



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 June 3, 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”.

Attorney William Shurts and Mr. Robert Clerico were present.

ROLL CALL:

Present: Chairman Sailer, Feldmann, Hetzel, Layding, Perez, Smith

Absent: Mayor Kovach, Carberry, Blanco, Maher, Schaumburg,

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. Smith, to approve the April 1, 2014 minutes:

All Ayes. Motion carried.

Abstain: Feldman, Layding, Perez

Site Plan Committee Review Report:

Mr. Smith advised the board the committee met with Eastern Hill LLC to review the application in regards to completeness. The applicant was advised to make some revisions, which the applicant agreed to comply with.

Mr. Clerico stated he was in attendance at the Site Plan Committee meeting and prepared a subcommittee report dated May 14, 2014 outlining his recommendations. Mr. Clerico stated the applicant has provided some revisions since the committee meeting but still needs to submit more detail in regards to the EIS and Stormwater management.

Mr. Clerico went through his report and offered suggestions to the board.

1. Temporary waivers can be granted for the purpose of completeness from checklist items # 8A. #9G and # 13.

2. A permanent waiver can be granted from checklist #10.

Mr. Clerico stated in order to start the review it is necessary for the applicant to submit floor plans that are dimensioned and provide building elevations for the west and north side of the building per checklist # 12 and to provide checklist item # 20, an Environmental Impact Statement which includes the Carbon Rock Ordinance checklist.

Mr. Clerico stated the applicant has withdrawn their Final Site Plan application therefore, the items in his report regarding final submission are no longer relevant.

Mr. Clerico also advised the board there is a decision to be made whether the Use Variance time frame has expired .

Mr. Feldman stated he would like to address the question regarding the time frame before proceeding forward with completeness of the site plan application.

Attorney Walter Wilson stated he was not sure why there is an issue, the intent of setting the condition in the Resolution that the site plan application be filed within one year of the Use Variance approval was to prevent the use from just floundering for years. The vote of the Use Variance took place in January 2013 and the applicant waited 4 months until May 2013 for the Resolution to be adopted, the Site Plan application was submitted to the board in April 2014. Attorney Wilson stated the transcripts of the Use Variance hearing also suggest if the applicant could not file within a year, the board could grant extensions if needed. Attorney Wilson stated he believed the applicant has submitted the site plan in a timely manner and the spirit and intent of the condition has been satisfied. Attorney Wilson added if it is the board's position the time frame starts from the date of the vote and not the date of the resolution then tonight he is asking the board to grant the applicant an extension of time for filing the Site Plan Application.

Mr. Perez was concerned that granting the extension would set a precedent.

Mr. Hetzel responded he did not see an issue with extending the deadline, the board has extended deadlines in the past and by granting this applicant an extension would not be an exception to the rule. The board will not gain anything by rehashing the application from day one, most of the issues and concerns will be during the site plan review process. Mr. Hetzel stated he did not believe it was in the boards' benefit to rehear the Use Variance Application over again.

Mr. Smith stated it was his recollection the intent of the condition was to assure the site plan was not stalled, the applicant has submitted the plans within a few months and I would suggest to move forward with the next phase.

A Motion was made by Mr. Hetzel, seconded by Mr. Smith, that the time for filing of a site plan application pursuant to the variance resolution is extended through April 28, 2014:

Roll Call Vote:

Ayes: Sailer, Feldmann, Hetzel, Layding, Smith,

Nays: Perez

5-1 Motion Passed.

Completeness review for Eastern Hill LLC- Block 16 Lot 22.02:

Attorney Wilson advised the board the Final Site Plan application has been withdrawn and the completeness review relates only to the Preliminary Site plan and checklist.

The board went through Mr. Clerico's completeness report dated May 14, 2014 and agreed to the following:

Temporary waivers granted for the purpose of completeness for:

Item # 8A- provide the previously installed footing on the site plans.

Item # 9G-provide the dimension of the proposed parking to the proposed building.

Item 13- provide details of RSIS standards.

Permanent Waiver granted:

Item # 10- the applicant does not have to provide topographic information extending 100 ft. beyond the property line.

Applicant must provide the following in order to be deemed complete:

Item # 12- The floor plans and building elevations must be drawn to an identified scale and the applicant must submit building elevations for the rear side (west) and right side (north) of the building.

