

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD

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PUBLIC MEETING

December 11, 2001

PRESENT: Pat Papa, Gerald Teeney, Sue Dziamara, Marc Melloy, Dan Fennell, Tom Borkowski, Tom Kacedon, Chris D'Alleinne
Professionals: Robert C. Bogart, Engineer; Michael Bolan, Planner; Jonathan E. Drill, Attorney; Alice Oldford, Secretary.

ABSENT: Jim Imbriaco, Bill Barr

CALL TO ORDER

Vice Chairperson Pat Papa called the meeting to order at 7:35 p.m.

MINUTES

The minutes from the meeting of 11/19 were approved.

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

1. AMERICAN BAPTIST CHURCH OF NJ, Resolution No. 2001 – 38A and 38B
Minor subdivision.
Motion to approve was made by Marc Melloy and seconded by Thomas Borkowski
Members in favor: Pat Papa, Gerry Teeney, Chris D'Alleinne, Marc Melloy, Dan Fennell, Tom Borkowski, Tom Kacedon
2. AMERICAN BAPTIST CHURCH OF NJ, Resolution No. 2001 – 39A and 39B
Preliminary and final site plan.
Motion to approved was made by Marc Melloy and seconded by Tom Kacedon

Members in favor: Pat Papa, Gerry Teeney, Chris D'Alleinne, Marc Melloy, Dan Fennell, Tom Borkowski, Tom Kacedon

3. AT&T Wireless, Resolution No. 2001-41 (alternate version)
Grant of Checklist Waivers and Determination of Completeness for Application for Minor Site Plan Approval for Installation of Wireless Antenna and Equipment Compound
Motion was made by Marc Melloy and seconded by Chris D'Alleinne
Members in favor: Marc Melloy, Sue Dziamara, Pat Papa, Tom Kacedon, Gerry Teeney, Dan Fennell

EXTENSION REQUEST

Meryl Gonchar, Esq., of Greenbaum, Rowe, Smith, et als appeared on behalf of Orleans Homebuilders **Water's Edge** project to request a 6-month extension for completion of plan revisions. Ms. Gonchar introduced Michael Karmatz, Senior Vice President, Orleans Homebuilders. Mr. Karmatz was sworn and testified as to the need for extension. He explained the developer had been in contact with NJDOT regarding access. In addition, there had been negotiations as to sewer capacity, and Orleans is currently awaiting NJDEP approval.

Motion to extend was made by Tom Kacedon and seconded by Chris D'Alleinne
Members in favor: Pat Papa, Gerald Teeney, Sue Dziamara, Marc Melloy, Dan Fennell, Tom Borkowski, Tom Kacedon, Chris D'Alleinne

WAIVER REQUESTS

1. **PALOMAR**, Block 19, Lot 21 R-1 (46.03 acres)
Application No. 2001-16
Filed: 10/17/01
Incomplete with Waivers: 11/28/01

Applicant seeks preliminary subdivision approval for 9 lots, including 8 new building lots with the remaining lands consisting of 19.280 acres to be designated as permanent open space.

Michael Martini, Esq., introduced himself on behalf of the applicant. He introduced Frank Falcone, project engineer, who described the project. Waivers were requested for landscaping, i.e., shade trees, which have now been provided. In addition, there is a request for waiver of a lighting plan. Waiver is also requested for showing roads within 500' on the plans. Mr. Bogart indicated that a waiver could be granted for items 9e and 21.

Motion was made by Sue Dziamara and seconded by Chris D'Alleinne to grant the requested waivers.

Members in favor: Pat Papa, Gerald Teeney, Sue Dziamara, Marc Melloy, Dan Fennell, Tom Borkowski, Tom Kacedon, Chris D'Alleinne

Hearing was scheduled for 1/22/02.

Site visit was set for 1/19 with Board members meeting at Acorn Lane at 8:30 a.m.

Applicant's attorney agreed to extend the time

Applicant's attorney granted an extension of time for the Board to act to 2/19/02.

2. **GENESIS**, Block 46, Lot 34
Application No. 2001-19
Incomplete with Waivers: 12/4/01

Applicant seeks final subdivision approval for 4 lots. Preliminary approval was granted via Resolution No. 2001-30 dated 10/15/01.

Attorney for applicant, Thomas Miller, Esq., was noticed that this application was incomplete with waivers on 12/4 with waiver requests to be entertained on 12/11.

No one appeared on behalf of the applicant.

Motion to deny the waiver requests was made by Marc Melloy and seconded by Chris D'Alleinne.

