

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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VIRTUAL ANNUAL REORGANIZATION PUBLIC MEETING

DATE: January 24, 2022

DUE TO THE COVID-19 GLOBAL PANDEMIC, THIS CLINTON TOWNSHIP BOARD OF ADJUSTMENT MEETING WAS HELD OVER THE “VIRTUAL” WEBEX PLATFORM.

THESE CHANGES HAVE BEEN INSTITUTED TO PROTECT HEALTH, SAFETY AND WELFARE OF RESIDENTS, EMPLOYEES, MUNICIPAL OFFICIALS, APPLICANTS AND CONSULTANTS IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

Board Secretary called the meeting to order at 7:09pm.

Secretary Filardo read the Public Notice.

This is a public meeting of the Zoning 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 and the notice of and agenda for this meeting was posted on the bulletin boards in the Municipal Building and outside the Planning and Zoning Office and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, and the Star Ledger, no later than the Friday prior to the meeting.

MEMBERS IN VIRTUAL ATTENDANCE

Lewis, Lyte, McCaffrey, McTiernan, Pfeffer, Rohrbach, Stevens, Yager

MEMBERS ABSENT

None.

PROFESSIONALS/STAFF IN VIRTUAL ATTENDANCE

- 1) Jonathan Drill, Esq., Board Attorney
- 2) Thomas Behrens, Jr., Board Planner
- 3) Jim Mazzucco, Board Landscape Architect
- 4) Denise Filardo, Board Secretary

NOMINATIONS AND ELECTIONS

A motion was made by Ms. Stevens and seconded by Mr. Pfeffer to nominate Mr. McCaffrey as Board Chairman. There were no other nominations. The vote record follows.

Roll Call: Nomination and Election of Mr. McCaffrey as Board Chairman

Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Lyte (Alt. 1)					X	
McCaffrey			X			
McTiernan			X			
Pfeffer		X	X			
Rohrbach			X			
Stevens	X		X			
Yager			X			

Chairman McCaffrey took over the meeting.

VICE CHAIR

A motion was made by Ms. Stevens and seconded by Dr. Lewis to nominate Mr. Pfeffer as Board Vice Chairman. There were no other nominations. All were in favor.

<i>Roll Call: Nomination and Election of Mr. Pfeffer as Board Vice Chair</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis		X	X			
Lyte (Alt. 1)					X	
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer			X			
Rohrbach			X			
Stevens	X		X			
Yager			X			

APPOINTMENT OF PROFESSIONALS & STAFF & NEWSPAPERS

	AREA OF EXPERTISE	EXPERT	FIRM
1	Attorney	Jonathan Drill, Esq. and Kathryn Razin, Esq.	Stickel, Koenig, Sullivan & Drill, LLC
2	Conflict Attorney	Jay B. Bohn, Esq.	Schiller & Pittenger, PC
3	Engineering Expert	Larry Plevier, PE, CME	Mott MacDonald
4	Traffic Expert	Larry Plevier, PE, CME	Mott MacDonald
5	Lighting Expert	Jason Harkins, LLA, RLA	Mott MacDonald
6	Planning Experts	Joseph Burgis, PP, AICP Tom Behrens, PP, AICP	Burgis Associates, Inc.
7	Landscape Architects	Jim Mazzucco, LLA and John Olivo	B.W. Bosenberg & Co., Inc.
8	Conflict Landscape Architect	John Morgan Thomas, ASLA	John Morgan Thomas
9	Environmental Expert	Jeffrey K. Keller, PhD	Habitat by Design
10	Geology & Hydrogeology Expert	Matthew J. Mulhall, PG, MS, ME	M2 Associates, Inc.
11	Board Stenographer	Jackie Klapp	

12	Wireless Communications Expert	Charles A. Hecht, PE	Charles A. Hecht Associates, Inc.
13	Board Stenographer	Jacqueline Klapp, Certified Court Reporter	Jacqueline Klapp
14	Secretary provided by Township	Denise Filardo	Township of Clinton
15	Newspapers for publication of legal notices	Hunterdon County Democrat, The Star Ledger	New Jersey Advance Media

A motion was made by Mr. Pfeffer and seconded by Ms. Stevens to appoint Board Professionals, Staff and Newspapers. The vote record follows.

