

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

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PUBLIC MEETING

May 14, 2001

North Hunterdon High School

*PRESENT:* Jim Imbriaco, Pat Papa, Marc Melloy, Gerry Teeney, Dan Fennell, Sue Dziamara, Tom Borkowski, Tom Kacedon, Bill Barr  
Professionals: Robert C. Bogart, P.E.; Michael Bolan, P.P., Joseph Fischer, Geotechnical Consultant; John Thonet and Blaine Rothauser, Environmental Consultants; Peter Fernandez, Landscape Architect; Dennis Bertland, Historic Consultant; Dan Bernstein, Board Attorney; Alice Oldford, Board Secretary

*ABSENT:* Chris D'Alleinne

*CALL TO ORDER*

Mr. Imbriaco called the meeting to order at 7:10 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 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 of the meeting of May 7 were approved.

*PUBLIC HEARING*

WINDY ACRES, Block 7, Lots 18 and 31 (292 acres, AH-1)

Applicant seeks preliminary subdivision and site plan approval for residential development of 958 dwelling units consistent with previous general development plan approval. Recently submitted revised plans show 911 units.

This hearing is continued from 5/1, 6/5, 7/11, 9/5, 10/2, 10/21, 11/4, 11/6, 11/18, 11/20, 12/2, 12/11, 1/16, 2/20, 4/2, 4/30, 5/7.

Chairman Imbriaco explained the schedule of hearings prior to final deliberation and vote on June 4. The Board professionals will begin their direct testimony this evening. Public comment will be entertained on Saturday, June 2. Should time permit, there will be additional professional testimony and cross-examination.

Dennis Bertland and Jesse Landon were called and sworn.

Attorney Bernstein questioned Jesse Landon, who represents the Clinton Township Historic Commission. Mr. Landon said the Historic Commission wants to have input regarding this project. He explained that the Commission is dedicated to protecting the heritage of the community. Further, Mr. Landon said the Historic Commission encourages the Planning Board to retain jurisdiction. Lloyd Tubman, Esq., on behalf of the applicant, said NJDEP has responded recently and requested a meeting on the site.

Mr. Bernstein noted that the Planning Board takes the position that the Board retains jurisdiction. Further, a new EIS should be submitted according to Attorney Bernstein. Ms. Tubman said documentation has been reviewed, and the applicant intends to keep the Board involved. Mr. Landon emphasized protection and mitigation and encouraged the Board to reserve decision on the project until the studies are completed.

Mr. Bernstein said Section 40-116 of the Ordinance references archaeological resources and environmental data. Therefore, he contended that these items must be addressed.

Dennis Bertland gave his qualifications. He referenced his report dated 5/11/01 marked PB-1. Mr. Bertland concluded that additional investigation and analysis would be necessary to meet EIS requirements. Mr. Bertland read his report, which is attached. Mr. Bertland noted this is an up-date of his report of 11/2000.

Peter Fernandez was called and sworn and gave his qualifications. Mr. Fernandez said he had met with applicant's landscape architect numerous times since December 2000. He referenced his report of 4/25/01. Report was marked PB-2.

Expert reports will be posted at the Board web site.

As to balancing the landscape ordinance and COAH requirements, Mr. Fernandez said forest areas that are required to be replaced have been computed as to acreage rather than individual trees. Mr. Fernandez detailed the replacement formula. He noted that applicant had not

provided a summary. Lloyd Tubman said applicant would provide a summary, as requested. Mr. Fernandez further enumerated the areas where applicant had met the requirements of the ordinance and where the requirements had not been met. He pointed out maintenance issues and recommended substitute species in some cases. Mr. Fernandez emphasized the use of native plants.

Michael Bolan was called and sworn. He gave his credentials. He said he has been the planner for the Township for 12 years. Mr. Bolan's report of 5/11 was marked PB-3. He summarized his report, noting that currently the request is for 911 units, fewer than allowed by the GDP. In addition, three lots require bulk variances. He cited the C1 and C2 criteria for granting the variances. The Banisch report is attached.

Mr. Bolan discussed the phasing schedule. Ms. Tubman confirmed that applicant would make the COAH payments as preferred by the Township. Mr. Bolan discussed the mix of units. As to mixing the affordables with the market units as recommended the COAH, Mr. Bolan pointed out that this would be the Board's preference. He addressed signage and buffer requirements. He noted the difference between the GDP approved buffer and the ordinance required buffer.

He pointed out that there are design exceptions, which require Board approval. He described the standard for design exceptions. He noted standards for the minimum distances between buildings and pointed out that applicant seeks design exceptions in 3 instances.

He said applicant provides 158 acres of open space, 54%, which meets the ordinance standard.

Mr. Bolan referred to the GDP and whether an amendment to the GDP must be made prior to preliminary approval. He contended that the GDP should be amended. Mr. Bolan noted that applicant had not provided that some items.

Mr. Bolan referenced RSIS and landscape plans where he contended that there are items, which have not been provided. He addressed sidewalks and closure of Main Street to the west of the project. He commented that additional details as to water service should be provided.

Mr. Bolan noted that condo docs must be submitted to the Township, and applicant should update the Board.

Mr. Bolan detailed the findings the Board must make in accordance with MLUL provisions.

