



## **TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

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### **PLANNING BOARD**

Minutes of the Town of Clinton Planning Board held on August 4, 2009 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".

#### **ROLL CALL:**

**Present:** Baka, Gallagher, Hendricksen, Insel, Maher, McGuire, Paul, Rogan,

**Absent:** Trepkau

Attorney William Caldwell, Robert Clerico, Carl Hintz and Lisa Specca from Clarke Caton & Hintz were present.

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

A Motion was made by Mrs. Insel, seconded by Mr. Baka, to approve the May 5, 2009 minutes with the following change:

Under Smart Growth report- change grant money to \$850,000.

**All Ayes.**

**Motion Carried.**

**Abstain:**

**Hendricksen**

#### **Request for Extension of Final Site Approval- Block 18 Lot 5- Z&F LLC:**

Attorney Lloyd Tubman and John Fallone applicant were present.

Attorney Tubman advised the board they are here tonight to request a one-year extension on their final site plan approval which the board granted on October 2, 2007. Attorney Tubman stated that the DOT improvements have been installed, inspected and approved at this time. The DEP approvals are in place and have been extended. Due to current market conditions the project has been delayed, however, the applicant intends to proceed forward with construction of the two \$50,000 square foot office buildings when the market starts to recover. Attorney Tubman asked the board to grant the one-year extension on the final site plan approval, which will be valid to October 2, 2010.

A Motion was made by Mr. Hendricksen, seconded by Mrs. Insel, to grant a one-year extension of the Final Site Plan Approval to October 2, 2010:

Mr. Baka brought up a concern that has occurred in Clinton with two properties that received approval, the developers started to clear the land, excavated ditches and then construction came to a halt, which has left the sites with open ditches and inquired if any additional provisions can be put in place to prevent this happening with this approval. Mr. Fallone stated it is his intention to proceed forward with construction and he has no intention of leaving the site excavated with open ditches. Attorney Tubman stated they have no problem adding as a condition that the bond required to be posted cover the cost of restoring the site in the event site construction comes to a halt and is left with open ditches. Mr. Hendricksen added there should be language to cover this in the event construction stops in the Developer's Agreement.

**Roll Call Vote:**

Ayes: Baka, Gallagher, Hendricksen, Insel, Maher, McGuire, Paul, Rogan,  
Nays: All Ayes. Motion Carried

**Sign Ordinance Review:**

Chairman Gallagher requested the Master Plan Committee meet with Mr. Daniels, the Town of Clinton Code Enforcement Officer to review the concerns and proposed amendments and then report back to the Planning Board. The next meeting of the Master Plan is August 18, 2009.

**Highlands Presentation:**

Lisa Specca from Clarke, Caton & Hintz presented the Planning Board with a power point presentation highlighting where we are with the Highlands at this time. The overview included the following:

**Highlands region-** 18% of the States land mass falls within the highlands. 65% of the State's drinking water comes from within the Highlands Region.

**Effective Date-** Effective date of the Highlands Water Protection and Planning Act was August 2004. In September 2008 an act was created to allow the DEP to review applications for major development within the preservation area and the Highlands Council reviews applications within the planning area. Conformance is mandatory in the preservation area and voluntary in the planning area, most of The Town of Clinton is in the Planning Area.

**Overlay Zones-** The Highlands Plan has 3 Zones and 4 Sub-Zones: 22% of land falls within the **Protection Zone**; 0% falls within the **Conservation Zone**; 62% within the **Existing Community Zone**. .07% falls within **Wildlife Management Sub-zone**; 0% in the **Environmentally Constrained Sub-zone**; 3% in the **Existing Community Environmentally Constrained Sub-zone**; and 12% in the **Lake Community Sub-zone**. Within the Planning Area the Protection Zone is the most restrictive and the existing community is the most permissive.

**Proposed Land Use Capability Map-** During the first initial assessment it was determined that some changes were necessary to The Town of Clinton's mapping due to some factual data errors. The proposed changes would need to have the Governing Body's recommendation, which would come at a later phase.

**Conformance Benefits-** The Town would acquire the following benefits if they opted into the Highlands Plan; Legal Shield, Grant money, State Plan Endorsement; and COAH obligations would be substantially lower.

**Preliminary Build Out Results in the Planning Zone-** 15 sewer residential units; 3 septic units; and 463 non-residential jobs created. The Highlands build out numbers will determine the third round affordable housing obligations, which are less than what COAH suggested. In addition, conforming municipalities may be eligible to participate in the highlands “RCA” program.

**Next Step:** The Master Plan element is currently being created; A public meeting must be held to solicit citizen input on the Highlands Conformance process; The Governing Body must make a final decision on “opting-in” for the Planning Area before December 2009.

**Final Step-** Basic plan conformance must be completed by December 8, 2009.

Lisa Specca advised the board funding to implement the changes and ordinances will be funded by Highlands and in the next several years’ different programs will have to be implemented for full conformance with Highlands Master Plan.

Due to time limitations the board agreed that it would be better to hold the public meeting on a Council Meeting night, after taking a poll of the members available from the Planning Board the date for the Public hearing will take place on September 22, 2009.

**Voucher Approval:**

A Motion was made by Mr. McGuire, seconded by Mrs. Insel, to approve the vouchers (list attached):

**All Ayes. Motion Carried.**

**Board Discussion:**

Mrs. Insel inquired if it would be a benefit to the town to create an Ordinance requiring any properties within the flood plain to secure items such as dumpsters, picnic tables, propane tanks, etc. Mr. Hendricksen commented that he believes the DEP requires that and that language should be included in our regulated use permits. Mrs. Insel inquired due to the recent flooding is there any recourse the board has with DEP for developments that were approved in the flood zone that have not yet been built. Presently Mr. Cutter is working with Mr. Clerico on looking at the water flood marks and preparing updated information for the FIMA Map.

A Motion was made by Mr. Maher, seconded by Mr. Baka, to open the meeting to the public;

Mr. Donald Yeske, 93 Center Street commented that other areas in the town are also subject to water and if the Town is going to consider new watermarks he would like the rest of the town surveyed.

Mr. Walter Hetzel, Main Street commented on Main Street and the rise of the water from the Beaver Brook overflow.

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

**All Ayes. Motion Carried.**

There being no further business, A Motion was made by Mr. McGuire, seconded by Mr. Baka, to adjourn the meeting at 9:20pm.

**All Ayes. Motion Carried.**

Respectfully submitted,

*Planning Board*  
Allison Witt  
Land Use Administrator

*August 4, 2009*