

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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June 25, 2018

7:05 PM

PUBLIC SAFETY BUILDING

1370 Route 31N

Annandale, NJ 08801

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

Chairman Cimei led the Flag Salute.

Chairman Cimei read the Public Notice.

This is the June 25, 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, Scheick, Cimei

Ms. Butcher arrived at 7:15pm

**MEMBERS ABSENT**

Kilduff, Pfeffer

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Kathryn Razin, Esq., Board Attorney,  
Tom Behrens Jr. PP, AICP, Board Planning Expert,  
Cathleen Marcelli, PE, CME, Board Engineering Expert,  
Brian Bosenberg, LLA, RLA, ASLA, Board Landscape Expert,  
Jeffrey Keller, PhD, Board Environmental Expert,  
Matthew Mulhall, PG, Board Geology Expert,  
Jackie Klapp, Court Reporter and  
Denise Filardo, Board Secretary

**MEETING MINUTES**

1) MINUTES OF FEBRUARY 5, 2018

Adoption of these Minutes held until the next meeting.

**RESOLUTION**

1) EXXONMOBIL RESEARCH AND ENGINEERING COMPANY

Block 30, Lots 17, 30, 31 & 41

Block 30.02, Lot 1

Block 31, Lot 1

1545 Route 22 East

Application No. PB-2018-04

**Resolution No. 2018-07**

Waiver of Site Plan Review and Approval Pursuant to Ordinance Section 165-36.1.A.(1)

Ms. Kleinhans motioned and Mr. Mardini seconded a motion to adopt Resolution No. 2018-07. The vote record follows.

| <b>Roll Call: EXXONMOBIL Resolution No. 2018-07</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   | X             |
| Higgins   |               |            |            |           | Not Eligible   |               |
| Kilduff (Alt. 1)                                    |               |            |            |           | Not Eligible   | X             |
| Kleinhans   | X             |            | X          |           |                |               |
| Mardini   |               | X          | X          |           |                |               |
| McTiernan   |               |            |            |           | Not Eligible   |               |
| Pfeffer (Alt. 2)                                    |               |            |            |           |                | X             |
| Scheick   |               |            |            |           | Not Eligible   |               |
| Cimei   |               |            | X          |           |                |               |

**PUBLIC HEARINGS**

1) 2018 AMENDMENT TO THE 2006 LAND USE PLAN ELEMENT OF THE MASTER PLAN & TO THE 2015 HIGHLANDS ELEMENT OF THE MASTER PLAN

Board Planning Expert Tom Behrens, Jr. provided an overview of the proposed amendments to the 2006 Land Use Plan Element of the Master Plan & to the 2015 Highlands Element of the Master Plan (enclosed herewith).

Mr. McTiernan motioned and Mr. Scheick seconded a motion to adopt the Amendment to The 2006 Land Use Plan Element of the Master Plan & to the 2015 Highlands Element of the Master Plan. The vote record follows.

| <b>Roll Call: 2018 Amendment to Master Plan LUPE and HE</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   | X             |
| Higgins   |               |            | X          |           |                |               |
| Kilduff (Alt. 1)  |               |            |            |           |                | X             |
| Kleinhans   |               |            | X          |           |                |               |
| Mardini   |               |            | X          |           |                |               |
| McTiernan   | X             |            | X          |           |                |               |
| Pfeffer (Alt. 2)  |               |            |            |           |                | X             |
| Scheick   |               | X          | X          |           |                |               |
| Cimei   |               |            | X          |           |                |               |

2) PIRHL DEVELOPERS, LLC

Block 82, Lot 4.03

1355 Route 31

Applicant is seeking Preliminary Subdivision Approval and Preliminary Site Plan Approval to create two (2) lots including the existing lot and Preliminary Site Plan Approval and Variance for the construction of 84 Affordable Housing dwelling units.

