

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT v2

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IN-PERSON PUBLIC MEETING

DATE: March 27, 2023

Chairman McTierman called the meeting to order at 7:31pm.

Chairman McTierman read the Public Notice.

This was an in-person 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 ATTENDANCE

Bayly, Kiefer, Lyte, McTierman, Naylor, Pfeffer, Rohrbach, Stevens

MEMBERS ABSENT

Pfeffer, Ryan

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Jonathan Drill, Esq., Board Attorney,
- 2) Larry Plevier, Board Engineering Expert,
- 3) Tom Behrens, Board Planning Expert
- 4) Jom Mazzuco, Board Landscape Expert
- 5) Jackie Klapp, Board Stenographer
- 6) Cyndi Kiefer, Recording Secretary

VOUCHERS - None

MEETING MINUTES

- 1) Meeting Minutes – August 22, 2022

A motion was made by Dr. Lewis and seconded by Ms. Rohrbach to adopt the Meeting Minutes of August 22, 2022.

Roll Call: Minutes August 22, 2022						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Bayly					X	

Kiefer					X	
Lyte			X			
McTiernan (chair)					X	
Naylor					X	
Pfeffer						X
Rohrback		X	X			
Ryan						X
Stevens	X		X			

PUBLIC HEARING

- OSJ Clinton NJ, LLC
1712 Route 31 North
Block 70 Lot 3
Application No. BOA-2022-05 - Minor Site Plan approval to install a second free-standing sign

Attorney Drill advised the Board that, at the request of the Applicant, the application shall be carried to the 04/24/2023 meeting *with new notice*.

PUBLIC HEARING

- 1734 Route 31 LLC
1734 Route 31 North
Application No. BOA-2022-02 - Preliminary Major Site Plan Approval with “d”(4) FAR and “c” variance relief to demolish the existing building and construct a new medical office building along with associated site improvements

Michael S. Selvaggi, Esq., attorney with the firm of *Lavery, Selvaggi, Abromitis PC*, Hackstown, NJ, entered his appearance on behalf of the Applicant and gave a brief summary of the application and the relief requested. During the 01/23/2023 hearing, the Board had requested that the Applicant investigate whether there is water capacity available from the Town of Clinton Water Department. Mr. Selvaggi confirmed that the Applicant had secured a letter indicating that there is capacity for this project.

Attorney Drill reminded the professionals present that they remained under oath.

Jess H. Symonds, PE, Applicant’s engineer with the firm of *Ferriero Engineering Inc.* Chester, NJ, was duly sworn. He testified that the Applicant had submitted revised plans based on the comments in the memos from the Board’s professionals. Revisions include, but are not limited to:

- Main entrance to the physical therapy area moved to the north side of the building
- New survey showing a revised boundary line on Route 31
- Generator enclosure provided
- Monument sign moved from the north side of the driveway to the center of the site
- After site visit with Mr. Mazzuco, the tree removal count was reduced by two (2) dead trees

Mr. Symonds stipulated to all the comments in Mr. Plevier’s memo (02/23/2023).

Mr. Behrens noted that retaining walls now shown in the side yard require “c” variance relief.

In reference to the parking stall deficiency, BRETT testified that he is familiar with other St. Luke's Care Now locations and that the parking as proposed will be sufficient. Mr. Plevier advised that the "banked parking" shown on sheet 4 of 13 is to demonstrate that compliance with the parking ordinance is feasible. The Applicant could seek approval at a later date however, that would change the layout of certain items such as the underground detention system.

Marcus Rosenau, AIA, principal with the firm of *SSP Architectural Group Inc.*, Somerville, NJ, reviewed the revisions to the architectural plans including, but not limited to:

- Signage for the physical therapy area relocated
- Physical therapy floor plan revised to show the new location of the entrance and to reflect that the reception/waiting areas are now oriented to that north entrance
- Generator/enclosure located behind the building next to the dumpster with matching brick facade
- Height of the lower mansard roof elevation to screen the mechanicals so that they are not visible from the ground (overall height of the proposed building remains unchanged). Exhibit A-8, a colorized rendering showing the view from the adjacent lot (proposed 3-story development) dated 02/27/2023 showing that there would be no visual impact on that property.

