

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

ANNUAL ORGANIZATION MEETING

JANUARY 6, 2003

PRESENT: James Imbriaco; Pat Papa; Chris D'Alleinne, Tom Borkowski, Mayor; Gerald Teeney; Marc Melloy; Bruce Carstensen, Councilman; William Barr; Debbie Newcomb; Brenda Wall, Phil Iannitto

PROFESSIONALS: Jonathan Drill, Attorney; Robert C. Bogart, Michael Bolan, Joseph Fisher, Joanne Sekella, Jay Bohn, Peter Fernandez, and Rebecca D'Alleinne, Secretary.

ABSENT: None

CALL TO ORDER

Ms. D'Alleinne called the meeting to order at 7:34 p.m.

PUBLIC NOTICE

Ms. D'Alleinne reported that the requirements of the Open Public Meetings Act had been met.

APPOINTMENTS

Ms. D'Alleinne announced the following appointments:

Appointed for a 4-year term: Deborah Newcomb (Class 4) exp. 12/31/2006

Appointed for a 4-year term: Brendan Wall (Class 4) exp. 12/31/2006

Appointed for a 3-year term: Marc Melloy (Class 4) exp. 12/31/2003 (Concurrent w/unexpired Environmental term)

Appointed for a 2-year term: Bill Barr (Alt 1) exp. 12/31/2004

Appointed for a 2-year term (1 year corrective): Phil Iannitto (Alt 2) exp. 12/31/2003

Appointed for 1-year term: Bruce Carstensen (Class 3) exp. 12/31/2003.

NOMINATIONS AND ELECTIONS

Ms. D'Alleinne accepted nominations for the position of chairman.

Nomination of Jim Imbriaco as chairman was made by Tom Borkowski and seconded by Marc Melloy. Members were unanimous in favor.

Ms. D'Alleinne presented the gavel to Mr. Imbriaco.

The Chairman expressed thanks to the hard-working Board members and welcomed the new appointees. Mr. Imbriaco noted there is much work in the year ahead.

Mr. Imbriaco accepted nominations for the position of vice chairman.

Nomination of Pat Papa as vice chair was made by Jim Imbriaco and seconded by Marc Melloy. Members were unanimous in favor.

Chairman Imbriaco asked the members if all appointments could be voted on as a whole and Tom Borkowski asked that the position of engineer be handled separately. Motion was made by Pat Papa and seconded by Marc Melloy for the following appointments:

Rebecca D'Alleinne, Secretary
Daniel S. Bernstein, Esq., Co-counsel
Jonathan E. Drill, Esq., Co-counsel
Jay Bohn, Esq., Conflict Counsel
Michael P. Bolan, Planner
Joseph Fischer, Geotechnical Expert
Kenneth Mackiewicz, Traffic Engineering Expert
Jeffrey Keller, Environmental Expert
Matthew Mulhall, Hydrogeology Expert
Peter Fernandez, Landscape Architect
John Sarkioglu & Gary Garafalo, Lighting Expert
Charles Hecht, Wireless Telecommunications Expert
Joanne Sekella, Certified Shorthand Reporter

The Board voted its unanimous approval.

Mayor Borkowski moved that Robert C. Bogart & Associates be appointed as interim engineers for a period of 60 days, during which the board would interview prospective candidates. He outlined his reasons for desiring a change in engineers, citing high fees as one rationale. Chairman Imbriaco asked for comments on the motion.

Pat Papa responded that it was not in the best interest of the township to make a change at this time. Chairman Imbriaco asked the Mayor to further explain the basis for his motion. Mayor Borkowski noted that he felt that it would be a win-win situation for the Board if it were to spend the next two months interviewing candidates, before making a final decision. He indicated that he had received complaints about high escrow account fees and commented that there was no good time of the year to consider such a change. Mr. Borkowski commented that the Council was appointing an interim engineer for the township.

Chairman Imbriaco asked about the complaints concerning escrow fees and noted that he had not had anyone raise the issue with him during his tenure as chairman. Mayor Borkowski noted

that the complaints were confidential and that he didn't feel that he could indicate who had contacted him. Chairman Imbriaco responded that he felt that anonymous complaints were not sufficient to consider a change in professionals.

Chairman Imbriaco commented that in his estimation, that Bogart & Associates had been professional and responsive. Mayor Borkowski responded that he was only asking the board to interview engineers, not make an immediate change.

