

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

DATE: February 25, 2019

Note: Prior to the start of the meeting the Public Safety Building experienced a loss of power due to a rain and wind storm. The meeting was relocated to the first-floor conference room as the electric on the first-floor is powered by a generator.

Chairman McCaffrey called the meeting to order at 7:06pm.

Chairman McCaffrey led the Flag Salute.

Chairman McCaffrey read the Public Notice.

This is a public meeting of the Zoning 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 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.

MEMBERS IN ATTENDANCE

Matsen, McCaffrey, McTiernan, Pfeffer, Roberts, Yager

MEMBERS ABSENT

Filus, Lewis, Stevens

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Kathryn Razin, Esq., Board Attorney substituting for Jonathan E. Drill, Esq.
- 2) Denise Filardo, Board Secretary

APPROVAL OF VOUCHERS

A motion was made by Mr. McCaffrey and seconded by Mr. Roberts to approve the vouchers for payment. All were all in favor.

MEETING MINUTES

1) JANUARY 28, 2019

A motion was made by Mr. Pfeffer and seconded by Mr. Matsen to adopt the Meeting Minutes of January 28, 2019. The vote record follows.

Roll Call: January 28, 2019 Minutes						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus					X	X
Lewis						X
Matsen		X	X			
McCaffrey			X			
McTiernan (Alt. 2)			X			
Pfeffer (Alt. 1)	X		X			
Roberts			X			
Stevens			X			X
Yager						

RESOLUTIONS

1) JAMIE JUNIO

Block 13, Lot 7.09

36 Chalfonte Drive

Application No. BOA-2018-01

Resolution No. 2019-01

Resolution Memorializing Dismissal of Application Without Prejudice.

A motion was made by Mr. Matsen and seconded by Mr. Pfeffer to adopt Resolution No. 2019-01. The vote record follows.

Roll Call: Junio Block 13, Lot 7.09 Resolution No. 2019-01 Dismissal Without Prejudice						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus					X	X
Lewis						X
Matsen	X		X			
McCaffrey			X			
McTiernan (Alt. 2)					Not Eligible	
Pfeffer (Alt. 1)		X	X			
Roberts			X			
Stevens						X
Yager			X			

REQUEST FOR EXTENSION OF TIME

1. 9 MAIN STREET, LLC

Block 49, Lot 25

9 Main Street

Application No. 2011-07

Resolution No. 2012-07 and 2015-02

Applicant is requesting an Extension of Time within which to obtain a permanent Certificate of Occupancy as stipulated in Resolution numbers 2012-07 and 2015-02.

Mr. Yager recused and left the room.

Kristen Perry, Esq., was in attendance to represent the applicant. Attorney Perry gave a brief summary of the history and prior resolutions of approval, noting the applicant’s request for an Extension of Time. Attorney Perry reported that all conditions of approval aside from the issuance of a permanent CO have been successfully completed.

Maggie Meurer of 3 Sunnyfield Drive, Annandale, NJ was sworn by Attorney Razin. Ms. Muerer is the CFO at 9 Main, LLC.

Ms. Meurer’s testimony included the following:

- At the time Ms. Meurer applied for a Final CO, she was informed by the Township Zoning Officer that the temporary CO expired on December 3, 2018 and as such the time period within which to obtain a Final CO had expired. The Zoning Officer advised that the applicant would need to make a request to the Board for an Extension of Time prior to the issuance of a permanent CO.

It was agreed between Board Attorney Razin and Attorney Perry that the dates specified in condition No. 10 of Resolution No. 2012-07 carry forward from April 11, 2015 to today (February 25, 2019) plus six (6) months from today to August 25th, 2019. Condition Numbers 10-17 of Resolution No. 2015-02 which hold those same time periods will also be modified so that it reflects the extended time periods.

In response to the applicant’s request, The Board directed Secretary Filardo to ask Zoning Officer to proceed with issuance of the Final CO as if Resolution was adopted.

A motion was made by Mr. Matsen and seconded by Mr. Pfeffer to grant the requested Extension of Time. The vote record follows.

Roll Call: 9 Main Street, LLC Block 49, Lot 25 – Extension of Time						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lewis						X
Matsen	X		X			
McCaffrey			X			
McTiernan (Alt. 2)			X			

Pfeffer (Alt. 1)		X	X			
Roberts			X			
Stevens						X
Yager					Recused	

PUBLIC HEARING

1) IPPSOLAR INTEGRATION, LLC

Block 13, Lot 11.01

111 Cokesbury Road

Applicant is seeking Minor Site Plan Approval to install Roof-mounted Solar panels on existing Safavieh Building.

