



## **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 6, 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 William Caldwell, Robert Clerico and Carl Hintz were present.

Mr. Sean Rogan was sworn in. Mr. Rogan will replace Mayor Schaumburg as the Mayor's designee.

#### **Roll Call:**

**Present:** Gallagher, Harrison, Insel, McGuire, Rogan, Trepkau, Hendricksen (arrived at 8:45pm)

**Absent:** Baka, Maher

#### **Approval of Minutes:**

A Motion was made by Mrs. Insel, seconded by Mr. McGuire, to approve the minutes of April 1, 2008:

**All Ayes. Motion Carried.**

**Abstain: Rogan**

#### **Site Plan Review Report:**

Mr. McGuire advised the board the site plan committee reviewed an application for a minor subdivision, everything seemed in order with the exception of a certified survey. The applicant was advised by the committee that a survey of the property would be required. Chairman Gallagher advised the board this application is the 7<sup>th</sup> item on the agenda and they will continue the discussion later in the meeting.

#### **Informal Discussion- Meyer Jabara Hotels- Block 3 Lot 2 OB-2 Zone:**

Attorney Al Rylak, Mr. John Madden, Planner and Joseph Modzelewski, Engineer were present. Attorney Rylak advised the board that his client is proposing to subdivide 3 acres of land to the West of the Holiday Inn. The Holiday Inn site, which currently has 8.98 acres, was granted site plan and Use Variance approval by the Board of Adjustment in 1994. Attorney Rylak stated that part of the Use Variance also included an FAR Variance of 43.6% and after going through the resolutions of approval it was unclear if the FAR included only the site that was being developed or the entire tract. If the area to the west of the

hotel is developed is will reduce the hotel FAR to 42.8 %. One suggestion his client has for the property is to construct an assisted living facility on the 3 acres, and asked the board for some feedback on the use. Mr. Hintz advise Attorney Rylak that the 2008 Master Plan has recommended assisted living facilities as a conditional use in the OB-2 zone. Attorney Caldwell recommended that they wait to see if the Master Plan will be adopted tonight.

**Minor Site Plan Application – Block 22 Lot 18.02- Frank Ruffa:**

Attorney Jay Thatcher, Mr. Frank Ruffa, applicant and Mr. Dominick Tomaro, owner of the building were present.

The following items were submitted into evidence:

- A1 Application Package
- A2 Certified 200 Foot List
- A3 Notice
- A4 Proof of Publication
- A5 Tax Certification
- A6 Site Plan Map prepared by Thomas L. Yager & Associates, dated May 1984
- A7 Architectural Rendering prepared by Wayne Batten dated December 2007
- B1 Van Cleef Engineering report dated March 31, 2008
- B2 Clarke Caton & Hintz report dated March 20, 2008

Mr. Frank Ruffa was sworn in. Mr. Ruffa advised the board that he is the owner of Domincks Pizzeria; he has worked at the pizzeria for 28 years and recently purchased the business six years ago. Mr. Ruffa is proposing to expand the pizzeria into the space that was previously occupied by an insurance company. The expansion includes taking out an interior wall between the pizzeria and the new space, expanding the kitchen, adding some more seating and a handicap bathroom. The expansion of the kitchen will include an upgraded hood system but no changes to the exterior venting will take place. Mr. Ruffa is not proposing any exterior changes, no changes to the signage, and no changes to the lighting.

Attorney Thatcher stated the site plan (exhibit A6) is the plan that was approved in 1984 when the second story addition was added. The site remains the same today as in 1984. The building has a total of 31 parking spaces, 7 in front and 24 located in the rear. Mr. Clerico's report indicates the parking spaces on site are deficient by seven and based on that Attorney Thatcher filed a variance application to request the expansion with no additional parking. Mr. Ruffa stated the parking spaces are 9' in width and it was his opinion that 31 spaces are more than adequate to operate all the businesses within the building. Attorney Thatcher advised the board that they had looked into shared parking with the owner of the Laundromat building next door and the owner agreed to lease Mr. Ruffa the spaces for \$6,300.00 per year. In addition, if the board required Mr. Ruffa to enter into the shared parking agreement it would leave the Laundromat site deficient in parking. Mr. Ruffa is requesting the board not impose this condition.

