

Special / Regular Council Meeting  
November 25, 2008

Mayor Schaumburg called the Special meeting to order at 6:30 p.m.

Flag Salute.

Roll Call: Present – Duffy, Insel, Ragozine, Shea, Valenta, Mayor Schaumburg  
Absent - Pender @ 7:15 P.M.  
Also Present – Councilman Elect, Marty Pendergast,  
Upon invitation by the Mayor

STATEMENT OF ADEQUATE NOTICE:

Mayor Schaumburg read the following statement: "Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975."

RESOLUTION #132-08 – EXECUTIVE SESSION

A motion was made by Mrs. Insel, seconded by Mrs. Valenta, to enter into Executive Session to discuss a Personnel matter with disciplinary action to be taken.

Vote all ayes  
Motion carried

Council returned to the public session at 7:45 p.m. with a motion made by Mrs. Insel, seconded by Mrs. Valenta.

Vote all ayes  
Motion carried

REGULAR SCHEDULED MEETING

At 7:55 p.m., Mayor Schaumburg invited the public into the Council Room to begin the regular scheduled meeting.

SWEARING IN OF COUNCILMAN RICHARD L. DUFFY

Attorney Richard P. Cushing administered the Oath of Office to Councilman Richard L. Duffy. Mr. Duffy is filling the unexpired term of the late John C. Harrison. Mr. Duffy's wife, Karen, and daughter, Katie, held the Bible for the swearing in. Mr. Duffy's term will expire December 31, 2010.

APPROVAL OF MINUTES

A motion was made by Mrs. Insel, seconded by Mr. Shea, to approve the minutes of the regular meeting held October 28, 2008 submitted.

Vote all ayes  
1 Abstention (Pender)  
Motion carried

APPROVAL OF MINUTES

A motion was made by Mrs. Valenta, seconded by Mrs. Insel, to approve the minutes of the Special Council Meeting held November 12, 2008.

Vote all ayes  
2 Abstentions (Duffy, Ragozine)  
Motion carried

APPROVAL OF MONTHLY REPORTS – OCTOBER

A motion was made by Mr. Ragozine, seconded by Mr. Duffy, to accept the Monthly Reports for the month of October as submitted.

Assessor's Report, Clerk's Account, Cat & Dog Licensing Account, Construction Control/Inspection Report, Police Report, Sewer Collector's Report, Tax Collector's Report, Water Collector's Report, Wastewater Treatment Plants Superintendent's Report, Water Superintendent's Report.

PUBLIC COMMENT

None

MAYOR'S COMMENTS

1. Mayor Schaumburg remarked about attending the New Jersey League of Municipalities Convention in Atlantic City and the many contacts she made.
2. The Department of Transportation has named Steve Diltz as their Acting Commissioner. Mr. Diltz is the former Mayor of Hampton, here in Hunterdon County. Kris Kolluri, Former DOT Commissioner, has been appointed to the New Jersey's School Construction Division as Commissioner.
3. Congratulations to Maria Valenta, Rich Duffy and Marty Pendergast on their recent election victories. Mayor Schaumburg stated she is excited about many new things that will be happening in the new year.

RESOLUTION #126-08 – NOTICE OF INTENT TO PETITION THE HIGHLAND COUNCIL FOR PLAN CONFORMANCE

Mayor Schaumburg explained that this resolution notifies the Highlands that the town intends to conform to the Highlands Regional Master Plan. This and the following resolutions have been forwarded to the Planning Board as a courtesy by the Mayor and Council for discussion at their meeting to be held December 2, 2008. If there are any concerns, Council will attempt to meet with the Board to address them before sending the resolutions to the Highlands Council and the Council on Affordable Housing. A motion was made by Mr. Pender, seconded by Mr. Shea, to adopt Resolution #126-08.

