variances were for existing conditions and were not created by the subdivision. Mr. Wilson indicated that both the farm stand and farm house were in existence in 1963 and that the house was older. Jon Drill discussed the time of application law and expressed the opinion that the variances were needed.

Christopher Nusser presented his credentials, which were accepted by the Board. He displayed Exhibit A-1 (Colorized Version of Minor Subdivision Plan), which was marked into evidence. He pointed out the features of the site, indicating the areas of interest. He indicated the location of a parcel (Lot 3.01) belonging to the township for a sewerage treatment plant that was never constructed, which would revert to the applicant in 2014. Mr. Nusser noted that the original farm stand and farmhouse were in existence as shown on a 1956 aerial photo and explained that the ranch house was in existence by 1963. He discussed the frontage on Route 22 and pointed out that the wetland buffer extended to the proposed rear lot line of the new lot. He indicated that the subdivision had been laid out to maximize the frontage of the remaining lot on Route 22. Mr. Nusser

stated that the lot was in the ROC zone. The side and front yard variances for the ranch house and farm stand were discussed. He explained that there was a split rail fence that would be removed, stating that the plant material was on display closer than 50 feet from the right-of-way. Mr. Wilson stated that the division of land could qualify as an exempt agricultural division, but that they were seeking a conventional minor subdivision. He continued to discuss the planner's report, noting that the fence would be removed or relocated to a compliant location.

Kendra Lelie discussed the practicality of the proposed location for the subdivision line. Mr. Nusser stated that the applicant was trying to maximize the road frontage for agricultural uses. They wanted the larger lot to have the most frontage for farm activities and purposes. Jon Drill discussed the legal reasons for granting the design waiver. Mr. Wilson commented that the back of smaller lot had wetlands, and that they were trying to avoid placing the lot line there. Mr. Cimei expressed concern over the applicant's position concerning the frontage. Impracticality and hardship were discussed. The idea of moving the lot line so that it would be a conforming straight line was considered. Mr. Nusser stated that he could move the front line 35 feet and the back line 35 feet to create a straight line which would not create any additional variances. He pointed out the wells and the septic areas on the site plan.

Ms. Lelie asked about the drainage easement and the existing grading. Mr. Wilson asked that a requirement for a drainage easement not be imposed. It was determined that an exception would be needed. Chairman Higgins asked whether the exception was typical for farming applications before the Agriculture Board, and Mr. Wilson responded that it was not atypical and discussed the proposal that would be submitted. Mr. Drill discussed drainage right-of way easements. Mr. Wilson stated that no development was proposed in connection with the subdivision. Mr. Drill asked whether a literal enforcement would be impractical and Mr. Wilson stated that Mr. Wilbert would testify concerning that issue. Mr. Nusser discussed the grading activities, but he did not have a copy of the grading plan with him. Chris D'Alleinne asked about the quality of the C1 stream, and Kendra Lelie commented that the soil conservation district would have jurisdiction. Mr. Wilson indicated that he had a map that showed the grading and it was marked into evidence as Exhibit A-2 (Plot Plan, 4/15/13). It depicted the proposed farm market, stormwater basin and grading. The proposal included 11,994 sq. feet for the two floors of a farm market. Mr. Nusser stated that a plan had been filed with the CADB. He pointed out the location of the display and farm market building. Mr. Wilson stated that the site plan had been used by the CADB to grant commercial farm operation and noted that the CADB staff had given a call to the Planning Board Administrator. Becky D'Alleinne was sworn and stated that she had been called and told that an application to the CADB would be scheduled, in case the Planning Board wished to be represented.

Chairman Higgins discussed the signage and fencing, noting that if the applicant didn't receive the SSAMP approval from the CADB, they would have to return to the Planning Board for approval. Mr. Drill discussed the Daub's site and the BOA application. Mr. Cimei commented on working with the CADB. Chairman Higgins discussed the proposed draft rules for agriculture that had recently been published in the New Jersey Register.

Jon Drill discussed the drainage easement as a part of the subdivision ordinance requirements. Mr. Wilson commented that, despite the fact that an easement was required, if there were a site plan in the future on the property, they would have to provide an easement at that point. William Shurts discussed the 1963 layout on the aerial as to the location of the buildings and asked about the 50 foot setback. Jon Drill explained that if there were structures existing prior to creation of the first permanent township ordinance, they would be considered a legally pre-existing nonconforming structure.

Harold Wilbert stated that he had purchased the property in 2012, noting that the farm was currently growing crops and that there were displays of plant material along Route 22. He indicated that the location of the farm stand had not changed. He noted that most of the material was further back from the road and that, other than in front of the farm stand; he would be willing to move the items back. The pumpkins would be moved back after harvest. There were currently animals that can access water from the stream, which was also used for irrigation. Mr. Wilbert indicated that he currently lived in the ranch house, noting that it was his intention to rebuild the farmhouse and move into it. He indicated that his son would live in the ranch house and help run the nursery operation. Chairman Higgins called a recess at 9:03PM. The meeting was called to order at 9:15PM.

