

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

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May 03, 2021

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 7:09pm.

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

Glaser, Higgins, Kleinhans, Mullay, Scheick, Cimei

MEMBERS ABSENT

Butcher, Johnson, Lazarus

Mr. Scheick joined the meeting at 7:11pm.

BOARD PROFESSIONALS/STAFF IN ATTENDANCE

Jonathan E. Drill, Esq., Board Attorney
Thomas Behrens Jr., Board Planner
Denise Filardo, Board Secretary

MINUTES

1) March 1, 2021

Eligible Members: Glaser, Higgins, Kleinhans, Lazarus, Mullay, Scheick, Cimei

Held until the next meeting.

2) April 5, 2021

Mr. Glaser motioned and Mr. Cimei seconded a motion to adopt the April 5, 2021 Meeting Minutes. The vote record follows.

Roll Call: Meeting Minutes April 5, 2021						
Member	Motion	2nd	Yes	No	NOT ELIGIBLE	Absent
Butcher (Alt 1)					X	X
Glaser	X		X			
Higgins			X			
Johnson (Alt 2)					X	X
Kleinhans			X			
Lazarus						X
Mullay			X			
Scheick			X			
Cimei		X	X			

RESOLUTIONS

WILLETS OWN, LLC
 1221 Route 31 South
 Block 89, Lot 5
 Application No. 2021-02
 Resolution No. 2021-02
 Minor Site Plan Approval

Eligible Members: Glaser, Higgins, Kleinhans, Lazarus, Mullay, Scheick, Cimei

Ms. Kleinhans motioned and Mr. Scheick seconded a motion to adopt Resolution No. 2021-02. The vote record follows.

Roll Call: Willet's Own, LLC – Resolution No. 2021-02						
Member	Motion	2nd	Yes	No	NOT ELIGIBLE	Absent
Butcher (Alt 1)					X	X
Glaser			X			
Higgins			X			
Johnson (Alt 2)					X	X
Kleinhans	X		X			
Lazarus						X
Mullay			X			
Scheick		X	X			
Cimei			X			

MASTER PLAN CONSISTENCY REVIEW

ORDINANCE NO. 1150-2021

An Ordinance of the Township of Clinton in Hunterdon County, New Jersey Amending Clinton Township’s Land Use Regulations to Prohibit All Classes of Cannabis Businesses within the Township.

Mr. Mullay explained that the legislature passed a bill in January which the Governor has signed known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” legalizing recreational marijuana use by adults 21 years of age and older. The bill establishes the following six (6) Cannabis business licenses: Cultivator, Manufacturer, Wholesaler, Distributor, Retailer and Delivery licenses.

The Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments by ordinance to prohibit the operation of any one or more classes of cannabis businesses anywhere in the municipality. The Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act by August 2021. Failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones. At the end of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality. The Township has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on the Township, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents and members of the public who visit, travel, or conduct business in the Township, to amend the Township’s zoning regulations to prohibit all manner of marijuana-related land use and development within the Township.

Ms. Kleinhans motioned and Mr. Higgins seconded a motion finding that Ordinance No. 1150-2021 is not inconsistent with the Township Master Plan. The vote record follows.

Roll Call: Master Plan Consistency Review – Ordinance No. 1150-2021						
Member	Motion	2nd	Yes	No	NOT ELIGIBLE	Absent
Butcher (Alt 1)					X	X
Glaser			X			
Higgins		X	X			
Johnson (Alt 2)					X	X
Kleinhans	X		X			
Lazarus						X
Mullay			X			
Scheick			X			
Cimei			X			

PUBLIC HEARING

NEW CINGULAR WIRELESS PCS, LLC (“AT&T”)

79 Beaver Avenue

Block 59, Lot 3

Application No. 2021-03

Applicant is seeking a Waiver of Site Plan Application Review to modify an existing telecommunications facility and add a generator.

The applicant was represented by Christopher Quinn, Esq. Attorney Quinn provided a brief summary of the application.

The following individuals were sworn and testified during the hearing:

1. Samuel Turkal, PE (applicant’s engineering expert),
2. Tom Behrens, PP, AICP (Board planning expert), and

Mr. Turkal’s qualifications were accepted by the Board.

