



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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Land Use Board Minutes

Minutes of the Town of Clinton Planning Board meeting held on August 5, 2014 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Sailer called the meeting to order at 7:00pm and read the “Statement of Adequate Notice and “Administrative Statement”:

“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”.

“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 10:00pm with all items not concluded to be carried over to next month’s agenda”.

Present: Attorney William Caldwell, Robert Clerico, Engineer and Carl Hintz, Planner.

ROLL CALL:

Present: Chairman Sailer, Blanco, Feldmann, Hetzel, Maher, Smith

Absent: Mayor Kovach, Carberry, Schaumburg, Perez

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. Smith, to approve the June 3, 2014 minutes:

All Ayes. Motion carried.

Site Plan Review Report:

Mr. Feldmann reported to the board that the Site Plan Committee is working on updating and revising new site plan & subdivision checklists.

Memorialization of Resolution for Extension of Time –Eastern Hill LLC- Block 16 Lot 22.02:

A Motion was made by Mr. Blanco, seconded by Mr. Hetzel to approve the resolution:

All Ayes. Motion carried.

Reconsideration of Completeness Determination for Eastern Hill LLC- Block 16 Lot 22.02

Attorney Walter Wilson was present.

Attorney Wilson advised the board the applicant’s Geo-Tech Engineer met with Mr. Clerico and established an agreement on the protocol on what testing will be conducted on the site. Attorney Wilson stated the testing is scheduled for tomorrow and tonight he would like to ask the board for a temporary waiver from submitting the Geo- Technical information in order to start the public hearing. Attorney Wilson stated he would submit the reports prior to the public hearing, Mr. Clerico stated the protocol is outlined in the ordinance and commented he would need at least three weeks to review the information

prior to writing his review report. Mr. Clerico clarified that the Ordinance has a specific checklist that must be followed and the submission must include all of the required information on the checklist before he could start the review. The board agreed if the applicant submitted the entire Geo-Technical Checklist items and provided all the documentation by August 19, 2014 then a public hearing could be scheduled for September 16, 2014. Mr. Clerico stated he would review the material submitted to make sure it was a complete submission.

A Motion was made to suspend item agenda item # 7 and hear item #8:

Review conditions of the Final Subdivision Approval for Kathleen Morriello- Block 29 Lot 3.03:

Attorney Wilson was present on behalf of the applicant.

Attorney Wilson advised the board the applicant has authorized him to proceed with submitting the easements and the final maps and at this time he would request an extension of thirty days to complete the submission. The board inquired if the applicant has sufficient escrow to finish the review, the board secretary advised the board all the invoices have been paid up to date, however the escrow account would need to be replenished in order for the professionals to review the final submission.

Attorney Wilson and the board agreed to give the applicant until August 18, 2014 to replenish the escrow and submit all of the final documents which include the easements and the final plat.

Per the MLUL Mr. Feldmann recused himself from the public hearing for 82 West Clinton LLC.

Use Variance & Site Plan Application- Block 6 Lots 1 & 1.01- 82 West Clinton LLC:

Attorney John Marmora, K&L Gates, Eileen Welsh, K&L Gates, John Palus, Civil Engineer from Dynamic Engineering, Nicholas Verderese Traffic Engineer and Heather Holmes, Stenographer were present.

The following items were submitted into evidence:

- A29 Preliminary & Final Site Plans Dated 10/23/2013 revised 4/21/2014
- A30 Attorney George Dilts Letter dated April 30, 2014
- A31 Preliminary & Final Site Plans dated 10/23/2013
- A32 Affidavit of service & proof of publication
- A33 NJ DOT letter of No Interest dated March 6, 2013
- A34 Colored rendering of revised site plan
- A35 Traffic Graphic (4 pages)
- A36 Colored rendering of site layout
- A37 Map of existing site conditions
- A38 Attorney George Dilts letter dated July 30, 2014

- B10 Chief of Police Matheis report dated 4/24/14
- B11 Chief of Police Matheis reports dated 7/18/2014
- B12 Carl Hintz report # 3 dated July 29, 2014
- B13 Van Cleef Engineering report dated 7/31/2014.

