

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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IN-PERSON PUBLIC MEETING

DATE: August 26, 2024

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

Chairman McTiernan read the Public Notice.

This is the August 26, 2024, public meeting of the Zoning Board of Adjustment 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 Star Ledger notice of and agenda for this meeting was posted on the bulletin board at the front of the Municipal Building, the front door of the Public Safety Building and sent to the Hunterdon County Democrat and the Star Ledger no later than the Friday prior to the meeting.

MEMBERS IN ATTENDANCE

Bayly, Lyte, McTiernan, Naylor, Pfeffer, Ryan, & Stevens

MEMBERS ABSENT

Kiefer

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Jon Drill, Board Attorney
- 2) Larry Plevier, Board Engineer
- 3) Tom Behrens, Board Planning Expert
- 4) Jim Mazzucco, Board Landscape Architect
- 5) Jackie Klapp, Board Stenographer
- 6) Taylor Gribbin, Board Secretary

MEETING MINUTES

Mr. Pfeffer made a motion and Mr. Naylor seconded the approval of the July 22, 2024, regular meeting minutes. All Board members present and eligible to vote (Bayly, McTiernan, Naylor, Pfeffer, Ryan, & Stevens) voted yes. Meeting minutes were approved.

VOUCHERS

Chairman McTiernan reviewed and approved the August 26, 2024, vouchers.

PUBLIC HEARING

**1. APPLICATION NO. BOA 2024-04
210 Main Street, LLC. (Porchetta)
210 Main Street – Block 7 Lot 30**

Mark Peck with Florio Perrucci Law, applicant's attorney, was present at the time of the hearing.

Mr. Peck confirms that they are seeking a use variance for mixed uses located at the above-mentioned property. No warehouse use proposed.

No additional grading or soil disturbance, wants to move in as is to the site location.

Tom Graham, P.E. was sworn in by Board attorney, Jon Drill, and accepted as a professional by the board members. No members of the public were present at the time of this hearing.

Mr. Graham goes into the history and background of the site. The site is developed already.

Buzby occupied the site until around 2011 when BITOW moved in and is known to be the last property owner of the site – the site was not currently in use prior to Porchetta obtaining the property.

Tom Graham reviewed the memo prepared by Larry Plevier for this application dated 08/23/2024. The applicant agreed to comply with the conditions laid out in the memo, with an exception to the as-built plan. The applicant agreed to work with Larry Plevier on any corrections that may need to be required prior to submitting the as-built plan. Items such as occupancy load, parking accommodation, and other factors need to be confirmed.

Jon Drill advises that in order for the applicant to continue without submitting the as-built, the submission of the as-built will need to be listed as a condition of approval. The applicant will need to come back to the board for any amendments to the as built.

Mr. Peck agrees to comply with the statement stated above. If anything, so much as the parking requirements change, the applicant will need to come back. You cannot just re-stripe the parking lot without an amended site plan approval.

Mr. Graham testifies that the mechanic shop will not be a principal use on the site, there will not be fuel storage tanks on the property, and the applicant will include ADA requirements and restroom information for the site.

Mr. Graham reviews the Mott McDonald Lighting Review memo prepared by Jason Harkins dated 08/23/2024. Lighting is not something that can remain as existing, it is a life and safety issue – lighting plan will need to be revised to comply with the Township ordinance. Hours of operation are proposed to be 5:00am – 10:00pm. Outdoor storage

hours of operation will not be from dusk to dawn, will need to be during hours of daylight.

Chairman voiced concern about the future possibility of this proposed development being next to a future residential development.

Mr. Graham reviews the Bosenberg memo and agreed to comply with the conditions and comments set forth in the memo. Agreed to meet with the Landscape Architect, Jim Mazzucco, to discuss landscaping of the loading zones, and retaining wall. Also testified that there would not be a generator on site. Retaining walls will need to be resubmitted on a set of plans to determine the landscaping and relief requirements.

Mr. Peck advised that there would not be any hazardous materials present on the site.

The dumpster will be located in an already existing outdoor storage area.

Ms. Gouldie Spayer, a licensed planner, was present to represent the applicant at the time of the hearing. She has been sworn in on 05/20/2024 by Mr. Drill and was accepted by the board as a professional planner. No one was present for the public at the time of this hearing.

Exhibit A-1 Site and Zoning History prepared by Topology prepared 08/26/2024, was introduced as a timeline for the use of the property over time.

Ms. Spayer testified about the characteristics of the property and the history of the use of the property and the details of the C-ROM zoning district.

This hearing was adjourned by the chairman due to time & the number of agenda items.

Mr. Drill advised the board that the applicant is allowed to ask for approval on spec but will need to settle all the details of the site.

The applicant has granted an extension on this application through 11/30/2024.

This application is carried to a Special Meeting with the Board of Adjustment, Monday 10/21/2024 at 7:00pm without need for further notice.

**2. APPLICATION NO. BOA 2024-05
Storage Developers, LLC (Clinton Self Storage)
1755 Route 31 – Block 68 Lot 9.02**

Tim Arch, the applicant's attorney, was present at the time of the hearing representing the applicant. Daniel Bloch with Colliers Engineering was present at the time of the hearing to represent the applicant. Mr. Bloch was accepted by the Board as a professional.

Alec Zukowski, Traffic Expert, was also present at the time of the hearing representing the applicant.

Board attorney swore in Board Planning Expert, Tom Behrens.

