



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

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Land Use Board Minutes

Minutes of the Town of Clinton Land Use Board reorganization meeting and regular meeting held on January 3, 2017 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Members sworn in:

Mr. Roger Mellick, Mr. Neil Viotto and Mr. Blanco were sworn in.

Secretary Allison Witt called the Reorganization meeting to order at 7:00pm and read the "Statement of Adequate Notice" and the "Administrative Statement".

Adequate notice of this meeting has been provided indicating the time and place of the meeting with the proposed agenda, which notice was posted, made available to the newspapers and filed with the clerk of the Town of Clinton in accordance with Section 3(d) of the Public Laws of 1975".

"Meetings are held on the first Tuesday of each month. Applications must be filed at least 21 days prior to the meeting date. In order to ensure that all applications receive complete and thorough consideration of the board, all meetings will adjourn no later than 10:00pm with all items not concluded to be carried over to the next month's agenda".

ROLL CALL:

Present: Mayor Kovach, Mr. Blanco, Mr. Carberry, Mr. Feldmann, Mr. Maher, Mr. Mellick, Mr. Sailer, Mr. Smith, Mr. Viotto

Absent: Mr. Schaumburg

Election of Chairman:

A Motion was made by Mr. Carberry, seconded by Mr. Feldmann, to nominate Mr. Sailer as Chairman for 2017.

All Ayes. Motion Carried.

Chairman Sailer proceeded to run the meeting.

Election of Vice Chairman:

A Motion was made by Mayor Kovach, seconded by Mr. Carberry, to nominate Mr. Maher as Vice Chairman for 2017:

All Ayes. Motion Carried.

Appointment of Board Attorney- Resolution # 17-01

A Motion was made by Mr. Smith seconded by Mr. Maher, to adopt the Resolution appointing William Caldwell as the Board's Attorney for the 2017 calendar year

All Ayes: Motion Carried.

Be it Resolved that William Caldwell, Esq. from Carter, Van Rensselaer & Caldwell is hereby appointed to serve as the Land Use Board Attorney for the Town of Clinton and;

Whereas there exists a need for the performance of the statutory legal services for the year 2017 for the Town of Clinton Land Use Board and;

Whereas funds are or will be made available for this purpose to be certified by the local finance officer and;

Whereas the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

Now Therefore, Be Resolved by the Town of Clinton Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with William Caldwell, Attorney for 2017.

Notice of this action shall be printed once in the Hunterdon Review.

Appointment of Board Engineer: Resolution # 17-02

A Motion was made by Mr. Carberry, seconded by Mr. Maher to adopt the Resolution appointing Robert Clerico from Van Cleef Engineering as the Board Engineer for the 2017 Calendar Year:

All Ayes. Motion Carried.

Be it Resolved that Robert Clerico is hereby appointed to serve as the Land Use Board Engineer for the Town of Clinton and;

Whereas there exists a need for the performance of the statutory Engineering services for the year 2017 for the Town of Clinton Land Use Board and;

Whereas funds are or will be made available for this purpose to be certified by the local finance officer and;

Whereas the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

Now Therefore, Be resolved by the Town of Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with Robert Clerico, Engineer for 2017.

Notice of this action shall be printed once in the Hunterdon Review.

Appointment of Board Planner: # 17-03

A Motion was made by Mr. Smith, seconded by Mayor Kovach, to adopt the Resolution appointing James Kyle from Kyle Planning & Design as the Board Planner for the 2017 Calendar Year:

All Ayes. Motion Carried.

Be it Resolved that James Kyle is hereby appointed to serve as the Land Use Board Planner for the Town of Clinton and;

Whereas there exists a need for the performance of the statutory Engineering services for the year 2017

for the Town of Clinton Land Use Board and;

Whereas funds are or will be made available for this purpose to be certified by the local finance officer and;

Whereas the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

Now Therefore, Be resolved by the Town of Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with James Kyle, Planner for 2017.

Notice of this action shall be printed once in the Hunterdon Review.

Committee Appointments:

Site Plan Committee:

Mr. Maher Chairman, Mr. Feldmann, and Mr. Smith to serve on the Site Plan Committee. The Site Plan Committee will meet on a as needed basis.

Master Plan Committee:

In preparation of the Master Plan the board discussed setting up subcommittees that would look at different sections of the Town and report back to the Master Plan Committee. The Chair tabled appointing members to the committee until the February meeting.