Attorney Marmora advised the board that he would like to proceed forward tonight with a five member board, but would like to hold off on a vote until the board has all its members present. Attorney Marmora recapped with the board the original application only included the Shell property lot 1.01 and after discussion regarding the traffic circulation the updated application now includes the Shammy Shine property lot 1. The incorporation of both lots now include a cross easement between the two lots. Attorney Marmora stated Mr. Stem is here tonight to answer any questions regarding his operation.

Mr. Herbert Craig Stem was sworn in.

Mr. Stem testified that he operates a full service car wash, cars are stacked proceeding to enter the wash and then when exiting the wash are stacked for hand drying by an attendant. There is a need to have 6-8

cars at the exit end and with the new proposal the area has been adequately addressed. The new proposed ingress and egress will allow us to process more cars than we currently can at the exit point. One issue raised was if cars waiting to enter the wash would be stacked by the adjoining driveway after looking at the data from our highest peak times in which we have processed 400 to 500 cars in a day we have had only had three days in the past year that we have had vehicles waiting in line to enter and at that time no vehicles were lined up blocking the cross easement. Mr. Stem stated he did not see any issues that would interfere with the cross-easement.

Mr. Clerico questioned how the employees would know where the lines of the driveway where, Mr. Verederse referred to exhibit A34 in where it shows the cars stacking waiting to be dried, the lanes will be stripped and we are also looking to put in a small raised island that will separate the inbound and outbound traffic on the car wash site. Mr. Clerico inquired if an arrangement where cars could pull into a spot to be dried without blocking other cars would be a more efficient arrangement, Mr. Stem stated presently we can only stack at the most 6 cars and we do not have an issue with the drying area, the addition of widening the area will give us more room to accommodate 8 to 10 cars which is more than sufficient. Mr. Stem advised the board if for any reason cars are backed up at the exit end we have an emergency stop on the conveyor that can be utilized until the drying area is free.

Mr. Maher questioned if cars in the drying area would block the right hand turn exit, Mr. Stem responded that cars leaving the Shell station have their own right hand turn out of the lot and would only utilize the car wash exit to make a left turn out. Mr. Verederse stated signage will be placed on the Shell lot directing cars to use the Shell right hand turn out.

Mr. Hintz questioned with the addition of the new cross easement if Mr. Stem anticipates more customers using the car wash and if so would this possibly extend the stacking of the vehicles entering into the wash, Mr. Stem stated with the new proposal he is expecting more vehicles to use the car wash however, he doesn't expect there will be a problem with blocking the cross-driveway on the adjoining property. Mr. Smith stated he thought it would be a good idea to add signage advising vehicles not to block the connecting driveway, Mr. Stem replied they have similar signs at his other facilities and thought that it was a good idea. Mr. Clerico suggested the signage should be incorporated into the site plan.

Mr. Clerico asked the applicant to define the limits of the easement, Attorney Marmora responded that the details have not been set forth yet if the application is approved the easements between Lot 1 & Lot 1.01 will be put in place and submitted for review.

Mr. Blanco questioned the suggested buffer and questioned if vehicles would be able to make a left out of the site when exiting the drying stacking area, Mr. Verederse stated the proposed buffer is a small raised island that will separate the inbound and outbound traffic and it will not interfere with vehicles exiting out of the car wash site.

Mr. Maher questioned the "No interest" letter from NJDOT (exhibit A33) and the letter the board had received from Mr. Stem's Attorney (exhibit 38) which states he wanted to make it clear that any approval for the proposed 7-11 would not preclude Mr. Stem from changing his use on his property in the future. Mr. Verederse stated the Letter of "No interest" only refers to the Shell property and we have submitted a new access permit for Mr. Stem's property which could take up to 60 days to obtain. Attorney Marmora stated since Mr. Stem's property requires a "D" Variance approval for the cross easement any future changes would require approval by the board. Attorney Caldwell suggested the variances being considered are what works on the site now, what if the change of use requires different needs. Attorney Marmora stated he believes the law is clear if the "D" Variance is granted for the cross easement it is attached to Mr. Stem's property and the Shell property and any impact on the cross easement would require board approval. Mr. Stem stated he wanted the letter from his attorney to be part of the record if things change in regards to his business in the future he would like the opportunity to change the use if needed.