<i>Roll Call: Appointment of Professionals, Staff and Newspapers</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Lyte (Alt. 1)					X	
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)	X		X			
Rohrbach			X			
Stevens		X	X			
Yager			X			

APPROVAL OF 2022 CALENDAR

A motion was made by Mr. McTiernan and seconded by Mr. Pfeffer to approve the 2022 calendar and the date of the 2023 Annual Re-organization Meeting. All were in favor.

The Annual Re-organization Meeting will be held on January 23, 2023.

<i>Roll Call: 2022 Meeting Calendar and 2023 Annual Reorganization date</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Lyte (Alt. 1)					X	
McCaffrey (Chair)			X			
McTiernan	X		X			
Pfeffer (Vice Chair)		X	X			
Rohrbach			X			
Stevens			X			
Yager			X			

APPROVAL OF 2022 RULES AND REGULATIONS

A motion was made by Mr. McCaffrey and seconded by Dr. Lewis to approve the 2022 Rules and Regulations dated January 19, 2022. The vote record follows.

Roll Call: 2022 Board Rules and Regulations						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis		X	X			
Lyte (Alt. 1)					X	
McCaffrey (Chair)	X		X			
McTiernan			X			
Pfeffer (Vice Chair)			X			
Rohrbach			X			
Stevens			X			
Yager			X			

REVIEW OF VOUCHERS

Board Members reviewed vouchers. There were no questions or concerns.

MEETING MINUTES

1) AUGUST 23, 2021

A motion was made by Mr. Pfeffer and seconded by Dr. Lewis to approve the Meeting Minutes of August 23, 2021. The vote record follows.

Roll Call: Minutes August 23, 2021						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis		X	X			
Lyte (Alt. 1)					X	
McCaffrey (Chair)					X	
McTiernan			X			
Pfeffer (Vice Chair)	X		X			
Rohrbach					X	
Stevens			X			
Yager					X	

2) NOVEMBER 22, 2021

A motion was made by Ms. Stevens and seconded by Dr. Lewis to approve the Meeting Minutes of November 22, 2021. The vote record follows.

Roll Call: Minutes November 22, 2021						
Member	Motion	2nd	Yes	No	Not Eligible	Absent

Lewis		X	X			
Lyte (Alt. 1)					X	
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)					X	
Rohrbach			X			
Stevens	X		X			
Yager			X			

RESOLUTIONS

1) CTBOA 2022 RESOLUTION ADOPTING EMERGENCY REMOTE MEETING PROTOCOLS, PROCEDURES AND REQUIREMENTS FOR PUBLIC PARTICIPATION AT REMOTE MEETINGS

Board Attorney Drill read the entire resolution (attached herewith) into the record. Notice of such meetings to be held over the Webex platform will be listed on the meeting agenda and posted to the Township website six days prior to the meeting.

A motion was made by Mr. Pfeffer and seconded by Ms. Stevens to adopt the 2022 Resolution Adopting Emergency Remote Meeting Protocols, Procedures and Requirements for Public Participation at Remote Meetings. The vote record follows.

<i>Roll Call: Resolution Adopting 2022 Emergency Remote Meeting Protocols, Procedures and Requirements for Public Participation at Remote Meetings</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Lyte (Alt. 1)					X	
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)	X		X			
Rohrbach			X			
Stevens		X	X			
Yager			X			

2) ZINN REALTY, LLC
 Block 74, Lots 16, 18 and 19
 Application No. BOA-2012-07
 Resolution No. 2021-08
 Fourth Extension of Time within which to Obtain Construction Permits from August 21, 2019 to December 4, 2021 and Fourth Extension of the Life of the Final Site Plan Approval as well as the Final Site Plan Protection Period from August 21, 2021 to December 4, 2021

A motion was made by Ms. Stevens and seconded by Mr. McTiernan to adopt Resolution No. 2021-08. The vote record follows.

