



## **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

### **Land Use Board Minutes**

Minutes of the Town of Clinton Planning Board meeting held on March 18, 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, Hetzel, Maher, Smith

**Absent:** Mayor Kovach, Carberry, Schaumburg, Feldmann, Layding, Perez

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

A Motion was made by Mr. Hetzel, seconded by Mr. Blanco, to approve the February 4, 2014 minutes:

**All Ayes. Motion carried.**

#### **Voucher Approval:**

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

**All. Ayes. Motion Carried.**

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

Attorney John Marmora, K&L Gates, John Palus, Civil Engineer Dynamic Engineering, Michael Tobia, Planning Consultant, Heather Holmes, Stenographer were present.

The following items were submitted into evidence:

- A20 Copy of NJ DOT driveway access permit application.
- A21 Revised Preliminary & Final Site Plans dated 2/24/14.
- A22 Revised Architectural floor plans dated 2/24/14.
- A23 Revised Traffic Impact study dated 3/4/14.
- A24 Hunterdon County Soil Conservation recertification dated 2/26/14.
- A25 Colored Site Plan rendering dated 3/18/14.

A26 3D Site Plan rendering showing existing conditions dated 3/18/14.

A27 3D Site Plan rendering showing proposed conditions dated 3/18/14.

A28 Vehicle circulation plan.

B8 Carl Hintz report # 2 dated 3/12/14.

B9 J Daniels Fire Official report # 2 dated 3/17/14.

Attorney Marmora summarized the D Variance relief requested:

Lot 1 D2 Variance for expansion of non-conforming use.

Lot 1.01 D1 Use Variance to permit the convenience store

Lot 1.01 D1 Use Variance to permit three uses on one site, gas station, convenience store, and connector driveway.

Mr. Hintz advised the board the variances are outlined in his report dated March 12, 2014.

Attorney Marmora advised the board he would like to continue with testimony from Mr. Palus who will describe the changes to the site since last month's meeting. Mr. Palus advised the board the plans have been revised as a result of some of the board's concerns. The changes which are outlined in detail in his report dated March 6, 2014 are as follows:

1. The 7-Eleven sign on the western façade has been removed which eliminates the variance for the number of wall signs.
2. The ATM sign on the southern façade has been removed which eliminates the variance for the number of wall signs.
3. The 7-Eleven sign on the southern front façade will be externally illuminated by gooseneck lighting.
4. The trash enclosure has been reduced in size to 10 x 10 feet and shifted to provide a 10 foot side yard setback which eliminates the setback variance.
5. A Crosswalk and ADA ramp from West Main Street frontage to the convenience store will be provided.
6. The freestanding ID sign on the eastern corner of the property has been removed which eliminates the variance for the number of ID signs.
7. The canopy and Kiosk have been redesigned, the canopy will have mansard roof with shingles and the Kiosk will have matching architectural features as the convenience store.
8. The Shell Canopy signs and external illumination of the canopy façade have been eliminated which eliminates the variance for the number of canopy signs.
9. The store will have two ADA bathrooms and an emergency egress.
10. Four foot sound panels will be installed around the HVAC units to reduce noise and mitigate any visual impact.
11. Installation of additional landscaping along the eastern and northern property lines to buffer the car wash site and residential properties.
12. The parking area adjacent to the western side of the building has been relocated. The total parking spaces will be reduced from 14 spaces to 13 spaces which will allow the applicant to meet the parking

setback requirement adjacent to the Shammy Shine.

13. The loading space has been relocated five feet from West Main Street which eliminates the setback variance.

Mr. Palus advised the board the revisions will eliminate eleven variances from the proposal.

Mr. Maher inquired what the difference in size is from the existing free standing sign and the proposed sign, Mr. Palus responded the existing sign is 39 square feet and the proposed sign is 72.5 square feet.

Mr. Blanco inquired from a noise reduction standpoint how effective are the acoustic panels that are proposed, Mr. Palus responded if you were on the car wash site you would probably hear the HVAC units but the noise will meet all state standards and in regard to the residential area the units are a substantial distance to the east from the residential homes and with the additional landscape buffering proposed it is his opinion there will be no impact.

