

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD
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PUBLIC MEETING

DATE: September 4, 2007

PRESENT: Michael Brady, Chris D'Alleinne, Phil Iannitto, John Sladicka, Jim Imbriaco, Bill Honachefsky, Sr. and John Higgins.

PROFESSIONALS: Jon Drill, Attorney, Cathleen Marcelli, Engineer, Michael Sullivan, Planner and Rebecca D'Alleinne, Administrator.

ABSENT: Charles Howard, Nick Corcodilos, and Marvin Joss.

CALL TO ORDER

Chairman Brady called the meeting to order at 7:36P.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

Bill Honachefsky moved and Chris D'Alleinne seconded a motion to approve the minutes of August 6, 2007, as written. The Board concurred unanimously.

RESOLUTION

ALEXANDER & BARTLETT, Block 52, Lot 1

Resolution #2007-12, Application #2007-09

Phil Iannitto moved and John Sladicka seconded a motion to approve the resolution as written. Members in favor: Brady, Iannitto and Sladicka.

PUBLIC HEARINGS

LMG CLINTON/OL' WEST BBQ, Block 29, Lot 34

Jon Drill reviewed the history of the application and noted that he had drafted a resolution. He commented on the applicant's letter of August 14, 2007 to withdraw the application and the memo of August 24, 2007 that he had written. He listed the options that the Board had in the withdrawal.

Dale Winget, Esq. introduced himself on behalf of the applicant. He noted that the applicant had agreed to an extension of time within which the Board must act until September 30, 2007. He indicated that his client had not yet arrived. The Board determined to address other business until he arrived.

KINDERCARE, Block 78, Lot 1

The application will be carried to October 15, 2007 with no need for further notice. The time within which the Board must act had been extended through October 31, 2007. Jim Imbriaco moved and Chris D'Alleinne seconded a motion to approve the adjournment as noted. The Board concurred unanimously.

DPW SALT STORAGE REVIEW, Block 61, Lot 4

Cathy Marcelli reported that the presentation was a capital review and that the township was under a deadline to construct a salt facility. She noted that the project would take about 180 days. She described the facility and discussed the access, noting that she had created a stormwater management plan. The size of the facility was determined by the township, based on the amount of salt to be stored.

Bill Honachefsky reported that the DEP had visited the site to inspect it in the spring and he expressed concern over the streams in the area. He discussed the procedures that the DPW must follow to minimize the runoff of the salt. Jon Drill expressed the opinion that a letter could be written to DPW to address the concerns. The current conditions were discussed. Cathy Marcelli noted that there are annual inspections by the DEP. Chris D'Alleinne asked whether trucks would access the salt from within the building. Ms. Marcelli responded that they would, which was the reason that the building was so large and exceeded the township height restrictions.

Chairman Brady asked whether there were wells in the area and Ms. Marcelli replied that she didn't know. Jim Imbriaco noted that it was a proposal that would contain the current adverse conditions. John Sladicka wondered about the environmental impact. Jon Drill stated that the Board had no authority to limit the size of the facility. Cathy Marcelli commented that the state was requiring that all municipalities store salt in an enclosed facility. Phil Iannitto expressed concern that putting the building on that property might make the situation worse. Cathy Marcelli distributed an aerial photo of the property. The siting of the building and metal siding were discussed.

Jon Drill reviewed his notes for the resolution. Jim Imbriaco moved and Chris D'Alleinne seconded a motion to approve a resolution stating that the facility was not inconsistent with the Master Plan. Discussion ensued concerning a letter to DPW. It was

determined that the administrator should include in the memo to the governing body the following concerns:

- 1.) A sentinel well should be installed to monitor sodium concentration.
- 2.) Cleanup of spills outside the building should occur promptly.
- 3.) Loading of the trucks should occur within the building, because the Board's assumption in finding the building height acceptable was based on interior loading.

Bill Honachefsky moved and Jim Imbriaco seconded a motion to direct the administrator to send a letter to the DPW outlining the above concerns.

LMG CLINTON/OL' WEST BBQ, Block 29, Lot 34

Dale Winget, Esq. introduced Mr. Guerren to discuss his reason for the request for a withdrawal without prejudice. Mr. Guerren expressed the opinion that the situation was out of control, commenting on the history of the application and on the amount of the money that he had spent on the process. He discussed the controversy over the size of the buildings and the discrepancies. He indicated that the amount of money was onerous and that he expected an end to the process. Mr. Guerren stated that the process was unreasonable for a smaller business to maintain. He expressed frustration, noting that he had made a good faith representation. He commented on the 21-page resolution, how much he had spent and the fact that he was no closer to reaching a conclusion. He stated that he couldn't get a return from the investment and that it was not a fair situation. He commented on the concrete pad that former tenant Mr. Parisi had built without permits.

Chairman Brady asked for the reasons that he wanted the application dropped. Mr. Guerren responded that it was the cost and the end of the outdoor dining season. He stated that the professionals could have had the discussions out of public meetings. He discussed the cost of the meetings, noting that he had said he would address the lighting. Jon Drill apologized for not giving him enough time to review the resolution, and expressed the opinion that the Board wanted to approve the application with conditions. He suggested that the applicant review each item in the resolution and focus on the conditions, such as lighting. Jim Imbriaco commented that he thought that the Board would approve it if he could look over the resolution. The application was adjourned, so the applicant and his attorney could review the conditions and return with recommendations.