The applicant’s attorney, Kate Coffey provided an overview of the application. PIRHL Developers was selected by the Township Council as developer of a portion of the above referenced property located in the AH-4 Zone. The applicant is seeking preliminary major subdivision approval to subdivide Lot 4.03 (which is currently vacant) into two (2) conforming lots. One lot to contain approximately six (6) acres to be developed and a remainder lot consisting of approximately 34.38 acres to remain as open space. The applicant is seeking Preliminary Major Site Plan approval on the six (6) acre lot to construct a 100% affordable housing development consisting of seven (7) residential buildings containing eighty-four (84) low and moderate income housing units with associated community building, common and amenity space, parking spaces and related improvements. The applicant is proposing to construct sixteen (16) one-bedroom units, forty-seven (47) two-bedroom units and twenty-one (21) three-bedroom units. The applicant is also proposing an identification sign and utilities. The applicant is also requesting reduced setbacks for the construction of buildings, A, B, C, D, F and G.

The following individuals were sworn and testified during the hearing:

1. Lara Schwager (applicant’s VP of Development),
2. Kevin Shelly, PE (applicant’s civil engineering expert),
3. Maurice Rached, PTOE (applicant’s traffic engineering expert),
4. Ken Paul, LSRP (applicant’s environmental expert),
5. Jaqueline Camp, AIA (applicant’s architectural expert),
6. John McDonough, PP (applicant’s planning expert),
7. Cathleen Marcelli, PE (Board’s civil and traffic engineering expert),
8. Jeff Keller, Ph.D (Board’s environmental expert),
9. Matt Mulhall, PG (Board’s geological expert),
10. Brian Bosenberg, LLA, ASLA (Board’s landscape architectural expert), and
11. Tom Behrens, PP, AICP (Board’s planning expert)

## EXHIBITS

- A-1 Overall Aerial of Site – Parcel and Surroundings
- A-2 Overall Rendered Site Plan
- A-3 Offsite Utility Main Extension
- A-4 Examples of Channel Halo Lit Lettering
- A-5 Rendered Elevation View of a Representative Building

Kevin Shelly’s credentials were accepted as a civil engineering expert by the Board. Mr. Shelley’s testimony included reference to Exhibits A-1, A-2, A-3 and A-4 and was not limited to the following:

- An overview of the site including existing conditions;
- Proposed site improvements; and
- Utilities and Stormwater.

Maurice Rached’s credentials were accepted as a traffic expert by the Board. Mr. Rached’s testimony included and was not limited to the following:

- An overview of the traffic study;
- Required and proposed parking and
- Responses to the comments contained in the Board Traffic Expert’s memo.

Ken Paul’s credentials were accepted as an environmental expert by the Board. Mr. Paul’s testimony included responses to comments in both the Board Environmental Expert and Board Environmental Commission memos.

Jacqueline Camp’s credentials were accepted as an architectural expert by the Board. Referencing Exhibit A-5 Ms. Camp’s testimony included and was not limited to the following:

- Number of proposed units, bedroom counts and floor-plans;
- Architectural details; and
- Responses to the Board Architectural Expert’s comments.

John McDonough’s credentials were accepted as a planning expert by the Board. Mr. McDonough’s testimony included and was not limited to the following:

- A detailed description of the requested variances and exceptions;
- Positive and negative criteria in support of the requested variances; and
- Justification in support of the requested RSIS exceptions.

## BOARD FINDINGS AND CONCLUSIONS

### “C(2)” Variances from the Building Setback, Structures in Yard Setback and Signage Regulations

- granting the “c(2)” variances to allow the deviations from the permitted building setback regulations, structure in yard setback regulations, and signage regulations

would advance the purposes of the MLUL as the resulting zoning benefits were public, community wide benefits;

- the zoning benefits arising from the grant of the variances would substantially outweigh any detriment;
- “c(2)” variances could be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the master plan and zoning ordinance;
- the Board concluded that it can and should grant the “c(2)” variances to allow the deviations, subject to the applicant’s compliance with the Board imposed conditions.