Dave Ott, Applicant's sign manufacturer, testified as to the revisions of the proposed sign locations.

Jaime Collins, RLA, principal of *Cedar Line Designs*, Easton, PA, was duly sworn at an earlier date and qualified as an expert in the field of landscape architecture. Exhibit A-9, a rendering of the exterior free-standing sign was entered into evidence. She testified that plantings encircle the sign and street trees and other plantings would be installed in a way to allow for greater visibility of the building. She addressed the comments in Mr. Bosenberg's memo (02/20/2023), noting that it would be horticulturally irresponsible to plant the number of trees required by ordinance and hence, the Applicant is seeking an exception. Mr. Bosenberg suggested that the Applicant upsize the caliper of some of the plantings to help mitigate the insufficiency in tree replacements however, he agreed that it would not be possible to plant the number of trees required.

A discussion ensued since the Environmental Committee did not receive the Applicant's Environmental Impact Assessment (EIA) or soil erosion data, both of which were submitted by the Applicant. Mr. Symond reviewed the EIA, stating that it had been deemed sufficient by Mr. Plevier.

Elizabeth McManus, PP, Applicant's planner with the firm of *Kyle + McManus Associates*, Hopewell, NJ, was duly sworn and qualified as an expert in the field of planning, provided testimony to satisfy the statutory requirements for the Board to grant the requested relief.

Hearing no further testimony from the Applicant, the hearing was opened to the public for questions or comments. Rustam Sethna, 1 Ash Court, commented on traffic patterns and the overall increase in traffic on Route 31. Hearing no further comments or questions, that portion of the hearing was closed.

No summation was offered by the Applicant.

After deliberating, the Board found that the Applicant had satisfied the positive and negative criteria required for the requested relief. A motion was made by Ms. Stevens and seconded by Mr. Naylor to

grant approval of the application subject to the conditions stipulated to by the Applicant and as stated during deliberations.

Roll Call: 1734 Route 31 LLC Block 70, Lot 12 – Preliminary Major Site Plan						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Bayly			X			
Kiefer			X			
Lyte			X			
McTiernan (chair)			X			
Naylor		X	X			
Pfeffer						X
Rohrback			X			
Ryan						X
Stevens	X		X			

The meeting was recessed at 8:40 PM and reconvened at 8:53 PM.

PUBLIC HEARING

- 3. Landowner Marketing LLC
 1755 Route 31 South
 Block 68 Lot 9.02
 Application No. BOA-2022-10 - Bifurcated “d”(1) Use Variance for a self-storage use, “d”(4) FAR Variance, “d”(6) Height Variance

Bob Smith, Esq., attorney with the firm of *Bob Smith & Associates*, Piscataway, NJ, entered his appearance on behalf of the Applicant and gave a brief summary of the proposed project, a three-story climate controlled self-storage facility with a drive-through and six (6) parking spaces. He stated that the Applicant is seeking relief for a “d”(1) use variance, a “d”(4) FAR variance and a “d”(6) height variance. Referring to the FAR variance relief, he stated that a self-storage facility such as this is not an intense use and opined that it is one of the most “benign” uses, second only to agriculture. Finally, Mr. Smith noted that in 2006, this property had been granted a use variance for a self-storage facility.

Jared Duke (fact witness), Mitchell Archman, Rianna Kirchof, Elizabeth McManus and the Board’s professionals were duly sworn. Attorney Drill advised the Board this this application is not for site plan approval but for use variance approval only.

Jared Duke, development partner with Landowner Marketing LLC, testified that he had built many storage facilities such as the one proposed and stated that Clinton Township had been chosen because, after analyzing the data, it was determined that there is an unmet need in the area for such a facility. He further testified that this would be a low impact use with access availability from 7:30 AM to 10:00 PM (no 24-hour access policy). Referring to the proposed location of the facility on the subject property, Mr. Duke stated that unlike in the previous approval, the facility had been pulled to the front of the site, away from the neighborhoods in the rear and that the property in the rear of the site, between the facility and the residential areas, would be deed restricted as green space with no further development allowed.

