

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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IN-PERSON SPECIAL PUBLIC MEETING

DATE: October 21, 2024

CALL TO ORDER & PUBLIC NOTICE

Chairman McTiernan called the meeting to order at 7:05 pm.

Chairman McTiernan read the Public Notice.

This is the October 21, 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' PRESENT

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

MEMBERS ABSENT

Lyte, Pfeffer

PROFESSIONALS/STAFF PRESENT

Jon Drill, Board Attorney
Larry Plevier, Board Engineer
Tom Behrens, Board Planning Expert
Jim Mazzucco, Board Landscape Architect
Jackie Klapp, Board Stenographer (Via Microsoft Teams)
Taylor Gribbin, Board Secretary

MEETING MINUTES

Meeting minutes from the August 26, 2024, regular meeting were reviewed by the board. A motion was made by , seconded by , to approve the August 26, 2024, minutes. All members present and eligible voted; five (5) 'yes' votes. Meeting minutes were approved.

Meeting minutes from the September 23, 2024, regular meeting were reviewed by the board. Pending necessary corrections made by the board, a motion was made by , seconded by , to approve the September 23, 2024 minutes. All members present and eligible voted; five (5) 'yes' votes. Meeting minutes were approved.

VOUCHERS

Chairman McTiernan reviewed and approved the October 21, 2024, vouchers.

PUBLIC HEARING

APPLICATION NO. BOA 2022-12

Applicant: Adult & Teen Challenge of New Jersey

Subject Property: 245 Stanton Mountain Road – Block 19 Lot 32

Guliet Hersch with Archer & Greiner, the applicant's attorney, and Ted Bayer with Bayer-Risse Engineering Inc., the applicant's Engineer, were present at the hearing.

The Objector's attorney, Ms. Amy SantaMaria, was present at the hearing.

The following exhibits were introduced into the record:

Exhibit A55 Letter from Architect Dennis Kowel dated 09.25.2024

Exhibit A56 Continued Certificate of Occupancy (CCO) for Dining Hall issued 12.18.2014

Exhibit A57 Certificate of Occupancy (CO) for the Chapel issued 05.23.2017

Exhibit A58 Revised Redacted Copy of Shift Reports

Exhibit A59 On-Site Wastewater System Chart prepared by Ted Bayer dated 10.21.2024

Being that Mr. Drill had Ms. SantaMaria, Objector's Attorney, state on record at the previous hearing that she would not cross-examine the applicant on the submission of the sufficiently redacted shift reports. As shown in Exhibit A58, the information that was asked to be redacted was not sufficient, therefore, Ms. SantaMaria would then be able to cross examine the applicant based on the submission of Exhibit A58.

Ms. Hersch stated that Exhibit A58 had notations on the top left side of the shift reports indicating Shift Leaders A-c and Shift Assistants D-G. She indicated that the person who signed each shift report was the Shift Leader on shift.

Ms. Hersch gave a brief presentation on Exhibit A58 and how the revised redactions provided gave the Board the information she understood them asking for, which was to tell or show the Board how the residents of the program left the program.

Ms. SantaMaria gave a brief rebuttal to the contrary, stating A-58 did not offer the Board with the information requested. She stated that Exhibit A58 did not provide the Board with sufficient information on how the residents of the program left the program. Ms. SantaMaria read the 09.23.2024 hearing transcript into the record, starting at page 17 line 4, through page 20 line 9.

Ms. SantaMaria continued her rebuttal with reiterating what brought the shift reports into the record to begin with. She stated that Exhibit A48, a screenshot from an app called SoberPeer illustrating participant completion statistics, prompted question on why the program participants were leaving the program which led to the submission of A49, the original shift reports. The introduction of Exhibit A49 prompted further questions on the categories of information provided and what had been redacted prior to submission, specifically the categories labeled 'Issues Requiring Action' and 'Shift Comments & Observations'.

After Board discussion, it was decided that the topic would be tabled until the applicant could provide sufficient information on the following:

- Confirmation of Shift Leader signatures
- Confirmation of alternate source(s) of reporting other shift reports showing how/why program participants are leaving the program

Ms. SantaMaria concluded the topic with the statement that if the shift reports could be provided, with the sections 'Issues Requiring Action' and 'Shift Comments & Observations', that she would again waive all cross examination on the subject.

Mr. Bayer, the applicant's Engineer, remains under oath from the first hearing on the matter on 06.26.2024. The Board continues to accept Mr. Bayer as an Engineering expert.

The Board asked how long Mr. Bayer had been working with the applicant, to which Mr. Bayer responded since 2013.