The board opened the meeting to the public for cross examination:

Mrs. Jennifer Feldmann, 68 West Main Street inquired since the driveways have been widened does that mean a pedestrian will walk along on a continuous driveway, Mr. Verderese stated no, a proposed island will separate the two driveways. The ingress driveway has been widened and the egress driveway is similar to what exists now. The egress driveway is 30 feet wide and the ingress driveway is 50 feet wide, the 8 foot island will separate the 2 driveways. Mr. Verderese added that by adding the 8 foot island it creates a safer condition on the site.

Mr. Patrick McGuire, 94 Center Street, inquired if the timing on the intersection lights would remain the same and was concerned with traffic on Route 173 backing up preventing vehicles from making a left turn out of Shammy Shine. Mr. Verderese stated during the peak morning hours of 7am-9am he has noticed Route 173 can back up but hasn't noticed it at other times.

Mr. Verderese stated after comments from the board regarding issues with circulation he monitored the Shell traffic patterns as they exist today, the site observations took place between 8am-11am, 12-3pm, and 4pm-6pm, the findings were: 134 vehicles making a right out of Shell onto West Main Street, 90 vehicles turned right onto RT 173 and continued on their way, and 44 vehicles did some illegal maneuver to head back into town. The illegal maneuvers consisted of 6 vehicles drove around the center island on Route 173, 18 vehicles turned around in TD Bank, 5 turned around in the Shammy Shine Lot, 8 vehicles went to the next gas station to turn around, and 7 turned into Union road and made the U-turn. Mr. Verderese stated the 44 vehicles represent 4 to 10 cars per hour, the analysis and projections are consistent on what is actually happening and validates the Police Departments concerns, this proposal will rectify this situation.

Mr. Verderese went through Exhibit A35 which outlines the existing trip conditions and the projected trip conditions of traffic entering and exiting the site. The existing trips are based on 1,300 daily trips in which 42% enter the Shell site from West Main Street, 28% enter from Route 78, 30% enter from Pittstown Road, 54% exit the site onto West Main Street and continue south, 46% exit onto Route 173. The projected trips add two additional movements through Mr. Stems' property, 10% enter from the West on Route 173 into the cross easement to utilize the 7-Eleven, and 29% will leave 7-Eleven and use the cross easement to head back into Town. The existing daily trips are 1,300 and the projected daily trips with the 7-Eleven will be 1,800.

Mr. Sailer stated he did not see any vehicle traffic numbers that included the car wash, Mr. Verderese stated the exhibit was just to give the board a general idea of traffic to the 7-Eleven and that his traffic report (exhibit A11) has detailed traffic data for both sites.

Mr. Smith stated he was concerned with driveway # 1 coming off West Main Street and commented that each car that exits onto West Main Street costs you another 5 seconds, which in turn slows down traffic and backs up West Main Street. Mr. Verderese stated the new proposal will add 10 additional vehicles in the morning, 6 in the evening and 7 on Saturdays, the improvements on the site and the increase in aisle width will help navigate vehicles to drive around the pumps and will distribute traffic better.

Mr. Verderese stated based on the ITE Parking generation numbers there were several categories of data available for this type of use, one being a convenience market with a gas station and when looking at this category all the data published was based on a 4,500 square foot store which is a different category than our proposal. This proposal is more accurate of a gasoline and convenience store which is something slightly different in regards to parking, with the larger convenience store people tend to stay longer which in turn requires more parking, the proposed 7-Eleven is a smaller store that only offers pre-packaged goods which results in a quicker customer turnover. The smaller convenience store will require 5.5 vehicles per 1,000 square feet, which comes out to 12 spaces, we are proposing 13 spaces which is enough to support this proposal.

Mr. Verederse summarized the benefits of this proposal which include the cross connection, expanding aisle width to allow for two way traffic, elimination of illegal vehicle maneuvers and U-turns, parking is adequate for site, improved circulation on car wash site, addition of the small island which will separate the inbound and outbound traffic, additional signage will be installed and the site will include additional stripping.

Attorney Caldwell questioned the additional pedestrian traffic coming from the carwash to the 7-eleven, Mr. Verederse responded that no study was done but he did not think there would be significant pedestrian movement and would agree to add additional signage advising pedestrians not to cross over from the Shammy Shine to the 7-Eleven site.

Mr. Smith inquired about the dumpster pickup and potential conflict with vehicles, Mr. Verederse stated the previous design of the dumpsters the doors faced south directly into the canopy, we have now modified the dumpsters to face west so the doors will face south, the truck will now not interfere with the canopy and any conflict with pickup has been rectified by the new position.