The following Professional Review Reports were referenced during this hearing:

Mott McDonald Memo prepared by Larry levier dated 07/19/2024
Burgis Associates Memo prepared by Tom Behrens dated 07/19/2024
Bosenberg Landscape Memo prepared by Jim Mazzucco dated 07/19/2024
Mott McDonald Memo prepared by Jason Harkins dated 07/22/2024
M2 Associates Memo prepared by Matt Mulhall dated 07/22/2024
Fire Marshal Memo prepared by Christopher Sorrentino dated 07/22/2024
Division of Fire Memo prepared by Tom Long dated 07/22/2024
Environmental Commission Memo dated 05/02/2024

Colliers Engineering prepared a report responding to all the review reports listed above indicating which items and recommendations would be complied with.

No members of the public were present at the time of this hearing.

Mr. Bloch testified about the subject property and the existing conditions and any and all variances being asked for consideration by the applicant. The applicant is seeking several C'1' variances for hardship relating to the size and the shape of the subject lot.

The applicant agreed to work with the Board Landscape Expert for a replacement schedule to comply with the front yard and side yard buffer requirements.

The applicant agreed to comply with the items listed in the Fire Marshal and Division of Fire review reports.

Mr. Pfeffer made a motion and Ms. Stevens seconded the motion to approve the preliminary and final site plan approval of the subject property. All members present at the time of this meeting voted 'yes', seven (7) yes votes.

**3. APPLICATION NO. BOA 2022-12
Adult & Teen Challenge of New Jersey
245 Stanton Mountain Road – Block 19 Lot 32**

Joe Rand was present on behalf of the subject application. Guliet Hersch, applicant's attorney, was also present at the time of the hearing.

Submissions for the hearing included a letter dated 08/15/2024, exhibit A being a notice of unsafe structure from the Construction Official, and exhibit B screenshots from SoberPeer for 2021 and 2022 departure rates.

In response to the unsafe structure notice from the Construction Official, it was mentioned that the women in the women's program that were located in the subject building were moved to another location on site, Cabin B. The (5) men that were located in Cabin B were dispersed to open beds in Cabin F and Cabin H. Dennis Kowel was then hired by the applicant to evaluate the notice and the Construction Code Requirements for

using the building for the intended use of the Women's Program. Investigation is ongoing.

Ms. Hersch stated that Teen Challenge would not be housing women or anyone, in that building until all the requirements have been met and the Construction Office is satisfied.

Mr. Pfeffer asked what prompted the Construction Official to issue the notice of the Unsafe Structure. Ms. Hersch stated that it may have been in relation to the Fire Marshal inspection on the site.

Mr. Pfeffer asked what the circumstances in which the applicant decided to change the administration building to house the women's program without the proper permitting.

Ms. Hersch claimed that there might not have been a knowledge of the requirement for permits for that proposed change. She also stated that Teen Challenge was not aware of any code issues at the time on site.

Discussions were had about the exhibits being introduced at the hearing. Exhibits A-D.

Ms. Hersch was able to provide a study from 2019 showing the success rates of programs similar to the Teen Challenge Faith based recovery program.

Clarification was made with the difference between 'completed' and 'completed/graduated'. Chairman McTiernan asked for confirmation of the counts – he asked if a participant was to graduate and was to come back to the program at any time, they would then be counted as completed after being counted as completed and graduated. Mr. Rand discussed the difference between the two categories, 'completed' being participants that completed the program and completed and graduated being participants that completed the program, walked in graduation, and received a certification of completion.

Entered into the record:

A-51 – Treatment Episodes Data Sets (TEDS) dated 2016 published by Dept. of Health and Human Services

A-52 – Adult and Teen Challenge Outcome Study Report 10/2019 written by Donna Washburn, Heather Kelly, Christine Armzen, and Emma Hale.

Mr. Pfeffer confirms that A-52 is prepared by the National Teen Challenge Team, Ms. Hersch stated that it was no, it prepared by another organization.

Chairman McTiernan asks if the applicant considers the information presented in A-52 the benchmark for the Teen Challenge success rate. The answer was yes.

For the Opposition, Ms. Amy Santa Maria was present at the time of this hearing.

Ms. SantaMaria started the line of questioning with the following:

“How long has Teen Challenge been running programs, for how many years?”

Mr. Rand responded, “over 60 years”.

Ms. Santa Maria continued with “in the last 60 years of the programs existence, this was the first outcome study for the program?”

Mr. Rand responded with “yes, 2019 was the first study done by an outside agency”.

Ms. SantaMaria continued with A-49 and asked why the information had been redacted.

Mr. Rand stated that the shift notes that were provided included personal information of the participants and the staff.

Ms. SantaMaria asked Mr. Rand how Teen Challenge tracked the participants’ information prior to SoberPeer being created.

Mr. Rand stated that they used to use a program called TBTOS to manage and track participant information prior to SoberPeer being created in 2019.

Chairman McTiernan opened the floor to public comment.

Mr. Richard Reynolds of Stanton Mountain Road asked Mr. Rand if there was a 5-year benchmark for the program? Mr. Rand responded that he did not know.

Mr. Reynolds asked Mr. Rand why he did not know to which Mr. Rand responded with “that is not something I know”.

Mr. Reynolds continued with asking Mr. Rand if the information included the gentlemen that stole an ATV from a surrounding residence. Ms. Hersch interrupted with “that information would not be reflected in this information as these are discharges.”

Mr. Reynolds asked if the buildings on site had locks on them. Mr. Rand responded “yes”.

This public hearing was carried to the next Board meeting on 09/23/2024 at 7:00pm.

ADJOURNMENT

A motion was made by Mr. Ryan, seconded by Mr. Bayly to adjourn the meeting at 10:15 pm. All members present at the meeting were in favor.

Respectfully Submitted,

Taylor Gribbin

Planning and Zoning Board Secretary

These minutes were approved on October 21, 2024.