

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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April 2, 2018

7:00 PM

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 April 2, 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, McTiernan, Pfeffer, Scheick, Cimei

MEMBERS ABSENT

Kilduff

Ms. Butcher arrived at 7:02pm

BOARD PROFESSIONALS/STAFF IN ATTENDANCE

Jonathan Drill, Esq., Board Attorney, Cathleen Marcelli, PE, CME, Tom Behrens, Jr., PP, AICP Steve Milne, Clinton Township Fire Marshall, Jackie Klapp, Court Reporter and Denise Filardo, Board Secretary

MEETING MINUTES

None.

RESOLUTIONS

None.

APPROVAL OF VOUCHERS

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

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

PUBLIC HEARINGS

1) CLINTON AGRICULTURAL ASSOCIATES, LLC

Old Mountain Farm
Block 7, Lot 3

Applicant is seeking an Amended Preliminary and Final Site Plan approval. The applicant received Preliminary and Final Site Plan Approval for the construction of a 11,994sf farm market building and office, a 27,000sf greenhouse, two parking areas to accommodate 170 spaces, a new septic system, loading area and a stormwater management system. The applicant is seeking the amendment to replace the previously approved Fire Storage Tank with a surface pond and make modifications to the previously approved stormwater management system.

Jay Thatcher, Esq., the applicant’s attorney explained the history of the application and the requested amendment before the Board.

The applicant is proposing to install an 82,570-gallon pond to provide water for fire-fighting purposes in lieu of the underground water storage tank (UWST), which UWST was approved by the 2013 site plan approval in accordance with ordinance section 165-61.L, which governs fire protection water supplies for fire suppression.

Mr. Pfeffer recused himself from the application and left the meeting.

The following individuals were sworn and testified during the hearing:

- 1) Chris Nusser, PE Applicant's Engineer
- 2) Harold Wilbert, Applicant's Principal
- 3) Steve Milne, Clinton Township Fire Marshall, Fire Safety
- 4) Cathy Marcelli, Board Planning Expert
- 5) Tom Behrens Jr., PP, AICP

Mr. Pfeffer recused himself from the application.

Mr. Nusser's qualifications were accepted by the Board.

There were two members of the public, neither of which had questions regarding Mr. Nusser's qualifications.

Referencing Sheet 3 of the plans, Mr. Nusser oriented the Board with the plans and explained the application. Mr. Nusser's testimony included and was not limited to the following:

- The proposed Pond will be designed to meet NFPA 1142 standards.
- Pond will be adequate for water storage and fire suppression.
- Pond will be pipe fed from the existing well.
- The pond is proposed in lieu of the approved underground water storage tanks because the cost of the tanks is burdensome to the applicant.
- Specifics regarding the design and capacity (in gallons) of the proposed pond.
- Although the Township ordinance prefers a water storage tank, the ordinance does allow a pond for fire suppression.
- The applicant will agree with all of the suggested changes in Cathy Marcelli's report.
- An alternate proposal of a 20,000-gallon tank (to support the sprinkler system) near the building and leaving the pond as is, which would provide almost 1/3 more water supply than needed on the property.

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

- The use of the pond for fire-fighting purposes would be temporary
- Future use of greenhouse for Assembly and community Functions, which is permitted under the Right to Farm.

Attorney Drill noted that Assembly Use is not a permitted use in the ROC Zone, and as such the applicant would need to apply to the Board of Adjustment for a Use Variance.

Ms. Marcelli posed questions regarding the proposed size and location of the safety ledge. Ms. Marcelli also noted the parking previously approved was based on a greenhouse use, not an assembly use.

Mr. Behrens asked if there are any advantages over a pond versus the previously approved underground water storage tanks other than the cost? He could use water to irrigate crops if excess water. Is the applicant requesting approval to put the pond in?

Steve Milne's testimony included and was not limited to the exhibit B-1 and the content of his memos dated March 22, 2018 and March 27, 2018, attached herewith.

BOARD EXHIBIT

B -1 NFPA 1142 Standard for Water Supplies for Suburban and Rural Fire Fighting, Page 21 of Annex B entered into evidence by Fire Marshall Milne.

The 20,000-gallon tank would not be for the fire-fighting trucks to draw upon, as it would be strictly for the sprinkler system, so the tactical apparatus would remain the same.

Discussion ensued and the Board conducted a straw poll regarding the following options:

- 1) Proceed with the approved Underground Water Storage Tanks
- 2) Tonight's Proposal
- 3) 20,000 or whatever required gallon tank and the pond where proposed (the hybrid approach)
- 4) Relocate pond to the northwest corner of the property.

All Board members present were in favor of the third option above (the Hybrid plan), and a few were in favor of whatever the Fire Marshall advised.

Attorney Drill read CT Land Use Regulation 165-61.L.(3)(d)(1) on page 165:91

"Unless an equivalent alternate fire protection system is authorized by the Planning Board or Zoning Board of Adjustment and the Township Fire Official, in consultation with the Fire Chief, underground water storage tanks shall be constructed and installed in accordance NFPA "Water Supplies for Suburban and Rural Fire Fighting" and..."

The Board did not decide the case as the applicant agreed to meet with the Fire Marshall and submit revised plans.

There were three (3) members of public in attendance, none of whom had comments or questions regarding this application.

This application was carried to April 16th with no need for further notice. The applicant will meet with the Fire Marshall and submit revised plans to the Planning office by Friday, April 6th.

REPORTS

- 1) Report from Council – Mr. Higgins reported that an Ordinance was introduced amending Chapter 4 of the code of the Township of Clinton to implement the results of the November 7, 2017 public referendum regarding the Township Open Space Trust Fund and the purposes for which the fund may be utilized.

- 2) Report from Ordinance Subcommittee – None.
- 3) Report from Open Space – None.
- 4) Report from Environmental Commission – None.

Attorney Drill provided the Board with the following Affordable Housing update: Judge Jacobsen in Mercer County issued her Fair Share Opinion for numbers opinion, then the Municipal group asked Econsult Solutions to take Judge Jacobsen’s methodology and apply it to every Municipality in the state. Econsult did so and issued a report on March 28th and Clinton Township’s number went up to 551. So, our settlement number of 337 ended up being even better (about 40%) than we thought it was.

The approval at the Fairness Hearing is not the end, the hard work for the Planning Board and Township Committee starts now.

ADJOURNMENT

Ms. Butcher motioned and Mr. Mardini seconded a motion to adjourn. All were in favor and the meeting was adjourned at 8:38pm.

Respectfully Submitted,
Denise Filardo
Planning Board Secretary

These minutes approved on August 20, 2018.