



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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BOARD OF ADJUSTMENT

Minutes of the Town of Clinton Board of Adjustment meeting held on August 22, 2005 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Harrison
Hendricksen
Holt
Lindsay
Querry
Ragozine
Tranquilli
Gallo

Absent:

Walton

Attorney Robert DeChellis, Robert Clerico P.E. from Van Cleef Engineering and James Dodge, Planner were present.

Chairperson Hendricksen called the meeting to order at 7:30pm and read the "Administrative Statement" and the "Statement of Adequate Notice":

"Meetings are held on the fourth Monday of each month when an application is pending before the board. The application must be filed at least 21 days prior to the meeting date. Meetings begin at 7:30pm and are adjourned no later than 10:30pm. Fees are charged on a per meeting basis".

"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".

Approval of Minutes:

A Motion was made by Mr. Harrison, seconded by Mr. Tranquilli, to approve the minutes of July 25, 2005.

All Ayes.

Motion Carried.

Voucher Approval:

A Motion was made by Mr. Harrison, seconded by Mr. Tranquilli, to approve the following voucher:

Van Cleef Engineering	Engineer	D&D Enterprise	\$196.50
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All Ayes.

Motion Carried.

Memorilization of Resolution for Amendment to Site Plan Approval-Clinton House-Block 6 Lot 24

The memorilization of the resolution will be carried to September 26, 2005.

Use Variance & Site Plan Application for Block 6 Lot 1- H. Craig Stem:

Attorney George Dilts; William Hall, Engineer from Bohren & Bohren; Edward Potenta Engineer from Potenta Environmental Consultants; Francis J. Banisch, Professional Planner from Banisch Associates; Gerard Stocker, Engineer from Thomas Associates; and H. Craig Stem, applicant were present.

The following items were submitted into evidence:

- A1 Application Package.
- A2 Legal Notice & 200' Foot Certified Mailings.
- A3 Report by James Dodge dated 8/15/05.
- A4 Report by Potenta Environmental Consultants dated 8/11/05.
- A5 EIS Statement prepared by William Hall dated 8/1/05.
- A6 Colored version of site plan page 2 of 3.
- A7 Colored version of site plan page 1 of 3.
- A8 Modification to rear landscaping plan sheet 1 of 3 of site plan.
- A9 Planner Exhibit consisting of 6 photographs of site.
- A10 Outline of Planner Testimony prepared by F. Banisch dated 8/22/05.
- A11 Architectural Elevation.
- A12 Plan of Propane Cylinder Filling System prepared by G. Stocker dated 3/16/04.

Attorney Dilts stated that the property is currently being utilized as a gasoline station, with an accessory car wash facility, truck rental facility and a propane tank exchange station. Attorney Dilts advised the board that due to the realignment of exit 15, the state has condemned the front of the property, which results in the elimination of the gasoline station. Attorney Dilts stated that he has several experts here tonight and first he would like to have Mr. Stem testify.

Mr. Clerico advised the board that the applicant has provided an updated plan to reflect the structures within 200' and has completed an Environmental Statement and the board should deem the application complete before proceeding any further.

A Motion was made by Mr. Ragozine, seconded by Mr. Tranquilli, to deem the application complete and proceed with the public hearing.

All Ayes. Motion Carried.

Mr. H. Craig Stem, applicant was sworn in.

Mr. Stem advised the board that due to NJ DOT realigning exit 15, the state has condemned a portion of his property in front that will result in the loss of the gasoline station. Mr. Stem is proposing to relocate the existing building back 25 feet and add on an additional 25' to the back of the building to accommodate a full service automatic car wash. The building will include a lobby area that will hold 5-6 customers, cashier area, bathrooms that will be ADA accessible, an office area and an equipment room. Mr. Stem advised the board that he is planning to eliminate the truck rental business and the propane exchange program and replace the exchange program with a propane refilling center, which will be located to the rear easterly side of the property. The refilling center will consist of a 1000-gallon propane tank that will be fenced in. The site will have one lane leading to the carwash and one lane to the propane area. Mr. Stem stated that typically the propane center will be the busiest in the summer and the car wash business at its peak in the winter months so therefore, he is not anticipating a traffic problem between the car wash and refilling area. The current hours of operation with the service station are 5:30am to 10:00pm and the new hours will be reduced to 8:00am-5:30pm Monday through Thursday, 8:00am-6:00pm Friday and Saturday and on Sundays will close at 4:00pm.

