

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

PUBLIC MEETING

MARCH 13, 2001

*PRESENT:* Jim Imbriaco, Pat Papa, Gerald Teeney, Chris D'Alleinne, Sue Dziamara, Dan Fennell, Marc Melloy, Tom Kacedon, Tom Borkowski, Bill Barr

Professionals: Melanie Reese, Engineer; Michael Bolan, Planner; Jonathan Drill, Attorney; Joseph Fischer, Geotechnical Consultant; Peter Fernandez, Landscape Architect; Henry Reisen, Environmental Consultant; Jeff Coleman, Traffic Engineer; Alice Oldford, Secretary.

*ABSENT:* None

*CALL TO ORDER*

Mr. Imbriaco called the meeting to order at 7:35 p.m.

*APPROVAL OF MINUTES*

Minutes from the meeting of 2/20/01 were approved

*RESOLUTIONS*

1. **WHEAT/GUYDISH**, Resolution No. 2001-4 (print date 2/27/01)  
Resolution of approval, Preliminary and Final Site Plan with "C" variances and site plan exceptions.  
Motion to approve was made by Pat Papa and seconded by Gerry Teeney  
Members in favor: Jim Imbriaco, Pat Papa, Gerry Teeney, Chris D'Alleinne, Sue Dziamara, Dan Fennell, Tom Kacedon  
Members opposed: None  
Members absent: None
2. **JMK**, Resolution No. 2001-7 (print date 2/28/01)  
Resolution of approval, Preliminary Site Plan  
Motion to approve was made by Pat Papa and seconded by Marc Melloy  
Members in favor: Jim Imbriaco, Pat Papa, Gerry Teeney, Marc Melloy, Tom Kacedon, Tom Borkowski, William Barr  
Members opposed: None  
Members absent: None
3. **CLINTON ASSOCIATES – THE MEWS**, Resolution No. 2001-8

Resolution of approval, Final Site Plan and Subdivision Approval

Motion was made by Pat Papa and seconded by Marc Melloy  
Escrow deficiency was noted. The resolution was revised to specifically require that the escrow account be kept current. Walter Wilson, Esq., attorney for applicant, promised money by the end of the week.

Members in favor: Pat Papa, Sue Dziamara, Marc Melloy, Gerry Teeney, Tom Kacedon, Jim Imbriaco

Members opposed: None

Members absent: None

**4. CLINTON FIVE ASSOCIATES – BEAVER BROOK 5**, Resolution No. 2001-09  
Final Site Plan Approval

Motion was made by Pat Papa and seconded by Tom Kacedon

The Board discussed Condition 2B, the Westchester Terrace easement to the master association. Mr. Drill read the new condition into the record. He said Robert Benbrook, attorney for Clinton 5, and Ken Sauter, attorney for the master association, concur with the provision. Question was raised as to the COAH fees to be paid referenced in condition #12. Mr. Drill said resolution of the Planning Board must be consistent with the September, 2000 agreement with Township. Applicant contends it is not responsible to make COAH payments and claims it will pay the fees under protest.

Members in favor: Pat Papa, Sue Dziamara, Marc Melloy, Gerry Teeney, Tom Kacedon, Jim Imbriaco

**5. LONG-RANGE FACILITIES PLAN OF NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL**

Findings concerning Long-Range Facilities Plan

Motion was made by Pat Papa and seconded by Sue Dziamara

Members in favor: Jim Imbriaco, Pat Papa, Marc Melloy, Gerry Teeney, Chris D'Alleinne, Dan Fennell, Tom Borkowski, Sue Dziamara, Bill Barr

Members opposed: None

Members abstaining: Tom Kacedon

**6. LONG-RANGE FACILITIES PLAN OF CLINTON TOWNSHIP BOARD OF EDUCATION**

Findings concerning Long-Range Facilities Plan

Motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_

Members in favor: Jim Imbriaco, Pat Papa, Marc Melloy, Gerry Teeney, Chris D'Alleinne, Dan Fennell, Tom Borkowski, Sue Dziamara, Bill Barr

Members opposed: None

Members abstaining: Tom Kacedon

*WAIVER REQUESTS*

**ROLLING HILLS CARE CENTER, Block 23, Lot 7 (R-1)**

Applicant seeks minor subdivision approval to create two lots:  
5 acre lot on which the existing dwelling is located  
39.34 acre lot on which the care facility is located.

Variance is required for the 5-acre lot from the front yard setback requirement of 100' with 30.3 pre-existing.  
John Schaff, Esq., appeared on behalf of the applicant.

Mr. Schaff referenced the Bogart report of February 1, which recommended granting waivers. Ms. Reese confirmed that in her opinion waivers could be granted. Mr. Schaff noted that applicant is requesting a variance for the setback for the existing house.

The Board concurred that the waivers should be granted and the applicant deemed complete.

Mr. Bolan will generate a report prior to the public meeting.