Item # 20- Provide an EIS which is relevant to current conditions, which must include the Carbonate Rock Ordinance checklist and be in compliance with the Town Carbonate Rock Ordinance.

Item # 22- Provide drainage area mapping and calculations which is relevant to current conditions and current regulations. The document must also identify any waivers the applicant may be seeking under the State Stormwater requirements.

Attorney Wilson stated he would provide all of the information by June 24, 2014 in order to be placed on the Board's agenda for a public hearing on July 15, 2014.

A Motion was made by Mr. Hetzel, seconded by Mr. Smith, to grant the waivers as listed above and deem the application complete conditioned upon the applicant submitting the necessary documentation by June 24, 2014 in order to be placed on the July 15, 2014 agenda for public hearing.

All Ayes. Motion carried.

Mayor Kovach and Mr. Carberry attended this portion of the meeting to hear the Sign Variance application.

Sign Variance Application- Block 15 Lot 4- Clinton United Methodist Church:

Mr. Henry Henderson, Trustee for Clinton United Methodist was present. Mr. Henderson advised the board he was here tonight to seek a variance to allow the church to install a replacement ground sign. The replacement sign will be smaller than the current sign but we propose to light the sign and the sign will be installed perpendicular to the front of the church building. The proposed sign would be a Tekstar LED sign which would allow the church to display current messages to advertise activities and any emergencies to the community the sign. The message updates will be controlled remotely allowing the message to change when needed. Mr. Henderson stated the top of the sign will have the name of the church and be internally illuminated, the bottom portion of the sign which is 2 x 6 feet will display the LED messages.

Mr. Carberry inquired if the sign lighting would be turned off at night, Mr. Henderson replied they would prefer to dim the lights at night. Mr. Feldmann inquired if the applicant had any data on the projection of the light, Mr. Henderson replied he did not. Mr. Smith inquired if it was the church's intention to put up scrolling messages, Mr. Henderson stated the message can be changed every hour it is not the church's intention to have a multiple messages scrolling across the screen. Mayor Kovach stated she was concerned with the digital portion of the sign because the sign is in a residential zone. Mr. Layding commented that he did not feel this sign was in keeping with the Town.

A Motion was made to open the meeting up to the public:

Mr. Randy Morton, resident of 19 Halstead Street stated the Town of Clinton is a classic hamlet town and Halstead Street is a treasured resource, the residents of Halstead Street are passionate about preserving the historic character. Mr. Morton did not feel the sign was in keeping with the current town Sign Ordinance. Mr. Morton listed a few things that the ordinance outlines; its intent is to protect pedestrians from damage from distracting signs, promote the use of signs that are aesthetically pleasing, promote the use of signs that are integrated with the surrounding buildings and landscaping, promote the use of signs that are compatible with the town’s historic character, lessen the visual clutter caused by illumination. Mr. Morton concluded that we would be available to offer the church assistance in designing a sign that everyone would be happy with.

The following residents all expressed concerns with the sign as proposed and felt it was not in keeping with the historic nature of the area and asked the applicant to reconsider:

Mr. Charles Most, 20 Halstead Street; Ms. Isabel Clowes, 26 Halstead Street; Ms. Amy DeVita, 17 Halstead Street; Mr. Nicholas Hindle, 48 Halstead Street; Ms. Jean Pierson, 2 Halstead Street; Mr. Jonathon Wall, 27 Center Street.

Mr. Henderson stated he appreciated everyone’s comments and will take the proposal back to the Church and would like to work with the residents to come up with a sign everyone can appreciate.

Chairman Sailer asked if Mr. Henderson would like to withdraw the application at this time, Mr. Henderson stated he would.

A Motion was made by Mr. Feldmann, seconded by Mayor Kovach, to deny the sign variance as presented without prejudice:

All Ayes. Motion Passed.

Voucher Approval:

A Motion was made by Mayor Kovach, seconded by Mr. Smith, to approve the vouchers (list attached):

All Ayes. Motion Passed.

Board Discussion:

The board discussed the need for a board Geotech Engineer in the future to assist with the Carbonate Rock Ordinance, the board decided to use the Geotech expert that Van Cleef has on staff.

There being no further business a Motion was made by Mr. Feldmann, seconded by Mr. Carberry, to adjourn the meeting at 8:50pm.

Respectfully submitted,

Allison Witt
Land Use Administrator