

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

March 24, 2008

PRESENT: Tom McCaffrey, John Matsen, Wayne Filus, Sharon Stevens Amy Switlyk and John Lefkus.

PROFESSIONALS: Jon Drill, Attorney, Cathleen Marcelli, Engineer, Michael Sullivan, Planner and Rebecca D'Alleinne, Administrator.

ABSENT: Dave Roberts, Peter Geiger and Ira Breines.

CALL TO ORDER

Chairman McCaffrey called the meeting to order at 7:31PM.

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.

MINUTES

John Matsen moved and Wayne Filus seconded a motion to approve the minutes of February 25, 2008. The Board concurred unanimously.

RESOLUTIONS

EVERGREEN CEMETERY, Block 69, Lot 1

Resolution #2008-02, Application #2007-07

Jon Drill read changes into the record from page 6 and 12. Sharon Stevens moved and John Matsen seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Matsen, Stevens and Filus.

COASTAL ADVERTISING, Block 4.03, Lot 34.01

Resolution #2008-03, Application #2006-09

Jon Drill stated that there had been four drafts. The fifth draft was the final version. He read minor changes into the record. Sharon Stevens moved and John Matsen seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Steven and Filus.

COMPLETENESS WAIVERS HEARINGS

INDER, Block 68, Lot 9.02

Christopher DeGrezia, Esq. introduced himself on behalf of the applicant. He discussed the two waiver requests. Cathy Marcelli commented that the title sheet needed to reflect that it was a final site plan application. John Matsen moved and Wayne Filus seconded a motion to approve the checklist waiver requests as recommended by the township engineer. Members in favor: McCaffrey, Matsen, Stevens, Filus Lefkus and Switlyk.

HERITAGE GROUP, Block 13, Lots 9, 10 & 11

Walter Wilson, Esq. introduced himself on behalf of the applicant. He discussed the site plan modifications that were being proposed. He stated that on the overall site there would be a net reduction of impervious coverage. Mr. Wilson noted that the original application had been approved by the BOA. He discussed the review from Cathy Marcelli and commented on the waivers that had been requested. A map was displayed to show the property lines. John Matsen moved and Sharon Stevens seconded a motion to approve the checklist waiver requests as recommended by the township engineer. Members in favor: McCaffrey, Matsen, Stevens, Filus Lefkus and Switlyk.

PUBLIC HEARINGS

Sharon Stevens recused herself from the following hearing.

HIDDEN MEADOWS, Block 90, Lot 2

Walter Wilson, Esq. introduced himself on behalf of the applicant. James Cosgrove, environmental engineer, Radim Kucera, engineer, Dave Nenna, applicant, John Thomas, Board Landscape Architect, Cathy Marcelli, Board Engineer, Jeff Keller, Board Environmental Expert were previously sworn. It was noted that the Environmental Commission had not received an EIS before the hearing. Dr. Nenna stated that he had submitted the copies to the Board office.

Radim Kucera discussed the revised March 4, 2008 plans. Exhibit A-5 (Color Rendering of Landscaping Plan, dated 3/24/08, Sheet One) was marked into evidence. He discussed the new configuration of the lots, and the history of the application. He stated that his office had originally suggested another layout, noting that the new version included the sensitive environmental property in the open space area. Exhibit A-6 (Sheet

4, Hand-Marked Open Space), was marked into evidence. He noted that the Boehm Drive cul-de-sac would be removed.

The section of Cathy Marcelli's report concerning the water line was discussed. It was noted that the Town of Clinton would provide specifications for the water main and that there were detailed requirements. Dr. Nenna stated that the Town of Clinton would provide water to the subdivision, so the issues that she had raised in her report were moot. Mr. Wilson commented that the applicant had no other concerns relative to her report. The water line and whether it could be extended was discussed. Dr. Nenna explained about the history of obtaining the water service from the Town. Cathy Marcelli noted that the details should be shown on the plans. Jeff Keller, Michael Sullivan and Laurie Gneiding were sworn. Mr. Wilson discussed a homeowners association and ownership of the property. Cathy Marcelli asked about the easement for the gas line and where the septic field would be located, whereupon Mr. Kucera drew them on Exhibit A-5.

James Cosgrove reported that he was the author of the environmental impact statement and stormwater management report. He marked a 2006 aerial photograph as Exhibit A-7, and marked Exhibit A-8 of the same aerial photo with the proposed subdivision in position. He noted that both the Environmental Commission and Dr. Keller had expressed concern about the issue of potential impact on site hydrology. He pointed out the bio-retention swale. He stated that there wouldn't be much grading and that the bio-retention swale was designed to infiltrate the stormwater into the groundwater. There will be minimal changes to the hydrology on the property. Dr. Keller agreed about the hydrology, noting that an intermittent stream was variable and would not be measurable. Laurie Gneiding stated that the removal of the soils was a concern, but Mr. Cosgrove noted that it was only several feet wide next to the foundations. He stated that there would be free-draining soils under the road, septic and driveways. He indicated that the hydrology would have minimal change. The water table was discussed.

