

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

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PUBLIC MEETING

DATE: December 2, 2013

*PRESENT:* John Higgins, Chris D'Alleinne, Kevin Cimei, Richard Scheick and Brian Mullay.

*PROFESSIONALS:* Michael Sullivan, Planner, Cathleen Marcelli, Engineer, Jon Drill, Attorney and Rebecca D'Alleinne, Administrator.

*ABSENT:* Michael Brady, Sam Mardini, Peter Marra and Suzanne Kleinhans.

*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.

*RESOLUTIONS*

**LECOMPTE, Block 30, Lot 15**

Resolution #2013-21, Application #2013-18

Chairman Higgins offered several corrections to Draft #2 of the resolution. Brian Mullay moved and Kevin Cimei seconded a motion to adopt the resolution as corrected. Members in favor: D'Alleinne, Cimei and Mullay.

**NY LIFE, Block 3, Lots 17, 26 & 30**

Resolution #2013-22, Application #2013-17

Jon Drill stated that Draft #2 was under consideration and Chairman Higgins offered several corrections. Kevin Cimei moved and Brian Mullay seconded a motion to approve the resolution as corrected. Members in favor: D'Alleinne, Cimei and Mullay.

*WAIVER OF SITE PLAN REVIEW*

**SPRINT, Block 89, Lot 5.02**

Kevin Jones, Esq. introduced himself on behalf of the applicant. He indicated that there were currently 6 panels at 138 feet and that the applicant wished to upgrade to 4G technology. Three antennas would be installed in place of six existing antennas. The centerline height would be the same, but the new antennas would be six inches taller than the existing antennas. He indicated that Resolution #2000-24 was the previous resolution of approval. Mr. Jones explained the rationale for the change and the federal and state's determination that the installation was a beneficial use. He noted that there would be no increase in size of the concrete pad and that the cabinet would be enlarged to include a generator. He described the application, noting that they were basically swapping out the antennas. Mr. Jones cited the township ordinance that allows for waiver of site plan review and stated that the applicant had met the federal, state and township requirements.

Robert Marsac, Architect and Michael Sullivan, Board Planner were sworn. Mr. Marsac stated that the site plan review concerns would be met, and noted that the antennas would be white and everything else would be grey. Chris D'Alleinne asked about wind load and whether the total area of the new antennas would be the same as the old ones. Mr. Marsac indicated that the total area would be less than what is already there. There were no questions from the public.

Brian Mullay expressed the opinion that the application could be considered as a replacement under Condition #2 of the ordinance provisions and the Board members generally agreed. Chris D'Alleinne moved and Kevin Cimei seconded a motion to approve the application for a Waiver of Site Plan Review as presented. Members in favor: Higgins, D'Alleinne, Scheick, Cimei and Mullay.

*PUBLIC HEARING*

**CLINTON AGRICULTURAL ASSOC./OLD MTN. FARM, Block 7 Lot 3**

Walter Wilson, Esq. introduced himself on behalf of the applicant. Chairman Higgins commented on the Board Planner's memo. Guy DeSapio introduced himself on behalf of the adjoining property owner: Richard Pfauth (Block 7, Lot 2). Donald Stieh, interested party introduced himself. Chris Nusser, Engineer, Harold and Nancy Wilbert, Owners, Richard Pfauth, Interested Party, Michael Sullivan, Board Planner and Cathleen Marcelli, Board Engineer were sworn.

Discussion ensued as to whether a "d" variance would be required. Chairman Higgins indicated that the land was in the ROM-2 zone, that all uses in the ROM-1 zone were also allowed in that zone and that the farm use was permitted. Michael Sullivan stated that the ordinance allowed a farm house for an agricultural use and discussed multiple principal structures on the same property. Chairman Higgins indicated that the ordinance committee would be sending a recommendation to the Council concerning a change in the ordinance to include multiple structures. The Board agreed that it would retain jurisdiction over the application.

Mr. Wilson commented that the applicant had applied for Preliminary and Final Site Plan approval and was before the Board on referral by the County Agricultural Development Board. Chairman Higgins noted that he had appeared at the Ag Board meeting and the discussion on the record was that the Planning Board would be interested in parking, stormwater management and lighting. He stated that he had indicated that there would be no review by the township professionals other than the engineer and the planner. Jon Drill discussed the email that he had sent to the CADB counsel and Mr. Wilson concerning the draft of the resolution for the subdivision plan.

