

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

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PUBLIC MEETING

May 8, 2001

PRESENT: Jim Imbriaco, Pat Papa, Sue Dziamara, Marc Melloy, and Gerry Teeney

Professionals: Jon Drill, Melanie Reese, Joe Fischer, Peter Fernandez, Mike Bolan

ABSENT: Chris D'Alleinne, Tom Borkowski, Dan Fennell, Tom Kacedon

CALL TO ORDER

Mr. Imbriaco called the meeting to order at 7:30 p.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 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 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.

RESOLUTIONS

THE PRESERVE: Block 36 Lot 8, Resolution No. 2001-14

Moved by: Sue Dziamara and seconded by Marc Melloy

Members in favor: Marc Melloy, Sue Dziamara, Gerry Teeney, Jim Imbriaco

MARTIN: Block 4.01 Lots 14 & 15, Resolution No. 2001-15

Moved by: Sue Dziamara and seconded by Marc Melloy

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

COMMERCE BANK: Block 75 Lot 2, Resolution No. 2001-16

Moved by: Pat Papa and seconded by Sue Dziamara

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

WAIVER

PACESETTER: Block 9, Lot 8.03 Cokesbury Rd. (R-1) 48.77 acres

Applicant seeks final subdivision and site plan approval for 9 building lots and two open space lots.

James Knox, Esq. introduced himself on behalf of the applicant. He also introduced Tom Flath, builder and principal of Pacesetter.

Mr. Knox said applicant requested 3 waivers. He noted there is no public water or sewer involved. Mr. Knox explained that the street name, Glencree Lane, had been approved by the street naming committee and therefore, no waiver is required.

The remaining waivers are for items 11 and 25 of the checklist.

Motion was made and seconded and the waiver requests were granted unanimously.

This matter was scheduled for public hearing on May 21, 2001.

PUBLIC HEARINGS

1. **WATER'S EDGE**, Block 68, Lot 9
Second Amended Preliminary Major Subdivision Approval and Initial Final Major Subdivision Approval. This hearing is continued from March 13 and March 19. Proposed resolution No. 2001-12 was previously distributed via email.

Meryl Gonchar, Esq., introduced herself on behalf of the applicant. She introduced Kurt Hunter, land manager for Orleans Builders.

Attorney Drill drafted a resolution, which has been distributed to the applicant and the Board for consideration.

Ms Gonchar noted her disagreement with some of the terms of the resolution. Ms. Gonchar said Jon Drill included legal conclusions, and she does not believe legal conclusions belong in the resolutions. The Chairman gave the background and explained why legal conclusions are now included in resolutions. Ms. Gonchar requested that the Emails and conversations with Jon Drill be made part of the record. She confirmed that she does not agree with Jon Drill. The Chairman said the resolution complied with the record and told both attorneys to agree on a joint appendix.

Ms. Gonchar referenced page 13, item 3 related to geotechnical issues. She noted that the Board secretary and Township engineer were copied. In addition, she cited Item #6 regarding back fill. Ms. Gonchar said "MP" represents Modified Proctor & Standard. As to Item #8 regarding the wall and discussions between the two consultants, Ms. Gonchar complained that no time frame had been included should the applicant be required to return to the Board to settle an unresolved dispute between consultants.

It was clarified that Joe Fischer's review relates to below ground issues and the Township Engineer reviews structural matters. Ms. Gonchar asked who reviews the cuts and fills. Further, she requested language limiting extra expense to her client. Jon Drill so noted this request.

The Chairman said Clinton Township would expedite the time frame. Ms. Gonchar confirmed that the applicant had a lot of tight deadlines. As to paragraphs 20 and 21 on page 28, the Chairman indicated that the Board would extend the time provided applicant gives 10 days' notice. Ms. Gonchar expressed her disagreement. The Chairman reiterated that the Board had acted in good faith and would continue to do so. Ms. Gonchar persisted with her disagreement. Mr. Drill said he would work on the language and try to come to terms with Ms. Gonchar.

On page 15, #12 "at a minimum" was added between spanning & sink hole. The Chairman confirmed agreement to the language change provided Joe Fischer is satisfied.

Additional issues were raised: page 15, #2 – that the time would run from the expiration of appeals and not as currently provided, which is "within 30 days of expiration of the appeals period". Page 15, #3 was corrected. #10 on page 17 as to maintenance of landscape were revised to allow for one professional inspection. Additional inspection by the Township engineer was eliminated.

On page 17, item #13, Mr. Drill will add a sentence: "Geotechnical supersedes the previous approvals on geotechnical issues from 1994 and 1999 approvals.