Members in favor: Pat Papa, Gerald Teeney, Sue Dziamara, Marc Melloy, Dan Fennell, Tom Borkowski, Tom Kacedon, Chris D'Alleinne

PUBLIC HEARING

FROSCHHAUSER, Block 3.03, Lots 3 & 4, 1.864 Ac., C-2
Filed: 8/30/01
Incomplete: 9/12/01
Incomplete with Waivers: 9/26/01

Applicant seeks preliminary site plan approval to convert an existing building, formerly used as a motel, to office, sales and service facility for Hunterdon Pool and Patio and the sale and rental of skis, snowboard, sale of ski clothing and items related thereto.

Variances are requested:

- (a) Minimum lot area – 5 acres required; Lots 3 & 4 = 1.864 acres.
- (b) Minimum front yard – 100' required; existing front yard setback of Lot 3 is 36.56', proposed = 59.10'. The existing front yard setback of Lot 4 is 57.75'.
- (c) Minimum rear yard – 100' required. The existing rear yard setback of Lot 3 is 47.08' to principal structure and 7.63' to garage; proposed to garage is 18'.

The existing rear yard setback for Lot 4 is 48.03'. (d) Minimum side yard – 75' required. Existing conditions will not change but the proposed new accessory storage garage will be located 30' from the side lot line.

Marc Melloy recused himself.

Having paid the requisite application and escrow fees and jurisdiction having been established, Donald W. Morrow, Esq., introduced himself on behalf of the applicant.

James Hill, P.E., Al Polaski, AIA, Tom Yeager, P.P. and L.S., Paul Froschhauser and the Board professionals were sworn.

James Hill was called and his credentials accepted.
Exhibits were marked, A -1, Color rendered (light green) Landscaping and Lighting Plan; A-2, Color rendered (darker green) Landscaping and Lighting Plan.

Mr. Hill gave a project overview using page 2 of 6. He testified this is a renovation of an existing motel. Mr. Hill described two access points, one for public use from Rt. 22 and one from Blossom Hill Road. Two small detention basins are proposed. Mr. Hill explained the variances. The lots have been merged. Mr. Drill noted that the majority of the variances relate to pre-existing conditions. Mr. Bolan pointed out that the rear and front yard setbacks overlap.

Photos of the existing building were introduced and marked A-3. Mr. Hill noted that the former motel office protruding to the front of the building is being removed. Mr. Hill contended that this is an enhancement to the visual impact. Applicant proposes a garage to the rear of the property to replace the “office” allowing for storage.

Mr. Hill observed that applicant would comply with the recommendations in the RCBA letter of 10/31. Mr. Hill explained that applicant seeks approval for stone parking since it is more permeable than pavement and would enhance the stormwater management plans. Mr. Hill described the access, including signage limiting use of the gravel areas. Applicant agreed to pave the driveway. Mr. Hill testified as to the grading and drainage. Mr. Bogart said not curbing the rear driveway or lot would not be problematical.

Peter Fernandez referenced his letter related to the landscape plan. Mr. Hill discussed applicant's reasoning for the landscape proposals. He explained the location of the septic was a constraint for some of the plantings. He further described the other limitations of the property, including the right of way. According to Mr. Hill, applicant will be responsive to the recommendations of the Board landscape architect. Mr. Hill further agreed to relocate Basin A to the extent possible.

Mr. Hill also agreed that applicant would comply with the lighting ordinance in accordance with the recommendations of Lighting Design Collaborative. He described the proposed lighting. Mr. Hill testified that the lights would be on during normal business hours. The security lighting will comply with the provisions of the ordinance.

Applicant does not request any exceptions from the lighting ordinance.

Mr. Hill testified in response to the Thonet letter of 11/1.

Applicant marked the Trac-Vault/Lid cut sheet as Exhibit A-4.

Tom Yeager was called and qualified as a planner and his credentials were accepted. He offered testimony as to the negative criteria for the variances. Mr. Yeager noted the building was constructed in the '50s, and the on-site conditions pre-date the ordinance. Mr. Yeager testified that applicant seeks to maintain the rural nature of the lot. He suggested that applicant is improving a small site. There are no environmental constraints on the property, nor are there any structures of historical significance. Mr. Yeager concluded there is no detriment to the zone plan.

Mr. Yeager testified that although it is a condensed site, it does meet the intention of the ordinance requirements.

William Castrol with Century 21 Realtors, Clinton, representing the owners of Lot 7, noted the owner has mailed a letter expressing his concerns. Mr. Drill advised the Board that someone could not represent the owner other than an attorney and a letter can not be considered unless the author of the letter is available for cross examination. The Board so ruled.