Mr. Wilbert discussed the planner's report and commented on the bulk material storage and where it was located. Jon Drill asked whether he would agree to comply and he replied in the affirmative. Mr. Wilbert agreed to keep outdoor storage display of plant material 50 feet from the street, except in the area of the farm stand building and 100 feet to the west of it. He defined the area in which he would display plant material on the site plan. He discussed the adjoining parcel to the east and the plant material on that lot. He noted that he planned to move his displays further back. Mr. Drill indicated that the 50 foot setback could be a condition of the subdivision approval. Mr. Wilbert commented that he would be agreeable if the 50 foot setback was not in front of the building. Peter Marra expressed the opinion that it was a reasonable request if the applicant could comply with the setbacks, except for the following area: 10 feet to the east, 12 feet in front, and 25 feet to the west of the farm stand. Mr. Wilson stated that the applicant would amend the application to include the variance for the displays to be within the setback. Chairman Higgins stated that the condition should apply as long as the farm building existed. No Board member was in disagreement.

The drainage easement was discussed. Mr. Nusser pointed out the area of the path of the South Branch of the Rockaway Creek on the plans. Jon Drill read ordinance section 165-70E2 into the record concerning drainage easements for subdivisions. Chris D'Alleinne wondered what the purpose was. Mr. Wilson stated that it generally limited the cutting of vegetation, trees, crossing or structures within the watershed. Mr. Nusser pointed out the large waterlines going through the property and noted that the owner could not access the back portion of the tract through the easement. Mr. Wilson stated that the areas were regulated by the NJDEP. It was determined that the Board could make part of the relief the same exception relief that the DEP would allow. Mr. Wilson stated that the applicant agreed that the side yard line would be altered to be a straight line. There were no questions from the public. Mr. Drill read all of the requested variance relief into the record.

William Shurts asked what the purpose of the box truck on the easterly property line was. Mr. Wilbert indicated that it was there to keep cars from crossing back and forth between the adjoining properties. Mr. Wilbert marked the location of the truck in pink on the site plan. Mr. Shurts presented Exhibits O-1(Two Photos of Truck) and O-2(One Photo of Truck), which were marked into evidence. Mr. Wilbert indicated that the box truck on the driveway was his and that the pictures were accurate. Exhibit O-3 (Vehicle in the Driveway) was marked into evidence. Mr. Wilbert stated that the truck was parked on his property, noting that there was no curbing to stop the cross traffic. Mr. Shurts suggested that there was a less obtrusive way to stop the traffic. Chairman Higgins commented that the objector should contact the police for enforcement. He called a recess at 9:56PM.

Chairman Higgins called the meeting to order at 10:06PM. Jon Drill stated that if the proposal had been a site plan application, parking provisions would have applied. He indicated that the pertinent ordinance (#187-43) was in the police powers section and read it into the record. He explained that the Board did not have jurisdiction. Mr. Shurts commented that the Planning Board probably couldn't do much as it wasn't a site plan. Mr. Drill reminded the Board that the use was permitted. The Public Hearing was closed.

Kevin Cimei commented that the applicant had agreed to adjust the setbacks and revise jagged lot line and saw no further issues. Chris D'Alleinne had no additional comment. Chairman Higgins noted that the farm stand was an existing structure. Michael Brady indicated that he had no concerns. Brian Mullay commented that the farm stand had been there 50 years and should continue. Suzanne Kleinhans stated that she had no further comments. Peter Marra moved and Brian Mullay seconded a motion to approve the application with conditions as discussed. Members in favor: Higgins, D'Alleinne, Brady, Cimei, Mullay, Kleinhans and Marra.

NEW BUSINESS

1. Approval of Vouchers—Brian Mullay moved and Peter Marra seconded a motion to approve the vouchers. The Board concurred unanimously.
2. Chairman Higgins reported that Clinton Agriculture/Old Mountain Farm application would be before the CADB in September. The Board authorized Chairman Higgins to represent it at the HCADB. The applicant will send three plans to the office.

REPORTS & ASSIGNMENTS

1. Report from Council: Kevin Cimei reported that the Council had not met.
2. Report from Ordinance Committee: Chairman Higgins reported that the committee had not met.
3. Report from Open Space: Michael Brady reported that the committee had met to discuss Hackett's Preserve.
4. Report from Environmental Commission: There was no report.

ADJOURNMENT

Kevin Cimei moved and Chris D'Alleinne seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 10:25PM.

These minutes were approved on September 16, 2013.

Rebecca E. D'Alleinne
Administrator