Designation of Meeting Nights:

The board will continue to meet on the first Tuesday of each month at 7:00pm and the third Tuesday of the month for any carry over items.

All Ayes. Motion Carried.

Designation of the Official Newspaper:

The Hunterdon Review, the Hunterdon Democrat, the Courier News to serve as the official newspapers:

All Ayes. Motion Carried.

Adoption of the Town of Clinton Administrative Statement:

A Motion was made by Mr. Carberry, seconded by Mr. Smith to adopt the Administrative Statement:

All Ayes. Motion Carried.

A Motion was made by Mr. Carberry, seconded by Mr. Smith to adjourn the Reorganization Meeting at 7:10pm.

All Ayes. Motion Carried.

Attorney William Caldwell and Mr. Ian Hill, Van Cleef Engineering were present

Regular Meeting of Town of Clinton Called to Order at 7:10pm:

Chairman Sailer wished everyone a Happy New year.

Approval of Minutes:

A Motion was made by Mr. Blanco seconded by Mr. Smith to approve the December 6, 2016 minutes:

All Ayes. Motion Carried

Site Plan Committee Report:

Mr. Maher reported to the board that the Committee met to review the application for Rite Aid who is proposing to add a drive thru to their present location. The applicant is requesting a waiver from submitting a signed and sealed official boundary topographic survey until the requested parking variance associated with the site plan application is approved. The Committee is recommending the application be deemed complete with the temporary waiver request for the purpose of completeness:

Completeness Determination- Block 21 Lot 34 Rite Aid

A Motion was made by Mr. Blanco, seconded by Mr. Carberry, to deem the application complete with the temporary waiver request:

All Ayes. Motion Carried

The Public Hearing for Rite Aid will be held on February 7, 2017 at 7:00pm.

Sign Extension request- for Hunterdon Capital LLC- Subdivision Leigh Street

The board received a request to extend the subdivision sign until June 30, 2017. Mr. Van Weeren, owner of 149 Leigh Street was present and commented that the sign has been up for over six months and has become an eyesore. The board denied the request for the extension, a letter will be sent to Hunterdon Capital asking them to remove the sign.

Site Plan Application- Block 10 Lot 4- 14-16 Main Street Cellco dba Verizon Wireless:

Attorney David Solaway, Frank Colasurdo, Architect; Sean Hanberg, Engineer; William Masters, Jr. Planner and Bridget Lombardozzi Stenographer were present.

The Following items were submitted into evidence:

- A1 Application
- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Clerk's Certified 200 foot list
- A4 Tax Certification dated November 10, 2016
- A5 Architectural prints prepared by Frank Colasurdo, RA dated October 17, 2016
- A6 Photograph Views dated August 19, 2016 (8 Pages)
- A7 Site Inventory dated October 31, 2016
- A8 RF Emission Study prepared by V-Comm, LLC dated 11/15/16
- A9 Signed & Sealed Boundary Survey
- A10 Architectural Print Page Z5- revision date December 6, 2016
- A11 Colored Site Plan Exhibit dated Jan 3, 2017
- A12 Photograph Board
- A13 Federal Airways Summary Report
- A14 Colored rendering of best Service Plan
- A15 Proposed plan of best service area
- B1 Robert Clerico, Van Cleef Eng. report dated 12/3/2016
- B2 Robert Clerico, Van Cleef Eng. Report # 2 dated 12/29/2016

Attorney Solaway advised the board the applicant proposes to install a small network node that is designed to provide additional coverage in a high use area. The antenna qualifies as a permitted use in the zone however since the applicant is not proposing to add screening around the equipment in the rear of the lot a variance will be required.