*WORK SESSION*

**GENESIS BUILDING, Block 46, Lot 34 (R-1 & R-4)**

Applicant seeks preliminary subdivision approval to create 3 new building lots in addition to the existing home on the remaining lot.

Thomas Miller, Esq., introduced himself on behalf of the applicant. Mr. Miller noted that the applicant has amended the application. He said he would call Robert Templin, P.E., and Penny Althoff, Traffic Engineer.

Mr. Templin said this is a 4-lot subdivision located in the R-4 and R-1 zones. The two lots in the rear are 6.2 and 5+ acres while the lots in the front are 33,000 sq. ft. and 77,500 sq. ft. Applicant proposes a 26' wide road with a 40' radius in the cul de sac. The 3 new homes would be served by septic, and the existing home is sewer. Mr. Templin confirmed that the landscaping would conform to the ordinance.

Applicant proposes on-site stormwater management. He noted applicant has received approval from the County Planning Board as well as the County Board of Health. Further, block and lot numbers have been approved.

Carter Van Dyke Associates is requesting a tree inventory. Mr. Templin said it would be difficult to inventory the trees in a portion of the site because of the dense sticker bushes. Further, he said he did not believe there would be many large diameter trees disturbed. Peter Fernandez suggested that applicant use an aerial photo.

Mr. Templin said there would be minimal grading for the septic. According to Templin, the septic bed needs only be 15' from a forested area. He confirmed that the septic could be moved so as not to impact the forested area.

Mr. Templin further explained that the lot width variance was requested rather than extending the road and increasing disturbance. The Chairman said if you can conform, you should. The Planning Board preference is to move the lot lines to conform.

Again referencing the Bogart report, #3, Mr. Templin said Lot 34.04 abuts land. He said applicant would be willing to reforest the area, and he agreed applicant would respect the site triangles.

As to item #4 of the RCBA technical review, Mr. Templin said this would necessitate extending the road. He did not see a benefit or detriment in conforming. The Board requested that lots could not be further subdividable. Applicant should add that setbacks for R-1 zone would apply to the lot, which is divided between lots.

As to item #6, applicant proposes 40' radius for the cul de sac. It was noted that the Township prefers 50' - 60' to allow maneuverability of fire equipment. The applicant seeks to minimize grading. Templin explained this is a sewer area although there is no capacity available.

Site visit was scheduled for 3/31, 8:30 a.m. Applicant indicated that parking would be acceptable at the existing house.

### *PUBLIC HEARING*

#### **WATER'S EDGE, Block 68, Lot 9 (AH-3)**

Applicant seeks amended preliminary and final subdivision approval for 100 single-family residences.

Having paid the requisite application and escrow fees and jurisdiction having been established, Meryl Gonchar, Esq., introduced herself on behalf of the applicant. Ms. Gonchar said 100 lots are proposed. Preliminary approval was granted in 1999. Ms. Gonchar explained that the preliminary approval had been amended.

Applicant professionals, William Rountree, P.E.; James Kochenour, P.E., Traffic Engineer; Bill Underwood, P.E.; and Kurt Hutter, on behalf of Orleans, were sworn. Board professionals were also sworn.

The Board accepted Bill Rountree's credentials.

Mr. Rountree introduced a rendered site plan marked A-1. He said the preliminary plans were revised to show access through the jughandle as approved by NJDOT. In addition, changes to the stormwater management plan were required. He said the plan complies with ordinance. Further, emergency access and buffering have been added, as well as a pump station and force main to Clinton Town.

Applicant raised 2 items as to the RCBA letter of 3/37. First, as to Item #3, lighting, applicant proposes colonial fixture instead of shoebox and distributed exhibit marked A-3. Asked who would be responsible for lighting, applicant agreed the homeowners association would be responsible.

The fixture proposal should be forwarded to Sarkioglu for verification of compliance with the ordinance.

Applicant must return for any future commercial use proposal.

As to the emergency access road, applicant has not sought DOT approval for a road to access future commercial development. A 50' r.o.w. easement is provided. Applicant agreed to designate the road as emergency access/utility easement/future access to Lot 25 as shown on sheet 5 of 31. The access road will be subject to NJDOT approval.

The site circulation issue is raised by the RCBA report. Applicant's engineer has tapered the driveways to provide less impervious coverage and more green.

The homes will offer 2600 – 3000 square feet living space. Basements will be provided + 2-car garages. The minimum lot width would be 38' with 65' depth. The Chairman took a straw poll regarding preference for tapered driveways. The Board concurred that homeowner preference should be the guide for driveway width with 6 members in favor and 3 opposed.

Question was raised as to sewers. Applicant said there was a Court decision rendered to use High Bridge lines. High Bridge has appealed the decision. Applicant is also pursuing construction of a pump station to the force main on Halstead Street to the Clinton Treatment Plant.