Referencing Sheet C-2 of the submitted plans, Mr. Turkal’s testimony included and was not limited to the following:

- An overview of the existing equipment configuration on the existing concrete pad.
- Identification of one (1) existing cabinet to be removed and the relocation of the remaining equipment to make room for the proposed generator. The net result in no change in the number of cabinets.
- There will be no excavation.
- The generator will be compliant with N.J.A.C. 7:29.1
- The generator will be exercised during weekdays only during the hours of 9:00am to 5:00pm.
- The generator has a double wall protection fuel tank.

The installation of the proposed generator technically represents the installation of an accessory structure within the required front yard which would ordinarily require a “c” setback variance. Discussion ensued as to whether a setback variance had been previously granted.

BOARD FINDINGS AND CONCLUSIONS:

- The proposed improvements will satisfy the grounds for waiver of site plan review and approval under Township ordinance section 16.36.1(A)(1) and (A)(3)
- The applicant secured site plan approval via the 2004 approvals and the 2013 approvals.
- The installation of the proposed generator and related equipment will not have a significant impact on the prior site plan approvals provided that the Board imposed conditions are complied with.
- The Board finds that the proposed improvements will not affect existing circulation, drainage, building arrangements, landscaping, buffering, lighting or other considerations of site plan review. As such, the Board concludes that

waiver of site plan approval is warranted provided that the applicant complies with the Board imposed conditions.

RELIEF GRANTED

The motion to grant Waiver of Site Plan Approval assumes that Board Attorney Drill will be satisfied with variance information which is believed to be contained in Resolution No. 2004-09. If Attorney Drill finds that there was no prior setback variance granted, the applicant will have to notice for the variance and come back to the Board.

The Board granted Waiver of Site Plan Review and Approval in accordance with Township Ordinance Sections 165-36.1(A)(1) and 165-36.1(A)(3) to allow the proposed improvements provided that the applicant complies with the Board imposed conditions.

Mr. Glaser motioned and Mr. Higgins seconded a motion to grant Minor Site Plan Approval. The vote record follows.

<i>Roll Call: New Cingular Wireless, (AT&T) – Waiver of Site Plan Approval</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Butcher (Alt 1)						X
Glaser	X		X			
Higgins		X	X			
Johnson (Alt 2)					X	X
Kleinhans			X			
Lazarus						X
Mullay			X			
Scheick			X			
Cimei			X			

The applicant requested that the Board ask the Zoning Officer to process a zoning permit as if the resolution has been adopted.

APPROVAL OF VOUCHERS

Mr. Cimei motioned and Mr. Glaser seconded a motion to pay the vouchers. The vote record follows.

<i>Roll Call: Approval of Vouchers</i>						
Member	Motion	2nd	Yes	No	NOT ELIGIBLE	Absent
Butcher (Alt 1)						X
Glaser		X	X			
Higgins			X			
Johnson (Alt 2)						X
Kleinhans			X			
Lazarus						X
Mullay			X			
Scheick			X			
Cimei	X		X			

REPORTS

Report from Council

Mr. Mullay & Mr. Glaser reported the following:

- The Marijuana ordinance we just reviewed for Master Plan Consistency was introduced at the last meeting.
- Public Hearing for a Change of Use at the Marookian property to add a Disc Golf Course.
- We are in the process of acquiring state mandated police body cameras, the cost of which exceeds \$65,000. The state will provide some funding but not all.
- The Budget was approved and we have made some good progress in building our surplus.
- An ordinance was introduced containing a lease with the Organic Garden.
- Some changes have been approved to modify the police promotion process.

Mr. Glaser reported that the Town of Clinton approved the Christmas Tree Warehouse. Mr. Mullay added that there is a whole host of development planned for the Moebus tract, within the Town of Clinton.

Report from Ordinance Subcommittee

Mr. Glaser reported the following items are being discussed:

- Formation of a Technical Review Committee to change when applicants have to come to the Board for minor applications.
- Rezoning of sections of Route 31 will be considered upon completion of the Technical Review Committee work.

Report from Environmental Commission – Nothing to report.

ADJOURNMENT

Mr. Mullay motioned and Mr. Glaser seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at 8:04pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on June 7, 2021.