



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on April 4, 2006 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Cagno
Hendricksen
Jones-Holt
Kovach
McGuire
Schaumburg
Tranquilli

Absent:

Gallagher
Wiant

Attorney William Caldwell, Robert Clerico from Van Cleef Engineering, Beth McManus and Carl Hintz from Clarke, Caton & Hintz were present.

Chairman 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 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".

Approval of Minutes:

A Motion was made by Mrs. Kovach, seconded by Mr. McGuire, to approve the minutes of March 7, 2006.

All Ayes. Motion Carried

Abstain: Jones-Holt, Cagno

Application for Preliminary & Final Site Plan- Block 21 Lot 25- Clinton Management:

Attorney Wendy Berger was present.

Attorney Caldwell advised Attorney Berger that in order to proceed forward tonight with this application the board must have 5 qualified voting members and in an effort to move the application forward Mayor Schaumburg under the MLUL 40:55D -23 has chosen to step down and appoint Robert Smith as the Mayor's designee. Attorney Caldwell advised Attorney Berger that Mr. Smith has listened to the tape of January 3, 2006 and is an eligible voting member.

Mayor Schaumburg stepped down and Robert B. Smith was administered the Oath of Office and sworn in

as a Class I, Mayor’s designee member.

The board discussed the following amendments to the Resolution:

- Page 2 (3) replace Board Engineer with *Site Plan Review Committee*
- Page 6 (9) replace item # 6 with – *A reduction from the required 24’ width of the Center Street driveway to a width of 18 feet, subsequently changed to 20 feet, and adjustments to the geometry of the driveway so as to prohibit a left exit turn onto Center Street and a right entrance turn from Center Street*
- Page 7 (12) change loading area size to *15’ x 25’*.
- Page 7 (12) replace loading area with *loading space*.
- Page 7 (13) change .05-foot candle to *0.5 foot candle*.
- Page 7 (14) 4th line replace the word future use with *future installation*
- Page 7 (15)- change the last sentence **to unless the applicant provides the Board and receives approval of an acceptable plan for on-site rock crushing.**

- Page 9 (1) change loading dock to *loading space*
- Page 9 (2) replace Waiver of to **Waiver from 273 parking spaces on site.**
- Page 9 (3) change .05 foot candle to *0.5 foot candle*.

- Page 10 (k) Replace the entire paragraph with “ *The Town of Clinton Construction Official shall approve the design of the safety fencing, along the top of the retaining wall, in conformance with the applicable rules & regulations.*”
- Page 10 (p) insert “*Site Sweeping Plan and Maintenance Program*”

- Page 11 2(a) replace Township with **Town.**
- Page 11 3(c) insert **and Melick- Tully Associates** after town engineer.
- Page 11 3(d) insert **Associates** after Melick-Tully.

- Page 12 (4) insert a new item **d. submission by the applicant of an as-built plan..**
- Page 12 (b) replace with **The Applicant will conduct a noise test witnessed by the Town of Clinton Construction Official to determine if the on-site HVAC complies with all local, state and federal requirements as to noise, if available prior to the issuance of the Certificate of Occupancy and if unavailable the test will be conducted during the first cooling season.**
- Page 12 (c) change the last sentence **to unless the applicant provides the Board and receives approval of an acceptable plan for on-site rock crushing.**

Change all references to Town Engineer and replace with Board Engineer.

A Motion was made by Mrs. Jones-Holt, seconded by Mrs. Kovach, to approve the Preliminary and Final Site Plan Application for Clinton Management and approve and adopt the Resolution as amended with the above changes:

Roll Call Vote:

Ayes: Cagno, Hendricksen, Jones-Holt, Kovach, Smith

Nays:

5-0 Motion Passed.

Exemption from Site Plan-Clinton Main Street LLC- Block 11 Lot 6:

Attorney Wendy Berger and Architect Martin A. DeSapio were present.

