

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD  
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PUBLIC MEETING

DATE: May 21, 2007

*PRESENT:* Michael Brady, Bill Honachefsky, Sr. (9:09PM), Nick Corcodilos, Chris D'Alleinne, Phil Iannitto, Charles Howard, Marvin Joss, John Sladicka and John Higgins

*PROFESSIONALS:* Jon Drill, Attorney, Cathleen Marcelli, Engineer, Michael Sullivan, Planner, Brian Bosenberg, Landscape Architect, Mark Hewitt, Architect and Rebecca D'Alleinne, Administrator.

*ABSENT:* Jim Imbriaco.

*CALL TO ORDER*

Chairman Brady called the meeting to order at 7:37P.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 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.

A site walk for June 2, 2007 was scheduled to view the Urban Development Property located at Block 75, Lot 2.

*PUBLIC HEARINGS*

**HENSFOOT/KINDER CARE, Block 78, Lot 1**

Kevin Benbrook, Esq. introduced himself on behalf of the applicant. David Fantina, Engineer and Charles Urban, Hensfoot Development were introduced. Jon Drill reported that it was the second public hearing. Michael Sullivan, Board Planner, David Fantina, applicant's Engineer and Brian Bosenberg, Board Landscape Architect were sworn. Exhibits A-2 (Reduced Version of Front and Rear elevation) and A-3 (Sample Chart) were marked into evidence. Matt Taylor of KinderCare discussed the revised building layout. He indicated that there was no corporate color scheme that must be followed. He discussed the gables that had been added, noting that one of the drawings

displayed how the building would look like from the neighborhood, which didn't include the proposed landscaping. He indicated that the siding would be Hardi-Plank, not vinyl. Phil Iannitto asked about the window dividers and Mr. Taylor said that they would be six over six. Shutters were discussed and Mark Hewitt indicated that a lack of shutters would be acceptable. Mr. Taylor noted that he liked the changes. Mark Hewitt discussed the black roof and suggested a slate grey color. Kevin Benbrook indicated that the applicant would work with the architect to determine colors of the brick and roof. Exhibit A-4 (Exterior Elevation dated 1/22/07) was marked into evidence. The façade was discussed and Mr. Iannitto recommended that it should be extended. Mark Hewitt commented that the building was essentially a box, and that he realized that it was a standard corporate layout. Mr. Taylor commented that they needed an area that would protect the children from the elements. There will be revised architectural renderings submitted with the changes in the wainscoting, the color of the roof shingles and the plane of the gables. Mr. Taylor discussed surveillance cameras and indicated that there would be none. A submission of the revisions will be sent.

A "C" variance will be needed for parking, as 38 spaces with 5 banked spaces are proposed. David Fantina presented his credentials, which were accepted by the Board. Mr. Taylor commented that it was more parking than was needed. He discussed the drop-off procedure and safety of the children. The plan note will be changed. Mr. Taylor discussed curriculum rooms. Cathy Marcelli discussed the future of the business. Kevin Benbrook stated that the capacity would be limited to 147 children. Matt Taylor indicated that the occupancy rate was 68%.

David Fantina discussed the proposed smaller building and the impervious coverage of 46.7%. He noted that there would be a C2 variance needed for a guard rail along Fulper Place, because it is a "structure". It was noted that a playground would be located right under the rail. A variance may be needed for the fence, as it is taller than allowed and within the setback. Kevin Benbrook indicated that fence would be landscaped. Jon Drill explained the reasons for the variances. Mr. Fantina commented that the safety of the children was the main factor in the depth of the cut for the playground. A deceleration lane was discussed and Mr. Fantina indicated that it would be worked out with the Board engineer. He discussed a sidewalk that could be put along Fairview Avenue, which would be a condition of approval. He pointed out where the banked parking would be located and discussed the design waivers that had been identified by Cathy Marcelli.

One waiver would be for the height of the retaining wall and the other for an encroachment on the right of way. Mr. Taylor discussed the retaining wall and indicated a preference for a stamped concrete wall. Brian Bosenberg indicated that he was concerned about the height of the wall and the fence on top of it. He would like to see samples of the materials. Mr. Taylor stated that samples would be submitted. Kevin Benbrook commented that the applicant may need to use poured concrete to make it structurally sound, noting that the applicant would like to work with the Board planner and make it a condition of approval. Mark Hewitt indicated that he would be uncomfortable if didn't see the materials and Brian Bosenberg agreed. Michael Sullivan commented that the height of the wall is nearly the same as the building height, creating a big box. It was determined that until the system of construction for the wall was determined, the finish cannot be decided. Mr. Taylor stated that the wall would be

broken up by the play equipment, and that variations could be created. Chris D'Alleinne discussed a stepped wall with vegetation. Brian Bosenberg commented on security and that perhaps a solid fence was not necessary, especially if it were landscaped to break up the mass of the structure. Discussion ensued as to a discrepancy between the landscaping plan and the engineering plan. Mark Hewitt recommended a section drawing. Brian Bosenberg discussed the landscape plan from Garden Associates, dated 3/22/07. Cathy Marcelli discussed Joe Fischer's report of March 29, 2007 that had expressed concerns over the wall. Kevin Benbrook reported that he had submitted an accident report from the police department in response to an inquiry from the Board. Mike Brady asked how to stop the children from climbing the wall. Michael Sullivan asked whether the proposal was for a standard guardrail and Mr. Fantina reported that it was designed to stop a slowly-moving vehicle. Jon Drill asked whether that could be quantified. Mr. Fantina stated that the data would be provided. Brian Bosenberg suggested that the guardrail could be a heavy wood timber or weathered steel as it is in a residential area.