#### Grant of the Parking Space Exception

- the requested exception for the number of parking spaces is a de minimis exception and granting this exception is reasonable and within the intent of the RSIS standards;
- the expert testimony established that the number of parking spaces proposed would sufficiently serve the use proposed;
- the literal enforcement of the RSIS requirements at issue is impracticable in light of the size of the affordable housing lot;
- the Board concluded that it can and should grant the RSIS exception subject to the applicant’s compliance with the Board imposed conditions.

#### Grant of Preliminary Site Plan and Subdivision Approval

- with the exception of the “c(2)” variances and the RSIS exception, the Board found that the Preliminary Site Plans, Preliminary Architectural Plans, Traffic Report, EIS, and Stormwater Management Report will comply with all other applicable zoning ordinance regulations, site plan ordinance requirements, and RSIS requirements provided;
- variances and an exception from the afore-referenced regulations and requirements can and should be granted, subject to the conditions set forth below;
- the Board concluded that preliminary site plan and subdivision approval is warranted and should be granted as such matters vital to the public health and welfare will be adequately provided for and have been appropriately designed;
- The Board’s ultimate finding is that preliminary site plan and subdivision approval is warranted and the Board concludes that preliminary site plan and subdivision 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(2)” Variances as to Building Setbacks to reduced setbacks for Buildings A, B, C, D, F and G.

“C(2)” Variance as to Structures in Yard Setback to allow the following yard setbacks:

- Stormwater basin setback 10 feet from the side property line;
- Retaining wall setback 2-feet from the front yard property line;
- Retaining wall setback 2-feet from the side yard property line; and
- Retaining wall setback 2-feet from the rear yard property line.

“C(2)” Variance as to Signage to allow a freestanding sign of 50 square feet in area (inclusive of the decorative base) where the ordinance maximum permitted size is 24 square feet in area setback 20 feet from the property line; setback 20 feet from the property line. The sign shall include language advertising for both the affordable housing development and municipal amenities on the property, which shall be agreed upon by the applicant and the Township.

De Minimis Exceptions from RSIS Requirements for Number of Parking Spaces is granted to allow 153 parking spaces to serve the affordable housing development where the RSIS requirement is 168 parking spaces.

Preliminary Site Plan and Subdivision Approval is granted to the Preliminary Site Plans, Preliminary Architectural Plans, Traffic Report, EIS, and Stormwater Management Report.

Mr. McTiernan motioned and Mr. Scheick seconded a motion to grant Preliminary Site Plan approval, three (3) Variances and a deminimus Exception. The vote record follows.

| <b>Roll Call: PIRHL Blk 82, L4.03 – PSP Approval, Variances &amp; Exception</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   |               |            |            |           | RECUSED        |               |
| Kilduff (Alt. 1)  |               |            |            |           |                | X             |
| Kleinhans   |               |            | X          |           |                |               |
| Mardini   |               |            | X          |           |                |               |
| McTiernan   | X             |            | X          |           |                |               |
| Pfeffer (Alt. 2)  |               |            |            |           |                | X             |
| Scheick   |               | X          | X          |           |                |               |
| Cimei   |               |            | X          |           |                |               |

**APPROVAL OF VOUCHERS**

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

| <b>Roll Call: 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                    |               |            |            |           |                |               |
| Kilduff (Alt. 1)           |               |            |            |           |                | X             |
| Kleinhans                  |               | X          |            |           |                |               |

|                  |   |   |  |  |  |   |
|------------------|---|---|--|--|--|---|
| Mardini          |   | X |  |  |  |   |
| McTiernan        |   | X |  |  |  |   |
| Pfeffer (Alt. 2) |   |   |  |  |  | X |
| Scheick          |   | X |  |  |  |   |
| Cimei            | X | X |  |  |  |   |

**REPORTS**

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

**ADJOURNMENT**

Ms. Kleinhans motioned and Mr. Mardini seconded a motion to adjourn. All were in favor and the meeting was adjourned at 10:08pm.

Respectfully Submitted,  
*Denise Filardo*  
Planning Board Secretary

These minutes approved on March 7, 2022