

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

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November 19, 2018

7:00PM

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 November 19, 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, McTiernan, Pfeffer, Cimei

Mr. Scheick arrived at 7:15pm

**MEMBERS ABSENT**

Butcher, Kilduff, Mardini

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan Drill, Esq., Board Attorney

Tom Behrens, Jr., PP, AICP, Board Planner

Denise Filardo, Board Secretary

**MEETING MINUTES**

None.

**RESOLUTIONS**

None.

**REQUEST FOR MODIFICATION AND EXTENSION OF TIME**

1) CLINTON AGRICULTURAL ASSOCIATES, LLC

Block 7, Lot 3

Application No. 2013-14

Applicant is requesting a Modification and Extension of the Time within which to comply with Condition D(15) of Resolution No. 2013-29.

The applicant was represented by Patrick Mullaney Esq.

There were no members of the public in attendance interested in this application.

Attorney Drill summarized the applicant's request noting the dates contained in the two (2) prior Resolutions, No. 2013-29 adopted on April 7, 2014 and a Modification Resolution No. 2015-07 adopted on March 6, 2015.

The following individual was sworn and testified during the hearing:

- Harold Wilbert, Principal of Clinton Agricultural Associates.
- Tom Behrens, Jr., PP, AICP, Board Planner

By letters to the Board dated November 6, 2018 from Howard J. Apgar, Esq. and November 16, 2018 from Patrick J. Mullaney, Esq., the applicant has requested a modification of conditions #15 and #16 of Resolution No. 2013-29 to extend the time periods within which the applicant has to obtain construction permits and permanent certificates of occupancy for Phases 1 and 2 of the proposed development as follows:

- Two (2) year extension of the time within which to obtain a Permanent Certificate of Occupancy for Phase 1 (from April 7, 2016 to April 7, 2018)
- Three (3) year extension of the time within which to obtain a Permanent Certificate of Occupancy for Phase 2 (from April 7, 2017 to April 7, 2020)

**BOARD FINDINGS AND CONCLUSIONS**

- These dates do not account for the fact that the applicant has not applied for obtained, construction permits for the remainder of Phase 1 of the proposed development and, by virtue of Mr. Wilbert's explanation during the hearing on the application, the applicant will not be in a position to apply for construction permits for Phase 2 of the proposed development until most likely 2020.
- The Board finds that since this is a multi-phase project, the following time periods should be extended as follows in order to allow the proposed development to be completed without the applicant having to come back to the Board for further

extensions and/or a new Site Plan Approval as a result of termination of the underlying site plan approval for failure to comply with the time limitation conditions:

- Extend the time within which the applicant must obtain Zoning and Construction permits for the remainder of Phase 1 of the proposed development from April 7, 2016 to February 1, 2019.
- Extend the time within which the applicant must complete the paving of the remainder of the Parking Lot(s) and obtain satisfactory final inspections of the Parking Lot(s) from April 7, 2017 to June 1, 2019, with the paving of the remainder of the Parking Lot(s) to commence no later than April 7, 2019.
- Extend the time within which the applicant must obtain a Permanent Certificate of Occupancy for the entirety of phase 1 of the proposed development from April 7, 2017 to February 1, 2020.
- Extend the time within which the applicant must obtain Zoning and Construction Permits for the entirety of Phase 2 of the proposed development from April 7, 2017 to February 1, 2022.
- Extend the time within which the applicant must obtain a Permanent Certificate of Occupancy for the entirety of Phase 2 of the proposed development from April 7, 2018 to February 1, 2023.

**RELIEF GRANTED**

Modification of Conditions #15 and #16 of Resolution No. 2013-29. Conditions #15 and #16 of Resolution No. 2013-29 are hereby modified to extend the time periods within which the applicant must obtain zoning and construction permits as well as permanent certificates of occupancy for Phases 1 and 2 of the proposed development as provided in the Board Findings and conclusions above.

All Conditions of Resolution No. 2013-29, as modified by the Conditions of Resolution No. 2015-07, remain in full force and effect, except for Conditions #15 and #16 of Resolution No. 2013-29 which are modified as set forth above.

Mr. Pfeffer motioned and Ms. Kleinhans seconded a motion to grant the Extensions of Time. The vote record follows.

<b>Roll Call: Clinton Agricultural Associates Extensions of Time Blk 7, Lot 3</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	X			
Mardini						X
McTiernan			X			
Pfeffer (Alt. 2)	X		X			
Scheick						X
Cimei			X			

**PUBLIC HEARING**

1) NEW CINGULAR WIRELESS PCS, LLC (AT&T)

Block 30, Lot 30

1545 Route 22

Application No. 2018-11

Applicant is seeking Waiver of Site Plan Approval for proposed Wireless Telecommunications upgrades on the existing roof mounted equipment tower.

The applicant was represented by Judith Fairweather, Esq. Attorney Fairweather provided the following background:

The Board granted approval to AT&T to collocate twelve (12) antennas on the existing rooftop and related equipment inside the existing building memorialized in Resolution 2013-02 which amended Resolution No. 2004-21. The existing AT&T Facility includes nine (9) antennas installed at a centerline height of 55 feet and existing appurtenances on the existing rooftop with related equipment located inside the building.