Although Notice is not required for Minor Site Plan Review, the applicant noticed out of an abundance of caution and also noticed Lebanon Borough, however the applicant’s notice erroneously stated a 7:30pm start time. At 7:19pm the Board took a recess and went off the record.

At 7:30 the Board resumed on the record and commenced the Public Hearing. Anthony Koester, Esq., atty for applicant.

Anthony E. Koester, Esq. of Dilts and Koester represented the applicant. Attorney Koester oriented the Board with the property and the application. IPPsolar Integration, LLC proposes to install roof mounted solar panels at 111 Cokesbury Road with permission of the property owner. The property is located in the Research Office & Manufacturing zoning district (ROM-1 Zone), and is approximately 76 acres in size and is developed with an existing 722,119 square foot building housing a warehouse as well as related building and site related improvements including truck loading dock areas and parking areas.

Attorney Koester referenced the Board Engineer’s Completeness Report confirming that the application was deemed complete. Referencing both the Construction Code Official’s and Fire Marshall’s letter, Attorney Koester advised that the applicant will comply with all comments in both letters.

The following individuals were sworn and testified during the hearing:

- Maziar Dalaeli, one of principals at IPPsolar Integration, LLC
- James A. Marx, Jr., PE applicant’s engineering expert (Mr. Marx is also licensed as a Municipal Construction Code Official)
- Kevin Rider, property manager at Safavieh Building

There were no exhibits.

Mr. Marx’s qualifications were accepted by the Board. There was no one in the public with interest in this application.

Mr. Dalaeli’s testimony included and was not limited to the following:

- He is one of founders of IPPsolar and they have been in business ten (10) years plus. They have completed seventy-five commercial and industrial projects in New York, New Jersey and Connecticut.
- This will be the third project with this client, the first was in Long Island, and the second is located in Flemington.
- The solar panels will not be visible from ground level around the building as the panels are almost flat.
- The panels are dark blue in color with an anti-reflective hooding as the goal is to capture as much light as possible to generate electricity. The panels will not produce glare.
- All connections will be housed within the building.
- The proposed array is sized for the current annual consumption of the existing use.
- The project goal is to get the warehouse's carbon footprint down to zero.

Discussion ensued as to whether the solar panels will be seen from Chalfonte Drive which is up the hill on the northerly side of the building. Currently the view of the grey colored roof includes the existing air conditioning units, which are not aesthetically pleasing. Discussion continued as to whether the addition of the dark blue, anti-reflective solar panels would be additionally aesthetically displeasing.

The Standards we meet is whether panels are visible from ground level around the building.

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

- Building height is 35 feet, (maximum height in the zone is 45 feet) the height of panels is ten and a half inches above the roof height. The solar array will be set back ten (10) feet from the edge of the roof. The existing roof structures (including air conditioning equipment
- The solar panel array is an aluminum frame system self-ballasted with concrete blocks and is aerodynamically tested for wind. The panels are constructed of silicon wafers under glass. This is a well know technology which complies with all regulations.
- The solar arrays do not produce any sound and have a lifetime of thirty plus years with no need for maintenance.
- These systems are currently installed in close proximity to airports and do not produce any reflection.

BOARD FINDINGS AND CONCLUSIONS

- The applicant is seeking Minor Site Plan Approval to allow installation of roof mounted solar panels on the warehouse building as an integral part of a solar electric system to provide electric power to the warehouse building.
- Provided that the Board imposed conditions are complied with, the Board finds that the site plans, solar panel details, and proposed improvements will comply with all applicable zoning ordinance regulations as well as all site plan ordinance requirements.

- The Board’s ultimate finding is that Minor Site Plan Approval is warranted and should be granted to allow the proposed improvements subject to the applicant’s compliance with the Board imposed conditions.

RELIEF GRANTED

Grant of Minor Site Plan Approval with conditions

A motion was made by Mr. Pfeffer and seconded by Mr. Roberts to grant Minor Site Plan Approval. The vote record follows.

Roll Call: IPPsolar Integration, LLC – Block 13, Lot 11.01 – Minor Site Plan						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lewis						X
Matsen			X			
McCaffrey			X			
McTiernan (Alt. 2)			X			
Pfeffer (Alt. 1)	X		X			
Roberts		X	X			
Stevens						X
Yager			X			

ADJOURNMENT

A motion was made by Mr. Matsen and seconded by Mr. Pfeffer. All members were in favor and the meeting was adjourned at 8:39pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on **March 25, 2019.**