

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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February 5, 2018

7:00PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

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

Pro Tem Chair Kleinhans led the Flag Salute.

Pro Tem Chair Kleinhans read the Public Notice.

This is the February 5, 2018 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 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.

Secretary Filardo called the roll.

**MEMBERS PRESENT**

Butcher, Higgins, Kleinhans, McTiernan, Pfeffer, Scheick, Cimei

**MEMBERS ABSENT**

Kilduff, Mardini

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney

Tom Behrens Jr., PP, AICP, Board Affordable Housing Planning Expert

Brian Bosenberg, LLA, RLA, ASLA, Board Landscape Architectural Expert

Jeffrey K. Keller, PhD., Board Environmental Expert

Andrea Malcolm, PP, AICP, Board Planning Expert

Cathleen Marcelli, PE, CME, Board Engineering Expert

Jackie Klapp, Board Stenographer

Denise Filardo, Board Secretary

**MEETING MINUTES**

1) MINUTES OF JANUARY 9, 2017

Mr. McTiernan motioned and Mr. Cimei seconded a motion to approve the Minutes of January 9, 2017. The vote record follows.

<b>Roll Call: Meeting Minutes of January 9, 2017</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher					Not Eligible	
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini						X
McTiernan	X		X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick			X			
Cimei		X	X			

2) MINUTES OF JANUARY 30, 2017

Mr. McTiernan motioned and Mr. Pfeffer seconded a motion to approve the Minutes of January 30, 2017. The vote record follows.

<b>Roll Call: Meeting Minutes of January 30, 2017</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher					Not Eligible	
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans					Not Eligible	
Mardini					Not Eligible	X
McTiernan	X		X			
Pfeffer (Alt. 2)		X	X			
Scheick			X			
Cimei			X			

3) EXECUTIVE CLOSED SESSION MINUTES OF MARCH 20, 2017

Mr. McTiernan motioned and Mr. Scheick seconded a motion to approve the Executive Session Minutes of March 20, 2017. The vote record follows.

<b>Roll Call: Executive Session Minutes of March 20, 2017</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans			X			

Mardini					Not Eligible	X
McTiernan	X		X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick		X	X			
Cimei			X			

4) JOINT EXECUTIVE SESSION MINUTES OF AUGUST 21, 2017

Ms. Kleinhans motioned and Mr. Scheick seconded a motion to approve the Executive Session Minutes of August 21, 2017. The vote record follows.

<b>Roll Call: Joint Executive Session Minutes of August 21, 2017</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans	X		X			
Mardini						X
McTiernan			X			
Pfeffer (Alt. 2)					Not Eligible	
Scheick		X	X			
Cimei			X			

5) MINUTES OF SEPTEMBER 18, 2017

Mr. Higgins motioned and Ms. Kleinhans seconded a motion to approve the Minutes of September 18, 2017. The vote record follows.

<b>Roll Call: Meeting Minutes of September 18, 2017</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher					Not Eligible	
Higgins	X		X			
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans		X	X			
Mardini						X
McTiernan					Not Eligible	
Pfeffer (Alt. 2)			X			
Scheick					Not Eligible	
Cimei			X			

6) MINUTES OF NOVEMBER 6, 2017

Ms. Kleinhans motioned and Mr. Cimei seconded a motion to approve the Minutes of November 6, 2017. The vote record follows.

<b>Roll Call: Meeting Minutes of November 6, 2017</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins					Abstained	
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans	X		X			
Mardini						X
McTiernan					Abstained	
Pfeffer (Alt. 2)					Not Eligible	
Scheick					Abstained	
Cimei		X	X			

7) EXECUTIVE SESSION MINUTES OF NOVEMBER 6, 2017

Mr. Higgins motioned and Mr. Scheick seconded a motion to approve the Executive Session Minutes of November 6, 2017. The vote record follows.

<b>Roll Call: Executive Session Minutes of November 6, 2017</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins	X		X			
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans			X			
Mardini						X
McTiernan					Not Eligible	
Pfeffer (Alt. 2)					Not Eligible	
Scheick		X	X			
Cimei			X			

8) MINUTES OF DECEMBER 4, 2017

Mr. Pfeffer motioned and Ms. Kleinhans seconded a motion to approve the Minutes of December 4, 2017. The vote record follows.

