

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD
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PUBLIC MEETING

DATE: October 1, 2007

PRESENT: Michael Brady, Bill Honachefsky, Sr., Jim Imbriaco, Nick Corcodilos, Chris D'Alleinne, Phil Iannitto, Marvin Joss, John Sladicka, Charles Howard, John Higgins, and Sharon Simmons.

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

ABSENT: None.

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 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

Phil Iannitto moved and Chris D'Alleinne seconded a motion to approve the minutes of September 4, 2007, as written. The Board concurred unanimously.

PUBLIC HEARINGS

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

Meryl Gonchar, Esq. introduced herself on behalf of Orleans Homebuilders and Anthony Koester, Esq. introduced himself on behalf of the homeowners. Ms. Gonchar noted that the hearing was a continuation of an amended landscape buffer plan application. She reported that the second group had worked with the Orleans landscape architect to devise a buffer plan on the additional lots. Ms. Gonchar stated that Sheets 17 A & B now included all of the lots. She reported that they had also met with DOT to

discuss relocation of the buffer along Route 31 and had received a favorable response. Jurisdictional agreements would need to be entered into with the individual homeowners and the DOT.

Orleans Homebuilders Senior Vice President Michael Karmatz was sworn. He reported that he had attended a meeting on September 26, 2007 with Lewis Branin, Ben Neville, Clint Griggs, Brian Bosenberg, Jon Drill, Cathy Marcelli, Chris D'Alleine, Marvin Joss, and Meryl Gonchar to discuss the buffer planting. He reported that DOT had indicated that they were more than willing to cooperate and would allow the plantings on their property. DOT and each of the residents would have to enter an individual jurisdictional agreement and a deed restriction would be placed on each lot. The homeowners would have the responsibility for maintenance after two years after the planting is finished. Jim Imbriaco expressed concern over the buffer on Route 31 because it could potentially be removed after two years. Michael Karmatz noted that if the commercial lot were developed, it would have to add another buffer. Brian Bosenberg responded that if the trees died after 2 years, it would be the homeowner's responsibility. He indicated that Orleans was responsible for maintenance for the first two years and that it would be an ongoing responsibility after that of the homeowners and Cathy Marcelli said that she had the same recollection. DOT did not wish to be responsible for the maintenance after two years. The zoning officer could issue a summons if a tree died. Jon Drill read from the resolution. The buffer maintenance would be the responsibility of the homeowner. Brian Bosenberg commented that he had met with all residents and they had liked the buffer, noting that it was unlikely that they would cut it down. Meryl Gonchar reported that the township can enforce the buffer element as a component of the subdivision through the zoning officer in the courts. Ms. Gonchar stated that the landscape design had been revised and asked for the Board's approval. Mr. Bosenberg commented that had met with nearly everyone, and expressed the opinion that the plans are fine. Jon Drill read some changes into the record. All lots had been dealt with except for one, that hadn't signed the letter of intent.

Patricia Pietronigro, 10 Longwood Drive, was sworn. She reported that she did not have sufficient information to approve the proposed buffer design on her lot.

Anthony Koester introduced himself and read the list of his clients into the record. The buffer on the DOT property was the same depth as the original approved plans. Jim Imbriaco asked if his clients had any objections to the proposed plans. Jon Drill commented that the seven lots along the DOT property could be treated differently than the other owners because the situation is different. He read the changes into the record concerning the maintenance of plant material. Bill Honachefsky commented that the jurisdictional agreement must be concurrent with the planting. Brian Bosenberg said that DOT had been confident that the agreements could be ready by the planting season. The release of the performance bond was discussed. Ms. Gonchar noted that there must some maintenance obligation that would allow access to the property. Jon Drill noted that access would be provided in the resolution and that individual lot owners would be required to allow access to the buffer to repair the planting.

Darlene King, 6 Elm Drive, asked who would own the trees. Brian Bosenberg commented that it would have to be spelled out in the DOT agreement and that a separate jurisdictional agreement would be written for each specific property. He noted that the

two years would start at release of performance guarantee. The homeowner responsibility would begin after the two years.

Patricia Pietronigro stated that she had reviewed the plans during the recess and agreed with the proposed buffer on her lot. Jim Imbriaco moved and Chris D'Alleinne seconded a motion to close the Public Hearing. The Board concurred unanimously. The Board recessed the hearing at 8:35PM so Mr. Drill could revise the resolution.

