



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on June 6, 2006 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Cagno
Hendricksen
Gallagher (arrived 8:00pm)
Jones-Holt
Kovach
McGuire
Schaumburg
Wiant

Absent:

Tranquilli

Attorney William Caldwell, Robert Clerico from Van Cleef Engineering, and Beth McManus 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. Jones-Holt, seconded by Mr. Wiant, to approve the minutes of May 2 and May 16, 2006.

All Ayes. Motion Carried

**Extension Request for Preliminary Site Plan Approval for Country View Builders
Block 1 Lot 60 & 60.02- Carried until July 18, 2006:**

Informal Discussion for James DeGroff- Block 13 Lot 1:

Attorney Al Rylak, Mr. James DeGroff and Mr. Franko Rea were present.

Attorney Rylak advised the board that he was here tonight to petition the board to consider holding a meeting to consider recommending a modification to council to amend the Town of Clinton Ordinance and allow financial institutions in the C1 Zone. Attorney Rylak stated the owner of the building Mr. DeGroff presently has a Use Variance application before the Board of Adjustment to permit Regal Credit Unit to operate out of his building. The Board of Adjustment recommended the applicant appear before

Council to find out why banks and financial institutions were eliminated from the zone in 2004 and from there the council recommended he come to the Planning Board.

Mrs. Megan Jones- Holt stated she was on the Master Plan Committee when the use was eliminated from the zone and there were several reasons why they removed banks and financial institutions. There is limited parking in the zone, concerns about traffic impact, and the area contains numerous banks so they wanted to encourage other types of businesses. Attorney Rylak suggested that all the concerns could be addressed in their presentation.

Mrs. Kovach inquired what the credit union will offer and Mr. Reas, Chairman of Regal Ridge Credit Unit explained the credit union proposes a 1,500 SF branch that will occupy one half of the first floor, the bank is member owned. Presently they are projecting 500 customers, 7 to 10 million dollar deposits. The bank will offer a range of services from savings, checking, holiday clubs, home equity loans and will provide an ATM cash dispensing machine.

Mrs. Kovach commented that after meetings with Clinton Main Street and the Clinton Guild, the merchants all expressed a need for an ATM in the area.

Mr. Hendricksen inquired if anyone could use the ATM and Mr. Reas responded "yes for members it would be free and for non-members a fee of \$1.00 will be charged".

Mr. Wiant inquired how many ATM transactions were anticipated and how many employees the bank would have. Mr. Reas responded that he is anticipating between 23-27 daily ATM transactions and the bank would have 5 employees. Mr. Wiant inquired about the relationship to the building parking lot and the entrance and if the bank will have designated parking spaces. Mr. DeGroff, owner of the building, stated that the parking lot will have 4 spaces designated for bank use.

Mayor Schaumburg commented thru conversations with the Smart Growth Committee and Clinton Main Street they had commented that the area was missing a bank as an anchor and that the location of the bank would draw people onto Leigh Street.

Attorney Rylak commented that the bank could be implemented into the area in such a way that it would keep up with the historic nature of the area and at this time he would like the board to consider holding a public hearing so the applicant could present his case.

A Motion was made by Mrs. Kovach, seconded by Mayor Schaumburg, to hold a formal hearing:

All Ayes. Motion Carried.

Attorney Caldwell advised Attorney Rylak to put together the notice for the town attorney and his approval and once approved the town would send out the notices. Attorney Caldwell advised Attorney Rylak if he could get his presentation together there was a possibility of being heard on July 18, 2006.

Change of Use Discussion:

Beth McManus advised the board that the Town of Clinton does not have a clear definition of what is considered a change of use, which she feels is important for the zoning officer and business owners to all have a clear set of standards. Beth has prepared an outline dated June 5, 2006, which proposes to define what should be considered a change of use. The definition was taken from the North American Industrial Classification System, which references a three-digit subsector code and is also used by the Federal Government. The outline breaks down all of the business uses by codes.

Mr. Wiant commented that he liked the idea of a clear definition but was concerned with the grouping of the codes for example an auto part store falls under the same coding as a car dealership. Mr. Wiant added that when a change of use occurs the concerns are the intensification of the use and presently he is not

sure the codes in the memo address that. Mr. Hendricksen added that the three-digit code system is not specific enough. Beth responded that her office could take a look at the breakdown.

Mr. Hendricksen commented that the Planning Board used to require every change of tenant come before the board and it seems that within the last 10 years the board has lost some control on what types of business goes in and the intensity of use. Mr. Wiant added that it is beneficial when applicants appear before the board it gives us a chance to discuss streetscape. Beth advised the board that one way to regulate a change in tenant is to have them fill out a zoning application to determine compliance.

