

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD
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PUBLIC MEETING

DATE: March 19, 2007

PRESENT: Michael Brady, Bill Honachefsky, Sr., Nick Corcodilos, , Charles Howard, Phil Iannitto, John Higgins, Jim Imbriaco and John Sladicka.

PROFESSIONALS: Dan Bernstein, Attorney, Brian Bosenberg, Landscape Architect and Rebecca D'Alleinne, Administrator.

ABSENT: Chris D'Alleinne and Marvin Joss.

CALL TO ORDER

Chairman Brady called the meeting to order at 7:39P.M.

PUBLIC NOTICE

This is a public meeting of the Planning 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 18, 2007, 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 2nd 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

John Higgins moved and Phil Iannitto seconded a motion to approve the minutes of March 5, 2007 as amended. The Board concurred unanimously. Mr. Honachefsky, Mr. Imbriaco and Mr. Sladicka abstained.

RESOLUTION

BOURBON STREET PLAZA, Block 3.03, Lot 1

Resolution #2007-03, Application #2007-01

Bill Honachefsky moved and Charles Howard seconded a motion to approve the resolution as written. Members in favor: Brady, Iannitto, Honachefsky, Imbriaco, Corcodilos, Howard and Higgins.

PUBLIC HEARING

ORLEANS/WATER'S EDGE, Block 68, Lot 9

Meryl Gonchar, Esq. introduced herself on behalf of the applicant. She reported that she was representing both Orleans Home Builders and approximately twenty five homeowners. She described the history of the application and noted that the applicant was before the Board to seek an amendment of the approved landscaping plan. Ms. Gonchar indicated that the affected homeowners were requesting that the planned buffer be eliminated. She noted that Orleans was no longer the owner of record, but was responsible for the plantings, and would plant them wherever the Board determined. She introduced engineer John Hogan to attest to the fact that the drainage would not be affected. She introduced Rachel Sclan, landscape architect, and Michael Karmatz of Orleans Homebuilders. Chairman Brady indicated that he was not certain that the Board would be able to grant an approval that evening. She commented that the homeowners would like the Board to agree to reduce the buffering and pointed out that there was an adequate existing buffer on the Water Authority property.

Chairman Brady asked that the Board's landscape architect to report first. Brian Bosenberg was sworn and his credentials discussed. Mr. Bosenberg reported that he had reviewed the buffering and that the amount of proposed planting was excessive and substandard. He discussed the history of his site visits and conversations with homeowners. He recommended that they contact the Planning Board for relief. Nick Corcodilos asked why the planting was so dense, and Mr. Bosenberg indicated that the prior design was not in compliance with the ordinance in effect at the time. Mr. Corcodilos asked whether the homeowners had been notified of the buffering that would be planted in their yards and Mr. Bosenberg responded that Orleans had indicated that they had notified the buyers prior to purchase. He described the sheet that had been used to copy for the homeowners' signatures.

Denise Torres, was sworn, and spoke on behalf of the homeowners. She described the situation and how they had discovered that a buffer was to be planted in their back yards. A recess was called for the applicants to confer at 8:05PM.

The meeting was called to order at 8:10PM. Ms. Torres indicated that she represented 25 homeowners who wished to enjoy their small back yards. She noted that most of the owners wished to have a reduction in the number of trees. Ms. Torres indicated that the homeowners agreed with the proposed amended landscaping plan. She described the location of her lot. Exhibit A-1 (Sheet 17 of 31) was marked into evidence. Ms. Gonchar commented that all of the homeowners had signed the application. Ms. Torres reported that the homeowners had already put landscaping in on their own lots. She discussed the entry area and noted that it might be a good place for plantings and reported that only 25 of the 98 homeowners were affected. Nick Corcodilos asked whether the landscaping done by the homeowners was the same as what had been proposed. Ms. Gonchar indicated that she didn't believe that the plantings were installed to replace the proposed buffer. Ms. Torres described some of the landscaping that had been planted. She reported that the owners felt that the existing trees on the Water Authority property were a sufficient buffer that satisfied the intent of the landscaping plan. Brian Bosenberg reported that only one or two of the home owners had achieved

the intent of the buffer design through their plantings. He also noted that it had not been his crew that had performed the original staking, but Orleans employees. Charles Howard asked whether it was the depth or the idea of a buffer that was a concern of the homeowners. She responded that the yards were very small and that the depth of the buffer took up much of the usable area of the yards. She commented that the owners did not want any additional buffer. Ms. Torres described how the landscape plan had been devised. Phil Iannitto commented that the proposed plan was rather random and discussed the buffering on the water authority property.

Rachel Sclan, landscape architect, was sworn and presented her credentials, which were accepted by the Board. Exhibit A-1 (approved plan) was displayed, and A-2 (last revised date of Oct. 9, 2006) was marked into evidence. She also displayed color rendering (approved landscape with offsite plantings) was marked as Exhibit A-3. Exhibit A-4 was marked into evidence (color rendering of proposal with offsite conditions). Exhibit A-5 (views of the site) was marked into evidence. Ms. Sclan explained that she had been given a list of the homeowners' preferences and that she had created a site plan reflecting those requests. She described the areas that the Water Authority had planted buffer trees within the last several years, which would grow into a significant buffer. Ms. Sclan indicated that the WA had planted them after the subdivision had been approved and that they were in good condition. She discussed the elevation change from the level of the trees to the houses. She described the balance of the trees on the WA property. The view from Route 31 was discussed. Ms. Sclan then demonstrated the proposed landscape plan on Exhibit A-4. She indicated that of the 324 trees originally proposed for the buffer that under the proposal, there would 228 left over for planting elsewhere. Chairman Brady called a recess at 8:58PM.