Mr. Query inquired how much room is available when cars are done with the wash cycle and are being dried off and Mr. Stem testified that there is room for 7 to 8 cars.

Mr. Holt inquired if the SF of the building will change and Mr. Stem responded, "yes the building will increase by 110 SF".

Mrs. Gallo inquired if the applicant had any plans to stripe and Mr. Stem stated that he is planning to stripe the car lane and the parking spaces.

Mr. Lindsay inquired why the applicant wanted to change from a propane exchange service to an onsite refilling service and Mr. Stem stated that the exchange program does not work out to be cost efficient because they get stuck with a lot of out of date tanks that they cannot reuse. Mr. Lindsay stated that he was concerned with the highway and the RV traffic that would use the propane service and Mr. Stem stated that they would get some RV traffic but does not anticipate more than a couple of RV's a day.

Mr. Clerico inquired about the percentage of business that would use the propane service and Mr. Stem responded approximately 10%.

Mr. Clerico inquired how long and how many times the 1000 gallon propane tank will need to be filled and Mr. Stem replied that the tank will need to be filled approximately twice a week and it will take about ½ an hour to refill.

Chairperson Hendricksen opened the meeting up for public comment and there being no questions, the applicant called its next witness.

Mr. William Hall, Engineer from Bohren & Bohren was sworn in.

Mr. Hall went through the variances the applicant is seeking approval for:

- 1). Use Variance to allow Car wash to operate as a primary business.
- 2). C Variance to allow minimum width at the street line of 125.35 feet.
- 3). C Variance to allow minimum width at the building line of 102.0 feet.
- 4). C Variance to allow maximum impervious coverage of 78.86%.
- 5). C Variance to allow ground sign 2' from property line.

Mr. Hall stated that the applicant is not adding any significant modifications to the lighting that exist now. The applicant will relocate two lights that exist now and the one in the entrance will remain. In regard to the landscaping the plans will be modified to show a 15' buffer from the site to the residential property line. Mr. Hall stated that mature hedges exist now within the 15' buffer, which provides a visual barrier, and the applicant plans to add some supplemental plantings within the hedge area.

Mr. Hall stated that 8 parking spaces will be provided on site, which he believes based on past experience will be more than adequate for the site. Mr. Clerico inquired if the applicant would consider moving three of the spaces in the rear to south of the correlator area. Mr. Stem responded that that area could be utilized and he will reconsider relocating the spaces.

Chairperson Hendricksen opened the meeting to the public and there being no questions the applicant called its next witness.

Mr. Edward J. Potenta, Environmental Engineer from Potenta Environmental Consultants, LLC. was sworn in.

Mr. Potenta gave testimony regarding noise levels and lighting, which are outlined in his report dated August 11, 2005. In regard to noise, state regulations limit daytime noise levels to no greater than 65 dBA between the hours of 7:00am-10:00pm and no greater than 50 dBA between the hours of 10:00pm-7:00am. The site will operate between the hours of 8:00am and 6:00pm and will need to comply with the daytime standards. In order to comply the applicant is proposing the installation of a 6-

foot solid wooden fence around the vacuum unit which will result in 46 dBA at the residential side and 60 dBA at the commerce bank side, both would be in compliance with the state regulations.

Mr. Potenta testified that a lighting study was conducted at 20-foot intervals along the perimeter and throughout the site and the conclusion was the lighting plan complies with the lighting ordinance requirements of 0.03 fc with the exception of the driveway entranceway by RT 173, which was slightly higher than 3 fc. Mr. Potenta commented that the offsite lighting sources surrounding the entranceway could have contributed to the higher readings and he would like the board to consider granting a design waiver for the entrance lighting.

Mr. Clerico inquired about the vacuum unit and Mr. Potenta stated that the vacuum unit shuts off when not in use.

Mr. Query questioned the lack of lighting by the propane refilling facility and was concerned about the winter months. Attorney Dilts stated he would have his professionals look at it.

