

Clinton Twp. Planning Board OK's Windy Acres agreement

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CLINTON TWP. - Residents and other interested parties spoke out on the pros and cons of a proposed settlement agreement with the developer of the Windy Acres property last Wednesday night in a second intense public hearing that sparked some arguments

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between speakers and Planning Board Chairman James Imbriaco.

Following last Wednesday's public hearing and an executive session to discuss that input, the Planning Board, which conducted the meeting with the Township Council in attendance, voted unanimously to give its stamp of approval to the settlement agreement.

"For me, this really came

down to a business decision," Pat Papa, vice-chair of the Planning Board, said on Monday. "As members of the board, we have to consider the whole community."

"Windy Acres is probably the most studied piece of property ever," Papa said. She added that "365 active adult homes is probably the least stress on the town."

At last Wednesday's meeting, some were strongly for or against an agreement that would allow 365 age-restricted homes plus up to 150 state-ordered affordable units to be built on 292 acres off Main Street in

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Lebanon Borough. That is roughly half of the 911 homes for all ages in a plan rejected by the Planning Board in 2001, that sparked yet another round of lawsuits related to the project.

Many of the 34 speakers last week said they favored the concept but had some serious questions about the particulars of a settlement proposal with P&H Clinton Partnership that has been posted on the Clinton Township Web site since Sept. 21.

"The benefits of this agreement far outweigh the risk," said a supporter, Spencer Peck. However, Peck urged some changes, including looking for firmer plans for water, sewers and meeting environmental regulations, as well as asking that the first round of 90 required affordable housing units be built first.

John Halstead of the Annandale section of the township told the Planning Board and Township Council, both in attendance to hear public comments and potentially vote on the settlement, "There have been some valid points made...I would urge you to go back and reconsider."

The opportunity for public comment will continue at a Township Council meeting scheduled for 7:30 p.m. today, Wednesday, Oct. 12. The public hearing will continue through

the Oct. 26 Township Council meeting, despite a failed motion by Councilman Thomas Kacedon last Wednesday night to shorten the hearing cut-off to tonight's meeting.

By Oct. 26, Mayor Thomas Borkowski said he expects the Township Council would vote on the proposed settlement agreement. Asked whether there could be additional changes by then, the mayor said, "Anything is possible. We're still taking public comments."

Letter From Campbell

Along with spoken comments, the township received a letter from the state commissioner of the Department of Environmental Protection (NJDEP), Bradley Campbell, expressing his "strong objection to the proposed settlement agreement that has been negotiated."

Campbell's letter to Borkowski, dated Oct. 5, also questioned whether the project could meet legal requirements for environmental protections and whether provisions of the settlement would limit the Planning Board's ability to adequately review the new plan before considering approval.

Imbriaco said Campbell is "in error" if he thinks the Planning Board will be unable to do its job of adequately reviewing a plan for the new project, renamed Tradition at Hunt's Mills. He also said a study which was quoted by Campbell was based on the 911-unit project.

"The report still gives reason to pause and solicit public input on the project," Elaine Makatura, a spokeswoman for the NJDEP, said on Friday. "If there's need for further review, then let's do that."

Campbell's letter also asked for additional time for regulators to help review the agreement. He urged township officials to "reject the proposed settlement in its current form."

Hunterdon County freeholders, including Nancy Palladino, had also urged a delay for further public input. Imbriaco said a three-way phone call between the freeholders may have been a violation of the Open Public Meetings Act. He said Palladino's comments on the hundreds of housing units that West Amwell Township was forced to build after that municipality attempted to legally fend off developers scared him, and only convinced him further that a settlement with a developer was preferable.

In a written statement, Papa said she had heard no real alternatives to the settlement but to build nothing on the property. "I think that's naive," she wrote.

The Planning Board technically authorized the township attorney to negotiate two other points; and also to give approval to Imbriaco, along with the board secretary, to sign an agreement with P & H, said Planning Board attorney Daniel Bernstein on Monday.

If additional changes are made to the settlement proposal, Bernstein said the council would communicate with the Planning Board.

Bernstein said he is confident

any changes the Township Council would make would only strengthen the township's position. "I can't believe the council would water down the agreement," Bernstein said.

Between public sessions last Wednesday, Bernstein spoke of the relative risks of not settling versus accepting a proposal for a lesser number of units. He said critics who don't believe that a failure to provide state affordable housing could spark lawsuits for large developments should look east to Hillsborough and to The Hills, a huge housing project in Bedminster and Bernards townships.

But some believed that a potential for 515 units, including another 60 units that Clinton Township may sponsor in the future to meet its future obligation as set by the state Council on Affordable Housing, would also change the rural texture of Clinton Township, as well as the surrounding region.

Nancy Bellow said she had moved from Somerville to "Hometown, U.S.A.," as she thought of Clinton Township. "If we keep developing, there's no longer going to be a Hometown, U.S.A."

Jo Carlin, a Realtor, said that drawings of the multi-story housing units for residents age 55 and older were not designed for senior citizens. She said the steep slopes on the land itself were unsuitable for older residents.

Kim Harris, an Annandale resident, was among those who complimented the Township Council and Planning Board for hard work on the proposal. "There's a lot of smart people in this room. You can get together

something positive for the township."

She added, "Wouldn't it be great if Pulte gave us the land for a township park? But it's not going to happen."

The manner of the hearing, hosted last week by the Planning Board, also troubled some residents.

Patricia Clarke, a 30-year resident said she believed some residents were "intimidated" by the way they were spoken to at such meetings.

"I don't think it's intended to intimidate someone (who) makes a wholly inaccurate statement and you try to correct it," Imbriaco said.

"We are counting on you to answer the questions, not challenge us," Clarke said.

When Imbriaco asked her whether she thought settling with the developer rather than continuing a string of lawsuits was a bad idea, Clarke said. "I don't think it's a bad idea, but I think this settlement has some concerns."

Some of those concerns were raised by non-residents, who were finally permitted to speak after residents were given priority.

Glen Pantel, an attorney for Bellemead Corp., which he said has paid millions of dollars to reserve gallonage for future development from the Readington Lebanon Sewerage Authority (RLSA), stopped just short of threatening to sue Clinton Township if it supports P&H in a court appeal seeking to force the RLSA to siphon off some of that treatment plant capacity to the Windy Acres development. Other massive cor-

porations, including Merck & Co., also opposed P&H in its lawsuit against the RLSA.

A court has already decided against P&H in that case, and Clinton Township should require the developer to seek some other form of sewerage treatment. Otherwise, "The township will find itself embroiled in litigation," Pantel said.

Janice Kovach, councilwoman from the Town of Clinton, read a letter noting that one of the primary wells for that town's public water system, which also serves residents in Lebanon Borough and part of Clinton Township, is within about 3,000 feet of the Windy Acres property.

Source Of Water Supply

"This well is a primary source of water supply of one half million gallons per day to our system, and its radius of influence extends over one mile in the east/west direction, and one half mile in the north/south direction. This well is set in an unconfined aquifer, and as such, is significantly impacted by development activities in the surrounding area of ground water recharge and is susceptible to a range of potential contaminant impacts that can also occur as a result of development activity," Kovach read in the letter.

Town officials are asking that the public water source be considered in any development plans, she said.

Mayor Matthew Holt added on Monday that the town was not commenting on whether Windy Acres should be built, but was asking that the protection of the well be considered in any development plan.