Mr. Duke testified that the facility will have doors on each end of the drive through area, and when each customer approaches the entrance door, they would punch in a code (which is individual to that customer) to open the door. Once inside, the door would close so that all of the loading/unloading/storing occurs inside, away from the weather. He noted that the facility will be climate controlled and that the regulated “punch code” procedure provides a significant amount of security for customers. The doors and drive-through area will be able to accommodate larger over-the-road trucks such as moving vans. Chairman McTiernan questioned whether the facility could be constructed in such a way so that there are only two (2) stories above ground since the proposed height is a significant factor. Mr. Duke stated that that is a possibility.

Mr. Smith stated that parking requirements are generally related to square footage however because of the nature of this proposed use, parking is needed only for the small office area. He added that there would be two (2) managers on duty *when the facility is open (Monday through Friday, Saturday and Sunday)* to ensure that the cars move through the interior drive-through area and to monitor the closed circuit TV cameras. Office duties would be limited to opening new accounts and selling items such as boxes and tape. In response to a question as to whether the facility could be used as a warehouse, Mr. Duke stated that the cost per square foot would be too prohibitive for a large commercial entity. He also stipulated that there would be no outdoor storage or dumpster areas and no rental truck businesses allowed.

Mr. Duke testified that the entire facility will be sprinkled and if the Applicant could not obtain water from public sources, an underground storage tank would be installed.

Mr. Duke stated that the business plan is the same for all the facilities he has developed. The facility is built, managed by a third-party and eventually sold to that party after approximately 20 years.

Hearing no further testimony, the hearing was opened to the public for questions of the witness.

- Sonal Patel, 82 Crestview Drive, questioned why Clinton was chosen
- John Oskam, 16 Arbor Court, questioned (1) the Highlands Consistency Review (Attorney Drill advised that that question should be deferred to the Applicant’s engineer); (2) crime rate in these types of facilities (Duke: similar rate to surrounding community)
- Scott Atherton, 8 Arbor Court, questioned (1) the number of storage facilities within a 5-mile radius; (2) reduce the hours of operation (Duke: 9:00 PM typically the earliest close time); Attorney Drill reiterated earlier testimony that there would be two (2) managers on site when the facility is open; (3) asked if there will be any encroachment towards the back of the property to address the apparent deficiency in the turning radius for large trucks (Duke: no further encroachment necessary to address this)
- Ray Stoner, 4 Arbor Court, questioned (1) the occupancy rate of facilities within 10 miles (Duke: only surveyed within a 5 mile radius); (2) asked whether the Applicant has spoken to Spruce Run Reservoir authorities about the proximity of the proposed septic system (Duke: this was approved previously); (3) distance of the building to the closest house (Duke: 100’s of feet, as shown on the plans)
- L Mariscal Aralar, 18 Arbor Court, questioned the percentage of facilities located close to residential areas such as this proposal (Duke: approximately 85% because it’s advantageous for customers to be close to their stored goods)

- Frank Fabits, 34 Crest View Drive, questioned how the property of those patrons who are locked out for nonpayment is disposed of (Duke: if a solution can not be reach with the patron, property is disposed of according to legal process after hiring a third-party to remove the contents)

Mr. Duke stipulated to a condition of approval that would prohibit the storage of trash outside of the facility.

Chairman McTiernan advised the Board and the Applicant that this matter would be carried to the 04/24/2023 meeting date *with no further notice*.

ADJOURNMENT - At 10:48 PM the meeting was adjourned on motion by Ms. Stevens and seconded by Ms. Rohrbach.

Respectfully submitted,

Cyndi Kiefer

Zoning Board of Adjustment

Recording Secretary

These Minutes were adopted on June 26, 2023