

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD
<http://clintontownshipnj.com>

PUBLIC MEETING

DATE: May 5, 2014

PRESENT: John Higgins, Chris D'Alleinne, Kevin Cimei, Richard Scheick, Brian Mullay, Sam Mardini and Suzanne Kleinhaus.

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

ABSENT: John Kilduff

CALL TO ORDER

Chairman Higgins called the meeting to order at 7:30P.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, and the Star Ledger, no later than the Friday prior to the meeting.

MINUTES

Brian Mullay moved and Rich Scheick seconded a motion to approve the regular meeting minutes of April 7, 2014, as corrected. The Board concurred unanimously.

RESOLUTIONS

ARROW MILL PLAZA/JOB LOT, Block 70, Lot 3

Resolution #2014-02, Application #2014-01

Jon Drill stated that Draft #3 was under consideration. Suzanne Kleinhaus offered a correction, which was read into the record. Brian Mullay moved and Kevin Cimei seconded a motion to approve the resolution as corrected. Members in favor: Higgins, D'Alleinne, Scheick, Cimei, Mullay and Kleinhaus.

EXTENSION OF TIME

HIONIS GREENHOUSES, Block 4, Lot 20

Resolution #2013-10, Application #2012-12

Gaetano De Sapio, Esq. introduced himself on behalf of the applicant. He noted that the applicant had been late in submitting the site plans for signature. Jon Drill commented that the request was for a modification of Condition #2. Mr. De Sapio asked for a three-month extension until August 5, 2014. Kevin Cimei moved and Chris D'Alleinne seconded a motion to modify the resolution condition to the date as discussed. Members in favor: Higgins, D'Alleinne, Mardini, Scheick, Cimei, Mullay and Kleinhans.

CAPITAL IMPROVEMENT REVIEWS

CLINTON TOWNSHIP BOARD OF EDUCATION

Application #2014-03

Andrew Holt introduced himself on behalf of the applicant as their engineer. He explained that the BOE was repairing and replacing items on all four school sites. Mr. Holt, engineer, and Michael Sullivan, Board Planner were sworn. Mr. Holt noted that the entry driveway at Round Valley School and the sidewalks needed repair, and listed the renovations that were needed. He discussed the catch basins in the parking lot at Spruce Run School and the necessity for ADA compliance. He commented on the Middle School, noting that there was runoff from the fields at Spruce Run School, which was causing erosion. He noted that at the Patrick McGaheran School repairs were needed on the sidewalk and parking lot.

Mr. Drill reminded the Board that the application was a capital improvement review and Master Plan recommendation. Michael Sullivan noted that all of the schools were located in residential zones and; therefore, were permitted conditional uses. He stated that from a land use perspective, the application was not inconsistent with the Master Plan. Brian Mullay moved and John Higgins seconded a motion that the proposed improvements were consistent with the Master Plan. Members in favor: Higgins, D'Alleinne, Mardini, Scheick, Cimei, Mullay and Kleinhans.

Board Engineer Cathy Marcelli recused herself from the following review.

CLINTON TOWNSHIP SEWERAGE AUTHORITY, Block 77, Lot 4

Application #2014-02

Greg Watts, Esq. introduced himself on behalf of the applicant. He introduced Engineer John Rolak and two of the CTSA Board members: Peter Geiger and Michael McCue. Mr. Watts explained that the township originally built the pump station in the early 1980's, and had subsequently turned it over to the Authority. He explained that due to Hurricane Sandy, the station needed to be upgraded and to have a back-up generator installed. Mr. Watts withdrew the waiver of site plan application. John Rolak, CTSA Engineer and Michael Sullivan, Board Planner were sworn.

