



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 October 7, 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.

Chairman Sailer welcomed new board member Mr. Roger Mellick, who was previously sworn in.

ROLL CALL:

Present: Chairman Sailer, Blanco, Hetzel, Maher, Mellick, Perez, Smith

Absent: Mayor Kovach, Carberry, Schaumburg, Feldmann

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. Blanco, to approve the August 5, 2014 minutes:

All Ayes. Motion carried.

Abstain: Mellick, Perez

Site Plan Review Report:

No report

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, Michael Tobia, Planning Consultant, Attorney George M. Dilts, Mr. Craig Stem and Heather Holmes, Stenographer were present.

The following items were submitted into evidence:

A39 Site & Signage Plan dated 9/20/2014

A40 Attorney Dilts letter dated 9/25/2014

B14 B. Caldwell letter to G. Dilts dated 8/13/2014

Attorney Marmora stated at the last meeting there was some questions regarding the Shell application being a joint application with the Shammy Shine lot and at this time Mr. Dilts, attorney for Craig Stem is here and would like to address the board.

Attorney Dilts advised the board after discussions at the last meeting and discussions with his client, Mr. Stem has decided to move forward to convert his car wash from a full service to a self-service wash. Mr. Clerico indicated there has been numerous discussions during the last few meetings that dealt with the traffic flow from the full service operation and asked Attorney Dilts if the board should ignore the discussion and move forward with the new proposed operation, Attorney Dilts responded yes. Attorney Caldwell stated the board will need some professional testimony on how the new modification changes the site traffic from prior testimony.

Mr. Stem advised the board the self-service wash would have a single approaching lane, a person entering the lane would input the type of wash and their payment into a ATM machine, an arm would lift up letting the car enter there would be an attendant at the entrance and exit of the car wash to facilitate traffic. Mr. Stem also advised the board there will be three vacuum stations that will be free of charge for car wash patrons only. Mr. Stem stated no changes are being made inside the building, the size of the car wash is not changing and the stacking of cars will not change.

Mr. Clerico inquired if the exit lane in the northwest corner could be used as a second stacking lane to enter the wash, Mr. Stem responded "no" the lane closest to the car wash building will be left open for employees, customers exiting from a propane fill up and trash pickups. Mr. Clerico questioned if angular parking by the vacuums would be more appropriate versus vehicles being parked in and stacked, Mr. Stem stated he does not feel there will be any issues with vehicles being parked in.

Mr. Blanco questioned the hours of operation, Mr. Stem stated the self service will remain open from 7:00am to 7:00pm which is one hour longer than what exists now. Mr. Smith inquired if Mr. Stem anticipates more business, Mr. Stem stated there is typically a small increase, Mr. Blanco inquired if the 7-Eleven combined with the gas station will bring more business, Mr. Stem stated his business is geared towards the neighborhood customer and does not expect an increase in business from the transient customer who stops off the highway to get gas and a snack. Mr. Caldwell inquired if Mr. Stem will add canopies over the vacuums to encourage the use of the vacuums, Mr. Stem stated the vacuums are free to customers and does not plan to install canopies.

The Board opened the meeting to the public:

Mrs. Jennifer Feldmann, West Main Street inquired how many car lengths from the century link into the car wash, Mr. Stem responded 5 car lengths. Mrs. Feldmann inquired how customers would excess the propane area, Mr. Stem stated the vehicles would enter at the century link then press the button for the attendant.

Mr. Francis Gallagher, Center Street, asked Mr. Stem to quantify the number of trips per year into the site, Mr. Stem testified between 43,000- 47,000 trips per year, Mr. Gallagher commented if the proposed increase of vehicles will be 25% that would mean 12,000 more vehicles, Mr. Stem stated his customers base is within a 3-5 mile radius, not highway out of town customers, and at best he anticipates a 15 to 20% increase.

Mr. Perez inquired how many cars are allowed through the century at one time, Mr. Stem stated five cars however the fifth car will not pass the century until the lane has a certain point of clearance. Mr. Perez inquired from the point of entry by the sidewalk how many cars can be stacked, Mr. Stem responded 12-14 vehicles.

