



## **TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

Clinton, N.J. 08809-5194

(908) 735-8616 FAX (908) 735-8082

### **PLANNING BOARD**

Minutes of the Town of Clinton Planning Board meeting held on July 3, 2007 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Vice Chairman McGuire 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, Mr. Robert Clerico, Van Cleef Engineering and Beth McManus from Clarke, Caton & Hintz were present.

#### **Roll Call:**

**Present:** Baka, Hendricksen, Insel, Maher, McGuire, Schaumburg,

**Absent:** Gallagher, Harrison, Tranquilli

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

A Motion was made by Mrs. Insel seconded by Mr. Baka, to approve the minutes of June 5, 2007.

**All Ayes. Motion Carried.**

**Abstain: Hendricksen**

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

Mr. Hendricksen advised the board that the Committee met on June 19, 2007 to review the final site plan application that was submitted by Z&F LLC. The applicant and the applicant's attorney were present at the Site Plan meeting. Mr. Hendricksen gave the board an overview of the deficient items and based on the items submitted the Site Plan Committees recommends the Planning Board deem the Final Site Plan application incomplete.

A Motion was made by Mr. Hendricksen, seconded by Mr. Baka, to deem the Final Site Plan Application incomplete:

Roll Call Vote: Baka, Hendricksen, Insel, Maher, McGuire, Schaumburg,

**All Ayes. Motion Carried.**

Mr. Hendricksen advised the board the applicant has submitted revised plans that will be reviewed at the next Site Plan Committee meeting on July 17, 2007 at 7:30pm.

**Preliminary & Final Subdivision Application – Block 23 Lot 6- 58 Leigh Street- Latino:**

Attorney Walter Wilson, Mr. James Mantz, PE and Sal Latino, Applicant were present.

The following was submitted into evidence:

- A6 Revised Major Subdivision plan dated 6/19/07
- B7 Report by Beth McManus dated 6/26/07
- B8 Letter from the Town of Clinton Chief of Police dated 7/2/07

Attorney Wilson advised the board that they had received an updated report (exhibit B7) from Ms. McManus which the applicant will comply with.

Mr. Mantz advised the board that since the last meeting he went out to visit the site to perform some additional testing on the soil. It is his conclusion that the soil is suitable for drywells which will help minimize the water run off from the roofs. Mr. Mantz testified that on June 13, 2007 they went out to the site with a backhoe and after excavating 10 feet down they encountered river gravel. Mr. Mantz concluded that the soil is very suitable for drywell construction and the plans have been revised to add drywells behind each dwelling. Mr. Mantz testified the inlet has been relocated between the property lines of Lot 6.02 and Lot 6.03, which would require a cross easement between the property owners which would be part of the property deeds. Mr. Mantz advised the board that the utility lines run from the utility pole located on westerly side of Riverside Drive, the lines will cross over into a conduit and will run into undergrounds trenches.

Mr. Clerico advised the board under section 10 (special conditions) of the NJ DEP permit they have acknowledged that the flood elevation is 190.24 feet and they are requiring that special condition 10 of the NJ DEP permit be recorded in each property deed. Attorney Wilson indicated that the applicant will record the condition in each deed and if the board desires can insert the Town of Clinton in the language.

Mr. Clerico advised the board that the outstanding conditions that have to be met are:

- 1). A Performance Bond must be posted as outlined in my letter dated June 1, 2007.
- 2). An Easement must be drafted between the property owners of Lot 6.02 and 6.03
- 3). Appropriate approvals must be obtained from the Town of Clinton Water & Sewer Departments.
- 4). Utility company approvals must be obtained for the location of the proposed utilities and if any changes are necessary, the plans must be updated to reflect the change in location.

Mr. Clerico recommended to the board that the applicant meet all the conditions of the preliminary approval before the board votes on the final application.

Mr. Baka asked for clarification concerning how and when buyers will be notified of the potential flooding of their property. Attorney Caldwell suggested a seller's disclosure statement; Attorney Wilson suggested that an addendum can be attached to the contract of sale, which will duplicate the language supplied under condition 10 of the NJ DEP permit.

Mr. Hendricksen inquired about a Regulated Use Permit; Attorney Wilson responded the applicant will apply for the permit through Mr. Cutter's office once approval is granted from this board. Mr. Hendricksen commented that the driveway on the plan is shown as 18' wide, the garage doors are shown as 8' wide and commented that more space is needed and suggested the driveway should flare out at the top by the garage. Mr. Mantz stated that he agreed and will revise the plans to reflect a flared out driveway.

