

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

February 23, 2009

PRESENT: Ira Breines, Sharon Stevens, Dave Roberts, Peter Geiger, Wayne Filus, John Lefkus and Amy Switlyk.

PROFESSIONALS: Jon Drill, Attorney, Cathy Marcelli, Engineer, Brent Krasner, Planner and Rebecca D'Alleinne, Administrator.

ABSENT: Tom McCaffrey and John Matsen.

CALL TO ORDER

Board Attorney Jon Drill called the meeting to order at 7:34PM.

PUBLIC NOTICE

This is a public meeting of the Zoning 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 vestibule of the Municipal Building and outside the Planning and Zoning Office on the 1st Floor of the building and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, the Star Ledger and the North County Branch of the Hunterdon County Library the Friday prior to the meeting.

Jon Drill called the meeting to order. As both the chair and co-chair were absent the Board determined that a chair pro tempore was necessary. Ira Breines moved and Peter Geiger seconded a motion to elect Sharon Stevens as Chairperson Pro Tempore. The Board concurred unanimously. Jon Drill passed the gavel to Sharon Stevens.

MINUTES

Peter Geiger moved and Ira Breines seconded a motion to approve the minutes of January 12, 2009 as written. The Board concurred unanimously.

Dave Roberts moved and Amy Switlyk seconded a motion to approve the minutes of January 26, 2009 as written. The Board concurred unanimously.

Dave Roberts moved and Amy Switlyk seconded a motion to approve the Executive Session minutes of August 25, 2008 as written. The Board concurred unanimously.

## RESOLUTIONS

### **WETZEL, Block 68, Lots 39, 47, 46, 43 & 4**

Resolution #2009-02, Application #2008-16

Dave Roberts moved and Peter Geiger seconded a motion to approve the resolution as written. Members in favor: Filus, Geiger and Roberts.

### **WELLNESS CENTER, Blocks 70, Lots 11 & 13**

Resolution #2009-03, Application #2008-14

Jon Drill read the changes into the record that had been made in draft #4 of the resolution. Dave Roberts moved and Ira Breines seconded a motion to approve the resolution as amended. Members in favor: Stevens, Breines, Filus, Geiger and Roberts.

## COMPLETENESS WAIVERS HEARING

### **SANTIAGO, Block 86, Lot 1.05**

Application #2009-01

William Gianos, Esq. introduced himself on behalf of the applicant, and explained that the applicants wished to rebuild their fire-damaged house. He reported that they proposed to fill in an alcove that would encroach on the 45 foot rear yard setback. He discussed the survey and Jon Drill discussed the recommendations from Board Engineer Cathy Marcelli. It was noted that the accessory structure, a shed, had a permit. Jon Drill recommended that a copy of the permit be submitted for the file. Mr. Gianos commented that the survey did not indicate the lot area and that his clients would prefer not to have another survey prepared. He expressed the opinion that the amount of acreage was not critical and that the tax bill showed the size of the lot. He stated that the title insurance referred to a township map. Cathy Marcelli noted that there was an area along the roadway that was not marked as to whether it had been dedicated to the township and stated that it could affect the frontage area. Bill Gianos responded that he did not have a survey. Cathy Marcelli expressed the concern that additional variances could be created by the size of the right of way and that she needed further information. Lot area and frontage on a public road were discussed.

William Gianos commented that all of the proposed work would be in the rear of the property, and would not be impacted by the front of the yard. The survey was done in 2002. The depth of the rear setback was discussed and Nancy Santiago stated that the architect had added the handwritten notations. Cathy Marcelli asked for a copy of the survey without the added drawing. Mrs. Santiago noted that she had two originals. Cathy Marcelli noted that the right-of-way was not shown correctly on the map and discussed the metes and bounds dedication. It was determined that an updated survey to include dedication or easement, and a map that referenced the deeded right of way were necessary. John Lefkus moved and Ira Breines seconded a motion to grant the requested waivers for checklist items 3H, 3J and 3K, and a partial waiver of checklist items 3A and 3I. Members in favor: Stevens, Breines, Filus, Geiger, Roberts, Lefkus and Switlyk.

PUBLIC HEARINGS

**INDER, Block 68, Lot 9.02**

Application #2007-10

Christopher DeGrazia, Esq. introduced himself on behalf of the applicant. He reported that the application was for a Final Site Plan and that it was very similar to the preliminary approval. He discussed the six banked parking stalls, and he suggested that they be removed. He discussed the offsite remediation donation of \$21,365. Construction phases were discussed. He noted that the applicant had asked for an extension of time to get a building permit. Exhibit A-3 (Color Rendered SP2, dated 1/18/09) was marked into evidence. Mr. DeGrazia noted that the application had been re-noticed for the structure in the setback variance and the wall signage variance. Jon Drill discussed the preliminary approval, which had an unexpired three-year protection period. He discussed the signs. Sheet AS1 was used to illustrate the signage from the Preliminary Site Plan approval. Engineer Mitchell Ardman, and Architect Salvatore Corvino, Board Engineer Cathy Marcelli, Board Conflict Planner David Banish, and Board Landscape Architect Nick Tropeano were sworn. It was agreed that the applicant was protected against changes in the signage and structure ordinances.