Mr. Cosgrove stated that the wildlife survey had been conducted from available databases of endangered species, but not a site-specific survey. He noted that the application had stayed away from the stream, trees, and wetlands and that the critical habitat was not affected. Mr. Cosgrove expressed the opinion that a survey would not change the layout of the subdivision. Mr. Wilson pointed out that NJDEP had issued an LOI for the wetlands. Mr. Cosgrove commented that there would be a great deal of open space for habit in both Hidden Meadow and Spring House Estates. Laurie Gneiding stated that the information that was provided from the National Heritage database, which she stated was only a starting point. She discussed the wood turtle and bobolink that could be on the property. Mr. Cosgrove noted that they had assumed that the turtle was on location and stated that there was sufficient area of habitat for birds. Ms. Gneiding discussed whether the homeowners would have to maintain the open space for habitat. Michael Sullivan discussed the ownership of the open space, recommending that owner maintenance should be a condition of approval.

Chairman McCaffrey discussed Dr. Keller's report, who responded that the landowner did not have to pay a conservancy group to monitor the site. The Homeowners' association would assume the cost of an annual mowing. He discussed the rapid decline of grassland birds and talked about how often to mow. He stated that the bobolink does not get the same protection afforded to endangered species in the wetlands.

He expressed the opinion that the clustering and open space layout was a good design. The land had been used as hayfields recently. Monitoring of conservation easements was discussed. John Thomas noted that the required buffer on the north side of the site was important at the stream corridor. John Matsen commented on preserving resources that that were not original to the area, but had been created in the interim. Jon Drill noted that the DEP did not differentiate between the two. Dr. Keller suggested that a look be taken at the property in the spring and see whether it is worth maintaining as a habitat, because the Board didn't have the data to make a decision. The conditions of approval and the management program were discussed and Walter Wilson suggested that the site-specific bird study could be a condition of final approval. The Board expressed general agreement. It was decided that the Environmental Commission would be involved in the survey.

The hearing was adjourned to the April 28, 2008 meeting with an extension of time within which the Board must act was granted to May 27, 2008.

Chairman McCaffrey called a recess at 9:17PM.

The meeting was called to order at 9:25PM. Sharon Stevens rejoined the meeting.

HARRISON STREET, Block 72, Lot 1

Lloyd Tubman, Esq. introduced herself on behalf of the applicant. She noted that the applicant was seeking a waiver of site plan approval and that they were seeking to change two of the conditions of the prior approval in 1997: that there be a single tenant in the building and no subleasing would be allowed. Board Engineer Cathy Marcelli, Board Planner Michael Sullivan, Owner Steven Jones, Owner Jason Newcomb, and Planner John Madden were sworn. Steven Jones stated that they had purchased the building and that New Road Financial Group was a boutique operation with a limited number of clients. He indicated that the company did not necessarily want to grow larger and discussed the firm's services. He noted that the limited partnership owned the building. New Road had 6 employees, including the principals. He discussed the regulatory issues that required legal separation between the group members. He reported that there would be low traffic volume and that nothing would change inside the building.

Planner John Madden stated that he had been involved with the original applicant and that the individual had been able to live with the conditions that the Board had imposed. He commented that the current applicant was seeking not to have to comply with the conditions. He noted that it was difficult for a small single entity to comply. Jon Drill commented on what had been the Board's intent of the imposition of the conditions in the previous approval. Mr. Madden suggested alternative conditions, such as: no more than 10 employees, the entities should be related financial service uses, and that there would be no high-impact traffic generators. Mr. Madden discussed the report from Jon Drill. Michael Sullivan asked whether a bank had been considered, and Mr. Madden responded that it had not. Ms. Tubman stated that in the original approval there had been no limitation to the kind of office use, only the five conditions. Specific uses were discussed. Jon Drill expressed the opinion that the original intent had been to allow a low traffic use and limit the visitors. John Matsen stated that he had been on the Board at the time and agreed that the original concern had been that a sublet might have created more visitors. Chairman McCaffrey expressed the opinion that the use was the same. The uses

and the number of employees were discussed. The amount of parking was discussed. The conditions suggested by Mr. Madden were discussed. It was determined to use #1 and #3 from his report.

Sean Rogan, 23 Harrison, was in favor of the proposal.

John Dwyer, 6 Fulper Alley, noted he had been involved in the prior approval of the property. He expressed concern about traffic, but commented that he was satisfied and thought that the applicant would be a good neighbor.

John Madden discussed the requested waivers concerning the light poles and indicated that the applicant would install an oak tree that should have been previously planted. He stated that the applicant would re-stripe the parking lot to make one handicapped and 13 regular parking spots. The sign would not be illuminated. The public hearing was closed.

John Matsen commented that the use was within the intent of the prior approval. Chairman McCaffrey noted that he was in favor of the application. Wayne Filus commented that he was glad that the neighbors were in favor. John Lefkus agreed. Amy Switlyk remarked that the conditions were reasonable. Jon Drill suggested that a condition be imposed to abandon any open-ended office use other than what was listed in the conditions. John Lefkus moved and Sharon Stevens seconded a motion to approve the application with the conditions as discussed. Members in favor: McCaffrey, Matsen, Stevens, Filus, Lefkus and Switlyk.

NEW BUSINESS

1. Vouchers

John Matsen moved and Sharon Stevens seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

ADJOURNMENT

John Lefkus moved and John Matsen seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 10:24PM.

These minutes were approved on April 28, 2008.

Rebecca E. D'Alleinne, Administrator