

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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SPECIAL PUBLIC MEETING

July 14, 2008

PRESENT: Tom McCaffrey, John Matsen, Wayne Filus, Dave Roberts, Ira Breines, and John Lefkus.

PROFESSIONALS: Jon Drill, Attorney and Rebecca D'Alleinne, Administrator.

ABSENT: Sharon Stevens, Peter Geiger and Amy Switlyk.

CALL TO ORDER

Chairman McCaffrey called the meeting to order at 7:32PM.

PUBLIC NOTICE

This is a special 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 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

Dave Roberts moved and Ira Breines seconded a motion to approve the minutes of June 23, 2008 as written. The Board concurred unanimously.

NEW BUSINESS

1. Vouchers

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

RESOLUTIONS

MELINDA STORTZ, Block 82.17, Lot 29

Resolution #2008-13, Application #2008-06

Ira Breines moved and Wayne Filus seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Breines, Filus, Roberts and Lefkus.

FOX/SEALS MUNICIPAL HOUSING COMPLEX, Block 53, Lot 3
Resolution #2008-14, Application #2008-10

John Lefkus moved and Dave Roberts seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Breines, Filus, Roberts and Lefkus.

COMPLETENESS WAIVERS HEARINGS

OLD ALLERTON HOUSING COMPLEX, Block 58, Lots 4, 5, 6, 7 & 7.01

Trishka Waterbury, Esq. introduced herself on behalf of the applicant. She explained that the proposal was for 85 low and moderate income units and that the applicant was seeking a D1 use variance, preliminary major site plan and subdivision approval. She discussed the memo from the Board engineer that had recommended approval of all requested waivers. Township Engineer Cathy Marcelli noted that some items were not applicable. Chairman McCaffrey asked about item #17, noting that the rationale for the request had been changed, so the item was no longer applicable. Dave Roberts suggested that the connector road should have one name along its entire length. John Matsen moved and Ira Breines seconded a motion to approve the waivers as requested. Members in favor: McCaffrey, Matsen, Breines, Filus, Roberts and Lefkus.

PUBLIC HEARINGS

FOX/SEALS MUNICIPAL HOUSING COMPLEX, Block 53, Lot 3

Trishka Waterbury, Esq. introduced herself on behalf of the applicant. She indicated that the application was for a 15 unit affordable housing complex to help meet the second and third round requirements of the COAH obligations and to subdivide off a municipal parking lot. She noted that the property was located in the OB-2 zoning district. Ms. Waterbury stated that the applicant was seeking a minor subdivision approval and a preliminary site plan approval. She listed the need for a D1 use variance for multifamily housing and bulk variances for lot area, maximum depth of measurement, setback variances for front, side and rear yard, building coverage, and an impervious cover variance. Exceptions for parking ratio, minimum distance for parking and loading, parking lot landscape design, perimeter buffer standards and height of light fixtures were also required.

Steve Balzano, project manager, Tim Henkel, Pennrose Properties, Cathy Marcelli, Township Engineer, Michael Sullivan, Township Planner, Steven Schoch, Architect, and Andrew Feranda, Traffic Expert were sworn. Exhibit A-1 (Aerial of Annandale), Exhibit A-2 (Enlarged Aerial View), Exhibit A-3 (Affordable Housing Site Plan), Exhibit A-4 (Color Rendered Site Plan-Existing Conditions), Exhibit A-5 (Color-Rendered Grading and Drainage Plan), Exhibit A-6 (Color-Rendered Minor Subdivision Plan), Exhibit A-7 (Grading and Drainage Plan), Exhibit A-8 (Five Photos of Existing Conditions) and Exhibit A-9 (PowerPoint Presentation) were marked into evidence.

Ms. Waterbury introduced Steve Balzano as the project manager. He reported that the township had submitted a Third Round Plan to COAH, which had included the 15 affordable-unit project. He discussed the redevelopment of the old municipal building

and that it was listed as a part of the Annandale Historic District as a contributing element. Mr. Balzano stated that there would be 15 senior units, a common/meeting room and offices. He discussed the existing parking lot and the joint use by the adjacent church. He described the size of the units and the meeting rooms. Mr. Balzano displayed Exhibit A-3 and noted that the original building dated from 1886. Ira Breines asked how the number of units had been determined. Mr. Balzano responded that the number was considered a reasonable unit yield for the size of the building, which was 16,000 square feet. He indicated that the building would be senior rental units, noting that the parking lot currently encroached onto the church property and was to be relocated. He reported that the township had held discussions with the church concerning a landscape buffer. Mr. Balzano stated that the larger parking lot would continue to be owned and maintained by the township. He reported that the township had entered into a developer's agreement with Pennrose Properties to oversee the construction and management of the property. Dave Roberts asked whether ownership of housing would be transferred to Pennrose and whether it would be affordable housing in perpetuity. Ms. Waterbury stated that it would be transferred and that the deed restriction for affordable housing was 45 years.