Mr. Frank Colasurdo, Architect was sworn in. Mr. Colasurdo stated the proposal before the board is a small network node located on the roof and the equipment cabinet located in the rear of the property. The proposed antenna which will be located on top of the three story building at 14-16 Main Street and will be hidden in a four sided faux chimney. The building is 35' 5" tall and the top of the chimney will be five feet higher than the building. The faux chimney will be made of fiberglass sheet, then one inch of Styrofoam, and then another fiberglass sheet which will be molded to match the exterior brick of the building. The weight of the antenna will be 25.4 pounds and will be designed with a 90 mile an hour wind resistance. The equipment cabinet which will be located in the rear of the property will be off white in color and will consist of a woven aluminum construction. The cabinet will be 26' 1" wide, 20' in depth and 46" high and will weigh 600 pounds. The cabinet will be installed on a concrete foundation in the rear of the building next to the existing HVAC equipment. The cabling will run up the rear of the building and will be placed inside a fake leader system on the roof, which will run horizontally into the antenna. The heat exchange will be similar in noise to a bathroom exhaust fan and will not be any louder than the existing HVAC condenser units. The system is designed to be unmanned but will have routine maintenance every 4 to 6 weeks. There is an existing six foot fence located on adjacent lot # 3 which will be replaced with an eight foot fence and the gate will be relocated to the north of the fence. The property owners of Lot # 3 have given written consent to replace the fencing. There is no buffer proposed between the cabinet and the rear property line adjacent to the parking lot due to the size limitation of the area there is simply no room. Mr. Colasurdo stated they can look at adding some shrubs in that area if the board would prefer.

Mr. Feldmann inquired if there were any health or safety risks with the location of the cabinet. Mr. Colasurdo responded no health or safety risk will be associated with the location of the cabinet, the cabinet will house a series of silent alarms if there are any operating problems. The proposal will comply with all building, wind and FAA Codes.

Attorney Solaway advised the board they would consult with the Board Engineer to come up with a landscape design as part of a condition of approval. Attorney Solaway testified that he has no objections in obtaining an easement between Lot 3 and Lot 4. Mr. Bart Carhardt owner of Lot # 3 testified he was in agreement with the proposal and would like the easement in place to access the property. Mr. Paul Rowson, Partner of Castle Ridge Properties, LLC and owner of Lot # 4 stated he has no problem with the easement.

Mr. Sean Hanberg, Engineer was sworn in. Mr. Hanberg advised the board the area is deficient in network capacity and the proposed antenna will off load capacity from the surrounding networks that are no longer capable to handle clear service in this area. The area is presently at capacity exhaust and as a result is experiencing degraded service. The proposal will cover up to ¼ to ½ mile from the proposed site which will enhance capacity for its users. Mr. Sailer inquired how this location was selected, Mr. Hanberg stated the site acquisition team selected this property because the location and height of the building was suitable. Mr. Feldmann inquired about the location of the antenna on the roof, Mr. Hanberg stated the goal was not to have the antenna elevated more than needed and to avoid building shadowing.

Mr. William Masters, Jr. Planner was sworn in. Mr. Masters, advised the board the small node antenna is a new technology that has been around for 2 ½ years. The use is a permitted use and falls within the allowable height of the ordinance. The proposal complies with the Town of Clinton Ordinance with the exception of 88-60 Z (10) (c) the section that pertains to screening. The proposal blends in with the surrounding environment the antenna will be completely concealed inside the chimney, the cabling will be concealed in the downspout leader, every effort has been made to offer a visually pleasing proposal. Mr. Masters stated the variance relief for the screening falls under a C-1 hardship Variance and can be granted without any substantial detriment. Mr. Masters stated that he concurs with Mr. Colasurdo's testimony and he will come up with a design to install shrubs around the HVAC Unit with the input and approval of the Board's Engineer.

The board opened up the meeting to the public, there was no public comments.

A Motion was made by Mayor Kovach, seconded by Mr. Carberry to approve the application and variance request conditioned on the applicant submitting and recording an easement between Lot 3 and the additional landscaping around the HVAC units subject to review and approval by the Board's Engineer:

The board members commented that they support the technology, they feel it is appropriate for this area, the increased quality of service will attract new businesses and residents into the area.

Roll Call Vote:

Ayes: Mr. Sailer, Mayor Kovach, Mr. Blanco, Mr. Carberry, Mr. Feldmann, Mr. Maher, Mr. Mellick, Mr. Smith, Mr. Viotto

Nays:

All Ayes. Motion carried.

Voucher Approval:

A motion was made by Mr. Maher, seconded by Mr. Carberry to approve the vouchers:

All Ayes. Motion carried.

Board Discussion:

Chairman Sailer announced the resignation of Mr. Walter Hetzel who has moved to Union Township.

Adjournment:

There being No further business a Motion was made by Mr. Carberry, seconded by Mr. Smith to adjourn the meeting at 9:00pm.

All Ayes. Motion Carried

Respectfully submitted,

Allison Witt
Land Use Administrator