

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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SPECIAL MEETING

November 10, 2003

PRESENT: Joe Arancio, Bill Honachefsky, Dan Fennell, Ira Breines, John Matsen, Tom McCaffrey, Ed Bertele and Sharon Stevens.

Professionals: Jonathan Drill, Attorney; Melanie Reese, Engineer, Mike Bolan, Planner Joe Fischer, Geologist, Peter Fernandez, Landscape Architect, Jeff Keller, Environmental, Barry Sutherland, Traffic and Rebecca D'Alleinne, Administrator.

ABSENT: None.

CALL TO ORDER

Chairman Matsen called the meeting to order at 7:33p.m.

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 16, 2003, 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 2<sup>nd</sup> 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

Bill Honachefsky moved and Ed Bertele seconded a motion to approve the minutes of 9/22/03 as written. The Board concurred unanimously.

RESOLUTIONS

**1. LAIDLAW TRANSIT, Block 31.01, Lot 3**

Resolution #2003-18, Application #13-98

Ira Breines moved and Bill Honachefsky seconded a motion to approve the resolution as written. Members in favor: Arancio, Breines, Honachefsky, McCaffrey, Bertele and Matsen.

**2. JORDAN GUENTHER, Block 30, Lot 10**

Resolution #2003-19, Application #2003-11

Bill Honachefsky moved and Ed Bertele seconded a motion to approve the resolution as written. Members in favor: Matsen, Breines, Honachefsky and Bertele.

**PUBLIC HEARINGS**

**Hunterdon Wellness Center, Block 70, Lot 11 & 13, Zone C-1**

Guliet Hirsch introduced herself on behalf of the applicant, and introduced Neil Hudes, VP of Hunterdon Medical Center. She also named her professional consultants: Robert Clerico, Engineer, Steve Bartlett, Architect, Ken Newman, Traffic, Kevin Kester, Landscape Architect, and Roman Burak, Geologist. Both the board's and the applicant's professionals were sworn in. Ms. Hirsch discussed the color of the building and indicated that she felt that the geology and lighting issues were resolved. Steve Bartlett discussed the site layout and the clapboard and stone siding. Exhibits A-14, a drawing of the whole building, and A-15, stone samples, were marked into evidence. Mr. Bartlett discussed the Board's concerns about the proposed light color of the building. He indicated that the applicant was asking for a light earhttone palette. Exhibit A-16, samples of cement fiberboard siding, was marked into evidence. Ira Breines expressed concern that the color was too bright. Sharon Stevens commented that the determining factor for her was that the stone and the siding be color-coordinated. Joe Arancio asked why the board should give the architect the ability to choose which colors on site. Jon Drill indicated that now is the time to set details. Neil Hudes discussed the colors, and the manufacturer of clapboard and stone. Joe Arancio discussed the Design Standard Ordinance, and commented that he felt the lighter color would be overbearing. A subcommittee was established to approve colors. Joe Arancio, Dan Fennel and Sharon Stevens were appointed to the subcommittee.

Steve Bartlett discussed the Lighting Design Collaborative recommendations, the lights on the back of the building and concerns about visibility to nearby homes. Mr. Bartlett indicated that the lights would be turned off at 11:00PM and that the applicant would satisfy all of the issues raised by LDC. Joe Arancio expressed concern over the glare in winter, because the trees will be bare. He discussed shoebox lighting, and that the application must comply with the lighting ordinance. Discussion ensued concerning the shielding of lights in the back, and blinds in the office area. It was decided that the applicant will close opaque blinds after 9:00PM. There were no public questions.

Robert Clerico discussed the traffic impact of the proposed building. He summarized the 11/4/03 letter from TRC. He indicated that no issues needed resolution, and that they will comply with all suggestions. Mr. Clerico noted that DOT approval is still necessary. Bill Honachefsky expressed concern about cars queuing on Route 31 to get into the site. Jon Drill reported that the use is permitted, and that courts say that it is not a use variance if the lines are not on the site. He noted that the Board doesn't have much say on a state road. Barr Sutherland discussed the jughandle deficiencies. TRC's analysis was forwarded to the DOT. Joe Arancio commented that the Board should

register its concern, preferably in a letter to DOT from TRC, signed by the chairman, which would contain suggestions to improve the jughandle. There were no questions from the public.

