



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on May 2, 2006 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Gallagher
Jones-Holt
Kovach
McGuire
Schaumburg
Tranquilli
Wiant

Absent:

Hendricksen
Cagno

Attorney William Caldwell, Robert Clerico from Van Cleef Engineering, Beth McManus from Clarke, Caton & Hintz and Robert A. Cutter PW /Business Administrator were present.

Vice 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".

Approval of Minutes:

A Motion was made by Mrs. Kovach, seconded by Mrs. Jones-Holt, to approve the minutes of April 4, 2006.

All Ayes. Motion Carried
Abstain: Gallagher, Wiant

Memorilization of Resolution for Clinton Main Street LLC- Block 11 Lot 16:

A Motion was made by Mrs. Kovach, seconded by Mrs. Jones-Holt, to adopt the Resolution for Clinton Main Street:

Roll Call Vote:

Ayes: Kovach, Jones-Holt

All Ayes. Motion Carried.

Memorilization of Resolution for Hunterdon Capital- Block 31 Lots 24.01-24.05:

A Motion was made by Mrs. Jones-Holt, seconded by Mrs. Kovach, to adopt the Resolution for Hunterdon Capital with the following change:

Page 2- 9th sentence- delete the words *proceed forward with the construction of the improvements* and replace with *proceed forward with the recording of the map*.

Roll Call Vote:

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

All Ayes. Motion Carried.

Memorilization of Resolution for The Blue Cactus- Block 11 Lots 17:

A Motion was made by Mrs. Kovach, seconded by Mayor Schaumburg, to adopt the Resolution for The Blue Cactus:

Roll Call Vote:

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

All Ayes. Motion Carried.

Memorilization of Resolution for High Bridge Christian Community Preschool

A Motion was made by Mrs. Kovach, seconded by Mrs. Jones-Holt, to adopt the Resolution for High Bridge Christian Community Preschool:

Roll Call Vote:

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

All Ayes. Motion Carried

Extension Request for Preliminary Site Plan Approval for Country View Builders Block 1 Lot 60 & 60.02:

Attorney Walter Wilson and David Plante the Project Engineer were present.

Attorney Wilson stated he was here on behalf of Country View Builders to request an extension of the Preliminary Site Plan approval that was approved and adopted by the Planning Board on June 4, 2002.

Mr. David Plante was sworn in and gave the board a brief overview of the approved project. Mr. Plante stated the site was located on the westerly edge of Clinton adjacent to Union Gap Village. The 12-acre site will consist of 48 Condominium units in a total of 16 buildings. The application that was approved was a conforming application with no variances needed.

Attorney Wilson advised the board that one of the conditions of the Resolution was the applicant had to file a revised plan within 180 days from the approved resolution date of June 2, 2002. Attorney Wilson stated that Mike Parisi the owner and president of Country View Builders had received an extension from the board until March 3, 2003 and due to the passing of Mr. Parisi on January 12, 2003 no further action was taken by the applicant. Attorney Wilson stated that Mr. Michael Parisi, Jr. has taken over and would like to proceed forward with the development. Attorney Wilson testified that the plan revisions are in progress and he would like the board to grant an extension of approval on satisfying the conditions of the resolution for a period of 90 days. Attorney Wilson stated in addition to requesting an extension of the conditions he would also like the board to grant an extension of the period of protection until June 4, 2007 in accordance with N.J.S. 40:55D-49. (c) and (e).

Attorney Wilson advised the board that the project meets the 2002 stormwater regulations and he would like the board to grant the extension before Council adopts the new 2004 stormwater regulations at the May 9, 2006 meeting. Attorney Wilson stated that the 2002 stormwater management plan has all the appropriate water quality measures in place and if the applicant has to meet the new 2004 regulations they

would have to start from the beginning in applying for a new DEP permit, which could be a lengthy process. Attorney Wilson advised the board that as part of the prior approval a \$200,000 COAH Contribution would be made on a rolling basis as each building permit and CO was issued and the applicant would be willing to move the timeline of the payments up.

