



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on February 5, 2008 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

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

"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 10:30pm with all items not concluded to be carried over to next month's agenda".

"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".

Attorney Caldwell, Mr. Robert Clerico and Beth McManus were present.

Roll Call:

Present: Baka, Gallagher, Harrison, Insel, McGuire, Tranquilli, Hendricksen

Absent: Schaumburg, Maher

Approval of Minutes:

A Motion was made by Mrs. Insel, seconded by Mr. McGuire, to approve the minutes of January 2, 2008:

All Ayes.

Motion Carried.

Abstain

Hendricksen, Tranquilli

Amended Preliminary & Final Site Plan Application for Eastern Hill LLC- Block 16 Lot 22.02:

Attorney Jeffrey Lehrer, Mr. Craig Stires, Engineer from Stires Associates, Mr. John Fansord, Project Manager were present and were previously sworn in at the November 2007 meeting. The following were submitted into evidence:

- A18 Revised Site Plan dated 12/17/07.
- A19 Drainage Report prepared by Stires & Associates dated 12/2007.
- A20 COAH Letter prepared by Mr. Lehrer dated 1/28/2008.
- A21 Proof of taxes paid
- A22 Colored Landscape plan dated 2/5/08.
- A23 Report prepared by Delta Geophysical Services dated 2/24/1988
- A24 Conditional Approval from Hunterdon County Planning Board dated 12/11/07
- B8 Robert Clerico revised review report dated 1/2/08
- B9 Clarke, Caton & Hintz revised review report dated 1/9/08

Attorney Lehrer stated the applicant is continuing the hearing from the November 2007 meeting and since that time the sign has been relocated to a 10' setback eliminating the need for a sign variance. Mr. Lehrer advised the board that Mr. Stires and Mr. Sanford are here tonight to address the remaining issues in Mr. Clerico and Ms. McManus's revised reports.

Mr. Clerico and Mr. Stires went over Mr. Clerico's revised report and addressed the following concerns:

Item # A2(d)- the lot width setback is less than what was previously approved and will require variance relief, applicant agrees.

Item # A2(i)- applicant will update the architectural plans to include the dimension on the elevation views.

Item A2.- Attorney Lehrer advised the board that he was working out the language for the public easement with Attorney Cushing.

Item A5 (d)- The Applicant agreed to relocate the 5th handicap space next to the proposed four spaces, which are adjacent to the building.

Item A6- No action is required by the board since the variance granted previously was for a smaller loading area than currently proposed, the variance granted with the original application still stands.

A8- Applicant agrees.

B1- Applicant will comply

B2- Applicant will submit the turning radius information to Bob Clerico.

B3- Applicant will agree to board's suggestions of installing a concrete walkway with flush curbing from the applicants property to the County Library property.

C1- Mr. Stires advised the board that presently he has been unable to locate the documentation that was originally submitted to NJDEP, that he will continue to try to obtain the documentation and provide the information to Mr. Clerico.

C3- Mr. Stires testified that the applicant will comply with the Stormwater Regulations. Attorney Lehrer suggested that Mr. Stires will work out the details with Mr. Clerico in order to comply and asked the board to make this a condition of approval. Attorney Caldwell suggested that as part of the condition no building permit shall be issued until the applicant complies.

Carbonate Rock/Limestone- Mr. Stires advised the board that the previous applicant had done testing on the site and the findings are outlined in a 1988 Geotechnical report by Delta Geophysical Services. The report was submitted as part of the record on the original application by E-Town. Attorney Lehrer stated based on the report the applicant is comfortable moving forward with developing the site and if the board wishes he can ask the Geotechnical Engineer who wrote the report to certify that the same conditions exist as per the report. Mr. Clerico commented that at some point during site construction the applicant will need to have a Geologist on site to verify the conditions and the board can condition the applicant to submit an updated Geological report to the town's Geotech consultant before building permits are issued. Mr. Baka commented that we all want the job done right and that he would recommend as a condition the applicant submit the information before a building permit is issued.

Mr. McGuire commented that the report was done in 1988 and in the last 20 years technology to determine subsurface conditions have advanced; in order to fulfill the board's duty giving the applicant a conditional approval makes sense. Mr. Hendricksen commented that at the time of the original application the applicant submitted extensive Geotech reports and he had no problem moving forward tonight and

conditioning the approval on the applicant submitting further studies to be reviewed by the towns GeoTech consultant.

A Motion was made by Mr. Hendricksen, seconded by Mr. Tranquilli, that the applicant submit further studies in relation to carbonate rock to be reviewed by the Town’s Geologist, the study to be submitted prior to the start of construction.

All Ayes. Motion Carried.

Mr. Stires addressed the comments in Clarke, Caton & Hintz’s report:

3.4- The gate around the dumpster enclosure will be board on board and self-closing.

3.5- Mr. Sanford provided the board with the color samples of the stone and siding on the building that are shown in exhibit A-9

3.6- No building mounted sign is proposed.

4.6- Mr. Stires stated that they have provided a brick enclosure around the dumpsters, the dumpster is located in the rear of the building and does not feel landscaping around the brick enclosure is necessary. The board agreed.