Mr. Ruffa addressed Mr. Clerico's report in regard to dumpsters and utilities. The location of the dumpsters will not change, currently there are three dumpsters one 4 yard container and two 2 yard containers which are located in the rear of the building approximately 12' from the stream on a grass area. The garbage is picked up once a week but if there becomes an overload the pickup can be changed to twice a week. There is no problem with the town supplying additional water and sewer for the expansion and no modifications to the existing grease trap will be necessary.

Mr. Ruffa stated the expansion is very minimal the expansion will increase the table count from 10 tables to 12 tables; the seating will increase from 40 people to 48 people. Mr. Ruffa advised the board that when the insurance company was operating there were 4 to 5 employees plus customers, so the overall increase is very minimal. Mr. Ruffa added that his business is 90% takeout and the only time the building is

occupied by all the tenants is during the day. Mr. Gallagher inquired if there were any plans for delivery service and Mr. Ruffa responded no. Mr. McGuire inquired if there was an option for customers to use the rear door, Mr. Ruffa responded no because the rear door access leads into the kitchen. Attorney Caldwell inquired about handicap access into the building, Mr. Ruffa responded there is a ramp in the front of the building but no designated parking space.

Mr. Dominick Tomaro, building owner was sworn in. Mr. Tomaro stated there is a parking space in the front of the pizzeria that he agreed to repaint and install signage designating the space as a handicap space.

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

**All Ayes. Motion Carried.**

Attorney Thatcher stated that this is a simple application that includes the expansion of 8 seats, there have been no objections from the public, the expansion will upgrade the interior space and would ask that the board grant this expansion conditional upon a 48 seat limit, designation of a handicap parking space in front of the building, complying with Mr. Clerico's report dated March 31, 2008.

A Motion was made by Mr. McGuire, seconded by Mrs. Insel, to approve the expansion of the pizzeria and waive the submission of a site plan application with the following conditions:

1. Variance granted for deficient parking spaces. 31 Totals Parking Spaces.
2. The expansion will not require any additional water and sewer connections (Per item # B2 of Mr. Clerico's review report dated March 31, 2008)
3. Designation of one handicap parking space in front of the pizzeria that complies with the ADA standards.
4. Seating will be limited to 48 in total
5. No Change in signage
6. No Change in Lighting.

**Roll Call Vote:**

Ayes: Gallagher, Harrison, Insel, McGuire, Rogan, Trepkau,  
Nays:

**All Ayes. Motion Carried.**

**Minor Subdivision Application for Block 21 Lot 21 / Block 21 Lot 22:**

Mr. Kenneth Bray, owner of 140 Center Street (block 21 lot 22) and Mrs. Hardingham, owner of 138 Center Street (block 21 lot 21) were present. The board agreed in order to deem this application complete for a public hearing a certified survey must be submitted showing the existing conditions and the proposed modifications. The survey should also reflect the zoning requirements of the zone so that the

board can determine if the lot line adjustment will create any variances.

A Motion was made by Mr. McGuire, seconded by Mrs. Harrison, to deem the application as submitted incomplete:

**Roll Call Vote:**

Ayes: Gallagher, Harrison, Hendricksen, Insel, McGuire, Rogan, Trepkau,

Nays:

**All Ayes. Motion Carried.**

The board advised Mr. Bray if the survey was submitted within 21 days of the next meeting date, they could hold a completeness hearing and public hearing on the same night.

**Public Hearing on The Town of Clinton 2008 Master Plan:**

The following were submitted into evidence:

- B1 Legal Notice
- B2 Certified Mailings

Mr. Carl Edward Hintz, from Clarke Caton & Hintz was sworn in. Mr. Hintz advised the public that the process of creating the new plan started on March 2007, they town held a community design vision study on June 2007 that included the participation of residents, business community, and various professionals. The Planning board held four workshops starting on October 2007 running through March 2008.