Mr. Bayer testified that the impervious coverage table on the plans illustrated that all improvements on the property remained below the maximum impervious coverage permitted on the site.

Ms. Hersch asked Mr. Bayer to go into detail on the Board's questions from last meeting regarding if the laundry room and the visitors on-site were included in the calculations for the septic design flow. Mr. Bayer testified that the system is designed to handle a capacity of 6,500 gallons per day (GPD) and the projections of full capacity of the program had a daily flow of 6,380 GPD.

The Board had a question on whether the woman that moved from the Administration house to another cabin on-site affected the daily flow capacity. Ms. Hersch stated that because the daily flow capacity is based on the number of program participants, if the number of program participants does not change, the daily flow capacity will not change.

The Board additionally asked how the count for Sunday visitors is determined. Mr. Bayer stated that the count and calculations are determined by the NJDEP and the number of program participants and an average on the number of visitors are determined by the applicant.

The applicant agreed to an extend the time in which the Board had to make a decision through December 31, 2024. This hearing was carried to the next Board of Adjustment meeting on Monday, October 28, 2024, at 7:00pm, without need for further notice.

APPLICATION NO. BOA 2024-04

Applicant: Porchetta Contracting, LLC.

Subject Property: 210 E. Main Street – Block 7 Lot 30

Mr. Mark Peck with Florio Perucci Law, the applicant's Attorney, was present at the hearing.

Mr. Michael Fischer, Engineer with Dykstra Walker Design Group, was present and representing the applicant at the hearing. He was sworn at the hearing on 05.20.2024 and the Board continued to accept him as a professional Engineering expert.

Ms. Gouldie Speyer, Professional Planner with Topology, sworn at the 05.20.2024 hearing, was present at the hearing representing the applicant. The Board continues to accept as a professional Planning expert.

The applicant, Joey Porchetta, Principal and Managing member of Porchetta Contracting, LLC, and the applicant's family were also present at the hearing.

The applicant and the professionals were in receipt of the engineering and lighting review report memos dated 10.21.2024 prepared by Larry Plevier and Jason Harkins with Mott MacDonald.

Mr. Peck stated that the applicant agreed to remove the wording from the sign on-site saying, 'No Retail' and 'Not Open to the Public'. Mr. Peck also stated that the plans would be updated to reflect that change.

Mr. Peck proposed the applicant's business hours to reflect the Township noise ordinance, section 178-2E, which limits noise disturbance across residential zones from 10:00pm to 7:00am. Mr. Peck stated that as long as there are no unforeseen or unplanned emergencies, the business hours of 7am to 10pm is what the applicant proposes.

The Board asked for clarification on the capacity of the septic system on-site.

The applicant, Mr. Porchetta, stated that everything that is shown on the site plan is the current and existing conditions of the site.

The site plan shows existing buildings on site, labeling them as 'Warehouse'. The applicant was advised to revise the site plans to remove the label 'Warehouse' from all plan sets. The applicant was further asked to provide insight on which buildings had existing bathrooms and if a bathroom did not exist, and was determined not required by professional Architect, all plan sets should provide insight on which buildings did not have and did not require bathrooms.

The Board additionally asked for the applicant to provide height measurements for the interior ceiling heights of the buildings on-site.

The Board asked the applicant to provide a site line view from the front of the site, both the front screening plantings at the stage of planting and maturity, as it was determined that the subject property elevation as higher in the rear than that of the lower elevation of the front of the property. This caused concern for site visibility and the need for necessary screening of the site.

The applicant's Planner, Ms. Gouldie Speyer, had the Board take judicial notice of the following:

- Township Code Section 165-160 through 165-164.2 on the C-ROM Zoning District
- Township Code Section 165-156 through 165-159 on the C-1 Zoning District
- Township Code Section 165-165 through 165-169 on the ROM-3 Zoning District

The Boards main concern was the proposed use of heavy machinery in the area.

The height capacity on the site, as agreed to by the applicant, was proposed at twenty (20) foot maximum in the front of the site and thirty-five (35) foot maximum in the rear of the site.

It was recommended that the applicant should submit any requested information or documentation by 11.15.2024 for a timely professional review report memo by the next meeting 11.25.2024.

The applicant agreed to extend the time in which the Board needs to make a decision to December 31, 2024. This hearing was carried to the next Board of Adjustment meeting on Monday November 25, 2024, at 7:00pm without the need for further notice.

ADJOURNMENT

A motion was made by Mr. Bayly, seconded by Mr. Naylor to adjourn the meeting at 9:53 pm. All members present at the meeting were in favor.

Respectfully Submitted,



Taylor Gribbin
Board Secretary

These minutes were approved on October 28, 2024.