URBAN DEVELOPMENT/BANK, Block 75, Lot 2

Robert Benbrook, Esq. introduced himself on behalf of the applicant. He stated that the applicant was seeking site plan approval, noting that a variance was needed for an undersized lot. He discussed the fact that he felt that the detention basin should not be classified as a structure and therefore, did not need a variance. He commented that there had been many meetings, that the layout had evolved over time and the changes were depicted on the revised site plans. Mr. Benbrook stated that the proposal eliminated two nonconforming residences in a commercial zone. He commented that the proposal would provide an aesthetic enhancement of the area and expressed the belief that the application was ready for approval. He indicated that he anticipated conditions to the approval. It was suggested that discussion begin concerning the professional reports that had issues. Dan Bernstein recommended that the engineer could go through the reports and address only those items that were concerns, not the issues that were in agreement. Nick Corcodilos asked if the Board had enough information to decide how to vote. Jim Imbriaco commented that when he had read the packet, he had hoped they would be asking for an adjournment. Bob Benbrook stated that the applicant was ready for an approval. He expressed the opinion that the only serious issues were with Geologist Joe Fischer.

Chairman Brady asked whether the professionals had enough information. Jim Imbriaco stated that historically the Board had not wanted to approve plans that were not complete. Cathy Marcelli commented that there were a lot of technical concerns and that the stormwater management plan was a large issue, which reinforced what Mr. Fischer had been reporting concerning sinkholes. She discussed a remediation plan.

Michael Sullivan recommended that the applicant move the building closer to the street and discussed the signs.

Mark Hewitt commented that he hadn't realized that the architecture had changed so much and had not written a report. He noted that it had changed from a hipped to a gable roof. He expressed the opinion that the project is excellent, and has generally improved. Mr. Hewitt indicated that he didn't see any problems if the design were to go back to previous configuration. He noted that he could see no major problems and would like a brief meeting with the architect.

Brian Bosenberg stated that his office had not had enough time to review the plans, but expressed the opinion that the issues could be resolved.

Jeff Keller commented that the application had moved very far and was in agreement that one more redo would be enough.

Chairman Brady commented that it sounded as though the professionals felt that the plans were very close to a conclusion. Mr. Benbrook stated that the applicant was asking for a vote from the Board members, not the professionals. It was determined that

it would be worthwhile to see where the fundamental agreements were. Mr. Benbrook thought that most issues could be resolved. Chairman Brady commented that the issues were not just with Mr. Fischer.

Nick Corcodilos stated that the Board was taking professionals reports into account, and wanted an integrated concept. He noted that he didn't see the need to continue.

Jim Imbriaco commented that the applicant was asking the Board to accept plans that needed changes and that they hadn't done so in the past. He discussed stormwater management, landscape plans, lighting and architecture issues.

Dan Bernstein suggested that, even if the Board didn't vote, the issues could still be addressed and narrowed down. Marvin Joss commented that the applicant should address geotechnical and stormwater issues. Jim Imbriaco agreed that it was a large part of the issue could be best resolved with the professionals. Michael Sullivan commented that he hadn't had any meeting lately with their professional. Mark Hewitt stated that he would like to meet with the applicant's architect, that there were no major issues and that he felt that the plans were very close. Chairman Brady expressed the opinion that he would prefer to wait until all of the information had been provided before proceeding. Mr. Benbrook stated that some issues are fundamental and need to be decided by the Board, noting that the Board had rejected the building design. He stated that the applicant didn't have a preference, and would agree to whichever design that the Board decides. He remarked that the applicant had provided what they thought the Board had asked for. Phil Iannitto stated that the three stories of the building was the only architectural issue, and that it could still have the hipped roof. Mr. Benbrook noted that their architect had decided to change the roofline. The Public Hearing was recessed at 9:15 PM.

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

The Public Hearing for Water's Edge was reconvened at 9:15PM. Jon Drill reported that he had made numerous revisions to Resolution #2007-14, which he read into the record. He also read changes to the conditions into the record. John Sladicka moved and Chris D'Alleinne seconded a motion to approve the resolution as amended. Members in favor: Brady, Honachefsky, D'Alleinne, Corcodilos, Howard, Sladicka and Higgins.

URBAN DEVELOPMENT/BANK, Block 75, Lot 2

The Public Hearing was reconvened at 9:23PM. Mr. Benbrook expressed the opinion that planning issues should be addressed. He discussed engineering and fire concerns. He indicated that the applicant would participate in one last round of meetings. Mr. Benbrook expressed the opinion that he expected that whatever was recommended by the professionals would be approved by the Board. He noted that the applicant's engineer agreed that there are technical issues that need to be dealt with concerning the road widening. He stated that the fire concerns were addressed on the plans and that the building was within 500 feet of hydrant. He reported that the applicant would meet with Joe Fischer, but that he was not optimistic. Mr. Benbrook commented that he felt that the applicant had done all that he could do. He expressed the opinion that he didn't believe

that any more testing was needed. He further stated that no borings had been done where the foundation was to be located, noting that when the location of the building was settled, the applicant would perform tests. Discussion concerning the resolution of planning and fire issues ensued.