The applicant has no issues with Banisch and TRC reports. Lou Tullo, Jr., adjacent lot owner asked about homes on the cul de sac.

James Kochenour of Horner & Cantor, traffic engineer, was called and his credentials accepted by the Board. Mr. Kochenour described the access as shown on Exhibit A-1. He introduced Exhibit A-2, Traffic Signal Installation. Mr. Kochenour said this shows the detail of the access through the jughandle. Further, the traffic signal would be relocated in accordance with NJDOT approval. Mr. Kochenour clarified that the developer will fund the improvements. Jeff Coleman asked about the status of the County approval. Mr. Kochenour disclosed he had prepared a queuing analysis, which indicated that traffic would not block the entrance to the strip center. The Board noted that the traffic currently blocks the driveway.

The applicant responded to the geotechnical report provided by Joseph Fischer. Ms. Gonchar noted that preliminary approval was granted to a predecessor in 1993 for 187 lots. She acknowledged that the applicant is bound to previous approvals and settlement agreement. Ms. Gonchar referenced the Geoscience letter of 1/30. She contended applicant would only be required to respond to conditions arising for the new configuration plus conditions carried from previous approvals and settlement. Jon Drill suggested applicant address the letter point by point. Ms. Gonchar said the applicant had referred back to Melick Tully as well as another consultant.

The geotechnical notes of March 12 were marked Exhibit A-4. The Underwood report was marked A-5.

The hearing was suspended and continued to 3/19. Jon Drill requested documentation from applicant as to 1/30 letter from Joe Fischer.

## OLD BUSINESS

The Board addressed the sample Resolution received from Board of Education bond counsel, Tony Panella. Jon Drill distributed the relevant statute. Dennis Ditze, Assistant Superintendent, and Tony Panella, bond counsel, introduced themselves. It was noted that the statute requires at least one full meeting for the review. The statute also provides that the Planning Board shall review and issue findings.

As to Master Plan consistency, Mr. Bolan said the community facilities plan does note the location of the school, and the housing plan element makes population projections. He said with a regional district, it is impossible to compare the projections for population.

Mr. Panella said the flaw in the law is that there are a number of sending districts. The Clinton Township Planning Board can only provide information for Clinton Township. He noted that the plan is sent to each sending municipality. Appearance is required where school facility is physically located. Mr. Panella said here is no written opinion.

The N.J. Department of Education takes the position with respect to Planning Boards of sending districts where the school is not located that if there are no comments within 55 days after sending, it is presumed that there are none. Panella confirmed that the Planning Board is responsible only for its own community. Further, he contended that the Board of Education has considered the master plan. Mr. Panella said the only jurisdiction left to the Planning Board is the location of the school within the zone of the municipality.

According to Mr. Panella, USA Architects reviewed the master plan. Mr. Bolan confirmed that the plan is not inconsistent with the master plan. Mr. Panella indicated that Windy Acres was not considered in the projections since it is only a 5-year projection.

Further, Mr. Panella noted as to the Clinton Township Board of Education, Windy Acres was not considered in the need for the 4<sup>th</sup> school. If Windy Acres is approved, there will likely be a need for a 5<sup>th</sup> school.

The Chairman asked about consideration of the proposed Polytech. Mr. Panella said even without Polytech students, in 5 years North Hunterdon will be beyond its functional capacity of 1450. In addition, Mr. Panella said redistricting the kids to send some to Voorhees is not practicable since communities would have to be divided.

The Chairman indicated that the Planning Board should decide whether the Board of Education findings are rationally based.

Motion was made by Pat Papa and seconded by Sue Dziamara to accept the North Hunterdon-Voorhees long-range plan.

Members in favor: Jim Imbriaco, Pat Papa, Marc Melloy, Gerry Teeney, Chris D'Alleinne, Dan Fennell, Tom Borkowski, Sue Dziamara, Bill Barr

Members opposed: None

Members abstaining: Tom Kacedon

A similar resolution was introduced for the Clinton Township Board of Education by Sue Dziamara and seconded by Marc Melloy.

Members in favor: Jim Imbriaco, Pat Papa, Marc Melloy, Gerry Teeney, Chris D'Alleinne, Dan Fennell, Tom Borkowski, Sue Dziamara, Bill Barr

Members opposed: None

Members abstaining: Tom Kacedon

NEW BUSINESS

1. Terry Martin, from Hunterdon County Housing Corporation, asked about consideration of ECHO housing.
2. Mr. Teeney recommended that the vouchers be approved for payment, and the Board concurred unanimously.
3. BOA annual report accepted.
3. Marc Melloy asked about COAH obligations. The Mayor confirmed that the COAH substantive certification has been made. Mr. Bolan noted that the housing plan element tells the details.

#### ADJOURNMENT

The meeting was adjourned at 10:50 p.m.

These minutes were approved April 2, 2001.

Alice Oldford  
Secretary to the Board