REPORTS & ASSIGNMENTS

1. Report from Council: There was no report.
2. Report from Open Space: Bill Honachefsky reported that the committee was working on a map of the properties that the township owned. John Sladicka reported that the committee was looking for additional properties. .
3. Report from Environmental Commission: Bill Honachefsky reported that the draft tree ordinance had been sent to the EC concerning heritage trees and clear cutting.
4. The ECHO Subcommittee will meet at 6:00PM on October 1, 2007.

5. The Onsite Remediation Subcommittee will meet on next Tuesday, September 11, 2007 at 7:00PM.
6. Debbie Newcomb reported that the Environmental Commission would address the tree ordinance and was working on an update for the NRI.
7. The definition of “structure” will be addressed on Tuesday, September 11, 2007.
8. Michael Sullivan discussed well head protection. He indicated that he would draft a memo.
9. Height limits on retaining walls was discussed. Michael Sullivan discussed the issue on a state level and commented on large wall faces. Chairman Brady discussed steep slopes and overdeveloped sites.
10. Phil Iannitto discussed the fact that the northern end of town could use a bike path for the children to get to RVMS. Jim Imbriaco discussed the utility easement that ran between Lilac Drive and Bundt Park as a possibility for the next section of the bike path.
11. Bill Honachefsky discussed the access easement on Acorn Court. He noted that the sign had been removed and expressed the opinion that it would be appropriate for the engineer to check the situation. A recess was called at 8:50PM.

LMG CLINTON/OL’ WEST BBQ, Block 29, Lot 34

Chairman Brady called the meeting to order at 9:10PM. Jon Drill commented that the applicant had several objections to the conditions. Under Landscaping Conditions: #1 to remove the driveway in front of the building, #2 planting along front of building. Under Lighting Conditions: #4. Under Engineering Conditions: #2b to identify the number of seats on the site plan, and Condition #16 concerning hours of use. Standard Conditions: #7.

Mr. Guerren addressed Landscaping Condition #1 and stated that to remove the driveway in front of the building and install planting would create too narrow of an area behind the fence and was not practical. He explained that there is a 20 foot fire access lane. On condition #2, Mr. Guerren stated that he would agree to install planting on the north end of the parking lot. The condition was discussed at length and an agreement was discussed. It was determined to ask Brian Bosenberg to review the choice of plant materials. The Lighting Condition #4 concerning the rear parking lot was discussed. Jon Drill read the condition into the record. Pathway lighting was discussed. Whether or not the 18 spaces in the gravel lot were included in the count was discussed. The lighting that already exists should be identified on the site plan. The condition of enforcement of the parking on the gravel lot was discussed. It was noted that there was a barrier to block entry to it. Jon Drill read the changes to the lighting conditions into the record. There will be no parking on the gravel lot. The number of seats in the facility is as follows: 140

seats in the restaurant for dining, 24 seats at the bar and 24 seats on the patio slab for a total of 188. Mr. Guerren testified that there would be a total of 188 seats and that he had a legal occupancy of 200.

Enforcement of the parking on the property was discussed. The conditions of his lease were discussed. The current condition of the parking lot and maintenance costs were discussed. Chris D'Alleinne discussed the future of the parking lot and its condition. Les Guerren noted that an improvement would add appeal to the consumer and asked when the money had to be spent. Jim Imbriaco responded at the point that the situation was a threat to health and safety. A mechanism to enforce the conditions in the resolution was discussed. Mr. Guerren commented that, from a business point of view, it was an aesthetic and safety issue. Dale Winget commented that the lot was a preexisting, nonconforming parking lot. Jon Drill noted that the condition says that he had an obligation to preserve the lot. Jim Imbriaco discussed the OSHA commitments and the future of the property. Mr. Guerren expressed concern that he would lose control of when to repave and it was noted that there remedies if he felt that the zoning officer had been capricious. A standard time frame was discussed. The Board expressed the opinion that he should repave within two years. Chris D'Alleinne suggested that he should re-stripe the lot and fire lane now. Condition #2 concerning hours of operation was discussed. Hours of operation shall be no earlier than 8:00AM-2:00AM, Monday through Sunday. It was determined that the hours of operation should agree with the ABC license. It was determined that the lights may be on up to one hour after closing. Jim Imbriaco moved and John Higgins seconded a motion to approve the resolution as amended. Members in favor: Brady, D'Alleinne, Imbriaco, Sladicka and Higgins.

ORDINANCES

Jim Imbriaco moved and Chris D'Alleinne seconded a motion to approve Ordinance #935-07. Members in favor: Brady, Iannitto, D'Alleinne, Imbriaco, Sladicka and Higgins. Jim Imbriaco moved and Michael Brady seconded a motion to approve Ordinance #936-07. Members in favor: Brady, Iannitto, D'Alleinne, Imbriaco, Sladicka and Higgins.

ADJOURNMENT

Chris D'Alleinne moved and Michael Brady seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 10:02PM.

These minutes were approved on October 1, 2007.

Rebecca E. D'Alleinne
Administrator