<b>Roll Call: Minutes of December 4, 2017</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher					Not Eligible	
Higgins					Not Eligible	
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans		X	X			
Mardini						X
McTiernan					Not Eligible	
Pfeffer (Alt. 2)	X		X			
Scheick					Not Eligible	
Cimei			X			

**RESOLUTIONS**

- 1) CHABAD OF HUNTERDON COUNTY, INC.  
 Block 90, Lot 2.15  
 Payne Road  
 Application No. 2017-08  
**Resolution No. 2018-01**  
 Resolution Memorializing Grant of Final Site Plan Approval

Mr. Higgins motioned and Mr. Pfeffer seconded a motion to adopt resolution No. 2018-01. The vote record follows.

<b>Roll Call: Resolution No. 2018-01, Blk 90, Lot 2.15</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins	X		X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini						X
McTiernan			X			
Pfeffer (Alt. 2)		X	X			
Scheick					Not Eligible	
Cimei					Not Eligible	

- 2) OAK KNOLL VILLAGE CONDOMINIUM ASSOCIATION, INC.  
 Block 82.13, Lot 64  
 Application No. PB-2015-10  
**Resolution No. 2015-21**  
 Resolution memorializing waiver of site plan approval to allow  
 Replacement of 75 existing lighting fixtures with 26-watt LED luminaries to be mounted  
 on existing poles.

Mr. Cimei motioned and Mr. Higgins seconded a motion to adopt resolution No. 2015-21. The vote record follows.

<b>Roll Call: Resolution No. 2015-21, Blk 82.13, Lot 64</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher						X
Higgins		X	X			
Kilduff (Alt. 1)			X			
Kleinhans			X			
Mardini						X
McTiernan						X
Pfeffer (Alt. 2)					Not Eligible	
Scheick						X
Cimei	X		X			

3) NEW YORK LIFE INSURANCE COMPNAY  
 110 COKESBURY ROAD  
 Block 3, Lot 26  
 Application No. PB 2015-12

**Resolution No. 2015-22**

Resolution Memorializing Waiver of Site Plan Approval with Exception to allow Replacement of 52 existing Light Heads with new Led Fixtures on existing Lighting Poles.

Mr. Scheick motioned and Mr. Cimei seconded a motion to adopt resolution No. 2015-22. The vote record follows.

<b>Roll Call: Resolution No. 2015-22, Blk 3, Lot 26</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher					Not Eligible	
Higgins			X			
Kilduff (Alt. 1)					Not Eligible	X
Kleinhans			X			
Mardini						X
McTiernan					Not Eligible	
Pfeffer (Alt. 2)					Not Eligible	
Scheick	X		X			
Cimei		X	X			

**APPROVAL OF VOUCHERS**

Mr. Cimei motioned and Mr. Pfeffer seconded a motion to approve payment of the vouchers. The vote record follows.

<b>Roll Call: Approval of Vouchers</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini						X
McTiernan			X			
Pfeffer (Alt. 2)		X	X			
Scheick						
Cimei	X		X			

1) HUNTERDON PREPARATORY SCHOOL

Block 13, Lot 3

11 Spencer Lane

Application No. PB-2017-07

Applicant is seeking Waiver of Site Plan Approval and “C(2)” variances to allow construction of paver patio at the southwest corner of the existing building and a second paver patio and gazebo at the northwest corner of the building.

The applicant was represented by George M. Dilts, Esq.

The following individuals testified during the hearing:

1. Hope Atkinson (Applicant’s Assistant Director)
2. Mike Media, LLA (Applicant’s landscape architectural expert)
3. Andrea Malcolm, PP, AICP (Board planning expert);

EXHIBITS

A-1 Color rendered “Gazebo Plan Enlargement”, dated February 2, 2018, prepared by Michael Medea, LLA

There were no interested parties or members of the public in attendance at the hearing.

Mr. Medeo’s qualifications were accepted by the Board.

Referencing Exhibit A-1, Mr. Medea’s testimony included but was not limited to the following:

- Dimensions of the proposed gazebo and concrete paver patio.
- A description of the anticipated uses of the gazebo, such as a casual space for sitting, having lunch with students and or teachers.
- An overview of the proposed landscape plan and lighting.
- Clarification that parking striping remains as on the original approved Site Plan of July 11, 2013.

There were no questions from the Board or members of the Public regarding Mr. Medeo’s testimony.

Ms. Atkinson’s testimony included but was not limited to the following:

- The School is planning a Campus beautification program with the assistance of Mr. Medeo’s landscape plan.
- This program is being funded by a donation from the parents of a former student who passed away.
- A local Boy Scout working on his Eagle project has volunteered to install the patio.
- The gazebo will be used for meeting, greeting and eating.

Attorney Dilts summarized the application noting that the proposed improvements are benign and appropriate use for the property. The variances requested are minor and the

gazebo and patios will add aesthetically to the property. The tree selection will be made abiding by the Board landscape architects suggestions, and the applicant will send page five (5) of the plans to the Board Lighting expert.