Mr. Rolak stated that the project was a rehabilitation of an existing pumping station that was constructed in the early 1980's. He indicated that the amount of flow had increased over time and was now more critical in terms of the overall operation. He noted that there was a power failure during Hurricane Sandy and that it had created a backup in the system, causing damage to properties. Mr. Rolak discussed the proposed generator for the site and noted that an easement had been granted by the property owner. He stated that Stem Brothers had asked that the proposed building size be reduced and that the generator be located outside of the building. He indicated that the owners had asked that the building look similar to the Shammy Shine buildings. Mr. Rolak also discussed the fact that they were proposing a different driveway entrance, due to traffic problems that had arisen. He noted that the pumping capacity would not change, but that the facility would be more accessible by maintenance vehicles.

Brian Mullay discussed landscaping and sight lines. Mr. Rolak expressed the opinion that the landscaping would not conflict. Chairman Higgins displayed several Google maps that he had downloaded. Exhibit A-1 (Street View) and Exhibit A-2 (Aerial View) were marked into evidence. He expressed concern over the proposed driveway access and asked whether a drive-through would be an acceptable alternative. Sam Mardini suggested a gate or bollard to block short cuts. Michael Sullivan discussed truck access on to the site and expressed concern about the intersection. Mr. Rolak stated that they couldn't maintain the landscaping buffer that the property owner wanted if they changed the driveway and indicated that the site was very constrained. He noted that it would not be very often that a large truck would visit the site and commented that the generator would be diesel powered.

Kevin Cimei asked why a building was needed and Mr. Rolak responded that it was for safety reasons, noting that the station had high voltage components and that it would protect the operator. The generator was proposed to be inside an enclosure with a water-resistant exterior. Mr. Mardini asked about the filling procedure and John Rolak described the process. Brian Mullay expressed the opinion that it was important that the proposed building complemented the existing buildings.

Jon Drill stated that the question before the Board was a very narrow decision: whether the proposed project was consistent with the Master Plan. He expressed the opinion that the applicant also needed site plan approval, noting that the Sullivan memo had indicated that CTSA should go to the BOA for approval as the use was not permitted in the zone. Mr. Watts stated that the applicant was asking only for a capital review at that time. Brian Mullay moved and Kevin Cimei seconded a motion that the proposed application was not inconsistent with the Master Plan. Discussion ensued concerning recommendations concerning building aesthetics. Mr. Rolak pointed out that there was a note on the building plan to match to the exterior of the car wash buildings. Michael Sullivan noted that the design architecturally unified the structures on the parcel. Members in favor: Higgins, D'Alleinne, Mardini, Scheick, Cimei, Mullay and Kleinhans.

Board Engineer Cathy Marcelli rejoined the meeting.

PUBLIC HEARING

COUNTRY GRIDDLE/CLINTON POINT ASSOC., Block 76, Lot 2

Resolution #2008-04, Application #2008-05

Walter Wilson, Esq. introduced himself on behalf of the applicant. He stated that he had received an email from the fire chief which outlined the department's concerns. He explained that the previous fire chief had stated that he would not put a fire truck behind the building, but the new chief had disagreed and wanted one space by the dumpster removed. He discussed the original Resolution #2008-04, which memorialized the grant of a waiver of site plan.

Mr. Drill read Condition #1 concerning landscaping, discussed the Bosenberg report of 5/2/13 and read the recommendations into the record. Walter Wilson displayed a landscaping plan and stated that the planting had been installed. It was determined that Mr. Bosenberg should inspect the plantings and issue a report.

Jon Drill read Condition #2 concerning restriping the spaces into the record. Cathy Marcelli indicated that, during the last hearing in December, the applicant had been told to approach the Council for permission to have stalls in the right-of-way. She noted that the stalls were undersized and that they had eliminated the loading zone by adding parking spaces. Mr. Drill stated that at the December 2013 meeting, Ms. Marcelli had agreed in concept with reducing the stall size, but had also recommended removing eight specific spaces, which he listed. Walter Wilson stated that he had not gone to the Council, but had researched the title work. He indicated that the Fire Chief only had concern with one parking space. Cathy Marcelli stated that the applicant would need a site plan exception to eliminate the loading zone to provide 6 spaces.