Chris Nusser presented his credentials, which were accepted by the Board. Exhibit A-1 (Colorized Sheet 5) was marked into evidence. Mr. Nusser described the location of the existing and proposed buildings. He pointed out the parking lot and noted that it would be gravel with no striping. There would be accessible spaces on a paved area. He explained that the driveway on the eastern side of the property served the agricultural buildings in the back and intersected with Route 22. He described how the driveway would be revised to conform to Cathy Marcelli's comments in her November 26, 2013 memo, which would eliminate the connection to Route 22.

Ms. Marcelli asked about whether the applicant had met with the DOT, and Mr. Nusser responded that they had not, but had submitted an application to them. He discussed his letter to NJDOT. Ms. Marcelli expressed concern that the driveway locations might change after the review and that DOT may eliminate the easterly egress point. Jon Drill pointed out that the driveway was within the jurisdiction of the DOT. Cathy Marcelli expressed concern that the site plans could be signed and then DOT might change the layout of the driveway. Brian Mullay asked if the move would change the traffic circulation. Mr. Sullivan discussed circulation on the site. Cathy Marcelli agreed that the egress should move to the west and that the ingress and egress should be in the center of the property. Harold Wilbert agreed with her recommendation, but noted that large farm equipment would have to make a hard right. Cathy Marcelli would need to approve of the turning angles.

Mr. Nusser pointed out the location of the septic system. He indicated that the detention basin met all of the requirements. He described the greenhouses as permanent glass-covered buildings with concrete footings. Discussion ensued as to foundations versus column footings. Ms. Marcelli indicated that the size of the greenhouse as shown did not match the size on the plans. Mr. Nusser responded that the drawing represented Phase 1 (two closed bays and an additional open bay). Phase 2 would be to enclose the third open bay and construct a fourth open bay. He indicated that Phase 1 of the building would be 88 feet deep and that Phase 2 would be an additional 62 feet in depth.

Mr. Wilson discussed the November 8, 2013 Construction Office's memo. Mr. Wilbert agreed to comments #1 and #2, and item #3. He agreed with Mr. Wright that the two buildings would be separated by 10 feet, and that he would sprinkler them and add a 10 foot breezeway between the two. He and Mr. Wright agreed to that concept. Mr. Wilbert indicated that the greenhouse would be used by the employees, not the public.

Mr. Wilson discussed the Fire Chief's memo, which listed the department's concerns. He noted that fire striping would not be provided because the lot was gravel and commented that having a fire lane would be problematic. He further reiterated that the buildings were sprinklered. Discussion ensued concerning the sprinklers and how they would be supplied. Mr. Drill discussed the fire ordinance requirements for an

underground tank. Mr. Wilbert agreed that it would be subject to the Fire Chief's review. Mr. Drill discussed the ordinance section that concerned fire suppression. Chairman Higgins called a recess at 8:54PM. The meeting was called to order at 9:01PM.

Mr. Wilson stated that the applicant would be returning to the Board after consultation with the Fire Chief and with his sign-off on the revisions. Jon Drill recommended that they also ask for a new letter from Construction Official Mike Wright.

Mr. Wilson discussed the Board engineer's memo noting that Phase 1 would be 11,880 sq. feet. Mr. Drill recommended that both a Phase One and Phase Two plan be submitted and Mr. Nusser agreed. The Highway 22 Corridor District was discussed. Michael Sullivan showed "Preserving Community Character Guidelines" to the applicant. Chairman Higgins commented that the property was surrounded by the Route 22 Corridor District and was a specific exception. He noted that originally, the property was supposed to have a retail and office building. He discussed the possibility of granting exceptions, noting that parking was allowed in the front of the building, if the property was located in the Route 22 Highway Corridor district. Mr. Wilson stated that they would agree to whatever the tax assessor determined concerning the lot designation number. Discussion ensued concerning sidewalks and the applicant stated that he did not wish to pave or create curbs, noting that it was a common practice for farms to have gravel areas. Mr. Nusser commented that there would be a number of activities on the property all around the buildings. Cathy Marcelli discussed the two parking lots and suggested that the front parking lot be paved. Mr. Wilbert stated that he would like to keep the farm market look. Kevin Cimei expressed the opinion that the front lot should be paved. Chairman Higgins asked about whether the area could be partially paved, since customers had been pulling into the gravel lot for many years. He suggested an extension of the sidewalk and Mr. Wilbert agreed to that. Cathy Marcelli suggested that there be bumper blocks. Mr. Wilson read the items to which the applicant had agreed and the items that were subject to the DOT. The loading area and trash enclosure were discussed and Mr. Nusser pointed out an alternative location and drew it on Cathy Marcelli's map. He then drew it on Exhibit A-1 and pointed out the changes to the Board members. Mr. Wilson read into the record the remainder of the items to which the applicant had agreed.