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

All Ayes. Motion Carried.

Attorney Wilson stated that he was finished with his testimony and he would like the board to consider waiving the installation of the sidewalks and in lieu of sidewalks the applicant would donate the cost of the sidewalks to the town for a sidewalk maintenance fund.

A Motion was made by Mayor Schaumburg, seconded by Mrs. Insel, to grant preliminary site plan approval conditioned upon the applicant meeting the following conditions:

- 1). Conditions set forth by Mr. Clerico’s letter dated June 1, 2007
- 2). Conditions set forth in Ms. McManus’s letter dated June 26, 2007
- 3). Revised plans to reflect the flared driveways
- 4). The deed to reflect condition # 10 of the NJ DEP permit and an addendum reflecting the same language be added to the contract of sale
- 5). A sidewalk donation to the Town of Clinton, in lieu of providing sidewalks. The amount to be determined by Mr. Clerico.

**Roll Call Vote:**

Ayes: Baka, Insel, Maher, McGuire, Schaumburg,  
 Abstain: Hendricksen

**Motion Carried.**

Attorney Wilson requested the board act on the final site plan application with a condition that the preliminary conditions must be satisfied. Attorney Caldwell stated he was not in favor of granting the final before the applicant satisfies all the preliminary conditions. Attorney Wilson stated that since the final application was filed he suggested an extension be granted on the time to act until the end of the year. Attorney Wilson stated that would give the applicant time to meet all the preliminary conditions.

A Motion was made by Mayor Schaumburg, seconded by Mr. Baka, to grant Mr. Latino an extension to act on the Final Site Plan Application until December 4, 2007:

**Roll Call Vote:**

Ayes: Baka, Hendricksen, Insel, Maher, McGuire, Schaumburg,  
 All Ayes.

**Motion Carried.**

**Master Plan Committee Update:**

Mrs. Insel advised the board the Committee met on June 19, 2007 and discussed the following items: Steep Slope Ordinance; Big Box Ordinance; design standards for new development; adoption of the pedestrian/bicycle plan, and traffic calming measures. Mrs. Insel commented that it is important that we keep track of what things have been discussed. Mrs. Insel inquired if the streetscape plan can be adopted into the Master Plan and Ms. McManus responded that it can be adopted into the Master Plan as a sub-element. Mrs. Insel advised the board that the Committee raised water concerns and what effect it will have in the future, Mrs. Insel questioned if it is a state regulation that the Town of Clinton has to follow the 100-year flood plain. Mrs. Insel commented that the committee is looking for a more accurate way to view our town rather than relying on the 100-year terminology. Mr. Clerico responded that the 100-year flood plain is a statistical assessment, which means there is a 1% chance of occurrence in any given year. Mayor Schaumburg commented that the Town can look at changing our zoning standards in a flood zone.

**Smart Growth Update:**

Mrs. Insel advised the board that Mr. Hetzel will replace Mr. Urmston on the committee. The Vision workshop was held on June 16, 2007 at CPS. Approximately 20 professional planners volunteered their time, there were representatives from NJDOT, NJ Office of Smart Growth and other planning organizations; about 40 residents and 10 business owners were present. The targeted areas were RT 173, West Main Street, the Industrial Tract and the Moebus Tract property. The results of the vision study will be presented by Carl Hintz at the next Smart Growth Committee Meeting on August 2, 2007 at 7:30pm

Mayor Schaumburg advised the board that Hunterdon County Planning Board sent a representative who thought the charette was fantastic and commented that this was the first meeting of its kind in Hunterdon County. Mayor Schaumburg thanked Mrs. Insel for her 6 months of planning and organizing the meeting and the grant monies.

Mayor Schaumburg stated the NJ DOT has approved the use of quiet pavement and by next summer the Town's section of Route 78 should be paved. In addition, the NJDOT is looking at putting in fencing by the RT 78 overpass by Clinton Public School.

**Voucher Approval:**

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

All Ayes.          Motion Carried.

**Board Discussion:**

Mayor Schaumburg advised the board that she was approached by Mr. Alex Reisner of Clinton Management regarding coming back before the board. Mr. Reisner has commented that the market for office buildings is not that good and he would like to consider coming back before the board to discuss retail use. At this time he is looking for some feedback and the Mayor asked the board and the planner to think of some appropriate uses for the site and the town.

There being no further business a Motion was made by Mr. Baka, seconded by Mrs. Insel, to adjourn the meeting at 9:15pm.

All Ayes.          Motion Carried.

Respectfully submitted,

Allison McGinley  
Land Use Administrator.