Mr. Clerico raised the question if the board granted the extension under the 2002-stormwater regulations would it violate the Town's obligation and questioned if the board had the authority to grant the approval under the old stormwater regulations.

Attorney Caldwell advised the board that he was not in a position to offer any legal advice tonight on granting an extension until he had further time to research this matter.

A Motion was made by Mrs. Jones-Holt, seconded by Mrs. Kovach, to carry the request for an extension for Country View Builders until the June 6, 2006 meeting:

Roll Call Vote:

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

All Ayes. Motion Carried.

Stormwater Ordinance:

Mr. Cutter advised the board that the Stormwater Management Ordinance #06-06 was introduced at the April 11, 2006 Council meeting and if approved by the Planning Board will be forwarded to the Mayor & Council for adoption at their May 9, 2006 meeting. Mr. Cutter advised the board that this is the final step and will complete the state mandated program.

A Motion was made by Mrs. Kovach, seconded by Mr. Wiant to recommend to Mayor & Council the adoption of the Stormwater Management Ordinance # 06-06:

Roll Call Vote:

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

All Ayes. Motion Carried.

Growth Share Plan:

Beth McManus went through the Growth Share Ordinance #06-08 with the board and if the board gives its recommendations the Ordinance will be adopted by the Mayor & Council at their May 9, 2006 meeting.

Mr. Wiant recommended changing the wording of paragraph E (3) to the following:

Applicants electing to create affordable housing units off-site within the Town of Clinton shall do so subject to resolution of approval on site A and an amended resolution of approval for site B.

A Motion was made by Mrs. Kovach, seconded by Mr. Wiant, to recommend to Mayor & Council the adoption of the Growth Share Ordinance #06-08 with the amended change to paragraph E (3):

Roll Call Vote:

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

All Ayes. Motion Carried.

Discussion on the Affordable Housing Plan:

Beth McManus advised the board on May 16, 2006 the Fairshare Housing Plan will be presented to the board and assuming the plan is approved by the board the plan will go to the Mayor & Council for their adoption on May 23, 2006.

Beth McManus stated she was looking for the board's direction in order to complete the plan for the presentation and at this time in order to satisfy the town's obligation she is proposing the town purchase 10- acres of land from the owner of the Summer Manor Tract and construct a municipality sponsored construction project consisting of 20 affordable units. Beth advised the board that they would approach the owner of the tract to purchase the 10-acres but if necessary the town could condemn the 10 acres.

Mr. Wiant questioned what the estimated cost would be and when the town would have to spend the money. Beth replied that the town would have to do an appraisal first to determine the cost. Mr. Wiant commented that if the town is going to be obligated shouldn't we know the costs first. Mayor Schaumburg stated that unfortunately at this time we don't have a financial analysis, we have to put together a plan to receive certification and at some point the plan may have to be amended. Mr. Wiant replied how can we vote to approve a plan when the legwork has not been done. Beth McManus advised the board that the town will be applying for grants and loans and will work with a non-profit organization but at this time she does not have a figure. This approach would be the least expensive option and because of the timeframe the town must put a plan together immediately in order not to lose their endorsement through COAH. Beth stated she would provide a cost estimate at the next meeting.

Mrs. Jones-Holt questioned what happens if the owner of the property does not want to sell and Mayor Schaumburg responded that is why the resolution must state the town has the right to condemnation. Obviously, this is not the way the town would want to go, but in order to put forth this plan COAH would require this option as part of the plan.

Mr. Gallagher inquired if there was the possibility of putting this on another site and Beth McManus responded there are two sizable lots left in town, the Industrial Tract and the Moebus Tract. The Moebus Tract is much smaller and due to site constraints the proposal would take up most of the site. Beth McManus added that she believed the Industrial Tract was better suited.

Mr. Wiant advised the board that when they looked at age restricted housing on the Industrial Tract as part of the Master Plan the concern then was it was not a good location to put housing next to a sewer treatment plant.

Mr. Gallagher asked Beth McManus if she had a round figure on what the project will cost, Beth replied that one of the documents that must be provided to COAH with the plan is a spending plan which will include the estimated costs and will be provided at the next meeting.