Attorney Caldwell suggested that the ordinance could require everyone to come for site plan and the board could plug in the exceptions to the ordinance. Mr. Hendricksen responded that if the change of tenancy can be approved by the zoning officer it would make it more flexible and avoid people waiting a month. Attorney Caldwell suggested the board should do a survey on what businesses exist now and to correlate the two.

The board agreed to have the Master Plan Committee meet at 6:30pm on July 18, 2006 to discuss the definitions and coding in more detail. A list of existing businesses will be obtained from Jack Daniels and forwarded to the Master Plan Committee.

Public Comment:

Whitney Wetherhill, West Main Street, commented that the board should get a current inventory of the businesses that exist and have each business owner confirm the type of business they are operating. Ms. Wetherhill also suggested the board keep it as flexible as possible thinking in terms of what are the forbidden uses rather the permitted uses.

Walter Hetzel, Main Street, commented that he was concerned that the town will place too many demands on the merchants that will make businesses leave town.

Dena Pender, Center Street, suggested that it would be a good idea to have a meeting with the entire business community to discuss these problems. Dena added that a lot of merchants are finding it harder and harder to stay because of the lack of business. Mayor Schaumburg responded that a meeting was set up with the state and Clinton Main Street and only 20 people showed up. In addition the sign committee had an open meeting for merchants and only 3 merchants showed up. Mrs. Kovach inquired how to express to the merchants the importance of becoming involved in the town meetings. Dena suggested Block Captains.

Mr. John Baka, Water Street, advised the board that Clinton Township has an application before them to allow an 11,000 SF office building and bank on Center Street and that the board should have received a copy of the traffic engineer's report. Mr. Baka commented that he urges the board to look at the report and give the township their comments and input. Mayor Schaumburg asked Allison to find out when the meetings are and to email the Planning Board.

Master Plan Committee Update:

Beth McManus advised the board that after meeting with the Affordable Housing Sub-Committee and listening to the concerns expressed last month she has prepared a draft of the new affordable housing plan dated June 2, 2006, which the board has a copy of. Beth advised the board that a public hearing has been scheduled for June 20, 2006 to go over the plan and recommend to council the adoption of the new plan. Some changes to the plan are revisions to the residential portion of the growth share projections, which are outlined on page 14. The changes in the plan eliminate the 20 municipality sponsored units on the Summit Manor Tract and now include 16 affordable units on the Moebus Tract, 5 units on the Twin Ponds Tract, 2 units at Clinton Garden Apartments and 10 municipal sponsored rental units.

Mr. Wiant inquired if the town had an indication on when Clinton Garden Apartments plan to build the 22 approved apartments and Beth indicated they would be contacting them to get a timeframe. Mr. Wiant inquired if Clinton Garden's did not build and it was not included that it would bring the total down by 20 instead of 44 and Beth responded it would reduce it from 44 to 22 units. Beth stated she would try to confirm a timeframe with Garden Apartments.

The non-residential projections are outlined on page 18 of the report. The non-residential growth projections are based upon the following approved projects; Clinton Management, Moebus Office Building, Main Street Retail, and Ansuya which are projected to be built within the next 7 ½ years.

Mr. Wiant inquired if the FAR would be reduced on the Moebus Tract to accommodate the affordable housing; Beth responded she would need to confirm that with COAH.

Mr. Clerico inquired about George Lee's office/retail building approval under the non-residential growth and Beth responded she would was not aware of the approval and would have to include the square footage under the non-residential growth calculations, which would increase the four developments to five.

Beth advised the board that there are three tracts of land in the town, The Moebus Tract, Summit Manor Tract and the A&P Tract and the only tract anticipated to be developed within the third round is the Moebus Tract. The total growth share obligation under the new proposal has been reduced from 44 units to 31 units.

Mr. Wiant inquired about the outcome of including the group home and Beth responded that the group home on Leigh Street was in operation in 1980, she still needed some documentation to certify the affordability controls but is 75% confident that she can include the group home in the projections. Mr. Wiant inquired if the group home was included how would that impact the numbers and Beth responded it would reduce the municipality sponsored rental units to 4. Beth advised the board that she will find out before the next meeting if the group home will be included and if the documentation has not been received in time the plan could always be amended in the future.

Mrs. Jones-Holt inquired if it would make sense for the town to approach the owner of the Tomato Café Building to inquire about the apartments on the second floor, Beth responded "yes" that it would make sense.

Mr. Wiant commented that the questions now are if the group home should be included, the timeframe for the garden apartments and what the FAR should be on the Moebus Tract to reduce development.

Beth responded that there will be a couple of changes to plan that she will present on June 20th and she will provide the board members with a revised copy before the end of the week.

Voucher Approval:

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

There being no further business a Motion was made by Mrs. Kovach, seconded by Mr. Wiant, to adjourn the meeting at 10:05pm.

Respectfully submitted,

Allison McGinley
Board Secretary