### BOARD FINDINGS AND CONCLUSIONS

The Board made the following findings and conclusions based upon the applicant's compliance with the Board imposed conditions.

- the Board found that the grant of the side yard setback variances would advance the purposes of the MLUL.
- the Board found that the benefits of these deviations would substantially outweigh any detriment.
- the Board found that the proposed deviations result in zoning benefits to the community.
- the Board found that the grant of these variances would not result in substantial detriment to the public good or substantial impairment of the intent or purpose of the master plan or zoning ordinance.
- the Board concluded that it can and should grant the "C(2)" variances.
- the Board found that that the applicant previously Obtained Final Site Plan Approval of the development, as approved in memorializing Resolution No. 2013-11, and that the proposed improvements satisfy the grounds for a Waiver of Site Plan Review and Approval established in Ordinance section 165-36.1.A(3).

### RELIEF GRANTED

All of the relief granted is subject to the applicant's compliance with the Board imposed conditions.

- C(2)" Variances from Zoning Ordinance Side Setback Regulation (Patios) were granted from the Schedule of Zoning Requirements applicable to the ROM-2 zone, which requires a side yard setback of 75 feet, to allow the patio areas to be set back 65 feet from the eastern side property line.
- "C(2)" Variance from Zoning Ordinance Side Yard Setback Regulation (Gazebo) A "C(2)" Variance was granted from the Schedule of Zoning Requirements applicable to the ROM-2 zone, which requires a side yard setback of 75 feet, to allow the gazebo to be set back 69.8 feet from the eastern side property line.
- Waiver of Site Plan Review and Approval in accordance with Township ordinance section 165-36.1A(3) to allow the proposed improvements as reflected on the gazebo plan depicted in Exhibit A-1.

Mr. Pfeffer motioned and Mr. McTiernan seconded a motion to grant Waiver of Site Plan and "C(2)" Variances. The vote record follows.



<b>Roll Call: Hunterdon Prep School, Blk 13, Lot 3, Site Plan Waiver and "C(2)" Variances</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini						X
McTiernan		X	X			
Pfeffer (Alt. 2)	X		X			
Scheick			X			
Cimei			X			

The Board took a brief recess at 7:55pm. The Board resumed the Public Hearing at 8:04pm.

2) BEAVER BROOK URBAN RENEWAL ASSOCIATES, LLC  
 "WILLOWS AT ANNANDALE VILLAGE"

Block 60.03, lot 26

Beaver Brook Homestead Site

Application No. PB-2017-14

Applicant is seeking Amended Preliminary Site Plan Approval, Final Site Plan Approval, "C(1)" and "C(2)" Variances, and Exceptions to allow for construction of a 100% Affordable Housing Project, including redevelopment of a historic structure and construction of related site improvements, to be known as "Willows At Annandale Village"

At 8:05pm prior to the beginning of this hearing Mr. Higgins recused and left the room. There were questions from members Public asking why the Mr. Higgins recused himself. Attorney Drill stated that there is no legal requirement for a member to disclose their reason for recusal. Attorney Drill then explained the rules and regulations of how a public hearing is conducted in accordance with 40:55D-10.d.

The applicant was represented by Kate Coffey, Esq. of Day Pitney. Attorney Coffey gave background of the application. Beaver Brook Urban Renewal Associates is the successor to Ingerman which received Preliminary Site Plan approval memorialized in Resolution No. 2016-08 and an extension of time memorialized in Resolution No. 2017-11 expiring on November 17, 2018.

The applicant has made amendments to improve the property for those who will live there as well as the community. The amended proposal does not fundamentally change the original proposal. There will be no changes to buildings, parking or circulation. Brett Skapinetz, the applicant's engineer will give overview.

The following individuals were sworn and testified during the hearing on the application:

1. Brett Skapinetz, PE, Applicant's civil engineering expert,
2. Thomas Bauer, CLA, Applicant's landscape architectural expert,
3. James Haley, Applicant's architectural design expert,

4. Michael Kovacs, Applicant's environmental expert,
5. John McDonough, PP, AICP, Applicant's planning expert,
6. Cathleen Marcelli, PE, Board's civil and traffic engineering expert,
7. Thomas Behrens, PP, AICP, Board's planning expert,
8. Brian Bosenberg, CLA, Board's landscape architectural expert,
9. Jeffrey Keller, Ph.D, Board's environmental expert,
10. Matthew Mulhall, PG, Board's geotechnical and hydrogeologic expert, and
11. Laurie R. Gneiding, environmental expert and Chair of the Clinton Township Environmental Commission.