Pat Papa discussed the service, technical ability and performance of Bogart & Associates over the past eight years and indicated that in her estimation, that they were an articulate asset to the community. Marc Melloy noted that it is important to debate the issue, and that he was not aware of any complaints. Gerry Teeney discussed the Board budget and noted that the Bogart firm had consistently come within budget constraints. He noted that he only one instance of complaints about excessive escrow fees, but that the applicant had complained about all of the professionals. Bill Barr discussed the validity of the escrow issue and noted that those fees are based the level of preparation by the applicant. Bruce Carstensen pointed out that the board has a right to review the service providers annually and that care should be taken in the selection. He supported the mayor's position. Debbie Newcomb discussed stormwater issues and the new rules from the DEP. She noted that she supports the mayor's position, but in regard to the technical expertise of Mr. Bogart's firm. Chris D'Alleinne noted the fact that Mr. Bogart's office is supposed to act as the advocate for the Planning Board and, if they weren't fulfilling that role, that would be an issue to consider. He further discussed the potential loss of institutional knowledge and noted that he'd prefer to encourage education to increase the expertise level.

Mayor Borkowski commented that escrow fee costs do end up in the total cost of a project. He indicated that considering institutional knowledge as a basis for hiring would mean that a township might never change professionals. He discussed performance issues and hours of operation at the Bogart office. Mayor Borkowski commented that he respected the opinion of those who were satisfied with the Bogart firm's competence and noted that he would expect the firm to be one of the candidates that the board would consider.

Chairman Imbriaco noted that there was no evidence of complaints presented on which to base the decision to consider a different engineer. Bill Barr called the question.
Members in favor: Deborah Newcomb, Brendan Wall, Bruce Carstensen, Tom Borkowski.
Those opposed: Jim Imbriaco, Pat Papa, Gerry Teeney, Marc Melloy, and Chris D'Alleinne.
The motion was defeated.

Chairman Imbriaco moved and Pat Papa seconded a motion to approve Robert C. Bogart and Melanie Reese as the board engineer.
Members in favor: Jim Imbriaco, Pat Papa, Gerry Teeney, Chris D'Alleinne, and Marc Melloy.
Those opposed: Deborah Newcomb, Brendan Wall, Bruce Carstensen, and Tom Borkowski.

Chairman Imbriaco urged the members to put the vote behind them in order to work together productively on behalf of the community in the future. He thanked all members for their opinions.

Chairman Imbriaco moved and Chris D'Alleinne seconded a motion to approve the 2003 Meeting Calendar and the Rules and Regulations. The board concurred unanimously. Mr. Imbriaco moved and Pat Papa seconded a motion that the board approve the following experts for 2003 and that Gerry Teeney be named the Vice Chair pro temp:

Alexander Litwornia, Conflict Traffic Expert
RBA Group, Bike Path Expert
Dennis Bertland, Historic Expert
Richard Gulick, Conflict Planner

The Board concurred unanimously.

Gerry Teeney moved and Pat Papa seconded a motion to approve the minutes of November 18, 2002. The Board concurred unanimously.

Chairman Imbriaco recognized Dan Fennell and Sue Dziamara for their dedication and exemplary service to the community and read the following resolutions into the record:

CLINTON TOWNSHIP PLANNING BOARD

RESOLUTION OF APPRECIATION **TO DAN FENNELL**

WHEREAS, DAN FENNELL has served as a member of the Planning Board of the Township of Clinton with dedication and distinction since the time of his appointment in 1996 until the expiration of his term on December 31, 2002; and

WHEREAS, DAN FENNELL, during his tenure as a member of the Planning Board, brought to the Board an unwavering commitment to excellence through his exceptional understanding of construction management practices, land use, planning and zoning, knowledge of the community, and a sincere concern for the quality of life in the Township; and

WHEREAS, DAN FENNELL, during his tenure as a member of the Planning Board, also brought to the Board a special and unique understanding of the process of large scale construction project management and the sport of recreational bicycling, thereby increasing the Board's awareness of construction project management issues relating to development applications and the value of recreational bicycling opportunities for members of the community; and

WHEREAS, DAN FENNELL has used these qualities and others in all matters brought to the Board to the benefit of the members of the Board, the community and applicants;

NOW, THEREFORE, BE IT RESOLVED by the Board by motion duly made and seconded on this 6th day of January 2003, that the Clinton Township Planning Board does hereby express its deep and sincere appreciation to DAN FENNELL for his dedicated and distinguished service to the Board and for the qualities he brought to the Board and does hereby express its best wishes to him.