The following items were submitted into evidence:

- A3- April 21, 2005 letter from the Historic Preservation
- A4- May 2, 2005 memo from Jack Daniels
- A5- April 9, 2005 memo from Jack Daniels
- A6- April 27, 2005 memo from Martin DeSapio
- A7- Deed Merger
- A8- June 13, 2005 Memo from Jack Daniels
- A9- June 3, 2006 memo from Martin DeSapio

Mr. DeSapio was sworn in.

Mr. DeSapio advised the board that the applicant was seeking approval to change the use of the third floor from an S-1 storage use to an R3 residential use to accommodate a 1,229 SF residential apartment. At the last meeting the question arose whether the applicant would need to have an exterior fire escape and after researching the issue the need for a fire escape was not necessary.

Mr. Hendricksen inquired about restricting the apartment to an affordable housing unit and Attorney Berger replied that they will comply with any restrictions in the Town Ordinance.

A Motion was made by Mrs. Jones-Holt, seconded by Mrs. Kovach, to open the meeting to the public and there being no response a Motion was made by Mr. Smith, seconded by Mr. Cagno, to close the meeting to the public.

A Motion was made by Mr. Smith, seconded by Mrs. Jones-Holt, to approve the exemption from site plan application for Clinton Main Street, Block 11 Lot 6 to permit a third floor apartment with the following condition:

1. The apartment will be a deed restricted affordable unit and the applicant must submit a new recorded deed prior to the issuance of a building permit.

Roll Call Vote:

Ayes: Cagno, Hendricksen, Jones-Holt, Kovach, Smith

Nays:

5-0 Motion Passed.

Mr. Smith and Mr. Cagno excused themselves from the meeting and Mayor Schaumburg rejoined the board.

Final Subdivision Application for Hunterdon Capital- Block 31 Lots 24.01-24.05:

Attorney Howard Crane and Steven Risse, Engineer were present.

Mr. Hendricksen stepped down from the board.

In the absence of the Chairman and the Vice Chairman, a Motion was made by Mayor Schaumburg, seconded by Mr. Tranquilli, to elect Mrs. Kovach as the temporary Chairperson:

All Ayes. Motion Carried.

The following items were submitted into evidence:

- A1 application
- A2 proof of publication
- A3 200' list
- A4 white certified mailings
- A5 tax certification
- B1 March 3, 2006 memo from Robert Clerico

Mr. Steven Risse was sworn in.

Mr. Risse advised the board that they are in receipt of Mr. Clerico's review letter dated March 3, 2006 and will comply with all of the conditions prior to the board signing off on the final plat.

Mr. Clerico recapped with the board that the applicant has received preliminary approval and that if the board grants final approval that would allow the applicant to proceed forward with the construction of improvements.

A Motion was made from Mayor Schaumburg, seconded by Mrs. Jones-Holt, to open the meeting to the public and there being no response a Motion was made by Mayor Schaumburg, seconded by Mrs. Jones-Holt, to close the meeting to the public.

A Motion was made by Mrs. Jones-Holt, seconded by Mayor Schaumburg, to approve the Final Subdivision for Hunterdon Capital Block 31 Lots 24.01-24.05:

Roll Call Vote:

Ayes: Jones-Holt, Kovach, McGuire, Schaumburg, Tranquilli

Nays:

5-0 Motion Passed.

A Motion was made by Mrs. Jones-Holt, seconded by Mayor Schaumburg, for Chairman Hendricksen to reassume chairing the meeting.

All Ayes. Motion Carried.

Exemption from Site Plan- High Bridge Christian Community Preschool- Block 22 Lot 5.01:

Pastor William Kelly and Lisa Buckley, applicant were present and sworn in.