Vote all ayes  
Motion carried

(A copy of this resolution is attached to these minutes)

RESOLUTION #127-08 – SEEKING EXTENSION OF THE DEADLINE TO  
PETITION FOR SUBSTANTIVE CERTIFICATION PURSUANT TO EXECUTIVE  
ORDER 114 AND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE  
HIGHLANDS COUNCIL AND THE COUNCIL ON AFFORDABLE HOUSING

Resolution #127-08 is seeking an extension of the December 31, 2008 deadline to submit a Housing Element. A motion was made by Mr. Ragozine, seconded by Mr. Pender, to adopt Resolution #127-08.

Vote all ayes  
Motion carried

(A copy of this resolution is attached to these minutes)

RESOLUTION #128-08 – RESERVE OF OPEN SPACE FUNDS

A motion was made by Mr. Shea, seconded by Mr. Ragozine, to adopt Resolution #128-08, requesting that the Hunterdon County Board of Freeholders reserve the Town's share in the amount of \$20,412.65 collected in 2007.

ROLL CALL: Ayes: Duffy, Insel, Pender, Ragozine, Shea, Valenta, Mayor Schaumburg

Vote all ayes  
Motion carried

(A copy of this Resolution is attached to these minutes)

RESOLUTION #129-08 – ROCK SALT

A motion was made by Mr. Ragozine, seconded by Mrs. Insel, to adopt Resolution #129-08, awarding the rock salt contract to Atlantic Salt, Inc.

Vote all ayes  
Motion carried

(A copy of this Resolution is attached to these minutes)

RESOLUTION #130-08 – CANCELLATION OF TAXES

A motion was made by Mr. Pender, seconded by Mrs. Valenta, to adopt Resolution #130-08 that the added assessment on Block 14, Lot 1 in the amount of \$5,535.88 be cancelled.

ROLL CALL: Ayes: Duffy, Insel, Pender, Ragozine, Shea, Valenta, Mayor Schaumburg

Vote all ayes  
Motion carried

PUBLIC HEARING OF ORDINANCE # 08-18 – REGULATING PARKING IN THE CLINTON FIRE DEPARTMENT LOT

A motion was made by Mrs. Insel, seconded by Mr. Ragozine, to open the public hearing on Ordinance #08-18:

ORDINANCE #08-18  
AN ORDINANCE REGULATING PARKING IN THE  
CLINTON FIRE DEPARTMENT PARKING LOT

Vote all ayes  
Motion carried

There being no public comment, a motion was made by Mr. Ragozine, seconded by Mrs. Insel, to close the public hearing.

Vote all ayes  
Motion carried

A motion was made by Mr. Ragozine, seconded by Mrs. Valenta, to approve Ordinance #08-18 on second reading.

ROLL CALL: Ayes: Duffy, Insel, Pender, Ragozine, Shea, Valenta, Mayor Schaumburg

Vote all ayes  
Motion carried

INTRODUCTION OF ORDINANCE #08-19 – AMENDMENT OF THE LAND USE CODE

The Planning Board has made the following recommendations to the Mayor and Council in accordance with the 2008 Town of Clinton Master Plan. The proposed ordinance amending the OB1 and OB2 Zones. A motion was made by Mr. Pender, seconded by Mr. Ragozine to adopt Ordinance #08-19 on first reading as submitted:

ORDINANCE #08-19  
AN ORDINANCE OF THE TOWN OF CLINTON  
AMENDING THE LAND USE CODE

Vote all ayes  
Motion carried

A notice will be published in the December 3, 2008 Hunterdon Review. A public hearing will be held December 23, 2008.

CORRESPONDENCE

REPORTS FROM COUNCIL & TOWN OFFICIALS

Robert A. Cutter, PW/Business Administrator

1. Mr. Cutter explained a Change Order for the Water Treatment Modifications of Well #6 Well #7. A motion was made by Mrs. Insel, seconded by Mr. Shea, to approve Change Order #1 as recommended.

