

**MINUTES**

**CLINTON TOWNSHIP PLANNING BOARD**

[www.clintontwpnj.com](http://www.clintontwpnj.com)

August 31, 2020

7:00PM

VIRTUAL MEETING

THE CLINTON TOWNSHIP PLANNING BOARD HAS CHANGED THE FORMATS OF ITS REGULAR MEETINGS FOR THE DURATION OF THE COVID-19 PUBLIC HEALTH EMERGENCY TO “VIRTUAL” MEETINGS VIA A WEBEX BRIDGE.

THESE CHANGES HAVE BEEN INSTITUTED TO PROTECT HEALTH, SAFETY AND WELFARE OF RESIDENTS, EMPLOYEES, MUNICIPAL OFFICIALS, APPLICANTS AND CONSULTANTS IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

Chairman Cimei called the meeting to order at 7:03pm.

Chairman Cimei led the Flag Salute.

Chairman Cimei read the Public Notice

This is a 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.

**MEMBERS PRESENT VIA WEBEX**

Butcher, Glaser, Higgins, Kleinhans, Lazarus, Scheick, Cimei

**MEMBERS ABSENT**

Kilduff, Kochanowski

**BOARD PROFESSIONALS/STAFF IN ATTENDANCE VIA WEBEX**

Denise Filardo, Board Secretary  
Jonathan Drill, Board Attorney  
Tom Behrens, Board Planner  
Larry Plevier, Board Engineer  
Jim Mazzucco, Board Landscape Architect  
Dennis Bertland  
Jackie Klapp, Stenographer

**MEETING MINUTES**

1) MEETING MINUTES OF JULY 20, 2020

Mr. Glaser motioned and Mr. Lazarus seconded the motion to adopt the Minutes of July 20, 2020. The vote record follows.

<b><i>Roll Call: Minutes of July 20, 2020</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Butcher (Vice Chair)					X	
Glaser (Alt. 2)			X			
Higgins			X			
Kilduff (Alt. 1)					X	
Kleinhans		X	X			
Kochanowski					X	
Lazarus	X		X			
Scheick					X	
Cimej, (Chair)					X	

**RESOLUTIONS**

None.

Secretary Filardo noted that there were still no members of the public in attendance.

**CAPITAL IMPROVEMENT REVIEW**

1) NORTH HUNTERDON HIGH SCHOOL

1445 State Route 31

Block 79, Lot 1

Application No. 2020-07

North Hunterdon High School desires to improve student safety and campus security by installing safety bollards and reinforced masonry seating platforms at the student drop-off and also constructing a security office within the school adjacent to the vestibule.

Additional work includes replacing existing concrete and flagstone walkways with new concrete and adding a metal fascia to the existing canopy.

The Board voted on the motion of John Lazarus, seconded by Bill Glaser that the Capital Improvement Project was consistent with the Township Master Plan and that the Board had no recommendations to make regarding the project.

Mr. Lazarus motioned and Mr. Higgins seconded the motion that the proposed Capital Improvement Project was consistent with the Township Master Plan. The vote record follows.

<b>Roll Call: NHHS Capital Improvement Review, Blk 79, Lot 1</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Butcher (Vice Chair)			X			
Glaser (Alt. 2)			X			
Higgins		X	X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Kochanowski						X
Lazarus	X		X			
Scheick			X			
Cimei, (Chair)			X			

**A. PUBLIC HEARINGS**

- 1) ANNANDALE VILLAGE, LLC  
 (FORMER “FOX-SEALS” AND MUNICIPAL BUILDING)  
 Block 53, Lot 3  
 6 West Street  
 Application No. 2020-05  
 Request for Extension of Time to revise plans and Modification of Condition D.1.e. of  
 Resolution No. 2018-09 regarding review of Architectural Plans.