Attorney Marmora suggested since Mr. Clerico will need to review the new proposal for Shabby Shine he would like to hold off on calling the Traffic Engineer at this time and would like to proceed with planning testimony regarding the 7-Eleven.

Mr. Michael Tobia, Planning Consultant, was sworn in. Mr. Tobia gave the board a brief overview of the site, the site is at the interchange of Exit # 15, the Shell is an older station the last renovations were in 1990, the site is void of landscaping, it has 2 vacant service bays and the site borders the C-3 and R-3 district. The applicant is proposing to replace the existing service building with a 2,205 square foot building to house a 7-Eleven, which is a rough net increase of an 800 square foot building. The site will include 13 parking spaces, the dumpster area has been upgraded and a substantial buffer has been added. The proposal as modified will allow customers to gas up and proceed west through the car wash site to allow vehicles to make a left turn back into town. Mr. Tobia stated presently 30% of vehicles leaving the Shell now make an illegal u-turn, the new cross easement will prevent this.

Mr. Tobia advised the board the new building will reflect a residentially scaled building at 2,200 square feet is will be roughly the size of a three bedroom home, the building will have a pitched roof, brick façade, reverse gables, columns, and front windows that will only face West Main Street. The Canopy has been redesigned to match the features of the 7-Eleven building, the columns that support the canopy will match the columns on the 7-Eleven building, brick treatment will be added on the kiosks, the neon façade on the canopy will be eliminated. The 7-Eleven wall sign is compliant, the free standing sign by the easterly driveway has been eliminated and only one free standing sign is proposed.

Mr. Tobia advised the board he is in agreement with Mr. Hintz on the variances needed which include a D Variance for the convenience store; D Variance for the expansion of lot coverage on the Shabby Shine lot to permit the cross easement; D variance to allow two uses on the Shell site, Variance for driveway width and a variance to permit a 77.8 % impervious coverage on the car wash site. Mr. Tobias stated the free standing sign has been redesigned but will require an area variance to allow for 72 ½ square foot area, Height Variance to permit the sign to be 17 ½ feet high, setback variance to permit the sign to be located where it is now which is 1 foot- off the property line and variance to allow the sign pricing to be LED lit and the panels to be internally illuminated.

Mr. Tobia stated that there has been a lot of testimony to support this proposal, the site is particularly suited for the service station and the 7-Eleven use, the trend has been to include retail uses in combination with gas stations and the two uses have become united. The site is big enough and has adequate room to permit both uses, the Shell has an established customer base and the 7-Eleven will be beneficial to the general welfare, customers coming off Route 78 will be able to come to Shell gas up, go to the 7-Eleven, go to the bathroom and head back on their way avoiding transient traffic from going through town. The proposal will offer an attractive residential building to the site and an enhanced visual appearance, dumpster area will be improved, the canopy will be improved, the fencing will be improved, the landscaping will be improved. Mr. Tobia stated the Master Plan and Zoning ordinance encourage the use of shared driveways, by utilizing the car wash site this will address the points in the Master Plan.

Mr. Tobia stated the free standing sign is higher than permitted by code but so is the existing sign, the sign is larger than permitted by code but so is the existing sign, it is internally illuminated so is the existing sign and the nearby gas station signs. Mr. Tobia stated that given the site is on a highway commercial intersection he feels the sign is justified.

Mr. Tobia stated the MLUL encourage appropriate use of all lands to promote the general welfare I feel the retail use is a valued use and promotes the welfare of the site; this use is a more efficient use of this property, Mr. Tobia stated he believes this is a better zoning alternative for this property. The MLUL requires we provide adequate light, air and open space this site meets virtually all bulk controls. Mr. Tobia added this proposal is not an attempt to over develop the site. Mr. Tobia stated the proposal will be

a better neighbor to the community the proposal will not be a substantial deterrent to the public good or substantial deterrent to the zone plan.