Tim Henkel introduced himself on behalf of Pennrose Properties, the developer, and explained that all properties were maintained by the company. He commented that the company specialized in senior housing. He displayed Exhibit A-9 (PowerPoint presentation) to the Board and public, and commented that the company had not sold any of the properties. He showed slides of other properties in Pennsylvania and New Jersey. He displayed some projects that had needed rehabilitation, noting that Pennrose was a substantial company and had managed numerous senior housing projects. Mr. Henkel discussed the historic nature of the building and their experience in redeveloping historic properties. Trishka Waterbury stated that the age limit of the residents would be 62 and over and that teenagers could only be visitors. Mr. Henkel commented that the Pennrose management staff would develop a marketing plan to reach interested seniors. John Matsen asked for a financial breakdown of the responsibilities of the developer and of the township. Mr. Henkel stated that the company would seek public funds, tax credits and other soft loan services to complete the project and noted that Township resources would not be requested. He indicated that preliminary site plan approval was necessary to make the financial applications. He discussed taxes. Chairman McCaffrey asked the term of the leases and Mr. Henkel responded that it would be on a year-to-year basis. He noted that the income levels are maximums and that the calculation would be for 30% of income. Ira Breines discussed subsidies. Mr. Henkel commented that the proposal would be much more appropriate for seniors than families. He noted that there would be on-site management and that the building was handicapped-accessible. Chairman McCaffrey asked about dependency on revenue from rent, and Mr. Henkel that the project would be sustained by rent after construction. John Matsen discussed the length of the commitment to a low income designation and whether it was in perpetuity, for 45 years or would change in the future. Mr. Henkel discussed the COAH rules concerning turnover into market units and stated that the firm would work to maintain the affordable designation.

Jon Drill explained the local public ethics law and that the township's professionals may testify on municipal projects. Township Engineer Cathy Marcelli presented her credentials which were accepted by the Board. She displayed Exhibit A-4

of the existing site conditions, stating that the site was 1.009 acres. She pointed out the gravel parking lots and discussed drainage on the site. Ms. Marcelli reported that the site would be served by public sewer, gas and water, noting that the building coverage was 8007 square feet. She displayed Exhibit A-5, a grading and drainage plan, and pointed out where the parking and the handicapped slots would be located. She expressed the opinion that the proposal was not a major development. She explained that there would be subsurface drainage and a bio-retention area to reduce the runoff onto Beaver Avenue. Ms. Marcelli stated that the percentage of impervious coverage would be reduced over the site as a whole. She displayed Exhibit A-6, a minor subdivision plan, to demonstrate how the plan contemplated the subdivision the municipal parking lot from the housing complex. She stated that the township would maintain the parking lot.

Township Planner Michael Sullivan presented his credentials, which were accepted by the Board. He discussed the proposed landscaping and lighting plans. He used Exhibit A-1 to indicate the location of the proposed plantings on the site. Mr. Sullivan reported that the landscaping plan had been reviewed by the Board's Landscape Architect Brian Bosenberg, who had made suggestions for street buffers and foundation plantings. Mr. Sullivan stated that the applicant would work to comply with all of the suggestions. Dave Roberts asked if there was enough room for trees, as designed and Mr. Sullivan replied that the sidewalk would heave in 80 years. Dave Roberts asked whether there would there be a trash enclosure and Mr. Henkel responded that it would be determined when built, and that the trash could be stored indoors for several days, or perhaps a small dumpster would be installed.

Mr. Sullivan discussed the lighting plan. He noted that they would bring the fixtures down lower and that they would be a traditional design. He stated that the pole mounted lights would comply with the township ordinance. He commented on Board Lighting Expert Gary Garofalo's letter and the concerns about light spillage onto adjacent properties. Mr. Sullivan discussed plans to lower the amount of spillage. Lights on the parking lot, even with shields, would have spillage. Steve Balzano commented that the church had expressed no concerns over granting the landscape easement, and that the lighting issue could be addressed with them. Discussion ensued on reasons to grant an exception for the height of the light fixture. It was noted that there would be automatic site lighting controls. Dave Roberts asked about the lights on Washington Street and expressed the opinion that two poles may not be sufficient for seniors. Mr. Sullivan stated the lighting would comply with township standards and that they would try to put lower wattage on the building at the 8-10 foot height.

Chairman McCaffrey called a recess at 9:15PM. The meeting was called to order at 9:21PM.