The applicant was represented by Vincent Bisogno, Esq. who explained that Annandale Village, LLC is the designated redeveloper of an approximately 1.01-acre property located in the Township of Clinton. The applicant previously obtained from the Clinton Township Planning Board Minor Subdivision Approval and Preliminary Site Plan Approval, with "c(1)" and "c(2)" Variances to allow (1) retrofitting of the existing building to accommodate a mixed-use multi-family residential and restaurant use, (2) construction of a new multi-family residential building, and (3) construction of both an off-street, on-site parking lot for the applicant’s residential and restaurant tenant uses as well as a separate off-street, on-site community parking lot which approvals are memorialized in Resolution No. 2018-09.

The applicant also applied for and obtained from the Board modification of condition #1 of Resolution No. 2018-09 to extend the time within which the Site Plans must be signed from April 15, 2019 to February 14, 2020 and, accordingly, to extend the "life" of the initial approvals by the same time period, as memorialized in Resolution No. 2019-04.

The following individuals were sworn and testified under oath during the hearing:

- 1. Chris Nusser, PE, PP (applicant’s engineering and planning expert),
- 2. Rob Fernandes (applicant’s president),
- 3. Tom Behrens, PP (Board planning expert),
- 4. Larry Plevier, PE (Board engineering expert),
- 5. Jim Mazazuca, LLA (Board landscape architectural expert),
- 6. Dennis Bertland (Township historic preservation expert),
- 7. Tim Brosnan (interested resident),

8. Catherine Riihimaki (interested resident) and
9. David Pfeffer (interested resident);

### EXHIBITS

None.

### FINDINGS AND CONCLUSIONS

#### Extension of Time:

- The applicant has been working diligently to satisfy all of the conditions imposed in Resolution No. 2018-09 and that certain of the conditions have previously resulted in delays in being able to revise all of the plans.
- The intent of the time limitation condition at issue is to foster the timely processing and construction of the proposed development and that granting an extension in this case is consistent with that intent, but provided that the time extension is tailored to the particular circumstances at issue.
- Granting an additional extension of time will promote the processing and construction of the proposed development and conserve Board and Applicant time in not having to re-hear the application in the event that the Board was to deny the extension and the approvals become null and void. This is a factor that weighs in favor of granting an extension.
- There are no factors that weigh against granting an extension. As such, the Board finds the factors that weigh in favor of granting an extension substantially outweigh the factors against the granting an extension of the time within which the applicant must obtain signed site plans from February 14, 2020 to December 31, 2020 and, accordingly, an extension of the “life” of the approvals as well.

#### Modification of Architectural Condition:

- The applicant has been working to satisfy the conditions and complete the development. However, there is a disconnect between the architectural review conditions imposed on the basis of the comments in the memo from Michael Hanrahan, AIA (Board architectural expert) and the requirements established by the New Jersey Historic Preservation Office in its letter to the Township dated March 29, 2017.
- Good cause exists to modify the condition to include and replace the Hanrahan comments with the comments/conditions set forth in the letter to the Board from Dennis Bertland (Township historic preservation expert) dated August 24, 2020.

### RELIEF GRANTED

All of the following relief was granted based upon the applicant’s compliance with the Board imposed conditions.

- Further Modification of Condition #1 of Resolution No. 2018-09 to Grant an Extension of the of the Time Within Which the Applicant Must Obtain Signed Site Plans, thereby also Extending the Life of the Approvals. Condition #1 of

Resolution No. 2018-09, as previously modified by Resolution No. 2019-04, was further modified to extend the time within which the site plans must be signed from February 14, 2020 to December 31, 2020 and, accordingly, to extend the "life" of the approvals by the same time period.

- Modification of Condition #1.e of Resolution No. 2018-09 to Modify the Architectural-Related Conditions.

Mr. Lazarus motioned and Mr. Scheick seconded the motion to grant the requested Extension of Time and Modification of Conditions relative to Architectural review. The vote record follows.