Mitchell Ardman reported on the well and on-site fire protection and stated that the wells had been tested. Concern had been raised at the initial site plan deliberations over the size of the tank and whether there was a sufficient water supply. There would be a 5,000 gallon tank for water supply and two 15,000 gallon tanks to serve both buildings for fire protection. Ira Breines asked about a possible power failure, and Mr. Ardman responded that there would be a backup generator for fire suppression. He commented on additional submittals and comments from the Board professionals. He noted that the fire chief had submitted comments and that the applicant would comply. Cathy Marcelli asked that the changes be memorialized on the plans. Where the fire department would connect to the water was discussed. Fire Chief Martin Peverley, was sworn and discussed where the connections should be placed. Sharon Stevens asked about the length of flow time that the tank would support and Chief Peverley noted that the fire equipment pumped at a rate of 1000 gallons per minute. Mr. Ardman stated that fire flow calculations had been run by their engineer. John Lefkus asked about the sprinklers and whether the water supply would be depleted before the fire department could respond. Jon Drill read the pertinent ordinance into the record. Mr. DeGrazia commented that the applicant was proposing two tanks which would double the capacity, but did not have an expert available to testify that the tanks would meet the required standard. Discussion ensued as to whether there was enough room to install two larger tanks. Chief Peverley discussed his preference for city water and the location of other hydrants in the area. Mr. Ardman was unsure whether the applicant had asked the Town of Clinton for just fire suppression capacity. Chairperson Stevens called a recess at 8:50PM. The meeting was called to order at 8:55PM.

Chris DeGrazia reported that he had spoken during the recess to Andrew Holt of Suburban Engineering, who was the Town of Clinton engineer. He stated that there was a possibility that the proposal could get water from the Town for fire suppression only, because it would not create a capacity issue with the DEP. Mr. DeGrazia proposed that a conditional approval be granted; contingent upon contacting the water company for fire

suppression, that the hydrants be located where the chief selects and a submittal of revised plans. Mr. DeGrazia stated that if the applicant was unable to obtain the capacity, then the proposal would revert to two tanks. The fire chief commented that he would not be comfortable to make the final determination, if the applicant couldn't get the hookup. David Banisch commented that it would be appropriate to have the applicant do the research to apply to the standards. Mr. DeGrazia noted that the calculations had arrived too late from their professional. Jon Drill commented that the final plans should be specific. Mr. DeGrazia stated that the applicant would have to submit the calculation, and will satisfy regulations. He apologized that didn't have the person available to testify who had done the calculations. He asked that the approval request be based on a will-connect to public water supply. Cathy Marcelli noted that fire hydrant locations were usually shown on final site plans. There were no questions from the public.

Amy Switlyk commented that she was reluctant to approve for final without the details. Dave Roberts stated that he could not approve until he had more information, and the rest of the Board agreed. It was determined that the revised plans should be submitted 21 days in advance of the hearing and that they satisfy the ordinance. Ira Breines moved and Amy Switlyk seconded a motion to preserve to June 22, 2009, any deadlines that the preliminary approval established. The Board concurred unanimously. The application was carried to June 22, 2009, without need for further notice. The applicant granted an extension of time within which the Board must act to the July, 2009 meeting.

**TOWN OF CLINTON WATER TANK, Block 46, Lot 32**  
Application #2008-10

James Knox, Esq. introduced himself on behalf of the applicant, the Town of Clinton. Engineer Andrew Holt, Board Engineer Cathy Marcelli, Board Planner David Banisch, Board Landscape Architect Nick Tropeano and Fire Chief Martin Peverley were sworn. Mr. Knox indicated that the town wished to apply for a Preliminary and Final Site Plan and D6 variance for a principal structure. Mr. Knox explained that municipal uses are permitted under the ordinance, and noted that David Banisch had expressed concern over the multiple principal structures on the property. Mr. Knox stated that the tank was not a building, but a structure. He noted that it would be a two-phase project; the first phase would use a temporary access road to build the tank, and second, after negotiations with the state, to build a new access road with DOT approval. Jon Drill discussed whether the tank was a permitted use, and explained the proper test that the Board must apply as to whether the site would remain appropriate if the application were granted.

Mr. Holt presented his credentials, which were accepted by the Board. He stated that there was a need for an additional tank. Exhibit A-1 (Water Distribution System Map 2007) was marked into evidence. He stated that Clinton Township comprised half of the customer base. He commented that the water pressure came from the water tank, which was created by gravity. The current tank was constructed in 1978, and he stated that the paint system was failing. Mr. Holt reported that it had been inspected in 2004 and was found to be actively corroding. He stated that the town could rehabilitate the old tank after the new one was constructed. He explained that a new site would have to be in line with the elevation of the old tank. The two tanks would be connected. Mr. Holt

stated that there are a few pumps, but the majority is gravity fed. Sharon Stevens asked about how the tank would equalize the pressure, he noted that when both tanks are on line, that they would fill at the same time. Mr. Holt explained that the extra tank would provide a greater volume of storage. Peter Geiger asked about whether there would be a capacity increase for fire flow, and Mr. Holt responded that the extra tank would not increase the number of customers. He discussed the locations of the booster pumps and the wells. Exhibit A-2 (Color Rendered Sheet 19) was marked into evidence. He reported that the levels of water would be even between the two tanks, and the pressure in the lines would not increase. Mr. Holt stated that the interior of the old steel tank would be rehabilitated for several weeks or months. He noted that the Town of Clinton had applied for stimulus package funding and that it would be helpful to have the Phase I approval in place.