Mr. Hintz went through a power point presentation highlighting the 2008 Master Plan. The Master Plan includes the following:

1. A background analysis of existing land use, public lands, residential uses and commercial uses.
2. Environmental Mapping.
3. Geology Mapping.
4. Highlands Recommendations.
5. Four areas of study from the community design workshops:
  - a. Moebus Tract design solutions
  - b. Route 173 Corridor design solutions
  - c. Exit 15 design solutions.
  - d. West Main Street and lumberyard design solutions.
  - e. Industrial Tract.
6. Recommendations for all zone districts within the Town of Clinton.
7. Streetscape study recommendations
8. Historic preservation plan
9. Recreation and open space plan.
10. Common Facilities Plan

- 11. Utility Plan
- 12. Various maps.

A Motion was made by Mr. Hendricksen, seconded by Mrs. Insel, to open the meeting to the public:

**All Ayes. Motion Carried.**

Mr. John Madden resident of 9 Fairview Avenue and Professional Planner was sworn in. Mr. Madden stated he had participated in some of the workshops and would like to applaud the Town, Planning Board and Mr. Hintz on the work that went into creating the new Town of Clinton Master Plan. Mr. Madden added that he supports the recommendations for the Holiday Inn site to allow assisted living facilities as a conditional use; he believes this use is compatible with the site. Mr. Madden stated that he fully supports the new 2008 Town of Clinton Master Plan.

There being no further questions, comments or testimony, a Motion was made by Mr. Harrison, seconded by Mr. Hendricksen, to close the meeting to the public:

**All Ayes. Motion Carried.**

A Motion was made by Mrs. Harrison, seconded by Mr. Trepkau, to adopt the May 2008 Town of Clinton Master Plan:

The board all agreed that the plan was in keeping with the character of the town, that a lot of effort has gone into the new plan, that it was a benefit to involve the community in the workshops, the plan gives a real robust working document and gives us a vision of how the town wants to move forward in the future. Chairman Gallagher thanked all involved for a job well done. Mrs. Insel thanked the State and the County for all the grant monies, which totaled up to \$150,000.00.

**Roll Call Vote:**

Ayes: Gallagher, Harrison, Hendricksen, Insel, McGuire, Rogan, Trepkau,

Nays:

**All Ayes. Motion Carried.**

**Board Discussion of Meeting Procedures:**

Attorney Caldwell briefly went through meeting protocol with the board in regard to public hearings, testimony, opinions, conflicts of interest, protocol to follow outside of the board meetings, making a motion and findings of fact, Minor & Major Subdivision classifications.

**Proposed Steep Slope & Carbonate Rock Ordinance:**

The discussion will be carried to the June 3, 2008 meeting.

**Appointment of a Geotechnical Expert:**

Based upon Mr. Clerico's recommendation, a Motion was made Mrs. Harrison, seconded by Mr. Hendricksen, to appoint Mr. Joseph Fisher from Geoscience Services as the Geotechnical Consultant to review the results of the Geotechnical study that was submitted by Eastern Hill LLC.

**Roll Call Vote:**

Ayes: Gallagher, Harrison, Hendricksen, Insel, McGuire, Rogan, Trepkau,

Nays:

**All Ayes. Motion Carried.**

**Board Discussion:**

The board was in favor of Mrs. Insel filing the application for a Highlands Assessment Grant in the amount of \$15,000.00. Mrs. Insel advised the board the Smart Growth Committee is looking for new members to continue the next phase. At this time the Smart Growth has applied for an Engineering Grant for the circulation plan and the next step is to invite the public to present the circulation plan in detail. Chairman Gallagher thanked the Smart growth Committee, Mr. Carl Hintz and Beth McManus for all their hard work on the Master Plan.

**Voucher Approval:**

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

**All Ayes. Motion Carried.**

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

Respectfully submitted,

Allison McGinley  
Land Use Administrator.