Debbie Newcomb indicated that the Environmental Commission had submitted comments and Mr. Fantina indicated that a response would be forthcoming.

Tom Yager, 10 Greyrock Road, asked about who would maintain the guardrail, as it is in the right of way and Cathy Marcelli recommended that the owner should maintain it. Mr. Yager discussed the deceleration lane and Mr. Fantina indicated that the revised drawings would be forthcoming.

Jon Drill listed the changes in the documents. The public hearing was continued to July 16, 2007 without need for further notice and an extension of time within which the Board must act was granted to August 31, 2007. The traffic review will be addressed by Mr. Fantina.

Chairman Brady declared a recess at 9:03PM.

Chris D'Alleinne recused himself due to a conflict. The meeting was called to order at 9:07PM and Bill Honachefsky joined the meeting.

### **LMG CLINTON/OL' WEST BBQ, Block 29, 34**

Dale Winget, Esq. introduced himself on behalf of the applicant. Les Guerren, owner, and James Hill, engineer were introduced. He described the property in question and explained that Mr. Guerren leased the corporation from Clinbar. He described the fact that the tiki hut is actually a shed and reported that the previous owner had installed the concrete pad and shed with out site plan approval. Jim Hill, Les Guerren, Cathy Marcelli, Michael Sullivan, Mark Hewitt, and Brian Bosenberg were sworn in. Mr. Winget reported that he had reviewed the township files and reviewed the history of the building. He noted that there had been not been any further applications. He discussed the Kiki Rios renovations that had been done. Mr. Winget commented that Mr. Guerren was seeking to use the concrete pad and that the shed would be used for storage only, not for food service. Exhibit A-1 (10 Color Photos of the Site) was marked into evidence.

Jim Hill presented his credentials, which were accepted by the Board. He described each photo. Mr. Guerren indicated that he wished to use an existing space and gave a short history of the restaurant. He discussed the fact that smoking in restaurants is prohibited that his interest in the rear area is for smokers and that he wanted to use the area for food and beverage service. He discussed the business model and how the

outdoor dining would add a new dimension to the business. There are no water or electric hookups. Mr. Guerren discussed the use of the shed and stated that it would continue to be used for storage. Jon Drill asked whether it would be detrimental to move the shed if the Board indicated that must removed. Mr. Guerren expressed the opinion that it would be a problem to store everything in the main building, commenting that it would not be an issue if it were located elsewhere on the property. It would be an expense to have cooking and service in the shed. The history of the different restaurants that had been in the building was discussed. Mr. Guerren stated that he was seeking an approval after the fact to use the pad and discussed the smoking ordinance. Jon Drill commented that if any ordinances were violated, that fact cannot be held against this applicant. Nick Corcodilos wondered whether the pad had been built to code. Mr. Guerren stated that the pad was in good condition, noting that he had complied with all requirements for the CO. It was noted that the pad probably hadn't been reviewed by anyone. Coring was discussed. Whether variances had been granted was discussed and it was noted that resolutions to grant variances were not granted. The size of the building was discussed. Jon Drill commented that no variances were required for the new additions. The highway widening would create a hardship variance. No variance would be needed for the pad. The number of patrons, how it would affect parking, safety, and landscaping should be considered.

Jim Hill discussed the depth of the pad, noting that there are joints in the concrete. Cathy Marcelli commented that the pad would not have to be thicker. Mr. Hill suggested that someone from the Hatch Mott MacDonald office test it. Jon Drill noted that the Board could ask for a landscape and lighting plan, suggesting that the professionals tell the applicant what information the Board would need in order to grant an approval with conditions. Cathy Marcelli listed structural integrity, clarification on the front yard setback and how the building size had changed over the years. Mark Hewitt commented that the applicant should move the shed. Brian Bosenberg stated that the Board should be shown how the area would be utilized. Landscape and lighting plans should be submitted. Mark Hewitt pointed out that the sidewalk should meet ADA requirements.

Marvin Joss commented that the shed would have needed a building permit. Nick Corcodilos expressed concern about neighboring residences and Bill Honachefsky discussed erosion. Cathy Marcelli asked for the hours of operation and the maximum number of patrons outside. Phil Iannitto was concerned about the neighbors and noise. Mr. Guerren discussed the existing landscaping on the lot and noted that he was a good neighbor. The application was continued to June 18, 2007 or to July 16, 2007 without need for further notice. The applicant extended the time within which the Board must act through August 31, 2007.

#### *REPORTS & ASSIGNMENTS*

1. Report from Council: Nick Corcodilos reported that the Highlands Council would make a presentation to the Township Council. Board members Bill Honachefsky, Charles Howard, Nick Corcodilos and Marvin Joss will attend.
2. Report from Open Space: Bill Honachefsky reported that the committee would meet soon to discuss graphite mines on Hackett's Preserve.

3. Report from Environmental Commission: There was no report.

*NEW BUSINESS*

1. Charlie Howard moved and Marvin Joss seconded a motion to approve the vouchers. The Board concurred unanimously.

*ADJOURNMENT*

Nick Corcodilos moved and Marvin Joss seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 10:32PM.

These minutes were approved on June 18, 2007.

Rebecca E. D'Alleinne  
Administrator