ROLL CALL: Ayes: Duffy, Insel, Pender, Ragozine, Shea, Valenta, Mayor Schaumburg

Vote all ayes  
Motion carried

2. Recycling numbers continue to rise in October.

3. Mr. Cutter praised the Public Works crew for their long hours of uncomplaining efforts to repair three water main breaks on the weekend of November 22-23. The breaks took place on the outskirts of town. Water foreman Dave Burdge also commended the department members, Howie Deemer, Art Dysart, Pete Bross, Bob Hoffman and Jerry Vogel for their efforts. Mayor Schaumburg asked Mr. Cutter to pass along her thanks to the men as well.

#### Mayor Schaumburg

1. Mayor Schaumburg commended Mr. Cutter as a panelist in Atlantic City this year. Mr. Cutter spoke as an expert on "Going Green" at a seminar. He did a great job. Mr. Cutter explained that it was not necessary to seek consultants at every avenue but to use common sense at times. Mr. Ragozine jokingly stated he was not in agreement with not using consultants. Mayor Schaumburg also acknowledged Mr. Cutter's award for the Stormwater Management Plan that he compiled without outside consultants and won the 2007 Clean Water New Jersey Award, in the category of Local Public Education.

#### Clerk Covino

The Clerk reported on a raffle application from the Clinton Public School PTA received after the agenda was prepared. The 50/50 raffle is to be held December 16, 2008 at the School. A motion was made by Mrs. Insel, seconded by Mr. Ragozine, to approve the raffle application.

Vote all ayes  
Motion carried

#### Councilman Shea

1. Mr. Shea asked Council if they would consider amending the winter parking ordinance for Center Street, between New and Leigh Streets. There is lined parking for the residents that live there and they do not have driveways. Mayor Schaumburg sympathized with the residents and asked why it should not be for a larger section of the Town. A temporary fix by passing a resolution is not enforceable, this would have to be done by ordinance and is not possible this year. Chief Matheis discussed the current ordinance with Mr. Cutter and Mr. Shea prior to the meeting. He stated that the existing ordinance is "kind of flawed". He believes parking should be allowed every night except when the road is snow covered. Then police should be allowed to ticket and tow offending cars so the snow plows can clear the streets. It was suggested that the Chief be in attendance at the next Roads meeting to further discuss the issue.

#### APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Ragozine, seconded by Mr. Pender, to approve the standby and overtime pay as submitted for October 17, 2008 through October 30, 2008.

ROLL CALL: Ayes: Duffy, Insel, Ragozine, Pender, Shea, Valenta, Mayor Schaumburg

Vote all ayes  
Motion carried

PAYMENT OF BILLS

A motion was made by Mrs. Insel, seconded by Mr. Pender, to approve the voucher list attached to these minutes.

ROLL CALL: Ayes: Duffy, Insel, Pender, Ragozine, Shea, Valenta, Mayor Schaumburg

Vote all ayes  
Motion carried

RESOLUTION #131-08- EXECUTIVE SESSION

A motion was made by Mrs. Insel, seconded by Mrs. Valenta, to enter into Executive Session to discuss Litigation at 8:40 p.m.

Vote all ayes  
Motion carried

A motion was made by Mrs. Insel, seconded by Mrs. Valenta to come out of Executive Session and return to the Regular Council Meeting at 8:58 p.m.

(A copy of this Resolution is attached to these minutes)

COMBE LANDFILL

A motion was made by Mr. Ragozine, seconded by Mrs. Insel, to grant authorization to the Mayor and Clerk to sign the Settlement and Release Agreement between the Town of Clinton and Travelers Regarding the Combe Fill South Landfill.

ROLL CALL: Ayes: Duffy, Insel, Pender, Ragozine, Shea, Valenta, Mayor Schaumburg

Vote all ayes  
Motion carried

PERSONNEL

Following an Executive Session Personnel Matter with employee, Jeffrey Reed, a motion was made by Mrs. Insel, seconded by Mrs. Valenta, to immediately terminate the employee.

ROLL CALL: Ayes: Duffy, Insel, Pender, Ragozine, Shea, Valenta, Mayor Schaumburg

Vote all ayes  
Motion carried.