Geologist Roman Burak reported on his background, and the Board accepted his credentials. Mr. Burak discussed the geological checklist, and his conversations with Board Geologist Joe Fischer. He testified concerning a grouting program, detention basins, and the latest outstanding issues that he and Mr. Fischer had identified. He summarized the details worked out between the two experts. He indicated that they will satisfy all of Mr. Fischer's outstanding comments. Joe Fischer noted that there was much that must be done during construction and that their letter does address this. He commented that all details must be listed on the plans, and that reports and inspections will be done in the future. Melanie Reese discussed stormwater recharge to the aquifer. Chairman Matsen called a recess at 9:05PM.

Chairman Matsen called the Board back into session at 9:13PM.

Joe Fischer indicated that he is in favor of recharge, but that it has to be put into the ground slowly, so that the water would not carry soil with it. Jeff Keller suggested several approaches to recharge rooftop runoff. Joe Fischer will identify the locations on the site that would be best for recharge. Jeff Keller discussed a system that will store water in a plastic grid below the ground surface. He described the equipment, noting that water would dissipate slowly and overflow to the detention basin. Mr. Keller discussed the impact of stormwater management, and noted that the increase in impervious cover produces additional water volume which will flow into the South Branch of the Raritan River.

Robert Clerico wondered if the site was an appropriate one for recharge. His opinion was that it is not dangerous to discharge groundwater, but thought that a septic system and detention basin would be better. Mr. Clerico expressed the opinion that recharge may not be a good idea on this particular site. He indicated that all experts must agree on the criteria before designing a system. Mr. Burak discussed the soil on the site and its moisture content. Joe Arancio noted that recharging would help the land to do what it is doing now. Melanie Reese recommended that the professionals meet and determine if recharge is feasible because of the limestone. Jon Drill noted that the Board can't approve the application without a plan. Joe Arancio indicated that the professionals should decide whether the recharge is feasible, and, if so, the plans should be changed at that point. He added that, if not done correctly, the recharge could create sinkholes. Melanie Reese noted that all of the professionals should agree on the plan, because the risk can be too great. Neil Hudes expressed concern about the potential risk.

Bob Clerico discussed Jeff Keller's letter and the issue of a stream buffer. He reported on the design of the detention basin. The new state regulations for Class 1 streams were discussed. Bob Clerico said some of Mr. Keller's recommendations could be feasible. Jeff Keller indicated that the intent is to protect and improve the quality of waterways.

Ms. Hirsch indicated that additional exceptions will come in a letter. Peter Fernandez's letter was discussed. The applicant requested waivers that Mr. Fernandez recommended should be granted. It was decided that a joint conference be held with the professionals.

The Board set a special meeting for December 22, 2003 at 7:00PM to which the application will be carried without need for further notice. Joe Arancio, Sharon Stevens and Dan Fennell will meet with Neil Hudes on December 1, 2003 at 7:30PM. Transcripts were ordered so that Sharon Stevens would be eligible to vote. An extension to 12/31/03 was granted.

#### NEW BUSINESS

Bill Honachefsky moved and Ira Breines seconded a motion to approve the vouchers. The Board concurred unanimously.

#### EXECUTIVE SESSION

The Board determined that it was necessary to enter closed session to discuss litigation matters. Joe Arancio moved and Ed Bertele seconded a motion to go into executive session. The members concurred unanimously. The Board entered executive session at 10:26PM.

The Board re-entered open public session at 10:51PM. Joe Arancio moved and Bill Honachefsky seconded a resolution entitled "Authorization Filing of Answer to the Phillips' Cross Claim and Instructions as to Defense of Board's Actions in the Aulicky v. CTBOA Litigation." Jon Drill read the resolution into the record. Members in favor: Matsen, Arancio, Breines, McCaffrey, Honachefsky, Stevens, Bertele, and Fennell.

#### ADJOURNMENT

Sharon Stevens moved and Joe Arancio seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 11:00PM.

These minutes were approved on December 8, 2003.

Rebecca E. D'Alleinne, Administrator