Mr. Sullivan listed what variances were required: a D1 use variance to permit multifamily residential use, a lot size variance, (as neither lot conforms to maximum lot depth), minimum front yard variances on West and Washington Streets, a minimum parking distance to street variance, rear yard setback variances, a minimum side yard variance, maximum building coverage and maximum impervious variances for both lots. Design exceptions needed: composition of the buffer screening. Mr. Sullivan stated that his firm would work with Brian Bosenberg to avoid losing parking spaces. COAH credits were discussed and Mr. Sullivan stated that there would be 15 credits. John Matsen discussed depth of measure for Lot 3. Jon Drill stated that the applicant had

taken the most conservative approach. Trishka Waterbury discussed the township construction official's letter which had requested details for the handicapped ramp. Mr. Sullivan stated that details would be provided at final site plan. Chairman McCaffrey commented that the Board would be looking for a lot more precision in the lighting and landscaping and for more details at final application.

Stephen Schoch, architect introduced himself, and presented his credentials which were accepted by the Board. Exhibit A-10(Color-Rendered Floor Plans), Exhibit A-11(North Side Perspective with Existing Conditions), A-12 (South Side Perspective and Existing Conditions), and Exhibit A-13(Rear Perspective and Existing Conditions) were marked into evidence. He pointed out the portion of the building that would be maintained and the location of the residential commons room. He noted that the one bedroom units would be 687 square feet and that there would be an elevator. The ground floor will have offices and conference rooms. Mr. Schoch displayed Exhibit A-11 and noted that the later additions on the front and back of the building would be removed. He stated that the firm would work with state historic preservation office. He presented Exhibit A-12 and discussed the various additions that had been made over the years. Mr. Schoch used Exhibit A-13 to point out what areas would be removed in the back of the building. He discussed the Historic Commission memo and stated that the firm would be meeting state standards for the exterior renovation. He discussed the memo from Board Architect Mark Hewitt, which noted that the design was conceptual. Mr. Schoch stated that they would comply with documentation when possible. Historic renovation was discussed and he noted the details to be provided. Signage was discussed; there would be entrance signage, but no freestanding sign. Sign details will be a part of the final site plan application. He noted that his firm would be doing research to refine the actual look of the historic section of the general store.

Andrew Feranda, traffic expert, presented his credentials, which were accepted by the Board. He discussed the existing conditions and the roads that run alongside of the building. He noted that there was access between the current gravel lots. Mr. Feranda noted that Exhibit A-8 showed the existing parking areas and roads and commented that the lots were not defined or controlled. He discussed the parking counts on weekdays and weekends. He indicated that the Boy Scouts created some demand for parking during the week at the church. Mr. Feranda discussed the parking requirements for senior units and noted that there were various standards that could be used to determine how many to design. He considered local conditions, such as sidewalks, LINK transportation and passenger rail transit in his calculations. The municipal lot will have 32 spaces. Ira Breines discussed the handicapped parking and commented that special occasions at the church could create parking issues. John Lefkus asked about what were the current parking restrictions, and Mr. Feranda reported that parking was not allowed on West Street and that there was low volume on Washington Street. He discussed the comparison of traffic volume if the property were to be offices or other permitted uses. John Lefkus discussed the requirements for staff parking. Tim Henkel responded that there would be .7 spaces for the staff. Mr. Feranda commented that income-restricted residents would be less likely to have a vehicle. Dave Roberts discussed sources of income. John Lefkus suggested striping for compact car spots to create additional parking.

Township Planner Michael Sullivan discussed the planning criteria for the D1 use variance. He stated that the proposal would promote the municipal land use plan and that it was an inherently beneficial use. He noted that affordable senior housing was in the public interest. Mr. Sullivan listed the potential detrimental effects: parking, noise, and traffic. He indicated that conditions could be imposed to mitigate the impacts and that the Board should weigh the benefits versus the detriments. He noted that the development was a part of the township Master Plan, in that a Fair Share plan had been created in 2007. Mr. Sullivan stated that the OB-2 zone didn't permit multi-family use, but that the proposed use would protect the historical area of the village. He referred to Board Architect Mark Hewitt's letter that supported the general look of the building. He noted that the building was currently empty, and that public parking would be enhanced by paving and striping the municipal lot. He expressed the opinion that the potential increase in traffic would not create a negative impact. Mr. Sullivan noted that the requested bulk variances, in some cases, were making the situation better. He expressed the opinion that it was a model of smart growth as recommended in the state plan. Mr. Sullivan indicated that the development would provide numerous public benefits, and that there would be few detriments or negative impacts on the neighborhood. Chairman McCaffrey asked about the impervious coverage and Cathy Marcelli stated that the proposal would reduce the impervious coverage from 27,275 square feet to a proposed total of 25,370 square feet. She stated that the building footprint would be reduced. Chairman McCaffrey asked whether there was anything that had been made worse and Mr. Sullivan referred to Exhibit A-7, discussed the building footprint and pointed out where the design was close to the lot lines in the back of the project. Chairman McCaffrey asked for public questions or comments.