ADJOURNMENT: There being no further business, a motion was made by Mr. Ragozine, seconded by Mrs. Insel, to adjourn the meeting at 9:00 p.m.

Vote all ayes  
Motion carried

---

Cecilia Covino, RMC/CMC

---

Christine Schaumburg, Mayor

TOWN OF CLINTON

RESOLUTION #132-08

BE IT RESOLVED, by the Mayor and Town Council of the Town of Clinton, that in compliance with N.J.S.A. 10:4-12, this meeting will be closed to the Public to discuss the following matters:

PERSONNEL

---

Cecilia Covino, RMC/CMC  
Town Clerk

Date of Adoption: November 25, 2008

RESOLUTION # 126-08

TOWN OF CLINTON  
HUNTERDON COUNTY

NOTICE OF INTENT TO PETITION THE HIGHLANDS COUNCIL  
FOR PLAN CONFORMANCE

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to 15 months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

WHEREAS, the Highland Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009 and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

WHEREAS, the Town of Clinton lies within the Highlands Region as defined by the Highlands Act; and

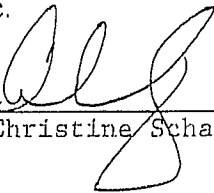
WHEREAS, the Mayor and Council of the Town of Clinton believes that it is in the best interest of the Town of Clinton to conform to the Regional Plan.



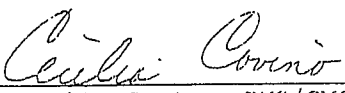
NOW, THEREFORE BE IT RESOLVED, that the Town of Clinton hereby provides the Highlands Council with the Notice of Intent to petition the Highlands Council for Plan Conformance for all lands lying within the Preservation Area.

BE IT FURTHER RESOLVED, this Notice of Intent additionally specifies that the Town of Clinton intends to include all lands lying within the Planning Area in the petition. In accordance with the Highlands Council's Plan Conformance Guidelines, this Notice of Intent is not binding with respect to lands within the Planning Area.

BE IT FURTHER RESOLVED, this Notice of Intent provides notice to the Highlands Council that the Town of Clinton has set December 1, 2009 as the target date for submission of a Petition for Plan Conference.

  
\_\_\_\_\_  
Christine Schaumburg, Mayor

Date: November 25, 2008

  
\_\_\_\_\_  
Cecilia Govino, RMC/CMC  
Town Clerk

RESOLUTION # 127-08

MUNICIPAL RESOLUTION SEEKING AN EXTENSION OF THE DEADLINE TO PETITION FOR SUBSTANTIVE CERTIFICATION PURSUANT TO EXECUTIVE ORDER 114 AND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE HIGHLANDS COUNCIL AND THE COUNCIL ON AFFORDABLE HOUSING

WHEREAS, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

WHEREAS, COAH and the Highlands have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

WHEREAS, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

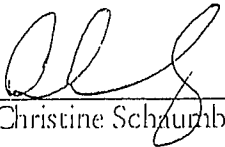
WHEREAS, on November 25, 2008 the governing body of the Town of Clinton adopted a resolution notifying the Highlands that Clinton Town has set December 8, 2009 as the target date for submission of a Petition for Plan Conformance.

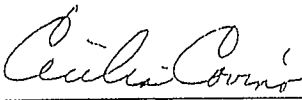
NOW, THEREFORE, BE IT RESOLVED, that the Town of Clinton hereby agrees that its deadline for the submission of a Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96-16 is extended from December 31, 2008 to December 8, 2009; and

BE IT FURTHER RESOLVED that the governing body of the Town of Clinton hereby directs Municipal Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

BE IT FURTHER RESOLVED that the governing body of the Town of Clinton hereby directs the Municipal Clerk to immediately transmit a signed and sealed copy of the November 25, 2008 duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

BE IT FURTHER RESOLVED that the governing body of the Town of Clinton intends to submit a petition for substantive certification of a third round Housing Element and Fair Share Plan to COAH not later than December 8, 2009.

