

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

www.township.clinton.nj.us

PUBLIC MEETING

March 26, 2007

PRESENT: John Matsen, Sharon Stevens (7:37PM), Ira Breines, Dan Fennell, Peter Geiger, Tom McCaffrey, Bill Honachefsky, Jr., Wayne Filus and Dave Roberts.

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

ABSENT: None.

CALL TO ORDER

Chairman Matsen 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 on January 18, 2007 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 2nd 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

Tom McCaffrey moved and Ira Breines seconded a motion to approve the minutes of February 26, 2007. The Board concurred unanimously.

RESOLUTIONS

INDER, Block 68, Lot 9.02

Resolution #2006-17, Application #2004-02

Jon Drill noted that the escrow account was in arrears and recommended that the Board not adopt the resolution until the applicant had replenished the account. He asked that the members respond with their comments and that the professionals wait.

BADORE, Block 90, Lot 11

Resolution #2007-02, Application #2006-15

Jon Drill read the changes that he suggested into the record. Ira Breines moved and Tom McCaffrey seconded a motion to approve the resolution as amended. Members in favor: Matsen, Stevens, Fennell, Breines and McCaffrey.

Bill Honachefsky, Jr. recused himself from the following application.

COMPLETENESS WAIVERS HEARING

HENSFOOT/KIMBERLEY, Block 4.03, Lot 29

Application #2006-14

Kate Monagle, Esq. introduced herself on behalf of the applicant. Chairman Matsen noted that it was a bifurcated application and that no site plan had been distributed. Jon Drill indicated that the Board needed to address the checklist item waiver requests, and not the fact that the application was bifurcated. He indicated that the Board had not granted many bifurcated applications in the past and suggested that the applicant file a site plan, even though they did not have to do so at that point. He recommended that the Board address the waiver requests. Tom McCaffrey moved and Ira Breines seconded a motion not to grant the waiver request for checklist item #37 and #42 and to grant all others. Members in favor: Matsen, Stevens, Fennell, Breines, McCaffrey, Geiger and Roberts.

Chairman Matsen asked that landscape buffer requirements be shown. Cathy Marcelli commented that they may be building on the existing footprint, but that the floor area would be increased. Mark Hartman, partner in Hensfoot Development, introduced himself. He described the history of the application and the foundation. Jon Drill explained the previous history of the pre-existing non-conforming use. It was noted that the building had increased in size over the years, from the approved size. Cathy Marcelli discussed the fact that the rentable space was listed as 3,300 square feet in 1977 and is now listed as 8,400 square feet on the tax rolls. Mr. Drill suggested that the applicant submit a site plan application. Chairman Matsen noted that a conceptual site plan had been filed in 2000 and suggested that the applicant file something similar. Mr. Drill recommended which resolutions the applicant should review. Chairman Matsen indicated that he would like to schedule a site walk after the members have received the materials but before the hearing. The Administrator was directed to send out the submission materials in advance.

PUBLIC HEARINGS

RENDA/SAFE STORAGE, Block 3, Lots 27 & 28

Application #2006-10

Lloyd Tubman, Esq. introduced herself on behalf of the applicant. She noted that there had been plan changes and that they would address the engineering changes first. Mike Textores reported on the professionals' reports and characterized the changes as minor in nature. He indicated that there were more recent reports on the March 16, 2007

changes. He addressed the Marcelli report and discussed the 300' stream buffer. A conservation easement was discussed and he stated that it would be a Board decision whether to require one. The Board determined to require an easement. Mr. Textores commented that he had no disagreement with the letter from the Board's lighting expert and would supply additional information to him. He indicated that the letter from the landscape architect asked for a tree survey which was now finished and would be submitted to Mr. Bosenberg. He reported that the trash enclosure would be masonry and that the tree survey would need additional review from Brian Bosenberg.

