

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

November 26, 2001

*PRESENT:* John Matsen, Frank Senske, Ira Breines, Joe Arancio, Antje Doyle, Mark Ciarlariello, William Honachefsky, Jr., Sharon Stevens

Professionals: Melanie Reese and Robert Bogart, Engineer; Michael Bolan, Planner; Susan Melamud, Water Tank Expert; PF, Landscape Architect; John Thonet, Environmental Consultant; Jonathan E Drill, Attorney; Alice Oldford, Secretary.

*ABSENT:* Virginia Monsul-Barnes

*CALL TO ORDER*

Mr. Matsen called the meeting to order at 7:30 p.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 11, 2001, 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*

The minutes from the meeting of 10/22 were approved

*RESOLUTIONS*

**Revised Resolution Appointing Environmental Expert**

This resolution reflects a fee increase to \$175/hour.

Motion was made by Frank Senske and seconded by Antje Doyle

Members in favor: John Matsen, Frank Senske, Ira Breines, Joe Arancio, Antje Doyle, Mark Ciarlariello

Members opposed: William Honachefsky, Jr.

*PUBLIC HEARINGS*

1. **LAILAW TRANSIT** – Continued Hearing and Consideration of proposed approval Resolution No. 2001-9

D(2) variance to expand a pre-existing non-conforming use with “c” variances, exceptions and preliminary and final site plan approval. Hearing commenced on 07/30/2001 at which time the Board directed its counsel to draft a proposed approval resolution with conditions. Hearing has been continued to consider the proposed resolution and formally vote on the application.

Members who attended the 07/30/2001 hearing session and are eligible to vote: Frank Senske, Ira Breines, Joe Arancio, Antje Doyle, John Matsen  
Members who read the transcript of the 07/30/2001 hearing session and are eligible to vote: William Honachefsky, Jr., and Sharon Stevens.

Jeffrey Curzi, Esq., of Morrow and Curzi, introduced himself on behalf of the applicant

The proposed resolution, print date 11/5/01, with changes from Melanie H. Reese as set forth in email of 11/26/01 is being considered. Mr. Bolan also pointed out a change on page 4. In addition, Ms. Reese referenced her letter of 11/26 as to plan revisions.

Mr. Matsen noted that the plan showed a strip of land to be dedicated to the residences. This will be added to the resolution as a preliminary and final subdivision approval.

Sanford Kingsley, adjacent property owner, submitted a letter to the Board dated 11/26/01, setting forth a proposed additional condition subject to items 1-3 in the Kingsley letter. Mr. Curzi said applicant has every intention of complying with all applicable laws. Mr. Drill suggested including the conditions with language “if applicable”, to which applicant agreed.

As to additional conditions, Mr. Curzi agreed that applicant would comply with conditions imposed by State and Federal government. Ms. Reese confirmed that NJDEP standards would apply, and no separate condition need be added. The Board concurred. Mr. Cannon, applicant’s engineer, represented that applications to the NJDEP are noticed to adjacent property owners.

Applicant must submit a letter to the NJDEP for determination of jurisdiction. Applicant would copy Mr. Kingsley.

The Board polled itself as to reopening the hearing for additional testimony. The Board decided not to reopen the hearing for additional testimony.

There was discussion as to the condition proposed in Kingsley's August letter. Mr. Drill advised the Board that it did not have jurisdiction as to the liability. The Board polled itself and agreed it would not impose the proposed condition.

Another straw poll was taken as to re-opening the public hearing for additional testimony from Kingsley's environmentalist. The Board agreed to re-open for this purpose.

The matter is continued to 12/10.

2. **ELIZABETHTOWN WATER COMPANY**, Block 7, Lots 18 and 18.01 (AH-1)

This hearing is continued from 10/22.

Applicant seeks to construct a 500,000-gallon water storage tank, access roadway, parking area and landscaping to service the proposed Windy Acres community. The Windy Acres proposal, which was denied by the Planning Board, was for 911 units, including single-family homes, market and affordable townhouses.

Glenn Geiger, Esq., of Pitney, Hardin, Kipp & Szuch, introduced himself on behalf of the applicant.

It was agreed that this matter would be further continued to 1/28/02.

Response to Mr. Drill's memo must be submitted by Friday, 12/28/01.

Board environmental expert and landscape architect reports will be submitted by 12/10/01.

Chad Hershman, of Rutgers Environmental Law Clinic, representing the objectors, said he would provide a list of members of Clinton Township Citizens Coalition, and those members would not be permitted to cross-examine witnesses. Mr. Drill will hold the list for the sake of privacy. Nick Corcodilos was sworn and confirmed the full list of members of CTCC is being provided. Mr. Corcodilos acknowledged that he had prepared the list.

Robert C. Bogart and Keith Carlat were sworn.

Mr. Carlat is employed by Chicago Bridge and Iron, an organization which builds water tanks. Mr. Carlat holds a masters degree in civil engineering and is a licensed P.E. in several states, totaling 27 states. He has been licensed for 20+ years. The Board accepted his credentials.

Mr. Carlat will testify to the safety records of the water tanks.

