

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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March 5, 2018

7:00PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

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

Chairman Cimei led the Flag Salute.

Chairman Cimei read the Public Notice.

This is the March 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

Higgins, Kleinhans, Mardini, Pfeffer, Scheick, Cimei

MEMBERS ABSENT

Butcher, Kilduff, McTiernan

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

Cathleen Marcelli, PE, CME, Board Engineering Expert

Jackie Klapp, Board Stenographer

Denise Filardo, Board Secretary

MEETING MINUTES

1) MINUTES OF SEPTEMBER 19, 2016

Mr. Higgins motioned and Mr. Pfeffer seconded a motion to approve the Minutes of September 19, 2016. The vote record follows.

Roll Call: Meeting Minutes of September 19, 2016						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins	X		X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini			X			
McTiernan						X
Pfeffer (Alt. 2)		X	X			
Scheick			X			
Cimei			X			

RESOLUTIONS

1) T-MOBILE NORTHEAST, LLC

Block 4.03, Lot 36.01
 1130 Route 22 West
 Application No. PB-2017-11

Resolution No. 2018-02

Resolution memorializing Waiver of Site Plan approval to allow addition of two new antenna sectors with two antennas and amplifiers located on each sector on an existing monopole with related accessory equipment upgrade.

Mr. Higgins motioned and Mr. Cimei seconded a motion to adopt resolution No. 2018-02. The vote record follows.

Roll Call: T-Mobile - Resolution No. 2018-02, Blk 4.03, Lot 36.01						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins	X		X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini			X			
McTiernan						X
Pfeffer (Alt. 2)					Not Eligible	
Scheick					Not Eligible	
Cimei		X	X			

2) HUNTERDON PREPARATORY SCHOOL

Block 13, Lot 3

11 Spencer Lane

Application No. PB-2017-07

Resolution No. 2018-03

Resolution memorializing 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.

Adoption of this resolution was help until March 19th.

APPROVAL OF VOUCHERS

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

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

PUBLIC HEARING

1) 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 7:12pm Mr. Higgins recused from this application and left the room.

The applicant’s attorney, Kate Coffey stated that this application was carried from February 5, 2018 to February 21, 2018 and subsequently carried to March 5, 2018. Attorney Coffey informed the Board and members of the public that Mr. Brett Skapinetz has returned to address stormwater modifications since the last hearing. Mr. Bauer will

continue with his testimony from February 5th, and Mr. Haley and Mr. Kovacs will provide their testimony.

The following individuals were sworn and testified during the February 5, 2018 hearing on this application and remain under oath:

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

The following exhibits were entered into evidence on February 5th during the hearing:

- 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",

The following additional exhibits were entered into evidence on March 5th during the hearing:

- A-12 "North Drainage Exhibit" consisting of a color rendered grading plan, dated March 5, 2018,
- A-13 "Site Section through Intersection of Corner of Beaver Avenue and Austin Hill Road",
- A-14 "Site Section through Beaver Avenue", and
- A-15 "Site Section through Austin Hill Road";

Referencing Exhibit A-12, Mr. Skapintez's additional testimony included and was not limited to the following:

- Stormwater roof run-off has been re-routed to recharge basins.
- Site Plan grading.
- Additional re-charge basin added in the northeast area of the site.
- Perforated storm piping added resulting in a reduction of stormwater routed to the above ground basin.
- Shifting of basin to allow shifting of utilities away from a tree.
- Regrading near trash enclosure adjacent to building six (6) to save an additional large tree.
- Relocation of parking lot islands to provide clear fire access.
- Discussion of geotechnical investigation.
- Changes to retaining wall.
- Location of gas meters.

Doug Pecota, member of the Clinton Township Environmental Commission questioned whether the measurements of the above ground basin qualified it as a regulated dam.

There were no additional questions regarding Mr. Skapintez's testimony.

Mr. Bauer continued with his testimony from February 5th, 2018. In response to requests from the Board, Mr. Bauer prepared several cross-section sight views. Referencing exhibits A-13 through A-15, Mr. Bauer's testimony included and was not limited to the following:

- Sight views through the intersection of Austin Hill and Beaver Avenue, directly through Beaver Avenue and directly through Austin Hill.
- Lowering of retaining wall elevation.
- Fence at top of the basin retaining wall.
- Fence materials.
- Plantings added at the base of the basin.
- Lack of basin visibility from the road line of sight.
- Additional retaining walls to save trees.
- Repurposing of site stone.
- Site circulation around the building.

There were no questions from the public regarding Mr. Bauer's testimony.