Mr. Wilson stated that he disagreed with Ms. Marcelli's position. He indicated that he had researched the titles back to the 1920's and explained the old connection of the road to Beaver Avenue. He commented that the measurement from the center line was at issue and that over time, the curb line was moved closer to the subject property. He characterized it as a legal versus surveyor interpretation disagreement, noting that there had been no conveyance of additional right-of-way. Sam Mardini asked if the road had shifted to the south and Mr. Wilson responded affirmatively.

Mr. Wilson discussed the 1927 map and the location of the cart path, noting that the right-of-way went through the building. Cathy Marcelli pointed out that the map was a general property map, not a survey. Brian Mullay discussed map #4. Ms. Marcelli stated that there was discrepancy between the maps. She noted that a surveyor would treat it as a puzzle and that the descriptions didn't all agree. She did not believe that the right-of-way wasn't centered in the roadway. There were four spaces that encroach on the right-of-way. Ms. Marcelli expressed the opinion that the earlier King Buffet also had encroachments into the right of way and that the Council should be asked whether they would approve the use of the right-of-way for some of the stalls. Walter Wilson explained that a "road return" was a physical description of the road on file with the county. Mr. Mullay asked whether it was fair to say that the location couldn't be conclusively determined. Cathy Marcelli stated that she had properly located the line. Brian Mullay asked whether the King Buffet had the same number of parking spaces. It was noted that the Country Griddle had two additional spaces in the right-of-way. Cathy Marcelli pointed them out on the site plan.

Discussion ensued as to which parking stalls were in the right-of-way and which were not. Whether to require the applicant to pursue Council approval for the use of the right-of-way was discussed. Walter Wilson commented that the Board could determine that some of the spaces were not allowed, without Council's permission. Chris D'Alleinne discussed the centerline of the roadway, noting that the north-south alignment was the issue. Brian Mullay commented that he was looking at the preponderance of the evidence, but also being sensitive to the fact that many of the spaces previously existed. He expressed the opinion that two of the spaces should be eliminated. The Board determined that one space in front and one on eastern side should be removed, as they were in the right-of-way. Mr. Wilson was directed to go to the Council for permission to use the spaces that encroach into the right-of-way. Ms. Marcelli stated that allowing a restaurant without a loading zone was a bad precedent to set. Chris D'Alleinne suggested that the applicant could establish delivery time to be during off-peak hours.

Cathy Marcelli noted that the striping and directional arrows had faded, which made it difficult for motorists. She stated that all of the other resolution conditions had been fulfilled. The hearing was continued to June 16, 2014 with no need for further notice and Mr. Wilson extended the time within which the Board needed to act through the end of June, 2014.

NEW BUSINESS

1. Approval of Vouchers—Chris D'Alleinne moved and Kevin Cimei seconded a motion to approve the vouchers as submitted. The Board concurred unanimously.

REPORTS & ASSIGNMENTS

1. Report from Council: Brian Mullay stated that the meeting had been short. He noted that the Council had discussed purchasing property from Clinton United Methodist Church for COAH housing. Kevin Cimei discussed the tax levy and spending.
2. Report from Ordinance Committee: There was no report.
3. Report from Open Space: There was no report.
4. Report from Environmental Commission: Chairman Higgins stated that he had not attended.
5. Chairman Higgins stated that the COAH regulations had been posted on the web. The Township's Rehabilitation number was 27, the Fair Share number was 130 and the Unanswered Prior Obligation number after the Highlands adjustment was 65. Jon Drill stated that the set-aside for an inclusionary project was reduced to 10%. 10 market rate units would create only 1 inclusionary unit. Development fees were discussed.

ADJOURNMENT

Rich Scheick moved and Kevin Cimei seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 9:35PM.

These minutes were approved on May 19, 2014.

Rebecca E. D'Alleinne
Administrator