Nick Corcodilos objected to the condition that the Board must buy into whatever the Board's professionals recommend and that the applicant wanted the Board to choose which building it preferred. Mr. Benbrook agreed that the applicant must design the building site and had attempted to show the Board their preference. Mr. Benbrook asked for some degree of understanding that the Board would approve, noting that the applicant's preference was the original design. He commented on the amount of money that had been spent. Mr. Corcodilos stated that it was inappropriate for the Board to pick between two versions and to expect Board to agree with the professionals' recommendations. Mr. Benbrook replied that the Board then shouldn't ask to have details worked out with the experts. He commented that the Board should give the professionals' opinions tremendous weight.

Dan Bernstein commented that the Board does express credence in its professionals' opinions, but that on rare occasions, they don't agree. He expressed the opinion that it would be more fruitful to address the issues.

Road widening and curbing was discussed. Mr. Benbrook stated that it was the applicant's position that the widening was not necessary for safety reasons. He suggested that improvements continue to the easterly driveway. Cathy Marcelli commented that it was a step in the right direction, but that she would anticipate increased traffic due to the proposal. She expressed the opinion that further widening of Center Street to 28 feet was necessary. Mr. Benbrook asked about excavation beyond the improvements for the sidewalks and reported that Ken Fears had not thought that an extension of the sidewalk would increase safety. Engineer David Fantina pointed out the area of the road widening.

Marvin Joss stated that he supported the reduced length of widening of the roadway because of the adjacent residences. Nick Corcodilos indicated that he supported the engineer's recommendation to widen the road. Cathy Marcelli discussed fire truck access. Marvin Joss stated that he was uncomfortable dealing with the issues in a piecemeal manner. Jim Imbriaco supported the recommendation to widen the road up to the driveway because of the probable increase in traffic. Phil Iannitto discussed stormwater. Chris D'Alleinne agreed with Cathy Marcelli's recommendation, as did Chairman Brady. Phil Iannitto agreed with Mr. Joss. Charles Howard and John Sladicka expressed support for Cathy Marcelli's recommendation.

Signage design was discussed and Mr. Benbrook noted that there was an existing sign on the property, but stated that he didn't know what the tenant might want. Michael Sullivan suggested that all site elements should be coordinated, noting that the Board may want to retain jurisdiction over the sign design. Discussion ensued concerning a conservation easement for the landscaping buffer. Mr. Benbrook noted that he had no difficulty with creating an easement, but pointed out that an easement may not be used in FAR calculations. It was suggested that the map could note that the easement was not exempted from the FAR calculations. Michael Sullivan stated that his intent was to preserve the buffer and that it could be called a "buffer easement".

The location of the building was discussed. The applicant would like the location to remain as designed. Chuck Urban expressed the opinion that moving the building

forward would break up the parking and make the building less accessible. Jim Imbriaco commented that it was unfair at this point to ask the applicant to move the building. Marvin Joss agreed with Michael Sullivan. Mr. Benbrook commented that the applicant was reluctant to move the building because it would be a financial burden and that everything would have to be reengineered. Cathy Marcelli commented that it would not affect stormwater. David Fantina discussed the location of the tellers and the layout of the site. John Higgins stated that he felt that it was more desirable to move back. Michael Sullivan discussed different approaches and perspective. Chuck Urban commented the forward location would put the building as close as the existing one story structure to the street. Chris D'Alleinne commented that the decision is a matter of opinion and preference and thought that the building would blend better if further back. Charlie Howard discussed the landscaping. Chairman Brady agreed that having the building further back would be better. It was determined that the sidewalk to the building should be wider. Phil Iannitto stated that the location of the building would not sway his vote. Charles Howard agreed that the location should be left where it was.

Mr. Benbrook noted that the Fire Department report had asked for the location of the water source and he noted that the fire hydrant was shown on the key map, as per ordinance. He indicated that the applicant would meet with Mr. Fischer. The hearing was continued until November 5, 2007 and the applicant granted an extension of time within which the Board must act to November 30, 2007.

REPORTS & ASSIGNMENTS

1. Report from Council: Charles Howard discussed development rights that the township owns and reported that the council was negotiating for additional properties. He indicated that a special meeting would be held on Wednesday to discuss the capital plan.
2. Report from Open Space: There was no report.
3. Report from Environmental Commission: There was no report.

OLD BUSINESS

1. Charles Howard moved and Jim Imbriaco seconded a motion to approve the vouchers. The Board concurred unanimously.
2. Jim Imbriaco discussed the memo from the committee that had met to discuss stormwater management and off-site mitigation plans. He stated that it was the recommendation of the committee that there be no change in the ordinance or Master Plan.

ADJOURNMENT

Chris D'Alleinne moved and Marvin Joss seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 10:25PM.

These minutes were approved on November 5, 2007.

Rebecca E. D'Alleinne
Administrator