Mr. Maher stated he was concerned with how a tractor trailer can maneuver the site to get around the island and still be able to make the right turn out, Mr. Verederse responded the program we utilized to determine designing the site for tractor trailers is called "Auto-Turn" exhibit A28 reflects a tractor trailer driving on the south side of the canopy and making the right turn out. Mr. Verederse added the proposed area with the new modifications is slightly different than what exists now. Attorney Caldwell inquired about signage to prevent a truck from entering the car wash site, Mr. Verederse stated that no truck signs can be added on the Shell site to prevent trucks entering the car wash site.

Mr. Maher commented that students walk pass the site and was concerned with pedestrian flow, Mr. Verederse stated the site will be laid out better, presently there is open pavement, cars making illegal U-turns, the new proposal is more uniformed. Mr. Verederse commented that if the board wishes they can add a sidewalk in the buffer area to the East to define the pedestrian area but the board will have to weigh the buffer area versus pedestrian safety.

Mr. Blanco inquired if any studies were undertaken in regards to criminal activity with a combination gas and convenience store which generates more volume, Attorney Marmora stated the Engineer can provide some information.

Mr. Clerico inquired if the applicant had any sense on the pending DOT approval if any conditions would be imposed, Mr. Verederse stated based on the preliminary approval he did not believe any restrictions would be imposed however, if there were substantial changes the applicant would have to come back to the board. Mr. Clerico stated in his report dated July 31, 2014 he raised a number of issues on page 5 which have been addressed. Item # a in regards to stacking vehicles on the car wash site has been addressed, item # b has been addressed by the addition of the island and item # c has been addressed with the new design by separating the ingress and egress traffic.

The board opened the meeting to the public for cross-examination:

Mrs. Jennifer Feldmann, 68 West Main Street, inquired if there were any plans to study the illegal maneuvers on the weekends and overnight traffic, Mr. Verederse stated the traffic study was done during peak hours no analysis is planned to study overnight traffic. Mrs. Feldmann inquired about deliveries coming from town if they would be using driveway # 1, Mr. Verederse responded the site will have one tractor trailer delivery per week and two to three fueling trucks per week, smaller panel and box trucks deliveries can utilize both driveways. Mrs. Feldmann commented that if you are not familiar with the site the cross easement may be confusing to motorists, Mr. Verederse stated the 12 foot lane from the gas station to the carwash will provide site signage and signage will be also be placed in the fueling area.

Mr. Palus, Civil Engineer stated in regards to Mr. Blanco's question regarding criminal activity that he has been involved in developing 7-Eleven's for the last 15 years. The store developed its security system in the 1970's through a federal grant, the stores have an interior and exterior circuit TV system setup which captures inside the store and outside, the store is set up so the employees have a visual of the outside of the store. In the last five years when his client has added 7-Eleven stores in combination with a gas station he has not heard of a robbery situation. Mr. Palus added with the increase from one gas attendant to multiple employees on site it further reduces the risk factor.

Mr. Clerico inquired if any discussion with the Town Water and Sewer departments had taken place, Mr. Palus stated the "Will Serve Letters" have been issued and they will forward to the board. Mr. Clerico inquired if they decided to have a generator on site, Mr. Palus stated if the board requires an emergency generator it will be located on the northeast side of the building. The generator will meet all state regulations and unless there is an emergency the generator will only be required to be turned on once a week for approximately 20 minutes for maintenance. Mr. Hetzel commented that he would prefer the generator be placed on the north side of the building, Mr. Clerico suggested the northwest side of the building, Mr. Palus stated he would look into the location.

Due to the time and the lack of a full board the applicant and the board agreed to carry the meeting to October 7, 2014, no further notice required.

Voucher Approval:

A Motion was made by Mr. Hetzel, seconded by Mr. Maher to approve the voucher list:

All Ayes. Motion Carried.

Chairman Sailer advised the board Mr. Layding had resigned due to his new work schedule, if any board members had any recommendations they can forward them to the board secretary

There being no further business a Motion was made by Mr. Maher, seconded by Mr. Blanco, to adjourn the meeting at 9:55pm.

Respectfully submitted,

Allison Witt
Land Use Administrator