Mr. Wilson addressed the planning report and discussed the bulk zoning requirements. It was decided that the character district must be determined. Mr. Nusser pointed out the location of the septic system, which would be in the side yard setback, out of the agricultural and tilled areas. He noted that the location had been conforming until the subdivision line was changed. The amount of parking demand that the greenhouse would generate (if only the employees were be allowed inside) was discussed. Michael Sullivan wondered why so many spaces were needed. Mr. Nusser discussed the open area of the greenhouse and asked whether it should be included in the parking calculations. Cathy Marcelli stated that she was happy with the current plan. Mr. Nusser noted the lack of curbing on the gravel lot and suggested concrete or wooden bumpers. Parking islands were discussed.

Exhibit A-2 (Photo of Cart) was marked into evidence. Mr. Wilson commented that there were a railroad and wetlands in the back of the property. Mr. Nusser pointed out the buffer around the detention basin. Jon Drill asked for a list of exceptions from Mr. Wilson. The location of plant storage and the relocation of the loading area were commented upon. Discussion ensued concerning steep slopes and concern was expressed

over the difference between the original slopes versus what would be the final result of the grading. It was determined that the sign needed to be shown and should be brought back for review at the following meeting.

Exhibit A-3 (Photo of Maryland Greenhouse and Farm Market) was marked into evidence. Ms. Wilbert indicated that their production would substantially match the photo. The Board expressed the opinion that the look was good.

Guy DeSapio, Esq. asked about the zoning issue and Jon Drill commented that there was a need for site plan exceptions, not variances. The surrounding properties had the Route 22 character district setbacks, so the applicant would be asking for exceptions. Mr. Nusser indicated that when the driveway was removed, they would replace it with topsoil. Mr. DeSapio stated that Mr. Pfauth would like the Board to impose a condition that the gravel area should be removed in front of the old farm stand. Mr. Pfauth expressed concern that the proposed plan obstructed the view of his property and commented that the farm stand was in very poor condition.

Exhibit O-1 (Photos of Farm Stand and Truck), Exhibit O-2 (Photo of Truck) and Exhibit O-3 (Photo of Farm Stand) were marked into evidence. Mr. Pfauth expressed the opinion that the farm stand and the truck should be removed. Ms. Marcelli stated that the Board would not require the applicant to keep the driveway. Mr. Wilson objected to the characterization that the farm stand building was not in good condition. Mr. Drill discussed Resolution #2013-15 and the condition stating that the plant material could be not closer than 50 feet to the highway. Mr. Wilson stated that the applicant would remove the truck when the driveway was removed, noting that he reserved the right to put farm vehicles there. Mr. DeSapio expressed the opinion that when the driveway was removed, the applicant should also remove the gravel in front of the building.

Don Stieh, (2 Circle Dr., Block 7, Lot 4) commented that his residential area would have no view of the project. He stated that he was glad that the development did not have a large paved lot and was in keeping with the rural character of the area. He asked that the Board and the applicant work out a lighting plan that would not create lighting glare affecting the houses. A discussion ensued concerning the need for the applicant to provide a visual representation within a week. Chris D'Alleinne discussed getting as many issues settled as possible.

The application was carried to December 16, 2013 without the need for further notice. Mr. Drill went over the objector's concerns. The lighting was discussed and Mr. Wilson stated that it would be compliant. Mr. Wilbert stated that they were only proposing security lighting.