The following items were submitted into evidence:

- A1 Application
- A2 Letter from The State of NJ Department of Human Services dated March 24, 2006.
- A3 State of NJ Child Care License

Ms. Buckley stated that the preschool would be held at "Clinton Assembly of God" church located at 55 Leigh Street. The classes would run Monday-Friday 9:00am-3:00pm and would consist of fourteen 3, 4, and 5 year olds. Ms. Buckley advised the board that the state came in and conducted a courtesy inspection.

Pastor Kelly stated that the when the state came in they tested for lead, they measure the rooms and provide a checklist that the applicant has to comply with thirty days prior to opening.

Mayor Schaumburg advised the applicant that she was concerned with the traffic at 3:00pm in the afternoon because of Clinton Public School ending at the same time and inquired about a later dismissal

for the preschool. Ms. Buckley stated that she had thought about that and would change her dismissal time to 3:15pm.

A Motion was made by Mrs. Kovach, seconded by Mayor Schaumburg, to open the meeting to the public and there being no questions a Motion was made by Mrs. Kovach, seconded by Mayor Schaumburg, to close the meeting to the public.

A Motion was made by Mrs. Kovach, seconded by Mrs. Jones-Holt, to approve the exemption from site plan for High Bridge Christian Community Preschool with the following conditions:

- 1). Population of preschool not to exceed 16 children for each session.
- 2). The school is operational Monday- Friday
- 3). Conditioned on the applicant submitting her NJ State License
- 4). The afternoon session will end at 3:15pm.

Roll Call Vote:

Ayes: Hendricksen, Jones-Holt, Kovach, McGuire, Schaumburg, Tranquilli

Nays: **6-0 Motion Passed.**

Exemption from Site Plan-The Blue Cactus- Block 11 Lot 17:

Mr. Nick Novello, applicant was present and sworn in.

Mr. Novello advised the board that after researching the property it was determined that the proposed location for the outdoor seating presented at last months meeting was not the owner’s property and therefore would like to move the outdoor seating into an area of the parking lot and in order not to loose any parking spaces the applicant will have to reconfigure the parking spaces. The board advised Mr. Novello in order to move forward the applicant would have to come before the board with a site plan application, which would include a survey of the property and a scaled plan.

A Motion was made by Mayor Schaumburg, seconded by Mrs. Kovach, to approve the Exemption from Site Plan for The Blue Cactus:

Roll Call Vote:

Ayes:

Nays: Hendricksen, Jones-Holt, Kovach, McGuire, Schaumburg, Tranquilli

6-0 Motion Failed.

Board of Adjustment Report:

Mr. Tranquilli asked the Planning Board to approve meeting with Mr. Carl Hintz to discuss the Sign Ordinance the Board suggested that since the Sign Committee is part of the Board of Adjustment that the Sign Committee should refer this to the Board of adjustment for their approval.

Board Discussion:

Mr. Clerico advised the board that the Town Council on March 14, 2006 has introduced an Ordinance to adopt the Town of Clinton Stormwater Plan, and that the Council has referred the ordinance to the Planning Board for their input. The Planning Board did not receive a copy of the ordinance and therefore, was not able to provide any input on the ordinance. The Ordinance will be distributed to board members and put on the next agenda for review.

A Motion was made by Mayor Schaumburg, seconded by Mr. Tranquilli, to enter into an Executive Session at 10:50pm to discuss potential litigation.

Roll Call Vote:

Ayes: Hendricksen, Jones-Holt, Kovach, McGuire, Schaumburg, Tranquilli

Nays: 6-0 Motion Passed.

A Motion was made by Mayor Schaumburg, seconded by Mrs. Kovach, to adjourn the Executive Session at 11:40pm.

Roll Call Vote:

Ayes: Hendricksen, Jones-Holt, Kovach, McGuire, Schaumburg, Tranquilli

Nays: 6-0 Motion Passed.

There being no further business a Motion was made by Chairman Hendricksen, seconded by Mrs. Kovach to adjourn the Planning Board Meeting at 11:40pm.

All Ayes. Motion Carried.

Respectfully submitted,

Allison McGinley
Board Secretary