



**TOWN OF CLINTON**  
INCORPORATED APRIL 5, 1865  
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## **Board of Adjustment**

Minutes of the Town of Clinton Board of Adjustment meeting held on March 24, 2008 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Tranquilli called the meeting to order at 7:30pm and read the "Administrative Statement" and the "Statement of Adequate Notice":

"Meetings are held on the fourth Monday of each month when an application is pending before the board. The application must be filed at least 21 days prior to the meeting date. Meetings begin at 7:30pm and are adjourned no later than 10:30pm. Fees are charged on a per meeting basis".

"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".

Mr. Caldwell and Mr. Clerico were present, Mr. Hintz arrived at 8:30pm.

### **ROLL CALL:**

**Present:** Berson, Feldmann, Gallo, Querry, Tranquilli, Trepkau, Wetherill

**Absent:** Bohnel,

### **Approval of Minutes:**

A Motion was made by Mr. Querry, seconded by Mr. Berson to approve the minutes of February 25, 2008:

**All Ayes.**

**Motion Carried**

**Abstain:**

**Berson, Feldmann, Tranquilli, Trepkau**

### **Voucher Approval:**

A Motion was made by Mrs. Gallo, seconded by Ms. Wetherill, to approve the following voucher:

Van Cleef Engineering                      BOA General Matters (Jan 2008)                      \$64.00

**All Ayes.**

**Motion Carried**

### **Application for an Amended Site Plan Approval- Ansuva Enterprise LLC of Clinton- Block 17 Lot 2, Block 18 Lots 2.03, 2.04 & 6:**

Attorney Howard Apgar, Mr. Gary Dean, NJ Licensed Engineer from Dolan and Dean, and Mr. Hemant Desai, applicant were present.

The following items were submitted into evidence:

A7- Architectural rendering sheet 1 of 5 prepared by Tylman Moon revision date 2/12/08.

A8 Letter prepared by Gary Dean dated 3/7/08.

IP, Judith Kemprowski was present and advised the board that she believed there was a blatant conflict and requested the board contact the emergent judge immediately to determine whether the hearing could move forward. Attorney Caldwell responded he did not believe there was a conflict and Judith Kemprowski had adequate time to show cause, at this time he did not feel it necessary to call a judge and advised the board to proceed forward. The board put the meeting on hold for 5 minutes to allow Mrs. Kemprowski time to reach the emergent judge.

**Board Discussion:**

Chairman Tranquilli advised the board that Mr. Holt has resigned from the board, the board thanked Jack for his many years of service. Chairman Tranquilli advised the board that Eric Trepkau has replaced him as the liaison to the Planning Board.

IP, Judith Kemprowski was unable to reach the emergent judge the board proceeded forward with the hearing on Ansuya Enterprise of Clinton LLC.

Attorney Apgar advised the board his applicant has an existing approval given by this board in July 2004 and since that time there have been significant changes in the hotel market. The applicant is proposing to relocate all of the meeting space to the first floor and increase the size of the meeting space by 400 SF.

Mr. Hemant Desai, applicant was sworn in. Mr. Desai advised the board that this project started in 1998 as a 63 room hotel, then in 2002 was approved as a 73 room hotel and after the applicant acquired more land the board approved a 100 room hotel, restaurant and office building. Through the years the trend in the hotel market has changed and in order to attract a "higher end hotel chain" that caters to the corporate market a larger meeting space is necessary. Mr. Desai stated the proposed application changes the meeting room space from 3,900 to 4,300 SF, which is an increase of 400 SF. The proposed meeting space will now be located entirely on the first floor and will be broken into two rooms. The first room will have 1,266 SF and will have the ability to be broken into two small rooms by a wall divider, the second meeting space will be 3,076 SF and will have the ability to be broken into four smaller rooms by wall dividers. The guest rooms that were originally on the first floor will be relocated to the fourth floor.

Ms. Wetherill inquired if the applicant plans to put in a walking trail, Mr. Desai responded not at this time. Mr. Tranquilli questioned what a "higher end hotel chain" means. Mr. Desai stated that he is presently working with Fairfield Suites, which generates higher daily rates, which increases the revenue and increases the taxes. The original franchise he was working with was a comfort Inn which is a class "C" hotel and at this time he is trying to attract a class "B" hotel.

Chairman Tranquilli opened the meeting to the public and there were no questions for Mr. Desai.