### **CLINTON POINT/COUNTRY GRIDDLE, Block 76, Lot 2**

Walter Wilson, Esq. introduced himself on behalf of the applicant: Cary Polychronis, Owner. Mr. Wilson referred to his letter of January 30, 2013, which outlined the issues. Jon Drill discussed the history of the application, commenting that the Resolution #2008-04 had a number of conditions, including submission of a landscaping plan, striping and paving of the parking lot and stormwater issues. He discussed the history of the parking spaces, number and size. Cathy Marcelli had issued a report in January 12, 2010 in response to Mr. Wilson's December 18, 2009 letter, and the Board asked for an as-built plan at that time. There was no response from the

applicant and Mr. Wilson sent a letter dated January 30, 2013, after which Ms. Marcelli generated a report dated May 1, 2013.

Chairman Higgins asked whether there was a landscape plan, noting that the repaving was not done. He inquired as to what changes the applicant sought from the conditions of Resolution #2008-04. He expressed the opinion that the resolution was a contract with the town, noting that the applicant had done whatever he felt like doing.

Cary Polychronis and Cathy Marcelli, Board Engineer, were sworn. Mr. Polychronis stated that the restaurant could not exist without the parking spots and, if the parking had to be modified, he expressed the opinion that the restaurant would fail. Jon Drill read the parking condition from the resolution and pointed out that no plan had been submitted to the Board engineer. He stated that the applicant needed someone to testify to the need for parking. Mr. Wilson stated that an as-constructed plan was submitted, but Mr. Drill stated that the applicant should have first submitted a plan to the engineer. Mr. Wilson noted that the relief needed was for the lot not being completely resurfaced, undersized stalls and a landscaping plan. Mr. Polychronis indicated that the landscape plan had been submitted to Mr. Bosenberg in 2008. Mr. Wilson indicated that the landscaping in the foyer area had changed and Mr. Polychronis stated that he had replaced the items that had died. Mr. Drill discussed the 2008 Bosenberg report.

Cathy Marcelli discussed the size of the stalls and which spaces should be removed. She stated that she supported a reduction in the stall size, noting that the parking space in front of the building was in the Center Street right-of-way. She indicated that the applicant should remove one space in the northwest corner, which was located in the right-of-way. Ms. Marcelli noted that directional arrows had not been maintained. She listed some additional spaces that were also in the right-of-way. She expressed the opinion that some spaces in the back should come out because it was a loading zone. The Council would need to give permission to use the right-of-way. Brian Mullay noted that there was insufficient space on the lot and that they needed as many spaces as they could get. Mr. Polychronis stated that there had been no accidents on the site.

Mr. Wilson stated that the Fire Chief had submitted a review letter in 2008. Kevin Cimei commented that the current chief should review the plan again. Cathy Marcelli noted that they could add 1 space, and remove a total of 8. Mr. Polychronis stated that he could not make the restaurant work with so few spaces. There are 42 spaces shown on the as-built plan. Mr. Drill noted that there were originally 33 spaces approved and the condition noted that the applicant could submit a plan to pick up more spaces. Mr. Polychronis stated that the number of spaces made a big difference.

Chairman Higgins noted that the Planning Board couldn't give permission to use the right-of-way; only the Council could do that. It was determined that he get a review by the Fire Chief. Brian Mullay stated that he would like to see more parking in the lot, but expressed safety concerns. Jon Drill recommended that the applicant approach the Fire Chief and Council for a review and permission to encroach into the right-of-way. Cathy Marcelli discussed safety in the loading zone. Mr. Drill expressed the opinion that the applicant would need site plan exceptions. The application was carried to Tuesday, January 21, 2014 without need for further notice.

*NEW BUSINESS*

1. Approval of Vouchers –Brian Mullay moved and Chris D’Alleinne seconded a motion to approve the vouchers. The Board concurred unanimously.

*REPORTS & ASSIGNMENTS*

1. Report from Council: There was no report.
2. Report from Ordinance Committee: Chairman Higgins reported that there were a number of items that needed to be cleaned up in the ordinance. He stated that one recommendation was that the Planning Board should be reduced to seven members.
3. Report from Open Space: There was no report.
4. Report from Environmental Commission: There was no report

*ADJOURNMENT*

Rich Scheick moved and Brian Mullay seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 11:40PM.

These minutes were approved on February 18, 2014.

Rebecca E. D’Alleinne  
Administrator