

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

DATE: February 24, 2020

Chairman McCaffrey called the meeting to order at 7:00pm.

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

Lewis, Matsen, McCaffrey, Pfeffer, Roberts, Stevens, Yager

MEMBERS ABSENT

McTiernan

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Jonathan Drill, Esq., Board Attorney
- 2) Thomas Behrens, Jr., PP, AICP
- 3) Larry Plevier, PE, Board Engineer
- 4) Jim Mazzucco, LLA, RLA, ASLA
- 5) Jackie Klapp, Stenographer

VOUCHERS

A motion was made by Mr. McCaffrey and seconded by Ms. Stevens to approve payment of the vouchers. The vote record follows.

Roll Call: Vouchers						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Matsen (Vice Chair)			X			
McCaffrey (Chair)	X		X			
McTiernan (Alt. 1)						X
Pfeffer			X			
Roberts			X			
Stevens		X	X			
Yager			X			

MEETING MINUTES

1) Annual Reorganization Meeting January 28, 2020

A motion was made by Mr. Matsen and seconded by Mr. Pfeffer to adopt the Meeting Minutes of January 28, 2020. The vote record follows.

Roll Call: Annual Reorg Meeting Minutes January 28, 2020						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis					X	
Matsen (Vice Chair)	X		X			
McCaffrey (Chair)			X			
McTiernan (Alt. 1)						X
Pfeffer		X	X			
Roberts			X			
Stevens			X			
Yager			X			

RESOLUTIONS

1) PLATYPUS ENTERPRISES

Block 13.01, Lot 3
 1460 Route 22
 Application No. BOA-2019-06
 Resolution No. 2019-09

Amended Preliminary and Final Site Plan Approval to make the following modifications: elimination of a concrete pad on southerly side of new garage; modified construction detail for wood fence; removal of directional sign in driveway entrance triangle; removal of split rail fence originally intended as a barrier for the house which has since been demolished; relocation of driveway gate; proposed addition of a wood burning furnace to heat the building; and a proposed landscape berm.

A motion was made by Ms. Stevens and seconded by Mr. Pfeffer to adopt the Resolution No. 2019-09. The vote record follows.

Roll Call: Platypus Blk 13.01, Lot 3 – Resolution No. 2019-09						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Matsen (Vice Chair)			X			
McCaffrey (Chair)			X			
McTiernan (Alt. 1)						X
Pfeffer		X	X			
Roberts			X			
Stevens	X		X			
Yager					X	

PUBLIC HEARING

1) DONALD BAKER

Block 4.03, Lot 31

1070 Route 22

Application No. BOA-2019-04

Applicant is seeking a “D(1)” Use Variance, Preliminary and Final Site Plan Approval and a “C(1)” Hardship Variance to construct a 19,200sf equipment storage warehouse to maintain construction equipment, including a first floor office area, 20 parking spaces for employees and visitors, a paved area for circulation and outdoor equipment / material storage and a stormwater bio-retention basin.

The applicant was represented by George Dilts, Esq.

It was noted that there was no one in the audience other than individuals related to this application.

The following individuals were sworn and testified during the hearing:

- 1) Donald Baker (Applicant)
- 2) Kyle Van Dyke, RA, AIA (Applicant’s Site Architect)
- 3) Keith Chambers, RA, AIA (Applicant’s Building Architect),
- 4) Craig Stires, PE (Applicant’s Engineering Expert)
- 5) James Kyle (Applicant’s Planning Expert)
- 6) Jim Mazzucco, LLA (Board Landscape Architectural Expert)
- 7) Larry Plevier, PE (Board Engineering Expert)
- 8) Tom Behrens, PP, AICP (Board Planning Expert)

EXHIBITS

- A-1 Aerial photo by NJDEP
- A-2 Overlay of Site Plan of proposed development on top of exhibit A-1
- A-3 Color rendering of site plan
- A-4 Overlay on top of exhibit A-3 showing all changes to the proposed development since the submission of all Board expert reports,
- A-5 Photo of concrete wall on Park Avenue in Flemington as an example of the concrete wall proposed
- A-6 Letter from Ed Kuc dated November 11, 2019 stating that there are no wetlands on property
- A-7 Renderings of existing & proposed building as would be seen from I-78
- A-8 Renderings of existing & proposed building as would be seen from Route 22,
- A-9 Light grey metal panel
- A-10 Darker grey accent panel