Mrs. Jones-Holt inquired if the units would be age restricted, Beth McManus responded "no". Mrs. Jones-Holt stated she was concerned with the project impacting the schools.

Mr. Wiant questioned why are we building in advance of need. Attorney Caldwell responded that there is a phasing obligation and COAH will no longer allow towns to build their affordable housing at the end of the cycle.

Mr. Wiant stated he was concerned with the town becoming a landlord and also concerned with the possibility of no one renting the units because of the location. Beth McManus advised the board that there is a need for affordable housing in the region and she did not feel there would be any problem renting the units.

Mrs. Jones-Holt inquired if the town had to own the land. Beth McManus responded that the town could give the land to a non-profit organization and Attorney Caldwell added that it is not likely the town would give up the land to a non-profit organization, there would be no incentive to give the land up, the town would probably want to hold ownership on the land.

Mrs. Jones-Holt inquired if purchasing the property would give us the credits the town needed and Beth replied that this purchase would fully satisfy the projected obligations.

Mr. Tranquilli inquired if the plan was adopted what the timeframe what be and Beth responded that she thought the town would have three years from filing the plan to have their first occupancy, but stated she was unsure on when the time starts and would check and advise the board at the next meeting.

Mr. McGuire commented that he was concerned about the timeframe, what happens if the owner does not want to sell and we end up in court in the meantime the clock is still running how could we meet the three-year deadline. Attorney Caldwell responded that once the ordinance for condemnation has been adopted and your appraisals are complete, if the developer says no to the sale the only issue in court is “how much” not “whether”. The owner of the property will not have a chance to stop you from moving forward.

Mrs. Jones-Holt commented that she has a problem with condemning the property and inquired what would happen if the plan were not adopted. Beth responded that it would open up the town to a builder’s lawsuit.

Beth McManus stated she would like the board to give their authorization to develop the plan with the 20 municipality sponsored rental units and she advised the board that the town will have the ability to amend the plan up to three times if the board can come up with a better solution at a later date.

A Motion was made by Mrs. Kovach, seconded by Mayor Schaumburg, to incorporate into the affordable housing plan the proposal presented by Beth McManus for the town to acquire 10 acres from the Summit Manor Tract and construct 20 municipality constructed units.

Roll Call Vote:

Ayes: Gallagher, Kovach, McGuire, Schaumburg, Tranquilli,
Nays: Jones-Holt, Wiant

5-2 Motion Passed.

Public Comment:

Mr. Matthew Williams, 70 West Main Street, stated he was concerned with the live ability issue on West Main Street and would like to have the board consider rezoning parts of West Main Street to Commercial.

Mayor Schaumburg stated that the Master Plan could look into his concerns and that he was welcome to attend the Master Plan Committee meetings.

Mr. Walter Hetzel, Main Street commented that the town is already using 7 acres on the Summit Manor Tract in connection with the wastewater treatment plant and commented that Summit Manor may insist on the town purchasing 17 acres in total.

Mrs. Dena Pender, Main Street, inquired why the property owner of Summit Manor was not notified of the proposed plan, Mayor Schaumburg responded that the board was just advised of the plan tonight, Mr. Gallagher added that the meetings are public and that the plan will not be voted on until two weeks.

Board of Adjustment Update:

Mr. Tranquilli advised the board that the sign committee is drafting a letter to send to business owners inquiring about their sign permits and that the committee will be meeting with Mr. Leonard to follow up on enforcement of the sign ordinance.

Voucher Approval:

A Motion was made by Mrs. Kovach, seconded by Mr. Wiant, to approve the attached voucher list:

All Ayes. Motion Carried.

Board Discussion:

Mr. McGuire questioned what was considered a “change of use” when a person opens a new business. The board asked for copies of the memo distributed by Carolyn Neighbor and John Leonard last year on their definition of a “Change of Use” so that further discussion could take place at the next meeting.

There being no further business a Motion was made by Mrs. Kovach, seconded by Mr. Wiant, to adjourn the meeting at 10:30pm.

All Ayes. Motion Carried

Respectfully submitted,

Allison McGinley
Planning Board