#### EXHIBITS

- A-1 "Site Plan Rendering with Aerial Overlay" exhibit, dated February 5, 2018,
- A-2 "The Willows at Annandale – Overall Site Plan" exhibit, dated February 5, 2018,
- A-3 "North Storm Water Runoff Plan" exhibit, last dated February 5, 2018,
- A-4 "Refuse Truck Circulation" exhibit, dated February 5, 2018,
- A-5 "Fire Truck Circulation" exhibit dated February 5, 2018,
- A-6 "Perspective view A",
- A-7 "Perspective view B",
- A-8 "Perspective view C",
- A-9 "Perspective view D",
- A-10 "Perspective view E",
- A-11 "Perspective view F",

Brett Skapinetz's qualifications accepted by the Board and there were no questions on his qualifications from the public.

Mr. Skapinetz provided an overall orientation of the property, identifying the barn, outbuildings and structures to be taken down and noting that there is no change to the number of buildings and dwelling units from the Preliminary approval.

Mr. Skapinetz focused on the changes being presented to the Board.

- Addition of two (2) parking spaces added to the east of the Village Green.
- Relocation of the tot lot from the corner of Austin Hill and Beaver Avenue to the center green space.
- Reconfiguration of the sidewalk.
- Shifting of trash enclosures.
- Adjustments to draining and grading resulting in additional wall height.
- Stormwater management modifications made to construct a detention basin on the corner of Austin Hill and Beaver Avenue.
- Increase to steep slopes due to prior incorrect calculations.
- Roof runoff.

The applicant will comply with comments pertaining to the following reports:

- Board Engineering Expert
- Township Fire Marshall
- Board Environmental Expert

- Board Geology and Hydrogeology Expert
- Board Planning Expert
- Board Lighting Expert
- Township Construction Official
- Clinton Township Environmental Commission

The following members of the public asked questions relating to Mr. Skapinetz's testimony:

1. Laurie Gneiding, CTEC Chair
2. John Ferguson residing at 29 Maple Avenue
3. Nick Corcodilos residing at 73 Old Mountain Road
4. Denise Stallone residing at 25 Greenbriar Lane
5. Craig Highsmith residing at 22 Center Street
6. Gene Sabatino residing at 24 Maple Avenue
7. Michael Giuliano residing at 21 Foxfire Lane
8. Tom Balla residing at 2 Willy Drive

Questions raised were related to the following:

- Length of time to receive NJDEP approvals
- Involvement of Ingerman Developers
- Steep slopes
- Perc tests
- Stormwater
- Type of salt to be used on asphalt
- Detention basin operation

Thomas Bauer's qualifications were accepted by the Board and there were no questions from the public regarding his qualifications.

Referencing Exhibits A-6 through A-11, Mr. Bauer's testimony included but was not limited to the following:

- View from top of the graded bank
- View from trash enclosure on Beaver Avenue
- View of Homestead Clubhouse heading downhill to building six (6) on the right
- View from corner of Austin Hill and Beaver Avenue
- View from Austin Hill between the property entry road and Beaver Avenue
- View from the entry road
- Upgrade to the proposed modular wall as repurposing the old stone on site is not the best option
- Fencing

Mr. Bauer will meet with Brian Bosenberg and Tom Behrens prior to the continued hearing.

Board member Scheick requested additional views from the Homestead Clubhouse to the street on Beaver Ave and Austin Hill.

It was agreed that this hearing and testimony will be continued on February 21, 2018 with no need for further notice. The Board will hold questions from public on February 21st.

The public hearing was closed at 11:12pm.

Mr. Higgins returned to the meeting at 11:13pm

**EXECUTIVE CLOSED SESSION**

The Board entered Closed Session to receive attorney-client privileged legal advice from its attorney where confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; regarding Clinton Township’s compliance with Third Round Mount Laurel Affordable Housing obligations.

Mr. Pfeffer motioned and Mr. McTiernan seconded a motion to enter into Executive Session at 11:13pm. The vote record follows.

<b><i>Roll Call: Enter into Executive Closed Session</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Butcher			X			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini						X
McTiernan		X	X			
Pfeffer (Alt. 2)	X		X			
Scheick			X			
Cimei			X			

The Board returned from Executive Session and resumed the meeting at 11:38pm.

**REPORTS**

Held until the next meeting.

- 1) Report from Council
- 2) Report from Ordinance Subcommittee
- 3) Report from Open Space
- 4) Report from Environmental Commission

**ADJOURNMENT**

Mr. Pfeffer motioned and Ms. Butcher seconded a motion to adjourn. All were in favor and the meeting was adjourned at 11:38pm.

Respectfully Submitted,  
*Denise Filardo*  
Planning Board Secretary

These minutes approved on July 16, 2018