Debbie Newcomb, Chair of the Environmental Commission, asked for input on the January 17, 2007 report that the commission had submitted. Mr. Textores discussed the EIS and the endangered species on the site. Species of "special concern" were discussed. He indicated that the stream and wetlands buffer areas would not be disturbed. He commented on the requests that the E.C. had made. He discussed the septic system design and indicated that the Board of Health would review it. Ms. Tubman asked whether a survey needed to be performed as the stream area would not be disturbed, and discussed the possibility of a conservation easement. Ms. Newcomb was sworn. She expressed the opinion that the commission wanted an endangered species survey because the National Heritage survey was not thorough enough. Sharon Stevens asked whether the species would stay in the buffer and Ms. Newcomb responded they may not. Mr. Textores said that no survey had been performed, noting that they could find an endangered species. He expressed the opinion that the sensitive areas had been respected. Ms. Tubman pointed out that the applicant proposed only a 7.8% impervious coverage on the site.

Steven Gruenberg, counsel for NY Life Insurance Company, asked whether the survey was to be used to determine whether the site was appropriate for a non-permitted use. Sharon Stevens asked for information on the septic system on the adjoining lot. Mr. Textores indicated that information on surrounding properties had been sought, and that additional information would be needed. The Board determined unanimously that an endangered species survey was needed. Lloyd Tubman stated that she would contact an environmental consultant to determine the appropriate season to conduct the survey.

Cathy Marcelli commented that the software that the E.C. had questioned in its report was an acceptable model, and Ms. Newcomb indicated that she would defer to the Board's engineer. A survey for birds and bird habitat will be produced. Mr. Textores expressed the opinion that the BOH septic regulations were sufficient and should take precedence, noting that the septic systems were as far away from the stream as possible. Cathy Marcelli discussed the state standards and pointed out that the plan met the standards. Chairman Matsen called a recess at 8:58PM.

Chairman Matsen called the meeting to order at 9:07PM. Jon Drill reported that there were no requirements that the applicant must perform additional tests for the septic system.

The hydrology report was discussed. Ms. Newcomb indicated that the E.C. was looking for a better impact statement, and expressed the opinion that the soil survey was too general. Mr. Textores indicated that the soil testing was actual and accurate. He discussed the Fire Department letter of 11/27/06, and indicated that the applicant would comply with all items that had been raised. The township Board of Health and the Hunterdon County Planning Board will address all items under their jurisdiction.

Justin Taylor, traffic engineer, was sworn and his credentials were accepted by the Board. He reported that a storage development would be a low traffic generator and discussed the traffic study that had been performed. He discussed the level of service on Cokesbury Road and expressed the opinion that it would not be adversely affected by the proposed storage center. He commented on the parking variance that would be required, noting that the storage facility would need much less than an office building. Ira Breines asked whether there were peak periods during the year. Cathy Marcelli asked about KayBee Toys and whether that warehouse was completely occupied. Chairman Matsen asked about the square footage, which would determine the amount of trip generation.

Steve Gruenberg, NY Life, asked about the level of service at the KB toys driveway. He asked about the difference between the number of trips that would be generated by the proposed use, as compared to the number from a residential use. Sharon Stevens asked about the target market. Wayne Filus discussed the peak traffic hour, and how it was calculated. Cathy Marcelli discussed the striping changes that would be required by the county on the road.

Ms. Tubman commented that the applicant would submit a feasibility study at a future hearing. Manager Ted Rica reported that 95% of the storage business comes from within a 5 mile radius. Exhibit A-16 (Site Report by Claritas, Inc., dated 2/19/07) and Exhibit A-17 (2006 Self Storage Almanac) was marked into evidence. Mr. Rica discussed the methodology that was used to determine the need for storage in the area. He discussed occupancy rates in New Jersey and the duration of the rental periods. He discussed a supply and demand analysis. Mr. Vollers' letter was discussed. Mr. Rica reported that he had supplied the input of data to the Claritas report. He explained net ratable space, indicating that the rental demand is 191,000 square feet. Sharon Stevens asked for an explanation as to how the figures had been reached. Michael Bolan commented on Exhibit A-16.

The application was continued until May 29, 2007, without need for further notice. The applicant agreed to extend that time within which to act to July 23, 2007. Tom McCaffrey noted that he would like to hear the justification for the variances and asked for an outline from the planner.

NEW BUSINESS

1. Vouchers

Chairman Matsen moved and Bill Honachefsky seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

ADJOURNMENT

Sharon Stevens moved and Dave Roberts seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 9:57PM.

These minutes were approved on April 23, 2007.

Rebecca E. D'Alleinne, Administrator