

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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SPECIAL PUBLIC MEETING

November 10, 2008

PRESENT: Tom McCaffrey, John Matsen, Wayne Filus, Dave Roberts, Peter Geiger, Amy Switlyk and John Lefkus.

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

ABSENT: Sharon Stevens, Ira Breines.

CALL TO ORDER

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

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

Peter Geiger moved and Dave Roberts seconded a motion to approve the minutes of October 27, 2008 as written. The Board concurred unanimously.

RESOLUTIONS

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

Resolution #2008-21, Application #2008-13

Jon Drill read the corrections into the record on Draft #2, dated 10/31/08. John Matsen moved and Dave Roberts seconded a motion to approve the resolution as amended. Members in favor: McCaffrey, Matsen, Filus, Roberts and Lefkus.

THEODORE & EUNICE BENCH, Block 95, Lot 2
Resolution #2008-25, Application #2008-12

Peter Geiger moved and John Matsen seconded a motion to approve Draft #2 of the resolution, dated 11/8/08, as written. Members in favor: McCaffrey, Matsen, Filus, Geiger and Roberts.

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

Trishka Waterbury, Esq. introduced herself on behalf of the applicant. She stated that the application consisted of a request for two (d)1 use variances, preliminary major subdivision and preliminary major site plan, among other items of relief. She passed out a chart of the variances sought. She introduced Steve Balzano, project coordinator, Timothy Henkel, Pennrose Properties, Steve Schoch, architect, Lou Zugner, engineer, Michael Sullivan, landscape and lighting, Andrew Feranda, traffic engineer, Steve Morey, environmental expert and Beth McManus, planner, who were sworn. Board Engineer Cathleen Marcelli and Environmental Expert Jeff Keller were also sworn.

Steve Balzano presented a PowerPoint presentation. Exhibit A-1 (CD Copy) and Exhibit A-2 (Paper Copy) of the presentation were marked into evidence. He reported that in 2007, the township had adopted a housing element of the master plan. He stated that the proposal called for 85 family units and showed the location of the site. Mr. Balzano noted that there were two streams on the site. He indicated that the goal was to provide 85 affordable rental units and to renovate the 1870 McLoughlan Mansion. He discussed the connector road and the Runkle House renovation. He commented that the Runkle House was an historic structure from the 1770's. He discussed the stream and wetland buffers, DEP permits, noting that there would be a need for grading and protection of the specimen trees. He discussed the proposed connector road and the parking impact on the dental offices.

John Matsen asked who would own the parcels and Mr. Balzano responded that the affordable housing project would be purchased and owned by Pennrose Associates. The current owner would maintain ownership of the existing Walnut Pond office. Chairman McCaffrey asked about living quarters in the McLoughlan Mansion and Mr. Balzano commented that there would be one caretaker apartment there.

Tim Henkel, Vice President introduced himself on behalf of Pennrose Properties. He displayed a PowerPoint presentation. Exhibit A-3 (CD Copy) and Exhibit A-4 (Hard Copy) of the presentation were marked into evidence. He discussed the company's business and the locations of its projects. He stated that Pennrose was an affordable housing specialist that maintained ownership and had never sold a property. Mr. Henkel discussed community involvement and the number of the awards that the company had received. He enumerated the different projects in which the company had been involved with and Pennrose's attention to detail. He spoke about the company's redevelopment expertise and use of "green" homes technology. Mr. Henkel commented on the renovation of historic buildings that Pennrose had done on various sites. Peter Geiger asked about ownership and Mr. Henkel replied that the units would be rentals. He commented that Pennrose was a privately held company, that the occupancy rate was stable with little turnover and noted that their closest affordable property was in Flemington. Chairman McCaffrey questioned the financial soundness of the company

and requested that financial statements be provided for review. There were no questions from the public.

Architect Stephen Schoch introduced himself and presented his credentials, which were accepted by the Board. He displayed Exhibit A-5 (Illustrative Plan), which was marked into evidence. He reported that the proposal called for 8 one bedroom units, 52 two bedroom units and 26 three bedroom units. Mr. Schoch stated that there would be two access roads from Old Allerton Road into the site. He noted that the mansion would be restored and would be a focal point of the site. The proposal consisted of 128 parking spaces with 10 banked. Exhibit A-8 (View toward McLoughlan Mansion) and Exhibit A-7 (View from Allerton Road) were marked into evidence. He commented that the design was intended to break up the mass of the building with roofline changes. He noted that part of the reason that the height variance was needed was for the gabled roof and if he were to reduce the height, that he might not get the total number of units that were necessary. Mr. Schoch discussed the exterior materials and stated that Hardy Plank was considered a green product. Exhibit A-6 (Unit Plans) was marked into evidence. He stated that all units would have their own access doors and listed the square footage of the individual units. He discussed Mark Hewitt's report, and had no objections to his suggestions. Mr. Schoch discussed the report from the Historic Commission, stating that the historic buildings would be restored. He discussed the comments from Zoning Officer Mike Wright and stated that the plans would be in compliance. Building 7 had no ADA parking, and he indicated that the parking could be restriped. John Matsen commented that the site was not level as shown on the renderings. Mr. Schoch stated that grading would be required so the accessible units would be on the same level as the parking. Dave Roberts discussed whether every ground unit could be handicapped accessible. Chairman McCaffrey discussed the d(6) variance.