Mr. Gary Dean from Dolan and Dean was sworn in. Mr. Dean advised the board he reviewed the revised plan from a parking perspective and his findings are summarized in his letter dated March 7, 2008. His data was compiled by the Urban Land Institute shared parking standards, which recommends 20 parking spaces per 1,000 SF of meeting space, which equates to 87 spaces. The concept of shared parking within the office, hotel and restaurant has also been outlined in his letter dated March 7, 2008. Mr. Dean testified that he was confident that the site has adequate parking to accommodate the extra 400 SF of meeting space.

Mr. Feldmann inquired if the original proposal utilized the shared parking concept and Mr. Dean responded the shared parking premise is the same as what was originally approved.

Mr. Clerico inquired about food service for the hotel, Mr. Dean responded the hotel will have a warming kitchen that will house coffee pots, warming trays, and microwaves for a continental breakfast, no ovens or cooking will be done on the hotel site. Mr. Clerico inquired about the occupancy load the meeting space can accommodate, Mr. Dean stated he was not an expert in the area of occupancy load but he felt the larger space could accommodate approximately 100 people. Mr. Clerico inquired if the space was a viable use to hold wedding rentals, Mr. Desai responded only if outside catering could be obtained.

Mr. Berson inquired if a traffic study on ingress and egress site traffic was done, Mr. Dean stated a traffic study was completed on the original application however an updated study for the amended site plan was not done.

Mr. Clerico inquired if the applicant had obtained a Major NJDOT permit, Mr. Dean responded yes the permit is still open and they will provide the board with a copy.

Attorney Apgar stated that this concludes his testimony, the change the applicant is requesting is very important to the success and the realization of the hotel and would ask the board for a favorable consideration of the amended site plan.

IP, Judith Kemprowski stated that the amended site plan is in violation of the confidentiality agreement signed by the Kemprowki's, the applicant and Attorney Caldwell and at this time is requesting all parties hold to the confidentiality agreement. Attorney Apgar stated that this amended site plan application does not violate any agreement. Attorney Caldwell advised the board that he signed the agreement several years ago on behalf of the board and since some time has passed if the board needed to refresh their memories on what was in the agreement they could enter into an executive session.

A Motion was made by Mrs. Gallo, seconded by Mr. Trepkau, to enter into an Executive Session at 8:35pm to discuss the settlement agreement. No official action to be taken until the board reconvenes.

Roll Call Vote:

Ayes: Berson, Feldmann, Gallo, Querry, Tranquilli, Trepkau, Wetherill .

Nays: All Ayes. Motion carried.

Chairman Tranquilli called the regular meeting back to order at 8:40pm and asked if Mr. Hintz had any comments or questions. Mr. Hintz would ask that the applicant install walkways that connect the office building and restaurant to the hotel, Mr. Desai agreed. Mr. Clerico commented that the applicant has addressed and agreed to his comments in his review letter and for the record asked the applicant if the hotel fitness center is for hotel guests only, Mr. Desai responded yes.

IP, Judith Kemprowski asked the board to look at paragraph # 9 in the stipulation and Paragraph # 7 in the resolution of July 26, 2004, but would not waive her right to confidentiality. Attorney Apgar objected and Attorney Caldwell stated that Mrs. Kemprowski should have asked this before the board entered into executive session.

There being no further comments a Motion was made by Mr. Trepkau, seconded by Ms. Wetherill, to approve the amended site plan allowing the increase in the square footage of the meeting space subject to the following conditions:

1. Applicant will come back before the board for sign approval once a tenant has been secured.
2. Applicant will comply with the agreed upon items in Mr. Clerico's review letter dated 1/25/08.
3. Applicant will comply with the agreed upon items in Mr. Hintz's letter dated 1/9/08.
4. Applicant to submit approval from NJDOT
5. Applicant to submit written approval of the amended plan from the Town Emergency Services.
6. All prior approvals, conditions and stipulations not effected by the amended site plan approval remain in full force and effect.

Ms. Wetherill questioned whether the board should consider asking the applicant to change the chainlink fence to another type of fencing, after further discussion the board agreed the 6' chainlink fence was fine.

**Roll Call Vote:**

Ayes: Berson, Feldmann, Gallo, Querry, Tranquilli, Trepkau, Wetherill .

Nays: **All Ayes. Motion Passed.**

There being no further business a Motion was made by Mr. Berson, seconded by Mr. Feldmann, to adjourn the meeting at 9:20pm.

Respectfully submitted,

Allison McGinley  
Land Use Administrator.