  
\_\_\_\_\_  
Christine Schauburg, Mayor

  
\_\_\_\_\_  
Cecilia Corino, RMC/CMC  
Municipal Clerk

November 25, 2008

TOWN OF CLINTON  
RESOLUTION # 128-08

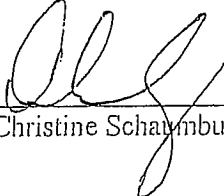
WHEREAS, fifteen percent of the Hunterdon County Open Space Trust Fund raised from the open space tax collected annually in each municipality is available for municipal open space purposes each year; and

WHEREAS, the Town of Clinton does not have immediate plans to use its portion of the Open Space Trust Fund; and

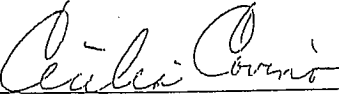
WHEREAS, the Town of Clinton wishes to reserve its FY 2007 share of the Fund for future open space use.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Clinton, County of Hunterdon and State of New Jersey that it hereby asks the Hunterdon County Board of Freeholders to reserve the Town's share in the amount of \$20,412.65, of the Hunterdon County Open Space Trust Fund collected in 2007 for use in future years.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Hunterdon County Board of Freeholders and the County Open Space Coordinator.

  
\_\_\_\_\_  
Christine Schaymburg, Mayor

ATTEST:

  
\_\_\_\_\_  
Cecilia Covino, RMC/CMC  
Town Clerk

DATED: November 25, 2008

I, Cecilia Covino, Clerk of the Town of Clinton, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Mayor and Council at a meeting held November 25, 2008.

  
\_\_\_\_\_  
Cecilia Covino


RESOLUTION #129-08

WHEREAS, the Hunterdon County Board of Chosen Freeholders have awarded a contract to Atlantic Salt, Inc. (Rock Salt); and


WHEREAS, the Town of Clinton wishes to participate in the County Purchasing Department's cooperative pricing for ice control;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that in order to begin a contractual relationship for Rock Salt, the Town states the following:

1. The contract period is November 12, 2008 to November 11, 2009.
2. The vendor for Rock Salt is Atlantic Salt, Inc.
3. The price of the contract for Rock Salt is \$67.80 per ton.
4. The Town agrees, that should the bid threshold of \$17,500.00 be exceeded, that the Town, in accordance with N.J.A.C. 5:34-5, hereby awards the Rock Salt contract to Atlantic Salt, Inc. at their low bid of \$67.80 per ton, said price to be in effect until November 11, 2009.

  
\_\_\_\_\_  
Christine Schumburg, Mayor

ATTEST:

  
\_\_\_\_\_  
Cecilia Covino, RMC/CMC  
Town Clerk

RESOLUTION NO. 130-08

CANCELLATION OF TAXES

WHEREAS, Block 14, Lot 1 was the subject of litigation, and

WHEREAS, the Tax Assessor made an error, as a result in the error in the Court Order, in assessing an added assessment on Block 14, Lot 1.


NOW, THEREFORE BE IT RESOLVED by Mayor and Council of the Town of Clinton, County of Hunterdon and State of New Jersey, that the added assessment on Block 14, Lot 1 in the amount of \$5,535.88 be cancelled, and

BE IT FURTHER RESOLVED that the Tax Collector be relieved from the obligation to collect that assessment.



CHRISTINE SCHAUMBURG, Mayor

Attest:



CECILIA COVINO, RMC  
Town Clinton

TOWN OF CLINTON  
ORDINANCE NO. 08 - 19

AN ORDINANCE OF THE TOWN OF CLINTON  
AMENDING THE LAND USE CODE OF THE TOWN OF CLINTON

WHEREAS, the Town finds that amendments to the OB-1 and OB-2 zone districts are necessary to for the Land Use Code to be consistent with the May 2008 Master Plan.