Donald Baker's testimony included a brief history of the company:

- Donald and his wife Mary started a masonry company in Flemington 40 years ago.
- The company grew and they set up shop on Route 31 and Payne Road 35 years ago.
- In the mid 1980's they purchased a farm on Route 22, in hopes of the business continuing to grow and someday developing it as is proposed in the current application.
- Their sons Gregory and Jordan Baker joined the business 15 years ago and have contributed to further growth of the company which has now outgrown the existing Route 31 site. As such they are now ready to develop the Route 22 farm site.
- Having operated their business in Clinton Township for the past 35 years, they very much like and want to remain in Clinton Township.
- Occasional Outside storage of materials to include, sand, stone, concrete forms inside.
- Hours of operation, lighting and deliveries.
- Limited vehicle Maintenance such as tire changing and changing of oil with use of a spill kit. Proper disposal of materials.
- No washing of vehicles on site.

Craig Stires' qualifications were accepted by the Board.

Mr. Stires' testimony included discussion of and was not limited to the following:

- The property is situated within the ROM-3 Zone Rt 22 Highway corridor character district with easy access to both Route 22 and Route 78.
- Exhibits A-1, A-2, A-3, A-4 and Letter dated November 11, 2019 from Ed Koc regarding the absence of Wetlands on the site
- Oriented the Board with subject site and surrounding properties.
- Existing Conditions and the Proposed Site Plan.
- Number of employees, number of pieces of registered equipment.
- Access easement obtained from neighboring property to add an additional 37 feet to the 60-foot flag portion of the lot off Route 22 to enable safe maneuverability for tractor trailer trucks
- NJDEP approval has been obtained.
- Brief description of dimensions, color and location of the proposed building on the site.
- Parking, Circulation Plan, Detention Basin, Equipment Storage Plan and storage of materials
- Existing septic and well to be reutilized for the proposed office.
- Below ground water tanks for fire suppression.
- Lighting, Landscaping, buffering and tree replacement.
- Variances, Waivers and Exceptions
- Internally illuminated Sign to be designed in compliance with the ordinance.

The Board took a break at 8:35pm. The meeting resumed at 8:45pm.

Attorney Dilts indicated that the applicant will comply with the following Board Professional reports/recommendations:

- Environmental Commission.
- Habitat by Design, Environmental Design.
- Construction Code Official.
- Architectural.
- Mott MacDonald, Lighting.
- Fire Safety.
- Bosenberg and Company with the exception of a Design Waiver request for tree planting.
- Mott MacDonald Engineering Report, with requested Exceptions.
- Clarke Caton Architectural Review, with requested Exceptions.

Attorney Dilts noted that if approvals are granted, once the Route 22 site is developed, the applicant will move all operations from the existing Route 31 site to the Route 22 site. Attorney Dilts proposed a condition that the applicant be given a period of twelve (12) months from the date a CO is issued for the Route 22 site to move everything from the Route 31 site to the Route 22 site and cease operations at the Route 31 site.

Kyle Van Dyke’s qualifications were accepted by the Board.

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

- Referenced Exhibits A-7 and A-8 renderings providing views and renderings with both existing conditions and the proposed improvements.

Keith Chambers’ qualifications were accepted by the Board.

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

- Review of Architectural Plans A-1 and A-2.
- Pre-engineered metal building, with office area, heated warehouse and storage.
- Building dimensions, foundation and roof pitch details.
- A-9 and A-10 Color Samples.
- Supporting testimony for the following requested Exceptions:
 - Roof Pitch Design Requirement
 - Building Material/Color Design Requirements
 - Parking Distance from Building
 - Design Standards as to Building Shape
 - Design Standards as to Building Façade
 - Design Standards as to Building Length Design
 - Exception from Design Standards as to Glass Design Requirement

James Kyle’s qualifications were accepted by the Board during prior applications.

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

- Description of the proposed application and relief sought.
- Positive and Negative Criteria in support of the Board granting the “D” and “C” Variances.
- Description of and justification for Exceptions and Design Waivers.