Kevin Benbrook, representing Country Club Drive Associates, asked from where the projected sewer flows would come. Cathy Marcelli responded that the project would use the existing lateral connection. She stated that the estimated flow would be 1800 GPD and that the Clinton Township Sewerage Authority had provided a will-serve letter.

Rita Healey, 18 West Street, was sworn. She expressed concern that there would be a need for health care providers to park. Mr. Henkel commented that there was no provision for a flow of health care workers for an apartment building. He indicated that the staff would be checking needs of the residents. He discussed security, and stated that all of the residents would be issued entry pass cards. Trishka Waterbury commented that the housing could not be limited to township seniors.

Darrin Vogel, 15 West Street, was sworn. He stated that he was surprised to learn that the complex would be developed by an outside company. He expressed the opinion that the building didn't blend in with the historic nature of Annandale Village. Mr. Vogel indicated that he was concerned that there may be too much lighting, and that spillage should be controlled. He commented that the amount of parking may not be sufficient, and that the ordinance requirement of 1.5 slots per resident was a better solution. He expressed the opinion that there would be a problem for parking and that the township should require that the apartment residents could not park in the municipal lot. John Lefkus asked whether there could have been a lower intensity of use, and Mr. Vogel responded that the previous proposal of a museum and meeting rooms would have been better.

Pat Schutts, 14 West Street, was sworn. She stated that she had lived there her entire life and that there was already heavy traffic on Washington Street with backups and speeding. She expressed concern that there would be more traffic, due to the LINK bus and ambulances coming to the complex. She thought that parking would be a definite problem and that the rear area should not be for residents only. She reported that there was a septic tank at the old building that should be checked.

Dennis Healey, 18 West Street, was sworn. He asked what process had been used to choose the professionals. Trishka Waterbury responded that Pennrose Properties was very reputable and had a 30-year track record in the field. She explained that a developer's agreement had been negotiated with Pennrose and reported that the development would not be subsidized by the taxpayers. Mr. Healey asked what criteria had been used. Ms. Waterbury indicated the Kitchen & Associates often worked with Pennrose, and was sensitive to both construction costs and the treatment of buildings of an important historic nature. Steve Balzano reported that there would be no municipal cost. Mr. Healey asked whether the township would maintain the larger lot. Mr. Balzano responded that the purpose of retaining the parking lot was so that the town could retain control and to address the concerns of the church. He indicated that large events were a potential problem. Tim Henkel commented that the parking lot was a shared resource for the township and the church, and that the seniors may decide to attend the church. Mr. Healey expressed the opinion that the project creates too much density in the village and that it would cause a traffic and security problem. Mr. Henkel discussed the common area as a resource for the residents. Trishka Waterbury noted that there were a number of details that needed to be worked out and they would be addressed when the township applies for final site plan approval. She explained that the township needed to receive the preliminary approval to apply for the public funding. Mr. Healey asked about landscaping and Michael Sullivan responded that the design would meet the spirit of the ordinance and noted that at installation the trees would be approximately 14-16 feet tall. Mr. Healey expressed the opinion that the project was inappropriate for the village.

The Public Hearing was closed. Dave Roberts expressed the opinion that the proposal was a very good plan and commented on the issues of parking. He noted that in the alternative, the township could sell the property and that a municipal lot was an improvement. He expressed support for the reduction in impervious coverage by reducing the building footprint. John Matsen concurred stating that the parking lot had traditionally been meant for activities in the building. When the building had been used for a municipal building, residents were discouraged from parking in the lot. He noted that he was glad to see that the plans were coming to fruition for the township's COAH obligation. Ira Breines was glad that the township was accommodating affordable housing, noting that there was still much work to be done. He expressed concern that there would be parking spillover and that garbage disposal may become a problem. He suggested that there could be fewer units. Wayne Filus agreed with the other members and was encouraged by the fact that Pennrose intended to be involved for the long run. He commented that there were issues that need to be finalized and was reassured that the architect would work with township professionals. John Lefkus expressed the opinion that the proposal was a good project, and was a low-intensity use. He supported the parking perspective from Pennrose Properties, noting that many of the details would be addressed at the final site plan approval. Chairman McCaffrey stated that there were

many benefits to the proposal, that it addressed the township COAH obligations and was sensitive to the historic nature of the redevelopment. He expressed the opinion that Pennrose had a good track record and that the justification for the D variances had been made.

John Lefkus moved and Wayne Filus seconded a motion to grant the C and D variances, the design exceptions, the subdivision and the site approvals as requested. Members in favor: McCaffrey, Matsen, Breines, Filus, Roberts and Lefkus.

ADJOURNMENT

Dave Roberts moved and Ira Breines seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 11:56PM.

These minutes were approved on July 28, 2008.

Rebecca E. D'Alleinne, Administrator