There was a short recess. When the meeting re-opened, applicant requested an opportunity to question the witnesses. Lloyd Tubman noted that she had provided copies of Jim Mullen's notes from meeting with the Fire Dept., marked A-82. Jim Cosgrove's responses were marked A-81, and the revised GDP resolution was marked A-83.

Ms. Tubman asked Dennis Bertland about the dates of the reports he referenced. She noted that this is a lengthy process, and applicant has every intention of following through as provided by the GDP approval. Dan Bernstein suggested that conditions could be imposed. Henry Hill said applicant had not accepted Planning Board jurisdiction on historic, archaeological matters.

Ms. Tubman said applicant's landscape architect is in the process of revising the landscape plans to comply with Peter Fernandez's recommendations.

Mrs. Tubman noted that the plans are being revised to comply with ordinances eliminating variances. Ms. Tubman referred to p. 20 of the GDP and questioned Mr. Bolan as to the specifics. Ms. Tubman contended that applicant had met the requirements of the condition. She then referenced the transcript of 1/16 and addressed a wall to be placed within the buffer. She noted that the Board preference was for smaller units within the tract buffer rather than the larger conforming units. She also referred to p. 133.

John Thonet was called and sworn. Exhibits were introduced and marked, PB-4 - report and PB-5 - colored versions of applicant's plantings. Mr. Thonet gave his qualifications. John Thonet said he had issued an initial report on Sept. 19, 2000, together with subsequent reports. He noted that supplements have been on-going. The final report is dated May 14, 2001, and addresses testimony by James Cosgrove offered on May 7.

Mr. Thonet summarized his report. He noted applicant's deficiencies. No water quality sampling has been performed according to Mr. Thonet. He referenced the South Branch of the Rockaway Creek and western most tributary together with the eastern tributary. Mr. Thonet noted that there is water in these streams together with fish and water critters. Among the missing elements is steep slope information. He also noted that only impacts to the South Branch of the Rockaway Creek have been considered.

He also disclosed that there has been no analysis of the surface drainage. Mr. Thonet referenced the Township ordinance that addresses environmentally critical areas.

Mr. Thonet addressed steep slopes, testifying that sometimes the slopes have been devastated on the site and other times the impact appears less although these impacts are in stream corridors. He disclosed that there are also trees (see report, p. 9) that are relatively large that applicant proposes to remove. Mr. Thonet asked the Board to consider an area with a small stream that had been ignored by the applicant. He suggested that the Board consider the development of this area on its own.

He discussed another area, tree plan 11, and suggested that it too could be considered a project in itself. He noted that the wooded hillside could be considered a natural resource. He then referred to tree plan 9 and the plan encroachment on the steep slope. He disclosed there are 36 acres, representing 12%, of the property that are steeply sloped.

He said applicant is proposing to disturb 45% of the steeply sloped area. He also noted that applicant is proposing to disturb 1/3 of successional hardwood forest, which translates to approximately 1,000 trees.

Mr. Thonet addressed each page of the plans, pointing out disturbances that could be avoided by eliminating some lots. Mr. Thonet revealed the changes in ecology of the streams by applicant's changing the flows, reducing the flows to some and increasing to others.

Mr. Thonet suggested that generally tweaking the plans to eliminate some units could avoid some of the negative impacts. According to Mr. Thonet, adjusting the location of detention basins could also have a positive result.

Further, he referenced habitat. He noted that although wood turtles breed in the stream, they nest in the fields.

John Thonet introduced Blaine Rothouser. He was sworn and presented his qualifications. Mr. Rothouser is a naturalist with the Thonet firm. He said his specialty is threatened and endangered species. Mr. Hill objected to Rothouser's qualifications.

Mr. Rothouser showed slides of wood turtles and further showed habitat on the Windy Acres site. He emphasized that there is abundant habitat. He noted that there is no realistic survey of the numbers of the turtles on the Windy Acres property.

At the conclusion of Mr. Rothasuer's testimony, the meeting was adjourned to Saturday, 6/2, commencing at 9 a.m. at Patrick McGaheran School. At that time the Board will hear to public comment. In addition Board professionals Thonet and Rothouser will attend. Alexander Litwornia, P.E., Board Traffic Consultant, will also be on hand. Readington Township will have an opportunity to make a presentation, and Thomas Borden, Esq., representing the Clinton Township Citizens Coalition will also offer testimony.

#### *OLD BUSINESS*

#### *NEW BUSINESS*

1. Mr. Teeney recommended approval of the vouchers for payment, and the Board concurred.
2. Ms. Dziamara announced that Princeton Hydro would give an up-date on the NRI at the meeting of 5/17. Further, she said well testing kits are available for purchase at the Municipal Center.
3. Sue Dziamara volunteered to attend the Historic Preservation ordinance work session with the Council on Wednesday evening.

*ADJOURNMENT*

The meeting was adjourned at 11:05 p.m.

A complete transcript of the public hearing has been prepared by Joanne Sekella, certified shorthand reporter, and is available for review at the Planning Board office during normal business hours, 8:30 a.m. – 4:30 p.m. It is also available at our web site, [www.township.clinton.nj.us](http://www.township.clinton.nj.us).

These minutes were approved 5/21/01.