Attorney Coffey noted that there have been no changes to architecture, floor plans or the buildings.

Mr. Haley's qualifications as an architectural expert were accepted by the board.

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

- Cost prohibitive nature of complying with true divided light windows.
- Building and ground mounted lighting.

- Patios and decking.
- Redesign of proposed sign to comply with ordinance and eliminate the need for a variance.
- Fire department connections.

Discussion ensued regarding true divided light windows to comply with the deed restriction to preserve the historic nature of the site and simulated divided light windows. The Board was straw-pollled and the majority was in favor of the true divided light windows. The applicant agreed to install exterior muntins on all windows parallel to (facing) Beaver Avenue.

There were no questions from the public regarding Mr. Bauer's testimony.

Mr. Kovacs' qualifications were accepted as environmental science expert by the Board. Mr. Kovacs' testimony included and was not limited to the following:

- Addressing the wildlife component contained in Dr. Keller's memo.
- Environmental Phase I study and remediation.
- Environmental Phase II study in process.
- Loss of woodlands resulting in some loss of wildlife habitat.

Laurie Gneiding, CTEC Chairperson's qualifications as an environmental expert were accepted by the Board.

Ms. Gneiding asked questions regarding the possible discovery of asbestos, lead, farm dumps, underground tanks and contamination. Ms. Gneiding referenced the Phase II Environmental study and requested that the applicant provide the Board with a Licensed Site Remediation Professional Report (LSRP).

No other members of the public had questions for Mr. Kovacs.

Mr. McDonough's qualifications were accepted by the Board as a Planning Expert. Mr. McDonough's testimony included and was not limited to the following:

- An overview of the relief requested:
 1. Steep slope & setback variances
 2. Parking and foundation planting exceptions
 3. Amended preliminary and final site plan approval
- Identification of deviations from Preliminary approval.
- Preservation of the historic building.
- Positive and negative criteria regarding the relief requested.
- Benefits substantially outweighing the detriments.
- Advancement of the Township's Master Plan.

No questions from the Board or from members of the public for Mr. McDonough.

No one from public had comments or questions regarding the application. The hearing was closed for deliberations.

BOARD FINDINGS AND CONCLUSIONS

"C(1)" Steep Slope Variances

- The steep slopes constitute an exceptional topographic condition and physical feature which inhibits the extent to which the property can be used and, inhibits the development of the property for the Affordable Housing Project.
- The strict application of the steep slope regulations in this case would result in exceptional and undue hardship upon, the Applicant because the Applicant would be unable to develop the property into the Affordable Housing Project, despite the fact that this is precisely what the Township re-zoned the property for through the adoption of the Redevelopment Plan.
- "C(1)" steep slope variances are warranted and 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 Affordable Housing Project will provide for the housing needs of low and moderate income families.
- The stormwater management system will improve site drainage, thereby promoting the general welfare and safety which is a purpose of the MLUL.
- Granting "C(2)" variances to allow the trash enclosure and portion of the detention basin to encroach into the front yard setback areas, the retaining wall to encroach into the side yard setback area, and the distance between building wall and building wall and parking will allow the Affordable Housing Project to be constructed, thereby promoting the general welfare purposes of the MLUL.
- The zoning benefits resulting from the grant of the "C(2)" variances will substantially outweigh any detriments.
- The "C(2)" variances 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.
- Granting the requested foundation planting exception is reasonable and within the general intent and purpose of the provisions for Site Plan review and approval because the Site Plans will promote a desirable visual environment and accentuate building design.
- The literal enforcement of the foundation planting requirement in this particular case would not make sense because providing foundation plantings in this particular case will actually detract from the building design which the Board finds to be aesthetically pleasing.
- The Board concluded that it can and should grant the planting exception subject to the applicant's compliance with the Board imposed conditions.

The RSIS Number of Parking Spaces Exception

- the Board found, and it now also concludes, that the requested exception qualifies as a de minimis exception

- granting this exception is reasonable and within the intent of the RSIS standards provided that the conditions set forth below are imposed and complied with.
- the Board found that the literal enforcement of the RSIS requirements is impracticable because it would require the Applicant to reduce the number of affordable housing units that can be provided on the site to accommodate unnecessary parking spaces and would require more blacktop paved surfaces on the site to accommodate unnecessary parking spaces and for no reason other than RSIS compliance.
- the Board concludes that it can and should grant the RSIS exception subject to the applicant's compliance with the Board imposed conditions.