Mr. Carlat testified that CB&I have been involved building the tanks since the early 1960s. He is familiar with the building. Mr. Carlat testified that he is not aware of any structural issues in its 40-year history. Further, he testified that the conditions related to wind loads and seismic conditions have been considered. Mr. Carlat

testified that a tank in Florida withstood the winds generated by Hurricane Andrew. He displayed a photo of PDM hydro pillar in Homestead, FL, subsequent to Andrew, which was marked A-3. Mr. Carlat said the height of the tank depicted in A-3 is approximately 160'.

Further Mr. Carlat testified that he was not aware of any tanks being compromised by seismic activity. The tank in Homestead is 500,000 gallons as is the one proposed. Mr. Carlat testified that he is aware of tanks of other designs collapsing.

Mr. Carlat was asked about emergency access to the tank. He testified that any openings in the structure are reinforced.

The identical tank was built in Pennsylvania.

Mr. Carlat testified that ground storage tanks offer the same integrity. Mr. Carlat represented that his company would design in accordance with OSHA standards. He noted that CB & I often designs the footings. Mr. Carlat said the geotechnical work is typically provided by a consultant hired by the owner/applicant. He said no geotechnical report had been provided by this applicant. Ms. Melamud asked about the proximity of the tank to residences. Mr. Carlat suggested 100' from residences would be adequate.

John Lefkus asked about lightning protection. Mr. Carlat said the tanks are grounded. He said NFPA provides the standards. Asked about ice protection, Mr. Carlat said ice dams could be used to prevent ice from falling. Mr. Carlat described seismic design criterion. Asked about codes required, Mr. C said typical practice is to comply with . . .

Chad Hershman asked whether Mr. Carlat had been to the site, and he said he had not. He said he worked with the site plans submitted. The largest tank built in NJ is 3 million gallons. Asked about pressurized tanks, Mr. Carlat said he was not familiar with them.

Robert Schaefer was recalled. Regarding the franchise area, including Round Valley School, Mr. Schaefer was asked whether he was aware of the source of water supply for Round Valley School. Mr. Schaefer responded that water is provided by Clinton Town Water Co. Asked whether there is any other promise of water being provided to any other customers in the area, Mr. Schaefer said there is no other application for water service besides the Windy Acres project.

Mr. Schaefer was asked where Clinton Town is currently providing water, whether any issue exists relating to switching providers. Ms. Melamud said NJDEP controls the water source. According to Mr. Bogart, the franchise area was chosen by the Council. He added that the Township wanted to include the non-residential properties in the area. The Township believed that the Town of Clinton Water Company would not be in a position to expand to accommodate these properties. If

there were to be more than one pressure zone, there would be additional tank. The BPU would determine which company would use the existing lines according to Mr. Bogart.

Asked about the location of tanks within residential neighborhoods, Mr. Schaefer testified that there are tanks in Peapack Gladstone and the Bridgewater and Bernards Township area as well as Princeton Township. Further, the tanks are visible to the residential properties.

Mr. Schaefer introduced Exhibit A-4, proposed Windy Acres regional site map. This is a composite of tax maps to show the area. The information includes the proposed tank site, highlighted in pink, and the appearance of the tank from locations in the area highlighted in green. The photos were marked A-5 through A-13. They show the area with the tank superimposed. Each tank is scaled to the photograph. USGS map is used.

Mr. Schaefer described the location of each photo.

Mr. Geiger said Elizabethtown was prepared to give preliminary testimony related to the Hazen and Sawyer report and would be more fully prepared for the next meeting.

Asked about an underground water tank, Mr. Schaefer testified that Elizabethtown has a policy to use gravity systems because they are most reliable. Mr. Schaefer explained that the water is stored in the tank as energy, and it is the best business practice. He contended that Elizabethtown will not risk a pump storage system. Mr. Schaefer said American Waterworks Association provides the standards for water systems. He confirmed that Elizabethtown uses strictly gravity fed tanks..

Ms. Schaefer testified that Elizabethtown had reviewed a number of potential sites to locate the water tank.

Mr.. Drill pointed out that the tank is permitted and subject to a site variance. The legal standards remain undecided. There was discussion as to cost as a factor. There were questions raised as to fire flows calculations. Board secretary will contact the Fire Dept. regarding their need for fire flows calculations.

Mr. Geiger will keep the Board apprised of applicant's ability to provide reports responsive to Hazen & Sawyer's of 11/26.

#### *OLD BUSINESS*

Mr. Matsen said he had reviewed the vouchers and recommended payment. The Board concurred.

*NEW BUSINESS*

Dismissal of Shop Rite application, Resolution No. 2001-9

Motion was made by William Honachefsky and seconded by John Matsen to dismiss the application.

Members in favor: John Matsen, Frank Senske, Ira Breines, Joe Arancio, Antje Doyle, Mark Ciarlariello, William Honachefsky, Jr., Sharon Stevens

*ADJOURNMENT*

The meeting was adjourned at 11 p.m.

These minutes were approved 12/10/01.

Alice E. Oldford  
Secretary to the Board





