



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on September 2, 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".

Chairman Gallagher welcomed Mr. Doug Paul to the Planning Board.

Roll Call:

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

Absent:

Beth McManus was present.

Approval of Minutes:

A Motion was made by Mr. McGuire, seconded by Mr. Rogan, to approve the minutes of July 1, 2008 with the following correction:

Page 2 line 8 under steep slope ordinance: - insert *newly announced* standards might be worth considering.

All Ayes.

Motion Carried.

Abstain:

Insel, Hendricksen, Trepkau, Paul

Site Plan Review Report:

No new applications have been submitted.

A Motion was made by Mr. Hendricksen, seconded by Mrs. Insel to suspend the agenda:

All Ayes.

Motion Carried.

Final Subdivision Application- Block 23 Lot 6- Latino:

Attorney Walter Wilson advised the board his applicant is finalizing the plan details and is not ready to proceed with the application tonight. The applicant is working with the utility company on finalizing the location and layout of the utilities so they can be updated on the final plans. Attorney Wilson consented to an extension on the time period the board has to act, and will follow up with an extension in writing.

Hunterdon County Planning Board- Rick Steffey:

Mr. Steffey advised the board he was here tonight to talk very briefly about two items.

The first item is the Water Quality Management Plan (WQMP). The County is responsible for coordinating the WQMP program for the State. On September 30, 2008 the county will hold a public informational roundtable meeting to go over the rules and responsibilities of each municipality. He would encourage the Planning Board members to attend.

The second item is the Hunterdon County Planning & Design Program. The purpose of this program is recognizing outstanding planning accomplishments in Hunterdon County. Last year Clinton received three awards for three different projects. A new award will be offered this year called the "Transportation award" and to keep in mind that Clinton's Sidewalk Circulation Plan will fall under this category. He asked the board to consider any projects they would like to nominate.

The Board thanked Mr. Steffey for his updates.

Mrs. Insel asked the board for permission to submit a DOT Grant. A Motion was made by Mr. McGuire, seconded by Mr. Hendricksen, to submit the DOT Grant: **All Ayes. Motion Carried.**

A Motion was made by Mrs. Insel, seconded by Mr. Baka, to unsuspend the agenda: **All Ayes. Motion Carried.**

Review of Ordinance amending the OB-1 & OB-2 Zone:

Beth McManus advised the board there are three sections to the ordinance. The first section deals with the definitions, the second section outlines the uses in the OB-1 zone and the third section outlines the uses in the OB-2 zone. The ordinance was prepared in accordance with the Master Plan.

Change to the OB-1 zone is as follows:

Permitted Uses Section A (4)- delete laboratories as a permitted use.

Changes to the OB-2 Zone are as follows:

Permitted Uses Section F.- delete scientific or research laboratories as a permitted use.

Conditional Uses Section H (3)- Add assisted living facilities as a permitted conditional use.

Mr. Baka was concerned that if we allow non-profit clubs, lodges, fraternal, civic and charitable as permitted uses in the OB-1 zone, it would take the uses off the tax roles. Mr. Paul added allowing churches and similar places of worship, as conditional uses in the OB-1 zone would also effect the tax ratables. Chairman Gallagher stated there should be an equal balance between economics and community needs and he is in favor of leaving both in under allowable uses in the zone. Beth McManus advised the board that when considering uses within a zone the board needs to think about the character of the uses and appropriateness of the uses within a neighborhood.

Beth McManus advised the board that under Section 3- OB-2 zone section B-the ordinance incorporates some of the conditions that an applicant would have to comply with in order to have an assisted living facility. Mr. Hendricksen stated section B item 9 does not give the applicant any details on what type and size of sound barrier and suggested that instead of a sound barrier perhaps the board can come up with a standard of acceptable interior noise level that the applicant would have to comply with. Beth McManus suggested that the advantage to the sound wall is it will provide protection for the entire site not just inside a building. After further discussion, Beth will propose a standard that can be used to determine an acceptable ambient noise level for an assisted living faculty that the board can review.

Mr. Baka stated he was still uncomfortable with non-profit uses in the OB-1 zone due to the effect on tax

ratables. Beth McManus stated she was concerned about the legal ramifications of excluding the uses and would look into the legal issues and get back to the board. Mr. Paul questioned the COAH impact on the different uses, Beth McManus replied that all uses create different COAH Growth share obligations, office buildings generate the highest growth share and churches are exempt.

Beth will make some revisions to the proposed ordinance for the board to review at the next meeting.

Discussion of Highlands Plan and State Plan:

Mrs. Insel advised the board that presently the Highlands Commission are negotiating with the Office of Smart Growth that if you opt into the Highlands Plan you are automatically in the State Plan, this decision will be reached within a couple of weeks. Mrs. Insel stated she would like to apply for the Highlands Planning Assistant Grant which would give the town \$15,000.00 towards a determination study to see how the town will fit into the Highlands Plan. Mr. Baka stated the immediate concern is to protect ourselves from a builders remedy lawsuit, Beth replied that applying for the grant is the first step. Mr. Paul inquired if the COAH obligation is exactly the same under both plans; Beth McManus responded yes the production of affordable housing is linked to growth share projection. Mr. Gallagher inquired what the benefit is to opt into the Highlands plan, Mrs. Insel replied that the Highlands Plan will offer some legal assistance if the municipality is sued by a developer.

A Motion was made by Mr. Rogan, seconded by Mr. Paul, to submit the application for the Highlands Planning Assistance Grant.

All Ayes. Motion Carried.

Voucher Approval:

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

All Ayes. Motion Carried.

Adjournment:

There being no further business a Motion was made by Mrs. Insel, seconded by Mr. Rogan to adjourn the meeting at 9:05pm:

All Ayes. Motion Carried

Respectfully submitted,

**Allison McGinley
Land Use Administrator**