BE IT ORDAINED by the Mayor and Town Council of the Town of Clinton, in the County of Hunterdon, State of New Jersey, that the Land Use Code of the Town of Clinton be amended as follows (deletions are shown as ~~thus~~ and additions are shown as thus):

1. Section 88-4., entitled "Definitions" of Article II entitled, "Definitions" of the Land Use Code of the Town of Clinton, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:

ASSISTED LIVING - A residential facility which provides a coordinated array of supportive personal and health services available 24 hours per day to residents who have been assessed to need these services, including residents who require formal long-term care.

2. Section 88-57., entitled "OB-1 Office Building District" of Article VII entitled, "Zoning Regulations" of the Land Use Code of the Town of Clinton, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:

A. The following are permitted principal uses:

- (1) Office buildings for business, professional, executive and administrative purposes.
- (2) Nonprofit clubs, lodges and fraternal, civic and charitable organizations.
- (3) Municipal buildings and municipal uses, but not including municipal garages and storage and maintenance yards.
- (4) Medical and dental clinics ~~and laboratories.~~
- (5) Nursery Schools.
- (6) Funeral homes.

- (7) State licensed nursing homes.
  - (8) Vocation schools and studios for art, dancing, music, languages and photography.
- B. The following are permitted accessory uses:
- (1) Off-street parking areas in accordance with 88-62.
  - (2) Signs in accordance with 88-64.
  - (3) Other accessory uses customarily incident to the uses listed in Subsection A.
- C. Conditional uses. The following conditional uses, as regulated in 88-63, are permitted:
- (1) Churches and similar places of worship of recognized religious groups, which may include attendant parish houses, convents and religious education buildings.
  - (2) Public and private schools teaching academic subjects.
- D. Required conditions. Except as otherwise provided in this article, the requirements and limitations contained in the Schedule of Requirements referred to in 88-51C shall be complied with. In addition, the performance standards contained in 88-56E shall be complied with.
- E. Participation in the provision of lower-income housing. The developer of any land in the district may participate in the provision of lower-income housing. The developer shall be entitled to a density bonus equivalent to 15% of the floor area to which he is otherwise entitled under Schedule 1, provided that all parking requirements can be met on the site and the Board approves any variances from setback and buffer requirements needed to accommodate the density bonus, in return for which the developer shall, no later than the time of issuance of a building permit, convey to the Town an amount equal to \$3.75 per square foot of gross floor area for all bonus construction. The funds paid to the Town shall be placed into a Housing Rehabilitation, Conversion and Assistance Fund to be administered by the Housing Officer and Affordable Housing Board appointed by the Mayor and Council following administrative guidelines established by ordinance.
3. Section 88-58., entitled "OB-2 Office Building District" of Article VII entitled, "Zoning Regulations" of the Land Use Code of the Town of Clinton, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
- F. The following are permitted principal uses:
- (1) Office buildings for business, professional, executive and administrative purposes.
  - ~~(2) Scientific or research laboratories devoted to research, testing, design and/or experimentation and processing and fabricating incidental thereto.~~
  - (3)(2) Data processing facilities.



(4)(3) Banks and financial institutions.

(5)(4) Municipal buildings and municipal uses including a municipal or county library but not including municipal garages and storage and maintenance yards.

G. The following are permitted accessory uses:

- (1) Off-street parking areas in accordance with 88-62.
- (2) Signs in accordance with 88-64.
- (3) Other accessory uses customarily incident to the uses listed in Subsection A.

H. Conditional uses. The following conditional uses, as regulated in 88-63, are permitted:

- (1) Churches and similar places of worship of recognized religious groups, which may include attendant parish houses, convents and religious education buildings.
- (2) Public and private schools teaching academic subjects.
- (3) Assisted living facilities

I. Required conditions. Except as otherwise provided in this article, the requirements and limitations contained in the Schedule of Requirements referred to in 88-51C shall be complied with. In addition, the performance standards contained in 88-56E shall be complied with.