The issue of payment of the Mt. Laurel contribution, paragraph 13, was raised. Mr. Drill noted that the answer is in B and C. Ms. Gonchar indicated she might request an extension on payments if the time goes beyond the date because of delays with the Township board. Mr. Drill said that the Board is a party to the Bi-County settlement agreement, and everyone has to agree to change the date. Mr. Drill indicated that he would talk to the Township attorney, as there should be a form regarding extensions and times.

Ms. Gonchar raised the issue of payment of escrow fees re resolution of items 19, 22, 23. She said she did not want to pay should a disagreement arise on the items. Mr. Drill noted

the objection, but he confirmed that the escrow fees would have to be paid in any case. Ms. Gonchar disagreed.

As to 18 D, sewer placement, Ms. Gonchar said if the Sewer Authority agrees to the location, applicant does not want the Board to say it is not in conformance with the Board's intention. Mr. Drill said site plan approval is required first. There was some discussion as to where the Sewer Authority wants the lines located.

Ms. Gonchar expressed the opinion that item #20 is not legal. Mr. Drill suggested modifying this provision as in #21. Ms. Gonchar disagreed with extension times. Jon Drill said it is 9 months to make revisions. The Chairman agreed. Jon Drill said the ordinance provides for 18 months, and Ms. Gonchar contended the extension should be automatic.

The chairman stated that the conditions are critical to this resolution and recommended approval.

Motion was made by Jim Imbriaco and seconded by Pat Papa to approve the resolution as modified.

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

Members opposed: None

2. **XRD:** Block 14 Lot 9 Cross River Design

Applicant seeks preliminary and final site plan approval to erect a 90' x 30' pole barn for storage. Additional submission received.

Requisite application and escrow fees having been paid and jurisdiction having been established, James Knox, Esq., introduced himself on behalf of the applicant.

He described the existing conditions on the site, including a house/office and parking area. Mr. Knox said the applicant proposes to construct a building to house vehicles in the winter. Mr. Knox contended that this would improve the esthetics of the property as well.

Mr. Knox called Tony Bernardo, co-owner, and Steven Ombalski, P.E., applicant's engineer. Both were sworn.

Applicant introduced Exhibit A #1, which is a color sketch of the property dated April 4, 1998. Mr. Berardo described the existing site. He testified that the proposal is to construct a pole building. Mr. Berardo said the visual buffer screening are more than required by ordinance. He pointed out that the pole barn is to house the equipment in the winter, which will improve the look of the site. Mr. Berardo said bags of mulch are currently stored, but the proposed building would be used for this storage. Further, he pointed out that no maintenance of equipment is done on site at all. There are no toxic

materials on site. In addition an outside expert, namely, Bartlett Tree Experts, sprays the trees.

Applicant introduced Exhibit A #2, representing the style of the building to be constructed. Mr. Drill asked that the exhibit be identified for the record, and the chairman queried which building was to be constructed, as there are two pictured on Exhibit #2. Mr. Berardo responded that the one in the picture is a box, and they are proposing a barn style with green roof and gray-white walls with panels similar to that of a dairy barn.

The Board asked whether piles of stone and mulch were stored, to which Mr. Berardo said there were bags of mulch only. Asked whether this is a wholesale business, Mr. Berardo responded that it is.

Peter Fernandez asked what was done in the past with regard to the landscaping. Ms. Papa noted that previous requirements were different, but she further indicated that what is on the site is attractive.

Steven Ombalski testified that the building would be constructed over the stone area that currently exists. He said there would be a light on the front of the building and at the entrance.

Mr. Ombalski further testified that applicant would comply with all suggestions made in the Bogart report. He said the lighting would be as required on a residential site. Further, the light in the parking lot was previously approved. Further, Mr. Ombalski said applicant would comply with Fire Department requests.

Attorney Drill asked the date of the last site plan approval. Mr. Knox said the site plan was approved 7-20-98, Resolution #98-17.

The Board asked the composition of the poles, to which applicant responded that they are treated wood. The Board questioned the source of water on the site, to which applicant responded it is well water. Mr. Berardo further noted that they wrap all of the trees so they don't over use the water. In addition, he said they use low flow nozzles.

No one appearing to speak in favor or against, the public hearing was closed.

Motion was made by Pat Papa and seconded by Sue Dziamara to approve the application subject to conditions.

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

Members opposed: None

3. MARTIN: Block 4.01 Lots 14 & 15

Applicant seeks minor subdivision/lot line adjustment whereby .03 acres would be subdivided from Block 4.01, Lot 15 and merged with Block 4.01, Lot 14. Variances are sought for minimum lot size, minimum lot width at street, minimum lot width at building, minimum front yard setback, minimum sideyard setback minimum rear yard setback, minimum rear yard setback (accessory). Existing properties are currently non-conforming.