He displayed Sheet 4 of the proposed site plan, noting that the surrounding property was owned by the state. He pointed out the easement area and noted that they had received approval for an additional lease area. He discussed a new driveway access for the county transfer station. Exhibit A-3 (Proposed Easement Concept Plan) was marked into evidence. Phase I would use the existing driveway. Mr. Holt reiterated that the application was for a Preliminary and Final Site Plan for Phase I and Preliminary Site Plan for Phase II. Mr. Holt noted that there would be a need to ask for an exception for stormwater management. The pertinent ordinance section 165-233 was discussed. Cathleen Marcelli discussed soil disturbance and Mr. Holt discussed off-site mitigation. David Banisch discussed a dry well near the tanks. A mitigation bond would be required as a condition. Sharon Stevens asked about the location of the road.

Mr. Holt discussed the proposal for a concrete tank, stating that it would last longer than steel. He commented on the dome on the new tank, which would eliminate the need to install interior column supports. Ira Breines discussed water compatibility with the concrete and Mr. Holt reported that it would be resistant to corrosion. He indicated that it would take several months to erect and discussed the construction process.

Jim Knox discussed negative criteria. Mr. Holt noted that municipal use was permitted in the zone, and the intent and purpose of the zone plan would not be impaired. He stated that the tank was necessary for the public good for health and safety, and fire protection. He indicated that it would not set a bad precedent; that the location's elevation was unique to this property and added to distribution feasibility. Mr. Holt stated that there would be no detriment to the public good, and would be beneficial. Exhibit A-4 (Color Rendered Landscape Plan, Sheet 18) was marked into evidence. He discussed what landscaping would be installed in Phase I and noted that it would be substantial, in accordance with exhibit. All landscaping would have to have a performance guarantee. The applicant understood that it would have to return to the Board if they only constructed Phase I.

Dave Roberts asked about the color of the new tank and Mr. Holt responded that the applicant would match the old tank to the new tank's color. Mr. Holt commented that the color of the batches of concrete would be difficult to match. He indicated that painting would require maintenance. Tinting was discussed. Nick Tropeano discussed aggregate and noted that the color of the sand would affect the color. The volume of the tank was discussed, and Mr. Holt stated that the tank would provide flow for two days

without power. He commented that the additional tank would provide reliability, not increase demand. John Lefkus discussed the installation of cell communication equipment on the top of the tank. A condition to impose the ability to put cell equipment on the tower in the future was discussed. David Banisch expressed concern about traffic conflicts on the site for construction and regular traffic. Mr. Holt stated that the tank could be built within a time frame of four to six months.

Dave Roberts asked about the Hunterdon Utility Authority. Exhibit A-5 (Letter from A. Johnson to Dept. of Treasury, dated 2/9/09) was marked into evidence. The letter outlined the conditions that were required. Nick Tropeano suggested pot ash to offset the environmental concerns. Andrew Holt discussed item d2 in Cathy Marcelli's report. He also discussed the Fire Department's report and the documentation that should be provided annually. He commented that he would work with the landscape architect to determine where the plant material could be placed. A Design Exception would be required for the planting of the buffers. David Banisch stated that there should be no lighting visible from offsite and asked whether the light could be seen from Route 78. Mr. Holt discussed the lighting plan. There are no lights on the existing tank and he noted that there were proposed light poles along the road. Sensor-regulated lights were discussed. David Banisch recommended a downward-focused spotlight. Discussion ensued as to whether to lower the light, and it was determined to lower the height to an 8 foot pole.

John Anderson, 6 Beaver Brook Road, asked about the gunnite finish, which would be a rough texture. Mr. Holt responded that it could be either smooth or rough, that he didn't know yet as the project was still out to bid.

John Lefkus moved and Ira Breines seconded a motion to approve a "d6" variance. Jon Drill reiterated that the test that the Board must consider was whether the site would remain appropriate for the use. Members in favor: Stevens, Breines, Filus, Geiger, Roberts, Lefkus and Switlyk. Ira Breines moved and Peter Geiger seconded a motion to approve a Preliminary and Final Site Plan for Phase I, and a Preliminary Site Plan for Phase II. Members in favor: Stevens, Breines, Filus, Geiger, Roberts, Lefkus and Switlyk.

## NEW BUSINESS

### 1. Vouchers

Dave Roberts moved and Amy Switlyk seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

## ADJOURNMENT

Ira Breines moved and Dave Roberts seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 11:15PM.

These minutes were approved on March 23, 2009.

Rebecca E. D'Alleinne, Administrator