The applicant is Seeking the following Waiver of Site Plan Approval pursuant to:

- Section 165-36.1 of the Clinton Township Land Use Regulations
- Ordinance N.J.S.A. 45-55D-46.2
- Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (the "Tax Act")

The following individuals were sworn and testified:

- Edward (Eddie) Iamiceli, PE of Tectonic Engineering and Surveying Consultants PC.
- Tom Behrens Jr., PP, AICP, Board Planner

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

There were no members of the public in attendance interested in this application.

Referencing Sheet AO2 of the plans previously distributed to the Board and Board Professionals, Mr. Iamiceli's testimony included and was not limited to the following orientation of the proposed upgrade:

- Replacing nine (9) of the twelve (12) existing roof mounted antennas (maintaining the same existing centerline height).
- Replacing three (3) existing ancillary Remote Radio Head (RRH) units located at the base of the antennas.
- Installing additional equipment in AT&T's indoor equipment room which currently maintains its own power supply. It is not connected to Exxon's Generators.
- The upgrade is standard maintenance upgrade, involving normal repair and replacement.

- The upgrade will increase the capacity for data and will bring FirstNet (First Responder Network Authority) across the country.

**BOARD FINDINGS AND CONCLUSIONS**

- Based upon application documents and testimony provided, the Board finds that the proposed application meets all 3 Criteria for a Site Plan Waiver pursuant to Ordinance Section 165-36.1 which provides that the Site Plan review requirement may be waived if a proposed development:
  - a) Secured previous Site Plan Approval under the terms of this title and the proposed development has insignificant impact;
  - b) Involves normal repair, maintenance or replacement; or
  - c) Will not affect existing circulation, parking drainage, building arrangements, landscape buffering, lighting and other considerations of Site Plan Review.
- The proposed Site Upgrade qualifies for a Site Plan Waiver under all three subsections of this Ordinance.
- The proposed upgrade is consistent with the terms of the approving resolution
- No Site Improvements are proposed and there will be no changes to current site conditions.

**RELIEF GRANTED**

WAIVER OF SITE PLAN REVIEW AND APPROVAL in accordance with Township ordinance section 165-36.1(A)(3), N.J.S.A. 40:55D-46.2 and under Section 6409(a) of the Tax Act to allow the proposed development as reflected on the plans referenced above, subject to the applicant’s compliance with the Board imposed conditions.

Mr. McTiernan motioned and Mr. Higgins seconded a motion to grant Waiver of Site Plan. The vote record follows.

<b>Roll Call: New Cingular Wireless (AT&amp;T) Blk 30, Lot 30</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		X			
Pfeffer (Alt. 2)			X			
Scheick			X			
Cimei			X			

The Board directed Secretary Filardo ask the Zoning Officer and Construction Official to proceed with permit applications as if the resolution was adopted.

**WORKSESSION**

**DRAFT OPEN SPACE AND RECREATION PLAN (OSRP) AND DRAFT RECREATION AND OPEN SPACE INVENTORY (ROSI)**

Tom Behrens, Jr., PP, AICP, Board Planner provided a brief overview of the contents and changes made to the updated Draft OSRP (attached herewith). Mr. Behrens discussed the updated Needs Analysis, rationale for purchasing certain properties and noted that several hundred acres have been added to the Township’s Open Space Inventory.

Discussion ensued regarding the Marookian property and the five (5) to six (6) acre set aside for Affordable Housing.

Comparisons were made between the properties listed on the Draft ROSI (attached herewith), and the properties contained in the OSRP. Board Members collectively weighed in on Park/Facility Names for some of the properties listed. Both the ROSI and OSRP will be updated accordingly prior to adoption at the next meeting.

**NEW BUSINESS**

**VOUCHERS**

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

<b><i>Roll Call: Payment of Vouchers</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			
Scheick			X			
Cimei	X		X			

**REPORTS**

- 1) Report from Council – Mr. Higgins reported:
  - Introduced an ordinance amending “Parks, Recreation Areas and Open Space” of the code of the Township of Clinton to facilitate Township-sponsored deer management and deer culling.
  - Adopted an ordinance further amending the “Code of the Township of Clinton” by creating the AH-8 Affordable Housing Zoning district to facilitate an inclusionary affordable housing development on the Headley

Farm Estate, and amending the Clinton Township Zoning Map and Schedule of Zoning requirements accordingly.

- 2) Report from Ordinance Subcommittee – Nothing to report.
- 3) Report from Open Space – Discussed Township sponsored deer management and deer culling.
- 4) Report from Environmental Commission – Nothing to report.

### **ADJOURNMENT**

Mr. McTiernan motioned and Mr. Scheick seconded a motion to adjourn. All were in favor and the meeting was adjourned at 8:30pm.

Respectfully Submitted,  
*Denise Filardo*  
Planning Board Secretary

These minutes approved on December 17, 2018