Amended Preliminary and Final Major Site Plan Approval

- Other than the "C" Variances, and Exceptions referenced above, the Board finds that the Application, Site Plans, Architectural Plans, Landscape Plans, Geotechnical Report, EIS, Traffic Letter, and Stormwater Management Report will comply with all other applicable zoning ordinance regulations, Site Plan ordinance requirements, Redevelopment Plan regulations and requirements, and RSIS requirements.
- The Board concluded that Amended Preliminary Site Plan Approval and Final Site Plan Approval can and should be granted, subject to the applicant's compliance with the Board imposed conditions.

RELIEF GRANTED

The following relief was granted subject to the applicant's compliance with the Board imposed conditions:

"C(1)" Steep Slope Variances were granted to allow:

- a) a disturbance of 16.7% in areas with slopes in excess of 25%;
- b) a disturbance of 45.5% in areas with slopes between 15% and 25%, where the ordinance does not permit development in areas with slopes that exceed 25%

"C(2)" Setback Variances were granted from the zoning ordinance setback regulations applicable to development in the AH-4 zone to allow:

- a) a trash enclosure to be setback 38.5 feet from Beaver Avenue (CR 626) where the minimum front yard setback requirement is 65 feet from Beaver Avenue;
- b) a portion of the detention basin to be setback 28.0 feet from Beaver Avenue and 15.5 feet from Austin Hill Road, where the minimum front yard setback requirement is 65 feet from Beaver Avenue and 30 feet from Austin Hill Road;
- c) the retaining wall to be setback 10 feet from the easterly side property line where the minimum side yard setback is 25 feet.

"C(2)" Distance Between Buildings Variances were granted from the zoning ordinance minimum distance between building regulations applicable to development in the AH-4 zone to allow a distance of 18.3 feet between building walls and a distance of 9.4 feet between building wall and parking, where a minimum distance of 30 feet from between building walls and 15 feet between building wall and parking is required.

Exception from Redevelopment Plan Requirement of Foundation Plantings was granted from the Redevelopment Plan requirement to allow no foundation planting.

Exception from RSIS Requirement for the Number of Parking Spaces was granted from the RSIS requirement of 1.8 spaces per each one-bedroom unit and 2.0 spaces for each two-bedroom unit, which equates to a requirement to provide a total of 131 parking spaces for "Mid-Rise Apartment"/ "Garden Apartment," to allow 118 off-street parking spaces on the site.

Amended Preliminary Site Plan Approval and Final Site Approval was granted to the Site Plans, Architectural Plans, Landscape Plans, Geotechnical Report, EIS, Traffic Letter, and Stormwater Management Report, to allow construction of the Proposed Development.

Mr. Pfeffer motioned and Mr. Scheick seconded a motion to grant Amended Preliminary and Final Site approval with Variances and Exceptions. The vote record follows.

<i>Roll Call: Beaver Brook Urban Renewal Assoc. – Willows at Annandale, Block 60.03, Lot 26 Amended Preliminary & Final Site Plan Approval with Variances and Exceptions</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
Butcher						X
Higgins					Recused	
Kilduff (Alt. 1)						X
Kleinhans			X			
Mardini			X			
McTiernan						X
Pfeffer (Alt. 2)	X		X			
Scheick		X	X			
Cimei			X			

Mr. Higgins returned to the meeting at 9:40pm.

REPORTS

- 1) Report from Council – Mr. Higgins report included the following:
 - An agreement approved with the Benbrook’s to purchase approximately 5,000-5,500 gallons of water capacity.
 - CTSA agreed to give us all of their remaining sewer capacity equaling 14,000 gallons.
 - Council entered into an Executive Session.
 - Following Executive Session, Council approved a Memo of Understanding agreement with CIS regarding the LeCompte Site.
 - Hunterdon Healthcare bought us fitness equipment for the Morookian site.
 - There are still about 800 residents without power due to the recent storm.

- 2) Report from Ordinance Subcommittee – The committee met tonight prior to the Planning Board meeting. Items discussed included the following:
 - Solar power.
 - Updated checklist updating revisions for adoption.
 - Review of the 2017 BOA Annual Report.
 - Review of soil movement in Township ordinance, no changes recommended at this time.
- 3) Report from Open Space – No report as they did not meet.
- 4) Report from Environmental Commission – Nothing to report.

ADJOURNMENT

Mr. Pfeffer motioned and Ms. Butcher seconded a motion to adjourn. All were in favor and the meeting was adjourned at 9:50pm.

Respectfully Submitted,
Denise Filardo
Planning Board Secretary

These minutes approved on July 16, 2018