<b>Roll Call: Annandale Village, LLC, Blk 53, Lot 3 Extension of Time and Modification of Conditions relative to Architectural Review.</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Butcher (Vice Chair)			X			
Glaser (Alt. 2)			X			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Kochanowski						X
Lazarus	X		X			
Scheick		X	X			
Cimej, (Chair)			X			

2) ANNANDALE VILLAGE, LLC  
(FORMER "FOX-SEALS" AND MUNICIPAL BUILDING)

Block 53, Lot 3

6 West Street

Application No. 2020-04

Applicant is seeking Minor Subdivision Approval to subdivide Lot 3, Block 53 in order to Retrofit an existing Historical Building to accommodate a Mixed-Use Multi-Family Residential with Restaurant Use and Construction of a New Multi-Family Residential Building along with Separate Community Parking Lot.

The applicant was represented by Vincent Bisogno, Esq. who explained that Annandale Village, LLC is the designated redeveloper of an approximately 1.01-acre property located in the Township of Clinton. The applicant was previously granted Minor Subdivision Approval to subdivide the property to create new lot 3.01 and new lot 3.02, along with a "C(1)" Front Yard Setback Variance to allow a front yard setback deviation relative to the new building and a "C(2)" Impervious Coverage Variance to allow the impervious coverage of new lot 3.02 to exceed the maximum permitted by ordinance. Since the applicant failed to file a subdivision plat or deed within the required time period, the applicant is now applying for a re-granting of all of the same forgoing relief.

The following individuals were sworn and testified under oath during the hearing:

1. Chris Nusser, PE, PP (applicant's engineering and planning expert),
2. Rob Fernandes (applicant's managing member),

3. Tom Behrens, PP (Board planning expert),
4. Larry Plevier, PE (Board engineering expert),
5. Jim Mazzucco, LLA (Board landscape architectural expert),
6. Dennis Bertland (Township historic preservation expert),
7. Tim Brosnan (interested resident),
8. Catherine Riihimaki (interested resident),
9. David Pfeffer (interested resident);

### EXHIBITS

None.

### BOARD FINDINGS AND CONCLUSIONS

#### “C(1)” Front Yard Setback Variance.

- The property is unique in nature due to the historic but decrepit condition of the existing building and further found that this condition constitutes an extraordinary and exceptional situation uniquely affecting the property.
- The front yard setback deviation results from the right of way dedication required by Hunterdon County, a condition outside the control of the applicant. The Board found that this right of way created deviation results in hardship to the applicant and, unless a variance is granted to relieve the hardship, the applicant’s use and development of the property will be impaired and the applicant would be unable to construct the proposed development as contemplated in the Redevelopment Plan.
- Provided that the Board imposed conditions are complied with, the “C(1)” Variance could be granted without substantial detriment to the public good and without substantial impairment of the master plan or zoning ordinance.
- The Board concludes that it can and should grant the “C(1)” Variance at issue subject to the conditions set forth below.

#### “C(2)” Variance for Impervious Coverage

- Granting of the “C(2)” Variance to allow for the impervious coverage deviation would advance the purposes of the MLUL provided that the Board imposed conditions complied with.
- Granting the Variance to allow the impervious coverage deviation resulted in benefits to the community, and not solely for the benefit of the applicant.
- The benefits of the deviation would substantially outweigh any detriments provided, again, that the conditions set forth below are imposed and complied with. Finally, provided that the conditions set forth below are imposed and complied with, the Board found that the Granting of the “C(2)” Variance 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)” Variance at issue subject to the Board imposed conditions.

Minor Subdivision Review

- Other than the variances which have been requested, the Board found that the application and subdivision plat will comply with all remaining applicable zoning ordinance regulations and all applicable subdivision ordinance requirements.
- The Board concluded that the Variances can and should be granted, and that Minor 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 based upon the applicant’s compliance with the Boar imposed conditions.

- Grant of “C(1)” Front Yard Setback Variance to allow a front yard setback of 11.5 feet where 15 feet is required in the FMB zone.
- Grant of “C(2)” Impervious Coverage Variance to allow an impervious coverage of 78.9% where 75% coverage is the maximum permitted in the FMB zone.
- Grant of Minor Subdivision Approval.

Note: During this hearing, Board Member Lazarus lost his internet connection and therefore was absent from the remainder of this meeting.