J. Participation in the provision of lower-income housing. The developer of any land in the district may participate in the provision of lower-income housing. The developer shall be entitled to a density bonus equivalent to 15% of the floor area to which he is otherwise entitled under Schedule 1, provided that all parking requirements can be met on the site and the Board approves any variances from setback and buffer requirements needed to accommodate the density bonus, in return for which the developer shall, no later than the time of issuance of a building permit, convey to the Town an amount equal to \$3.75 per square foot of gross floor area for all bonus construction. The funds paid to the Town shall be placed into a Housing Rehabilitation, Conversion and Assistance Fund to be administered by the Housing Officer and Affordable Housing Board appointed by the Mayor and Council following administrative guidelines established by ordinance.

K. Design of parking areas. The developer of any land in the district may be entitled to an increase of .03 in the allowable floor area ratio (FAR) specified in Schedule I, provided that all parking requirements can be met on the site and that no variances from setback and buffer requirements are needed to accommodate the increased FAR, in exchange for a parking design which minimizes off-site visual impacts through the use of structured parking, walls, berms, landscaping and grade changes by utilizing any one or a combination of the following design features:

- (1) Screening of all parking areas from public view by a landscaped berm of at least four feet in height, which may be used in combination with a solid, decorative masonry wall at least four feet in height at the entrance(s) to the site.

- (2) Location of at least 20% of all required parking spaces or 25% of all constructed parking spaces under or within the principal building.
- (3) Separation of parking spaces into two or more distinct areas with at least 80% of all nonenclosed nonstructured spaces abutting a landscaped island or perimeter area designed to screen the parking spaces from public view.
- (4) Separation of parking areas by grade changes such that at least 50% of the constructed parking spaces or 40% of the required parking spaces are at least four feet below the grade of the street at the curbline.
- (5) A combination of the items in Subsection F(3) and (4) above such that at least 75% of all required parking is either below grade or screened by landscaping.
- (6) Public use of parking areas. The developer of any land in the district which abuts public land other than a street right-of-way on at least two sides may be entitled to an increase of .04 in the allowable floor area ratio (FAR) specified in Schedule I, provided that all parking requirements can be met on the site and that the Board approves any variances from setback and buffer requirements needed to accommodate the density bonus, if a minimum of 40% of all constructed parking spaces are made available to and accepted by the Town for public use during nonbusiness hours. This shall only, be available if the property is adjacent to a public use area and is in an area that has a high need for parking.

Computation of density bonuses. The density bonuses permitted in Subsections E, F and G hereinabove may be used simultaneously, provided that they are computed separately using the allowable FAR specified in Schedule I, and further provided that in no event shall the maximum FAR exceed 30% in the OB-2 Zone. The developer must use the density bonus called for in Subsection E prior to using the density bonuses called for in Subsections F and G.

4. Section 88-63., entitled "Conditional Uses" of Article VII entitled, "Zoning Regulations" of the Land Use Code of the Town of Clinton, as heretofore supplemented and amended, is hereby supplemented and amended to add the following:

B. Assisted Living Facilities.

- (7) Shared access shall be provided with a minimum of one of the adjacent properties.
- (8) Shared parking shall be provided with a minimum of one of the adjacent properties.
- (9) Barrier-free gardens and courtyards shall be provided internal to the site and shall be surrounded by the building(s), to the extent feasible. The garden shall be consistent with the principles for a healing garden contained in the 2008 Master Plan Land Use Element.

- (10) Sound levels within the interior of the building shall not exceed 52 dBA.
  - (11) Sound levels within the barrier-free gardens and courtyards shall not exceed 60 dBA during daytime hours and 55 dBA during evening hours.
5. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
6. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, section, paragraph, sentence or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
7. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

W:\5000\Town of Clinton\5030.ZO-Ordinance\2008 OB 1 & OB 2 Districts 030605 OB 1 & OB 2 Draft.doc

TOWN OF CLINTON

RESOLUTION #131-08

BE IT RESOLVED, by the Mayor and Town Council of the Town of Clinton, that in compliance with N.J.S.A. 10:4-12, this meeting will be closed to the Public to discuss the following matters:

LITIGATION

---

Cecilia Covino, RMC/CMC  
Town Clerk

Date of Adoption: November 25, 2008