Patricia Hutchison, 322 Old Allerton Road, asked about the set back from the street. There were no further questions from the public.

Engineer Lou Zugner, presented his credentials, which were accepted by the Board. He discussed Exhibit A-5 and Exhibit A-11 (Preliminary Major Subdivision Color Rendering), which was marked into evidence. He pointed out that the family cemetery is not a part of the application and is on a different lot. He listed the new numbers of the lots after the reconfiguration. Mr. Zugner stated that Walnut Pond Road was beneficial, but not essential. He discussed the curvature of the road and the sizes of the new lots, noting that there were several lots with less than the required square footage. He noted that the northern access road would be one-way in and one-way out. Mr. Zugner indicated that the project would have public sewer and water, and would need to obtain all necessary government approvals. He reported that there would be a pump station owned by the CTSA. He discussed the stormwater management system and the infiltration basin. Mr. Zugner commented on the geology that could be underneath the site, and stated that the design could be changed to a bio-retention basin if needed. He pointed out the trash dumpster and the tot lot locations. He discussed the slopes on the lot and the retaining walls that would be needed. Exhibit A-10 (Steep Slope Analysis) was marked into evidence. He stated that some of the slopes were manmade and then discussed the areas that would be disturbed. Mr. Zugner noted that the proposal was to expand the parking lot at the dental office and listed all of the variances that were necessary for front and side yards. He stated that the other side of Walnut Pond Road

was undeveloped and would remain that way. Chairman McCaffrey commented that the setback was approximately 22 feet from Old Allerton Road. Discussion ensued concerning the shade trees along Allerton Road. John Lefkus asked about stream corridor buffers, which were pointed out. Parking for Lot 1 at the Runkle House was discussed, along with the expansion of the parking at the Walnut Pond dental offices. Mr. Zugner stated that the site didn't need as many parking spaces as required by RSIS. He referred to the report from Cathy Marcelli and stated that the applicant would address all comments. He stated that the applicant would also address all building and fire department concerns. Mr. Zugner indicated that all issues in the Bosenberg report would be addressed. He noted that the GeoScience Services report concerning stormwater management issues, and stated that there were some unknowns in going to DEP in the permitting process. He discussed water quality and bio-retention basins, noting that the site could have karst or limestone underneath. The Runkle House would be maintained by the original owner. Chairman McCaffrey asked about the ratio of units to parking, and Tim Henkel responded that there would be 1.5 per unit.

Patricia Hutchinson, 322 Old Allerton Road, expressed concern about the site geology.

Linda Long, 320 Old Allerton Road, asked about widening the road, and Mr. Zugner stated that there was no plan to do so. Cathy Marcelli corrected the variance list.

Chairman McCaffrey called a recess at 9:40PM. The meeting was called to order at 9:48PM.

Michael Sullivan presented his credentials, which were accepted by the Board. He referred to Exhibit A-5, and introduced Exhibit A-12 (Illustration for Lot 4), which was marked into evidence. He stated that there would be shade trees along old Allerton Road, along Walnut Pond Road and in the parking lot. Mr. Sullivan reported that the proposal would preserve the trees in front of the McLoughlan mansion. Exhibit A-13 (Lots 1, 2, & 7.01) was marked into evidence. He noted that there would be dense visual screening of the dental office along the perimeter. He reported that the northern side of the property had an existing forest of evergreens and deciduous trees. Mr. Sullivan indicated that the pump station would be screened. Exhibit A-14 (Typical Building Planting Design) was marked into evidence. John Matsen asked about whether shade trees would be higher than the ridge line of the buildings and Mr. Sullivan answered in the affirmative. Mr. Sullivan discussed the stream corridor restoration, stating that the application would comply with all other recommendations from Brian Bosenberg. He noted that the application was seeking a waiver of some of the reforestation requirements. Chairman McCaffrey asked about the trees around the McLoughlan Mansion and Mr. Sullivan responded that the major trees would be saved. Amy Switlyk asked about the health of the trees and Mr. Sullivan discussed cleaning up the lawn and small trees. Dave Roberts discussed the shrubs in front of buildings, and Mr. Sullivan expressed the opinion that they would provide some visual buffering. He stated that the parking lots and driveways would be lit by 16 foot poles. He stated that the applicant would comply fully with all recommendations from the LDC report. There were no questions from the public.