Mr. Tobia advised the board the gas station is not geared for a truck stop, it is geared for consumers, locals and commuters off Route 78, the only property affected by the site is Lot 2 and in this area we are adding 9 Norway spruce trees, a six foot high fence and adding cypress bushes along the rear of the building. Mr. Tobias stated they investigated the visibility of the rooftop mechanicals on the 7- Eleven building to see if you could see the units after adjusting the height of acoustical panels and we concluded there will be no visual impact from the rooftop panels to the homes at the rear.

Mr. Tobia commented as a Planner he believes the combined proposal is clearly a better alternative to what exists on the property now.

Mr. Mellick inquired if there were any plans to add signage for 7-Eleven to the 78 highway sign, Mr. Tobia responded no plans to add a trail blazer sign.

Mr. Smith commented if the intersection is defined as being the most congested intersection in town, this proposal suggests 500 additional visits per day and inquired how that would affect the traffic level. Mr. Tobia responded this is a question for the Traffic Engineer but from a Planner's standpoint the important thing to remember is the Master Plan and the Zoning Ordinance have been drafted to recognize the reality that this is a busy intersection and this is where you put your busy stuff. The counter argument is if you didn't do it here you could suggest that the 500 trips could end up in the center of town and the question becomes where do you want this traffic. Mr. Tobia stated he believed the Master Plan has correctly identified this area as a highway oriented commercial area. Mr. Perez commented that is may be a good thing to have traffic coming into town, Mr. Tobia responded if it were tourist traffic than that would be good however the traffic coming to the gas station will be the seven minute pit stop customer, which the intersection is designed for.

Attorney Caldwell inquired why the applicant can't reduce the size of the proposed free-standing sign to be more in keeping with the historic district. Mr. Tobia suggested there are a lot of first time visitors to the area which we thought called for the larger LED sign. The Shell sign is 25 square feet the ordinance permit 30 square feet, the 7-Eleven sign is 25 Square feet and if you recognized they were independent signs then you could argue each sign is getting their own allotment of under 30 square feet. Mr. Tobia stated we hear what the board is saying, we don't want to oversize the sign and we will relook at the size of the free standing sign. Mr. Maher stated he felt the lighted sign was out of context and requested the applicant also look at the lighting. Mr. Tobia stated he will look into and would like to show the board some examples. Mr. Blanco inquired what is driving the variance for the size of the logos, Mr. Tobia stated the 7-Eleven and the Shell and their corporate desire to have a sign. Attorney Marmora would like the Traffic Engineer to look at the sign and will get back to the board.

Mr. Perez stated you indicated this proposal promotes the general welfare and Mr. Perez questioned to whom, Mr. Tobia responded the town, general public, community and the applicant. Mr. Tobia asked the board to consider are they better off with what exists now or what is proposed.

Due to the timeframe the public hearing for Shell and the new proposal for Shammy Shine will be carried to November 4, 2014 meeting.

Review Conditions of Final Subdivision approval – Block 29 Lot 3.019- 92 Leigh Street- Morriello:

The Board secretary advised the Board that Attorney Wilson has turned in copies of the easements and two sets of plans at the beginning of tonight's meeting. The Secretary advised the board no Escrow to review the plans and easements has been included with the submission and the two sets of plans was insufficient, the town needs at least four copies and the applicant will also require her own copies .The

board granted Ms. Morriello an extension of one week to submit the escrow and the additional plans. The board will review compliance at the next meeting of November 4, 2014.

Voucher Approval:

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

All Ayes. Motion Carried.

Discussion regarding RFP for 2015:

The board was advised the Town has requested RFP for 2015. The deadline for the submission is October 31, 2014. Mr. Blanco and Mr. Mellick volunteered to interview potential candidates, the board will discuss the proposals at the next meeting of November 4, 2014.

There being no further business a Motion was made by Mr. Heztel, seconded by Mr. Blanco to adjourn the meeting at 9:30pm.

Respectfully submitted,

Allison Witt
Land Use Administrator