Having paid the requisite application and escrow fees and jurisdiction having been established, Albert Rylak, Esq., introduced himself on behalf of the applicant. He introduced Lawrence Martin, property owner, and Pam Mathews, engineer, who were sworn. Mr. Rylak explained that applicant is seeking a minor subdivision and merger.

Applicant testified there had been a long-standing driveway encroachment. Now that the neighbors, the Schusters, are selling their property, the Martins would like to buy the property where his driveway is currently located. Mr. Martin testified ears he has owned his property for 27 years, used this driveway, and cared for the land next to the stone wall.

Ms. Sandra Schuster came forward and stated that she had no objections to this.

No one else appearing to speak in favor or against, the public hearing was closed.

Motion was made by Gerry Teeney and seconded by Pat Papa to approve the application for minor subdivision/lot line adjustment.

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

Members opposed: None

PLANNING PRESENTATION

Board professionals participating in the presentation include Peter Fernandez and Mark Bristol-Evans from Carter Van Dyke Assoc.; Mike Bolan and Mark Cannuli from Banisch Assoc.; and Melanie Reese from Robert C. Bogart Associates

Design Standards:

Mike Bolan stated the areas to be described included Non-Residential, Campus and Corridor. He identified the locations:

So. Rt.31 campus

So. Rt.31 corridor

No. Rt.31 campus - OB 1& 3, ROM zones
No. Rt.31 corridor
Rt.22 corridor - commercial
Rt.78 ROM zone & research campus
(2 different bldg. design groups - corridor & campus)

Peter Fernandez described the campus mix of office and institutional buildings within a park setting. Development behind Rt.31 would have a secondary road system that is more pedestrian-oriented with many routes to break up the traffic. People could bicycle to the park and schools and not have to access Rt.31. The buildings would be hidden behind the landscaping as is AT&T in Basking Ridge. Access would be via a boulevard that is tree lined with walking areas on both sides of the road and walkways that link. Storm water treatment could be used as an amenity, by creating a pond. Outdoor common area common areas for seating could be incorporated.

Mark Bristol-Evans discussed maintaining the traditional elements and proportions with elements including: architectural detail, pitched roofs to be dominant and or perceived as such, and defining the street edge so as to show the difference between the sidewalk and the boulevard. The Chairman affirmed that the Board did not want a "Box" design.

Mr. Fernandez addressed the Rt. 31 Campus area with parking screened from the highways and buildings that overlook the open areas on the other side, maintaining the formal edge of Rt. 31. The Rt. 78 Campus would offer buildings screened by tree and hedge rows from the highway and residents on the other side as well. The rural character of the roads would be preserved.

The problem of multiple driveway cuts on the highway corridor could be solved with interconnecting parking lots with hedges and berms.

Buildings would have an office campus setting in a "rural traditional" style. For example, Mr. Fernandez described six buildings in a farm-like setting on a pedestrian scale with a bank, daycare, medical offices, and a bike path surrounding all of it. He noted in this instance the builder had a few key tenants and then built the other buildings on speculation. Commercial buildings should be built with a rural tone and traditional materials like bricks, with glass on the ground floor, but less glass on the upper floors. Rooflines would block the mechanical elements. It would be a pedestrian friendly environment.

The Historic area would be blended with the commercial buildings that are complimentary in architecture. Carolyn Neighbor, Clinton Township resident/planner/former Planning Board chairperson, said Beaver Avenue is an example of this type of combination. There would be a double row of trees along the roadways with berming and landscaping, and storm water areas would be an amenity such as a pond with wildlife and plants. There would be flowering trees in the medians as well.

Design Guidelines: Public comment; Develop strategies for implementation; Prepare ordinance

Mike Bolan said that this should be tied into the Master Plan. The next step would be to review the ordinances. He then asked the board members to review the handouts. He asked the Board secretary to mail them to board members who were not present. Mark Bristol-Evans said he would email to the Board members. The next meeting is June 12th and he needs feedback from the board before then.

COMMUNICATIONS

Jim Imbriaco asked about the letter from Judith Ferguson #13 regarding drainage between Meadowview Estates and Cedar Grove Road. Melanie said that it is being taken care of.

ADJOURMENT

Motion to adjourn was made by Marc Melloy and seconded by Sue Dziamara.

The meeting was adjourned at 10:12 p.m.

These minutes were approved 6/2/01.

Alice Oldford
Secretary to the Board