Traffic Engineer Andrew Feranda presented his credentials, which were accepted by the Board. Exhibit A-15 (Google Aerial) was marked into evidence and he and pointed out the location of the roads in the area. He discussed traffic on the roads and the

parking circulation, stating that he had evaluated the intersections. Mr. Feranda commented that one access on Allerton Road would be right turn in and right turn out only. The other access would be along the Walnut Pond extension. He discussed lower levels of service at the intersections. He indicated that the site would be accessible by fire trucks and that they would be able to maneuver in the parking lots. Mr. Feranda noted that the connector road was in accordance with the 1999 Master Plan. He referenced a TRC study of the connector road which had proposed a different intersection location, across from Immaculate Conception. He discussed the peak traffic periods, which would consist of 46 trips in the morning and 54 in evening. Mr. Feranda reported that he had used the Institute of Traffic Engineers standard data to calculate the number of trips. He stated that a 30,000 square foot office building would produce more traffic than the proposed use and that the site would have one half to one quarter the number of trips for other permitted uses.

Chairman McCaffrey discussed the amount of traffic that might cut through Annandale using the connector road. Amy Switlyk asked about signal improvement. Cathy Marcelli discussed the traffic count from the studies done by TRC and Shropshire. John Lefkus asked about stacking and discussed whether DOT would change the signalization. John Matsen discussed left turn arrows. Discussion ensued concerning sight distances required by the county on the road. Mr. Feranda discussed the RSIS requirements and commented that the Board may allow different standards. He expressed the opinion that the requested parking variance for the small office at the Runkle House would be appropriate.

Patricia Hutchison, 320 asked about whether a study had been done of Beaver Avenue at peak hours. He responded that they had not. Mr. Feranda noted that the County would determine whether a signal was needed. There were no further questions.

Environmental Expert Steve Morey presented his credentials, which were accepted by the Board. Exhibit A-16 (Encroachments) was marked into evidence. He pointed out where the wetlands were located, and stated that the applicant would need a LOI and a design exception for disturbance in the transition area. Exhibit A-17 (Vegetation to Remain), was marked into evidence. Mr. Morey discussed the sizes of the trees in the area. He commented that the Beaver Brook was a C-1 stream and had a 300 foot buffer. He further noted that the some of the paving would be in the riparian area and would require DEP permitting. Exhibit A-18 (Pavement Changes) was marked into evidence. Mr. Morey showed where the areas of disturbance would be located in the buffer. He discussed the geology of the site, noting that additional studies would be required. The GeoScience report recommended that permeability testing be done, and he noted that the township would comply before the final site plan application. He noted that the testing may trigger design modification. He stated that the applicant would comply with the recommendation in the Keller report for observation study of wildlife species, and that the applicant would conform to the request from CTEC for a tree preservation plan.

Don Schuman, acting on behalf of Lot 6 owner, had questions, but Jon Drill indicated that it was more appropriate for the township attorney to provide additional information to him. There were no further questions.

Chairman McCaffrey asked if there were any comments from the public.

Patricia Hutchison, 322 Old Allerton Road, was sworn and expressed concern about traffic on Old Allerton, stating that the road is already inadequate and that the amount of traffic was difficult during winter months. She reported that the grading around Immaculate Conception School had created a sinkhole. She was concerned that widening of the road would mean that many trees would have to come down and that would allow the lights to go into her windows. She suggested that the shrubs be replaced with pines.

Linda Long, 320 Old Allerton Road, was sworn and indicated that she had a similar concern. She expressed the opinion that light from the complex would bother her family and expressed the concern that it would affect her property taxes and value. She suggested that the applicant count the number of cars in and out of the church. She commented that the road may need a traffic light, due to the constant flow of traffic.

The application was continued to December 8, 2008 with no need for further notice. An extension of time within which the Board must act was previously granted until December 31, 2008.

NEW BUSINESS

1. Vouchers

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

ADJOURNMENT

Amy Switlyk moved and Dave Roberts seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 11:21PM.

These minutes were approved on December 8, 2008.

Rebecca E. D'Alleinne, Administrator