Alexander Polaski, AIA, was called and his credentials accepted. Mr. Polaski introduced an exhibit marked A-5 described as Up-dated elevations, 11/19/01. He pointed to the existing building, which applicant intends to re-use as much as possible. Mr. Polaski said the existing building has no character. He introduced Exhibit A-6 showing the floor plan of the existing building.

Mr. Polaski described the proposed addition and improvements. He explained that mechanicals would be screened. He showed lighting under the porch + recessed lights under the gable.

Colored rendering was marked as Exhibit A-7. Material was marked as Exhibit A-8. The proposed roof color was described as coffee or mocha.

Mr. Froschhauser was called. He explained the operation of the business. Business operation would consist of pool service and sale of patio furniture. Hours of operation would be 9 a.m. – 8 p.m. Business is conducted in conformance with National Pool regulations. In winter it is proposed to sell winter sporting equipment. Mr. Bolan pointed out that the ordinance provides that there will be no storage or display in the front yard unless it is screened by an approved fence.

Mr. Froschhauser testified that he proposed displaying a couple of patio furniture sets on the patio. In addition, he would propose to display a gas grill. He suggested that his

outside display would be very conservative. The Board noted that a fence could be required. The Board clarified that the appearance would be that of a landscaped patio.

The Board raised the issue of the billboard on the property. The Board noted that it is not aesthetically pleasing. Applicant expressed a willingness to place some landscaping to enhance the appearance. Mrs. Donna Froschhauser testified she was aware of the billboard since 1970. Mr. Drill noted that it should be established that the billboard is a pre-existing, non-conforming use entitled to continue.

Mr. Morrow pointed out that he believed there was a presumption that this is a pre-existing, non-conforming use. Mr. Drill disagreed. He indicated that the proper forum for the determination of the use is the Board of Adjustment.

Mr. Morrow contended that the applicant has proposed site plan determination, which includes the billboard.

The Board will retain jurisdiction to determine whether or not the billboard is entitled to remain. If it determines that the billboard is not entitled to remain, it must be removed or the Board will not have had jurisdiction to grant site plan approval to the proposed development.

Motion to approve the application with conditions was made by Sue Dziamara and seconded by Gerry Teeney.

Members in favor: Pat Papa, Gerald Teeney, Sue Dziamara, Marc Melloy, Dan Fennell, Tom Borkowski, Tom Kacedon, Chris D'Alleinne

NEW BUSINESS

1. Immaculate Conception School has requested a grading plan revision of its site plan. Michael Martini, Esq., introduced himself on behalf of the applicant.

The following members recused themselves: Tom Borkowski, Tom Kacedon, Marc Melloy and Gerry Teeney.

Mr. Bogart explained that the Engineer typically approves field changes. In this instance, he indicated that he believed the proposed changes were beyond the scope of a field change. Mr. Bogart explained that the church is placing fill. The amount of earthwork is substantial, and this is well beyond what could typically be considered a field change. In addition, it adds elements to the site that were not approved as part of the site plan. Additional assurance is required as to run-off, which might impact adjoining property owners.

The Board expressed concern that changes are being made beyond the scope of the approval. Section 40-355.14 surface water management plan is applicable. Section 40-355.15 is also applicable. Quality fill is available which is the reason for the

request. The Board asked whether there were environmental certifications with the fill, to which applicant responded there were.

There was discussion as to submission of a stormwater management plan.

The Board authorized Mr. Bogart to ascertain the viability of the changes proposed by the applicant.

However, it was realized after the matter was discussed that the four (4) Board members remaining after the recusals did not constitute a quorum. The advice given to Mr. Bogart was thus null and void and of no force or effect. The Board attorney will write a letter to the applicant's attorney to that effect and suggesting a course of action.

2. Mr. Teeney recommended approval of the vouchers for payment, and the Board concurred.
3. Regarding the Pacesetter curbing, i.e. concrete, which was installed and approved by the County, and Belgium block as shown on the plan detail, applicant must appear before the Board to discuss.
4. Environmental Commission report. Ms. Dziamara reported that the Environmental Commission is working with Princeton Hydro to produce a satisfactory report.
5. Council – No report
6. Extension requests:

JMK requests an extension of time to submit revised plans in conformance with the resolution. Applicant must appear to request extension. The Board Secretary will give applicant a date to appear.

Cokesbury Meadows requests an extension time to submit revised preliminary plans. Applicant must appear to request extension. The Board Secretary will give applicant a date to appear.

ADJOURNMENT

The meeting was adjourned at 10:45 p.m.

These minutes were approved January 7, 2002.

Alice E. Oldford
Secretary to the Board