Mr. Glaser motioned and Ms. Kleinhans seconded the motion to re-grant the requested Minor Subdivision with “C(1)” and “C(2)” Variances. The vote record follows.

<b>Roll Call: Annandale Village, LLC, Blk 53, Lot 3 – Minor Subdivision with “C(1)” &amp; “C(2)” Variances</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Butcher (Vice Chair)			X			
Glaser (Alt. 2)	X		X			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans		X	X			
Kochanowski						X
Lazarus						X
Scheick			X			
Cimei, (Chair)			X			

3) ANNANDALE VILLAGE, LLC  
(FORMER "FOX-SEALS" AND MUNICIPAL BUILDING)

Block 53, Lot 3

6 West Street

Application No. 2020-06

The applicant is seeking Final Site Plan Approval to allow Retrofitting of Existing Historical Building to Accommodate a Mixed-Use Multi-Family Residential with Restaurant Use and Construction of a New Multi-Family Residential Building along with Separate Community Parking Lot.

The applicant was represented by Vincent Bisogno, Esq. Now that the above relief has been granted this evening, the applicant is now seeking Final Site Plan Approval for the proposed development.

The following individuals were sworn and testified under oath during the hearing:

1. Chris Nusser, PE, PP (applicant's engineering and planning expert),
2. Rob Fernandes (applicant's president),
3. Tom Behrens, PP (Board planning expert),
4. Larry Plevier, PE (Board engineering expert),
5. Jim Mazazuca, LLA (Board landscape architectural expert),
6. Dennis Bertland (Township historic preservation expert),
7. Tim Brosnan (interested resident),
8. Catherine Riihimaki (interested resident) and
9. David Pfeffer (interested resident);

EXHIBITS

None.

BOARD FINDINGS AND CONCLUSIONS

Grant of Final Site Plan Approval:

With the exception of the Variances that have been previously requested and granted, and now that the Architectural Review conditions of the Preliminary Site Plan Approval have been modified, the Board finds that the site plans and architectural plans and related documents will comply with all other applicable zoning ordinance regulations and all subdivision plan ordinance requirements, provided that the Board imposed conditions are complied with.

The Board's ultimate finding was that Final Site Plan Approval is warranted and as such should be granted but subject to the applicant's compliance with the Board imposed conditions.

RELIEF GRANTED

Final Site Plan Approval was granted subject to the applicant's compliance with the Board imposed conditions.



Mr. Higgins motioned and Ms. Glaser seconded the motion to grant Final Site Plan approval. The vote record follows.

<b>Roll Call: Annandale Village, LLC, Blk 53, Lot 3 – Final Site Plan Approval</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Butcher (Vice Chair)			X			
Glaser (Alt. 2)		X	X			
Higgins	X		X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Kochanowski						X
Lazarus						X
Scheick			X			
Cimei, (Chair)			X			

**VOUCHERS**

Mr. Cimei motioned and Ms. Glaser seconded the 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>Not Eligible</b>	<b>Absent</b>
Butcher (Vice Chair)			X			
Glaser (Alt. 2)		X	X			
Higgins			X			
Kilduff (Alt. 1)						X
Kleinhans			X			
Kochanowski						X
Lazarus						X
Scheick			X			
Cimei, (Chair)	X		X			

**REPORTS**

- 1) Report from Council – Mr. Higgins reported the following:
  - Funding was approved for the paving of Herman Thau Road.
  - Capital Expenditures were approved for a dump truck and a police vehicle or two.
- 2) Report from Ordinance Subcommittee – Mr. Higgins reported that the Route 22 Ordinance is scheduled for adoption at the second Council meeting in September.
- 3) Report from Open Space – None.
- 4) Report from Environmental Commission – None.

**ADJOURNMENT**

Ms. Butcher motioned and Mr. Cimei seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at 9:30pm.

Respectfully Submitted,

*Denise Filardo*

Planning and Zoning Board Secretary

These minutes were approved on December 7, 2020.