The meeting was called to order at 9:05PM. Ms. Sclan displayed and discussed the photographs on Exhibit A-5. Phil Iannitto asked how the landscape design had been created and Ms. Sclan reported that that it had been designed from the list that had been drawn up of the homeowners' preferences. The NJDOT owned lot was discussed. Jim Imbriaco asked about Ms. Sclan's professional assessment of the design and she indicated that it was not based on her professional opinion, but on the list that had been provided. Jim Imbriaco commented that some of the lots on Rt. 31 really needed a buffer. He expressed concern over the entryway into the subdivision. Ms. Sclan discussed the steep slope in the entry area, noting that shallow rooted plants could be used. An easement along the entryway for plantings was discussed. Ms. Gonchar discussed whether or not Orleans had the right to plant on the entry area and noted that they would be subtracted from the total number. Ms. Sclan expressed the opinion that the existing vegetation would block the view from the reservoir. John Sladicka asked whether the Board could visit the site.

Jim Imbriaco asked whether Mr. Bosenberg was supportive of the proposal and he responded that he was concerned that the Board would have no control of the offsite buffer. He also noted that the homes that backed up to Route 31 were exposed. He also noted that the pines would fill in, but that the deer damage could be extensive. He expressed the opinion that there were creative ways to resolve the situation. He agreed that the Board should walk the site. Nick Corcodilos noted that there were competing interests and that some sort of buffer was necessary. Brian Bosenberg commented that the approved plan was inappropriate. Dan Bernstein asked whether the sizes of the

houses were accurate on the plan and Ms. Gonchar indicated that it was not an as-built plan. He recommended that Ms. Sclan meet with the Board's landscape architect. Ms. Gonchar indicated that it would be difficult for Ms. Sclan to represent all of the differing opinions of the homeowners. Bill Honachefsky asked that the several of the lots be staked so the Board could see the placement of the trees. Mr. Bosenberg indicated that he felt that a narrower buffer could be designed. Phil Iannitto commented that the proposed design was chaotic. Jim Imbriaco noted that the proposal to use some of the trees for side yard privacy was inappropriate. He also discussed the state imposed density in the subdivision. Mr. Bosenberg discussed an idea for planting the entryway and whether permission was needed from the DOT to plant. Chairman Brady suggested a site walk and the areas that need attention.

Joseph Fondell, Lot 23, noted that there was a hill behind the Route 31 houses. Denise Torres commented that her home was not "affordable" housing and was concerned that no one knew what would happen on their property. Mr. Bernstein explained the role of the real estate attorney in the closing process. Jim Imbriaco commented that there was no effort to hide anything from the buyers. He indicated that the Board would not have wanted to sacrifice the back yards of the homeowners. He noted that there could be a compromise reached.

Fred Stoner asked when the buffer had been approved and Mr. Bosenberg responded that the buffer had always been there, even after the number of lots had been reduced in a subsequent application. Mr. Stoner asked for direction for his own installation of landscaping.

It was determined that the Board would conduct a site walk on April 7, 2007 at 9:00AM. Dan Bernstein asked for permission from the owners for the members to go on the properties. Ms. Gonchar indicated that Orleans would like to have a separate bond created to cover just the landscaping, and be released from the balance of the bond amount. The application was carried to May 15, 2007 without need for further notice.

REPORTS & ASSIGNMENTS

1. Report from Council: Charles Howard discussed the widening of Greyrock Road in front of the new middle school. He indicated that there was a large difference between the Board of Education's estimate and the updated estimate. Nick Corcodilos reported that there were ongoing discussions between the township and the council.
2. Open Space: Bill Honachefsky reported that he would be picking up information from the HC Planning Board and that a map would be created to indicate where the open space parcels were located in the township.
3. Environmental Commission: Bill Honachefsky reported that the EC was applying for a grant to determine the amount of impervious coverage in the township. He discussed the cumulative effect of detention basins.

EXECUTIVE SESSION

Bill Honachefsky moved and Charles Howard seconded a motion to approve entering executive session to discuss litigation matters. Dan Bernstein read the resolution into the record. The Board concurred unanimously and entered closed session at 10:33PM.

OPEN PUBLIC SESSION

The Board re-entered open public session at 10:44PM. Dan Bernstein reported that he had asked for permission to dismiss the cross claim, conditioned on the plaintiff dismissing their complaint in the Windy Acres case. Jim Imbriaco moved and Bill Honachefsky seconded a motion to approve the dismissal. Members in favor: Brady, Iannitto, Honachefsky, Imbriaco, Howard, Sladicka and Higgins.

VOUCHERS

Charles Howard moved and Phil Iannitto seconded a motion to approve the payment of the vouchers. The Board concurred unanimously.

ADJOURNMENT

Jim Imbriaco moved and Bill Honachefsky seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 10:46PM.

These minutes were approved on April 2, 2007.

Rebecca E. D'Alleinne
Administrator