Mr. Maher questioned if it was feasible for a truck to go under the left side of the canopy and make the turn out, Mr. Palus commented they used a program called Auto Turn and a tractor trailer wheel based 50 truck has plenty of clearance under the canopy to maneuver out and head west.

Mr. Smith asked Mr. Palus to summarize the available parking spaces available to customers, Mr. Palus responded there will be 2 employee spaces on the southeast corner of the site, adjacent to the employee parking will be three customer spaces, five spaces in front of the store and three spaces on the west side of the building. The Town of Clinton ordinance requires 12.25 spaces and we have provided 13 spaces.

Mr. Steven Ackaway, 72 West Main Street, questioned the proposed buffering and setbacks from the property to his residence at 72 West Main Street, Mr. Palus stated there will be a six-foot PVC fence on the property line and a fifteen-foot landscape buffer.

Mr. Nicholas Verderese, Traffic Engineer from Dynamic Traffic was sworn in. Mr. Verderese advised the board a full traffic study was prepared for the board on June 8, 2012, updated on October 23, 2013 and March 5, 2014, the study was based on proposed and existing conditions. The initial counts were done in April 2012 during the peak am and pm hours, the updated counts included the traffic counts at the Shammy Shine driveway. The peak hours were identified as 7am-9am and 4pm-6pm Monday through Friday and 11am-2pm on Saturdays. The report identifies the existing traffic volume and the projected traffic volume and review of the collected data revealed the weekday morning peak hour occurred between 7:45- 8:45am and the evening peak hour occurs between 4:45- 5:45pm. In addition to identifying the peak hours we also looked at the direction of where the traffic came from, we identified the inbound traffic of 32% coming from Pittstown/ Clinton road, 29% from the Route 78 Westbound ramp, 39% from West Main Street and the outbound traffic 40% traveled towards 78 Westbound and 60% exited the site on the southeast corner onto West Main Street. Under the existing conditions the majority of vehicles exit out of the south west driveway and under the proposed conditions site circulation will better distribute traffic exiting the site.

Mr. Verderese stated the future traffic volumes were projected using data provided by the Institute of Transportation Engineers (ITE) which are outlined in detail in the traffic report submitted to the board. The existing conditions show the traffic counts in the am peak hours as 15 entering and 16 exiting for a total of 31 vehicles, the pm peak hours show 39 in and 38 out for a total of 77 vehicles and on Saturdays 30 vehicles in and 29 out for a total of 59 vehicles. The projected numbers in the am peak hours project 45 in and 45 out for a total of 90 vehicles, pm peak hours project 56 in and 56 out for a total of 112 vehicles, and on Saturday peak hours 52 in and 49 out for a total of 101 vehicles. Mr. Verderese stated that approximately one-third of traffic generated will be new. Mr. Verderese testified the overall analysis assuming all traffic was new shows insignificant changes to the intersection, the addition of the convenience store will generate a small amount and he believes by adding the shared access driveway the

applicant has significantly improved the site and the benefit of the new circulation pattern outweigh the small amount of additional traffic the convenience store will generate.

Mr. Smith commented the traffic study refers to the ranking of different levels of service at intersections as A,B,C D levels of service and in the study it classifies the existing intersection as operating at C& D levels of service and questioned if in terms of quality of life if the proposal will impact the C &D service levels significantly. Mr. Verderese responded the service is based on signal timing and volume so what happens in certain peak hours you will have higher volume so the signal should adjust for that. The traffic study shows the intersection levels operate at C&D and some B's, the driveways operate at A, B & C levels. Mr. Verderese added the actual change was about a four-second delay northbound and the noticeable impact to the traffic is negligible. Mr. Smith questioned the impact of cars exiting on the south east exit, Mr. Verderese stated the site will had some additional traffic but by adding the improvements we propose to better distribute the onsite traffic. Mr. Verderese stated he believed that most people traveling to the east will be local people and will get to know the exit at Shammy Shine fairly quickly, in addition some signage will be provided.