James Imbriaco, Chairman

CLINTON TOWNSHIP PLANNING BOARD

RESOLUTION OF APPRECIATION
TO SUE DZIAMARA

WHEREAS, SUE DZIAMARA has served as a member of the Planning Board of the Township of Clinton with dedication and distinction since the time of her appointment in 1998 until the expiration of her term on December 31, 2002; and

WHEREAS, SUE DZIAMARA, during her tenure as a member of the Planning Board, brought to the Board an unwavering commitment to excellence through her exceptional understanding of land use, planning and zoning, knowledge of the community, concern for the quality of life in the Township and a caring and engaging personality in her contacts with all members of the Board, its staff and its professional advisors; and

WHEREAS, SUE DZIAMARA, during her tenure as a member of the Planning Board, also brought to the Board a special interest in the environment while simultaneously serving as a highly respected member of the Clinton Township Environmental Commission, thereby increasing the Board's awareness of environmental issues relating to development applications, in particular, and the community in general; and

WHEREAS, SUE DZIAMARA has used these qualities and others in all matters brought to the Board to the benefit of the members of the Board, the community and applicants;

NOW, THEREFORE, BE IT RESOLVED by the Board by motion duly made and seconded on this 6th day of January 2003, that the Clinton Township Planning Board does hereby express its deep and sincere appreciation to SUE DZIAMARA for her dedicated and distinguished service to the Board and for the qualities she brought to the Board and does hereby express its best wishes to her.

James Imbriaco, Chairman

Sue Dziamara thanked the Board for their accolades and offered to help in any way possible in the future.

Jon Drill recused himself at 8:30PM. Chairman Imbriaco welcomed conflict attorney Jay Bohn.

RESOLUTIONS:

1. **Resolution # 2002-29, Sprint/MacChesney, Block 23, Lot 9, R-1**
Grant of Preliminary and Final Site Plan Approval of Telecommunication Switching Station
Pat Papa moved and Chris D'Alleinne seconded a motion to approve the memorializing resolution. Members in favor: Jim Imbriaco, Pat Papa, Gerry Teeney, Chris D'Alleinne, Marc Melloy, Bill Barr and Phil Iannitto.

PUBLIC HEARING

1. **Sprint/Generator, Block 75, Lot 1, OB-1**
Application #2002-11

Carl Nelson, Esq. introduced himself on behalf of the applicant and introduced Ken Stanley, real estate associate and Vince Wolk, architect. The experts were sworn in. Mr. Stanley discussed Exhibit A-1, entitled Proposed Plan, which was marked and entered into evidence. He reported that he had received the reports from geotechnology expert Joe Fischer and landscape architect Peter Fernandez. Mr. Stanley noted that the Clinton office would be the hub for NJ and would need power in an emergency. Discussion ensued concerning the large sycamore tree and the applicant indicated that their preference would be to locate the generator where the tree is. Vince Wolk indicated that they would keep the generator on the pavement, away from the sewer line. He reported that the diesel tank was located within the generator itself. Robert Bogart noted that there should be no technical reason to locate the generator elsewhere, only a cost difference. Peter Fernandez estimated that the tree could have as many as 150 years left in its lifespan.

Discussion centered on the diesel tank and the applicant was asked to supply cut sheets on the generator and diesel tank design. Joe Fischer noted that he preferred to be cautious about fuel storage over holes in rock and discussed the limestone ordinance. Chairman Imbriaco commented that there were too many outstanding issues. Mr. Wolk noted that the applicant had agreed to keep the tree and discussion followed concerning the drip line of the tree roots and possible damage that the foundation could cause. Bob Bogart asked the applicant to clarify the decibel level of the equipment with documentation from the manufacturer. The application was adjourned to February 3rd with no further notice needed.

OLD BUSINESS--REPORTS

1. Council—Bruce Carstensen had no report.
2. Open Space—Bill Barr had no report
3. Bike Path—Bill Barr reported that final recommendations would be sent to the Council shortly.
4. Environmental Commission—Debbie Newcomb discussed the DEP stream upgrade. Mayor Borkowski indicated that the Township would be submitting comments. Chairman Imbriaco will contact the board attorney to see if comments were appropriate from the Board.

NEW BUSINESS

1. Mr. Imbriaco named the standing committees for 2003:

Master Plan – Pat Papa, Chair; Debbie Newcomb, Jim Imbriaco, Marc Melloy, Phil Iannitto (alternate)

Finance – Gerry Teeney, Chair, and Bill Barr

Ordinance--Jim Imbriaco, Chair; Chris D'Alleinne, Phil Iannitto, Marc Melloy, Brendan Wall (alternate)

Budget—Jim Imbriaco, Pat Papa, Gerry Teeney

Landscape – Pat Papa

Personnel—Jim Imbriaco, Chair, Debbie Newcomb, Pat Papa, Marc Melloy, Chris D'Alleinne (alternate)

Open Space Liaison--Bill Barr

Environmental Liaison--Debbie Newcomb

Council Liaison—Bruce Carstensen

Wastewater Management—Debbie Newcomb, Chris D'Alleinne

2. Mr. Teeney recommended approval of the vouchers. Board concurred.

ADJOURNMENT

The meeting was adjourned at 9:15p.m.

These minutes were approved March 11, 2003.

Rebecca E. D'Alleinne
Secretary to the Board