BOARD FINDINGS AND CONCLUSIONS:

Note: All of the Board findings and conclusions regarding relief are based upon the applicant’s compliance with the Board imposed conditions.

- The Board found that the property is particularly suited for the proposed development, inclusive of the proposed warehouse and repair shop use of the proposed building and the outdoor storage component.
- The Board found that the “D(1)” Use Variances can be granted in this particular case without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Master Plan and zoning ordinance.
- The Board concludes that the requested “D(1)” Use Variances can and should be granted subject to the Board imposed conditions.
- The Board found that the ordinance deviations at issue constitute extraordinary and exceptional situations.

- The Board found that the strict application of the ordinance regulations at issue will result in exceptional and undue hardship upon the applicant.
- The Board found that the “C(1)” Variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and zoning ordinance.
- The Board concludes that it can and should grant the “C(1)” Variances
- The Board found that it is reasonable and within the intent and purpose of the Site Plan ordinance provisions to grant the exceptions from the Site Plan ordinance requirements at issue.
- The Board found that it is impracticable and/or will exact undue hardship to literally enforce the Site Plan ordinance requirements at issue under the circumstances.
- The Board found that the exceptions can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the master plan and zoning ordinance.
- The Board concludes that it can and should grant the exceptions at issue subject to the conditions set forth below.
- With the exception of the Variances and Exceptions sought by the applicant, which the Board has concluded can and should be granted, the Board found that the Site Plans will comply with all other applicable zoning ordinance regulations and Site Plan ordinance requirements.
- The Board’s ultimate finding was that Preliminary and Final Site Plan Approval is warranted.
- The Board concludes that Preliminary and Final Site Plan Approval can and should be granted.

RELIEF GRANTED:

***Note:** All relief granted is subject to the applicant’s compliance with the Board imposed conditions.*

“D(1)” Use Variance to Allow the Construction Warehouse and Repair Shop Uses

A “D(1)” Use Variance was granted to allow the proposed construction warehouse and repair shop uses, which uses are not permitted in the ROM-3 Zone.

“D(1)” Use Variance to Allow the Outdoor Storage Use

A “D(1)” Use Variance was granted to allow the outdoor storage use, which use is not permitted in the ROM-3 Zone.

“C(1)” Variance to Allow Existing Non-Conforming Lot Width Condition to Continue

A “C(1)” Variance was granted from the Schedule to allow the nonconforming lot width at the street of 61.6 feet, where 350 feet is required.

“C(1)” Variance for the Detention Basin Location

A “C(1)” Variance was granted from the Schedule to allow the detention basin at a setback of 55 feet, where 100 feet setback is required.

“C(1)” Variance for Retaining Wall Location

A “C(1)” Variance is hereby granted from the Schedule, which requires a minimum setback of 100 feet in the front yard setback area, to allow retaining walls along the driveway entrance to the property.

Exceptions Granted from the following:

- Replacement Trees Requirement
- Foundations Planting Requirement
- Buffer Planting Requirement
- Roof Pitch Design Requirement
- Building Material/Color Design Requirements
- Parking Distance from Building
- Design Standards as to Building Shape
- Design Standards as to Building Façade
- Design Standards as to Building Length Design
- Exception from Design Standards as to Glass Design Requirement
- Exception from Design Standards as to Proposed Building Setback

Preliminary and Final Site Plan Approval

Preliminary and Final Major Site Plan Approval was granted to the Site Plans, Architectural Plan, Equipment Storage Plan, O&M Manual and EIS to allow construction of the proposed development.

A motion was made by Mr. Matsen and seconded by Mr. Pfeffer to grant “D” and “C” Variances, Exceptions and Preliminary & Final Site Plan Approval with conditions. The vote record follows.

<i>Roll Call: Baker Blk 4.03, Lot 31 – Granting of “D” and “C” Variances, Preliminary & Final Site Plan and Exceptions</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Matsen (Vice Chair)	X		X			
McCaffrey (Chair)			X			
McTiernan (Alt. 1)						X
Pfeffer		X	X			
Roberts			X			
Stevens			X			
Yager			X			

ADJOURNMENT

A motion was made by Mr. Pfeffer and seconded by Mr. Roberts to adjourn. All members were in favor and the meeting was adjourned at 10:57pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on May 11, 2020.