Chairperson Hendricksen opened the meeting to the public and there being no questions the next witness was sworn in

Mr. Francis J. Banisch, Planner from Banisch Associates, Inc. was sworn in.

Mr. Banisch gave the board a brief outline of his report dated 8/22/05. Mr. Banisch stated that the site is a suitable location, the removal of the gasoline portion will reduce traffic congestion, the car wash will promote better driver visibility, and the propane service will offer an additional service and benefit to surrounding neighbors. Mr. Banisch concluded that the carwash will provide a valuable asset to the community.

Mr. Dodge inquired about the location of the freestanding sign. Mr. Banish state that the existing freestanding sign on site now is 15' high and is pole mounted, the applicant is proposing a 8' high internally light ground sign in the same location, which is 2' off the property line and will require variance relief.

Mr. Lindsay inquired if the location of the sign would present a line of sight issue and Mr. Banisch stated that the sign will not obstruct any views. Mr. Clerico commented that he was not sure why the applicant could not move the ground sign back and Attorney Dilts stated that they will not be able to meet the ordinance by moving the ground sign 15' back however, they will relook at the design to see if it can be moved back further then 2'.

Chairperson Hendricksen opened the meeting to the public and there being no questions the next witness was sworn in.

Mr. Gerard Stocker, Engineer from Thomas Associates, Inc. was sworn in.

Mr. Stocker stated that he had prepared the plans labeled "Propane Cylinder Filling System" dated March 16, 2004. Mr. Stocker advised the board that the 1000-gallon propane tank design had already been approved by NJ DCA.

Mr. Stocker stated in regards to Mr. Query's concern regarding lighting by the propane area, Mr. Stem has advised him that no propane will be dispensed after dark and in the winter months the area will be closed earlier before it gets dark.

Mr. Dodge inquired if the propane tank had to be located within a certain distance of the property line and Mr. Stocker stated that the tank must be located at least 25' from a property line and that no running motor vehicles can be closer then 15' when in use. Mr. Clerico questioned how the operator dispensing

the propane will be able to enforce the 15' limitation. Mr. Stocker stated that it will be monitored by the employee or by removable cones but the applicant is not proposing any permanent barriers or bollards. In addition, the state will train all of the employees regarding the handling of propane and will do random checks to make sure the regulations are being enforced. Mr. Stocker stated that the state had taken into consideration the design of the refilling center and has given it their approval as shown on the plan.

Mr. Ragozine asked for clarification on the location of the shed in regards to the propane area and Mr. Stocker stated that if the applicant wants to keep the shed it must be located at least 25' from the propane filling area. Mr. Stockers stated that the dumpster only needs to meet a 10' requirement so the shed could be flipped with the dumpster to meet the 25' distance.

Mr. Tranquilli inquired why the applicant needs an internally light sign when the business would be closed by 6:00pm and felt that a ground lit sign would be just as effective. Mr. Stem stated that he would have no objection to an externally lit sign instead of an internally lit sign.

Mrs. Hendricksen inquired how the hand towels will be dried and if the lobby area inside would have items for sale like Mr. Stem's operation in Raritan. Mr. Stem responded that a machine will be located inside the building to wash and spin towels and in regard to the sale items the lobby area will have a soda and candy machine and will also have an area that will sell freshness items such as liter bags and air fresheners. Mr. Tranquilli stated that he was concerned it would end up a convenience store and Mr. Stem responded "absolutely not".

Due to the time frame the meeting for H. Craig Stem will be carried to September 26, 2005.

Discussion -Sign Committee Update:

Mr. Ragozine updated the board on his findings on whether the sign ordinance was enforceable and by whom. Mr. Cushing, the Town Attorney determined the sign ordinance as written today is an enforceable ordinance by the zoning officer and or the police department. In addition, some of the local business owners have expressed their concerns over the ordinance and have requested an opportunity to meet with the sign committee to go over their concerns. Mr. Ragozine stated the sign committee is looking at dates in September to meet with the local merchants. Mr. Ragozine stated that he will keep the board informed on the outcome of the meeting with the merchants.

There being no further business a motion was made by Mr. Harrison, seconded by Mr. Lindsay, to adjourn the meeting at 10:40pm.

Respectfully submitted,

Allison McGinley
Board of Adjustment