4.11 (4th bullet) Mr. Stires stated that he believed adding a shade tree per Beth McManus suggestion would interfere with the location of the proposed sign. Mr. Lehrer suggested that they can work with the planner to determine if an additional shade tree in the front is necessary.

4.12 (1st bullet)- Mr. Stires responded that the four shade trees the planner is requesting will interfere with the lighting and the applicant does not feel the shade trees are necessary. Mrs. Harrison questioned the fruit bearing trees in the parking island and inquired if these trees were appropriate for that location, Ms. McManus suggested that she will relook at the choice and work with the applicant on a selection.

Mr. Baka inquired how the applicant plans to safeguard the existing trees while developing the site; Mr. Stires responded that only one existing maple tree will remain.

A Motion was made by Mr. Hendricksen, seconded by Mrs. Harrison, to open the meeting to the public for questions and there being no questions a Motion was made by Mr. Tranquilli, seconded by Mr. Hendricksen, to close the meeting to the public:

All Ayes. Motion Carried.

Attorney Lehrer stated that at this time they had no further testimony and would request the board move forward with granting a conditional approval for preliminary and final site plan.

Chairman Gallagher advised the applicant that he would like to take a five-minute recess and when the board reconvenes he would like to take five minutes to discuss an extension request by Sal Latino.

A Motion was made by Mr. Tranquilli, seconded by Mrs. Insel, to take a five minutes recess:

All Ayes. Motion Carried.

Chairman Gallagher called the meeting back to order at 9:20pm:

Extension request for Sal Latino – Block 23 Lot 6:

Attorney Wilson asked the board to grant an extension of time on which the board has to act on the final

site plan application for Sal Latino, Attorney Wilson stated he hopes to have the plans within the next few days and appear back before the board at the March meeting.

A Motion was made by Mr. Hendricksen, seconded by Mr. Baka, to grant an extension of time to act until March 4, 2008:

Roll Call Vote: Baka, Gallagher, Harrison, Insel, McGuire, Tranquilli, Hendricksen

All Ayes. Motion Carried.

Continuation of Eastern Hill LLC:

A Motion was made by Mr. Hendricksen, seconded by Mrs. Insel, to grant Preliminary and Final Site Plan Approval with the following conditions:

1. Applicant to comply with all agreed upon issues on Robert Clerico letter dated 1/2/08
2. Applicant to comply with all agreed upon issues on Clarke, Caton & Hintz letter dated 1/9/08
3. All previously approved waivers and variances that are not further reduced will be carried forward to this approval.
4. Applicant will comply with the Stormwater Quality Regulations.
5. Applicant will relocate 5th handicap space next to the proposed 4 spaces.
6. Applicant will submit Geotechnical Data prior to the start of building permits to be reviewed and approved by the town.
7. Applicant will install a board on board fence with a self closing hinge on the dumpster enclosure
8. Applicant to finalize plant material with Mr. Hintz
9. Applicant to submit an asbuilt plan when completed.
10. Public Easement agreement to be approved by the Town Attorney.
11. Applicant to install concrete walkway with flushed curbing between the site and the county library site.

Roll Call Vote:

Ayes: Gallagher, Harrison, Insel, McGuire, Tranquilli, Hendricksen

Nays:

All Ayes. Motion Carried.

Mr. Hendricksen excused himself from the rest of the meeting

Sign Ordinance:

Chairman Gallagher advised the board that the Governing Body has sent the draft sign ordinance back to the Planning Board for their review and recommendations. Mr. Gallagher commented that the ordinance recommends a subcommittee of the Board of Adjustment, he was concerned with the procedural and legal aspect of that recommendation. Attorney Caldwell stated in his view the MLUL does not permit a Board of Adjustment Subcommittee to grant variances. The board discussed the Sign Committee and the validity of the committee. After further discussion the board agreed to recommend to Council eliminating the Sign Committee, reducing the Board of Adjustment Sign Variance Fee to \$25.00 and waiving the escrow fee.

The board discussed the Neon Signs and agreed to recommend to council eliminating Neon Signs from all zones except for the C3 and C4 zone.

A Motion was made by Mr. McGuire, seconded by Mr. Baka, to authorize Beth to revise the proposed sign ordinance eliminating the Sign Committee, reducing the Board of Adjustment Sign Application to \$25.00, eliminating the escrow fee if the applicant meets the criteria outlined in the ordinance, and permitting Neon Signs in the C3 and C4 district only.

Roll Call Vote:

Ayes: Baka, Gallagher, Harrison, Insel, McGuire, Tranquilli,
Nays:

All Ayes. Motion Carried.

Chairman Gallagher reminded the board that they will meet on their alternate night, Tuesday February 19, 2008 to dedicate the meeting to COAH and the Master Plan Draft.

Smart Growth Update Report:

Mrs. Insel advised the board the Highlands Committee will be at the Planning Board on March 4, 2008 to give a presentation of the Highlands Plan.

Voucher Approval:

A Motion was made by Mr. Tranquilli, seconded by Mrs. Harrison, to approve the voucher list (list attached):

All Ayes. Motion Carried.

There being no further business a Motion was made by Mr. Tranquilli, seconded by Mr. McGuire to adjourn the meeting at 10:50pm.

Respectfully submitted,

Allison McGinley
Land Use Administrator.