Mr. Smith questioned the board's planner if it was the Governing Body's intent to limit uses in the C-3 zone to businesses that were not high in traffic, Mr. Hintz responded when the Planning Board adopted the Master Plan it was their recommendation to the Governing Body to adopt an ordinance to eliminate gas station within the C-3 zone because of the intersection problems. Mr. Verderese stated the Town of Clinton Ordinance describes the C-3 district as " The C-3 District encompasses the area of the Exit 15 intersection and a small portion of West Main Street. Businesses are largely oriented towards highway services and pass by traffic". Mr. Verderese stated the actual current permitted uses in the C-3 zone do not adhere to bypass traffic, however our use relies on bypass traffic and he stated the applicant's proposal falls in line with the intent of the ordinance.

Mr. Blanco questioned how common is the use of shared driveways, Mr. Verderese responded shared driveways are common with retail type uses, in addition, the Town's Master Plan and NJ DOT encourage shared driveways. Mr. Blanco inquired how aggressive the signage needs to be, Mr. Verderese responded the majority of people that will take advantage of the left turn out of Shammy Shine will be locals and they will get to know the exit quickly, the vehicles exiting back onto Route 78 will follow the current traffic patterns, the applicant will provide some signage and if the board would like additional signage the applicant will comply. Attorney Marmora stated the Town's master Plan refers to "access management should take the form of shared driveways and shared parking areas, Cross easements should be provided to neighboring properties to facilitate shared access and parking". Attorney Marmora stated the access driveway is being recommended and promoted by the Town of Clinton.

Mr. Blanco stated he was concerned with the vehicles backing out of the two parking spaces on the South East Corner of the site and the traffic entering the property from West Main Street, Mr. Verderese stated he does not have any concern with the two spaces there is a clear sight line when entering the site, the speed limit is 30mph off West Main Street and the two spaces are for employees and will not have a high turn- over.

Mr. Hetzel inquired if they looked at the site in the summer time, Mr. Verderese stated he did not have any additional data from summer time but typically you have less traffic in the summertime.

Mr. Maher inquired how much consideration was given to the fact students walk to school and will pass this site. Mr. Verderese responded that students walk past the site now and when meeting with the Police Department they did not voice any concerns. There is a sidewalk along the frontage of the site, the driveways are designed per DOT standards in regards to width and the area is designated to accommodate pedestrians. Mr. Maher inquired if the traffic counts included trucks and service vehicles, Mr. Verderese stated the counts did include automobiles and trucks but he does not have a specific breakdown.

Mr. Smith commented the new trip counts generated 59 new trips in the am peak hours and 35 new trips in the pm peak hours and inquired if he had the total number of traffic counts for the entire day, Mr. Verderese stated he did not but he projected 1860 on weekdays and between 960-1600 on weekends.

Mr. Clerico inquired how the car wash staging area will function under the new proposal, Mr. Verderese responded in order to help facilitate the additional traffic from Lot 1.01 the Shammy shine will move their staging area further to the right-side by adding additional pavement in the northwest corner. Mr. Verderese added by moving the staging area it will allow the applicant to add two by pass lanes. Mr. Clerico inquired about the total vehicle count when combing the car wash site and the shell site, Mr. Verderese will supply. Mr. Clerico suggested the applicant provide the board with a summary of the trip distribution showing the percentage of vehicles entering and exiting the site, Mr. Verderese stated he would supply.

Mr. Maher inquired if a visual exhibit could be provided to the board showing the Shammy shine drying area and the two by pass lanes, Mr. Verderese stated he would supply. Mr. Blanco stated he would like to see if the vehicles have clearance to use the lanes when vehicles are parked in the drying aisle. Mr. Clerico suggested that by extending the white line on the connector exit driveway it would help cars stay in their lane and guide them out, Mr. Verderese responded they can extend the white lines. Mr. Hetzel stated he was concerned with the confusion that may exists between both sites, Mr. Verderese stated that a lot of sites have three uses on it and he feels there is no reason to be concerned.

Due to concerns with the traffic flow Attorney Marmora requested the board carry the meeting to the May 6, 2013 meeting.

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

Respectfully submitted,

Allison Witt  
Land Use Administrator