Roll Call: ZINN Realty Resolution No. 2021-08						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis					X	
Lyte (Alt. 1)					X	
McCaffrey (Chair)					X	
McTiernan		X	X			
Pfeffer (Vice Chair)			X			
Rohrbach			X			
Stevens	X		X			
Yager					X	

3) CLINTON AGRICULTURAL ASSOCIATES

1461 Route 22 East

Block 14, Lots 6 & 7

Application No. BOA-2020-07

Resolution No. 2021-09

Resolution Memorializing Grant of Bifurcated “D(1)” Use and “C(1)” Variances to allow Mixed Commercial Development consisting of Retail, Office, Flex Space and Self-Storage.

A motion was made by Mr. Pfeffer and seconded by Ms. Stevens to approve Resolution No. 2021-09. The vote record follows.

Roll Call: Clinton Agricultural Associates Resolution No. 2021-09						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Lyte (Alt. 1)					X	
McCaffrey (Chair)					X	
McTiernan			X			
Pfeffer (Vice Chair)	X		X			
Rohrbach					X	
Stevens		X	X			
Yager			X			

DISMISSAL OF BOA APPLICATION NO. 2020-05 WITH PREJUDICE DUE TO DEFAULT OF RESOLUTION NO. 2021-04 DISMISSING APPLICATION NO. BOA-2020-05 WITHOUT PREJUDICE SUBJECT TO CONDITION REQUIRING REIMBURSEMENT OF ATTORNEY FEES AND EXPENSES

The Board discussed and decided to table this matter until the next meeting.

PUBLIC HEARING

1) ST. CLAIR REAL ESTATE D/B/A ROUND VALLEY DENTISTRY

Block 58, Lot 1

87 Beaver Avenue

Application No. BOA-2021-10

Applicant is seeking to amend the previously approved Site Plan to add an additional 204 sf of office space which will replace the existing drive thru area previously used by the former bank, for intermittent use by a specialist for particularized dentistry procedures. The applicant is also requesting Variances and an additional wall mounted sign.

Mr. Pfeffer and Mr. Yager both recused from this application and exited the virtual meeting.

The applicant was represented by Kara Kaczinski, Esq. Attorney Kaczinski provided the Board with background on the application and the relief currently requested.

The following individuals were sworn and testify during the hearing:

1. Thomas Behrens Jr., Board Planning Expert;
2. John Olivo, Board Landscape Expert
3. Wayne Ingram Applicants Professional Engineer and Professional Planner;
4. John Mielo, Managing Partner of St. Clair Real Estate
5. John Haeberle, Applicant's Architectural Expert (Testimony held until next meeting)

Chairman McCaffrey checked and noted that there was no one from the public in virtual attendance.

Mr. Mielo's testimony included and was not limited to the following:

- Growth of current dental business,
- Number of full and part time employees,
- Number of patients served at one time,
- Concept of a "run over room",
- Considering bringing in a periodontist as an ad hoc specialist to come in on call,
- Signage, and
- Parking

Mr. Ingram's credentials as a Planning and Engineering expert were accepted by the Board.

Mr. Ingram's testimony included and was not limited to the following:

- Overview of the application including existing and proposed changes to the building,
- Lighting,
- Landscaping,
- Description of the relief requested,
- Existing and proposed signage,
- Positive and negative criteria in support of the requested variance relief.

Mr. Ingram testified that the applicant is amenable to all suggestion contained in the B.W. Bosenberg memo and that the applicant will comply with the engineering comments contained in the Mott MacDonald report.

Mr. Haeberle's Architectural testimony was held until the next meeting due to the late hour. The Board requested that the Architect provide a colorized rendering for the next meeting

It was noted that the Board Chairman will not be available to attend the February 28th meeting and that Vice Chair Pfeffer most likely will not be in attendance. Discussion ensued between Board Members, Board Professionals, the applicant and the Applicant's Professionals. It was decided and agreed upon that the February meeting would be moved from February 28th to February 21st (even though it is President's Day).

This application was continued to February 21, 2022 without the need for further notice.

REVIEW/DISCUSSION OF 2021 ANNUAL REPORT

After a brief discussion regarding a suggestion, the Board decided to hold off on this until the next meeting.

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. McCaffrey and the meeting was adjourned at 10:23pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on March 28, 2022.