



## 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 Land Use Board meeting held on August 2, 2016 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".

Mr. Jim Kyle was present.

#### ROLL CALL:

**Present:** Sailer, Blanco, Feldmann, Hetzel, Mayor Kovach, Maher, Mellick Schaumburg, Smith,

**Absent:** Carberry, Viotto

#### Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. Smith, to approve the minutes of June 5, 2016:

**All Ayes: Motion carried.**

**Abstain: Blanco, Maher, Mellick, Schaumburg**

#### Voucher Approval:

A Motion was made by Mr. Hetzel, seconded by Mr. Feldmann to approve the vouchers:

**All Ayes: Motion Carried.**

#### Board Discussion:

Mayor Kovach advised the board the town is considering looking at the Agway and Music Hall lots to see if this area is an area that is in need of redevelopment. Mr. Kyle advised the board the rules to designate this area in need of redevelopment are governed by State Statute. The Town is also looking at this area as a way of meeting the Town's affordable housing obligations. The process starts with the Governing Body in terms of adopting a resolution to ask the Land Use Board to do a preliminary investigation. Mr. Kyle suggested that adjacent properties can be included in the redevelopment plan however, certain criteria must be met in order to qualify. If the Governing Body authorizes the review, the public hearing of the Land Use board's findings could take place as early as October. Mr. Kyle stated the parcels of land included in the redevelopment plan would be at the consent of the property owners.

#### Site Plan Review Report & Completeness Determination:

Mr. Maher advised the board the committee reviewed two applications this evening to determine completeness. The first application is a Minor Site Plan for Block 12 Lot 4 and it is the Committees

recommendation the application be deemed complete and placed on the September 6, 2016 meeting night.

A Motion was made by Mr. Mellick, seconded by Mr. Smith, to deem the Minor Site Plan Application for Block 12 Lot 3- Gregory Diepetro complete:

**All Ayes. Motion carried.**

Mr. Maher stated the seconded application is for a Use Variance for Block 13 Lot 19. The Committee advised the applicant to have the engineer seal the survey that was submitted and asked the applicant to clarify the architectural plans in regards to existing or proposed conditions everything else was in order so the Committee recommends the board deem the application complete tonight to be heard at the September 6, 2016 meeting.

A Motion was made by Mr. Maher, seconded by Mr. Smith, to deem the Use Variance application for Block 13 Lot 19 complete:

**All Ayes. Motion carried.**

**Waiver of Site Plan request for Block 10-Lot 15- 20 Leigh Street Waffle & Latte outdoor seating:**

Steven & Anna Ackaway were present. Anna Ackaway advised the board they were seeking approval to add tables & chairs outside the coffee house. Anna stated there was some discrepancy over the placement of the pavers and whether they were on the portion of the Town's property considered "Alley's Way", Ms. Ackaway stated the pavers covered this area and if would have looked ridiculous not to cover the small area of dirt and gravel.

Mayor Kovach questioned the debris on the property behind the main building, Mr. Ackaway stated the main building is under construction, Mayor Kovach stated the items cannot be left all over the lot the debris should be in a dumpster and presently they are in violation of chapter 45 of the Town Code.

Mr. Maher questioned the makeshift benches and if they were used for seating, Mr. Ackaway stated they have been set up for safety and are only up to represent the boundary restrictions. Mr. Maher inquired if they had a current survey reflecting the paver area. Mr. Ackaway stated he thought the tax map was adequate and acknowledged the pavers are on the town's property, he would remove the pavers if the town required it.

Mayor Kovach stated her concerns with approving the outdoor seating was the safety of the site in terms of the on- going construction and the debris on the site and with the liability to the town if the seating was placed on town property and felt that more information should be provided. The board expressed numerous concerns in regards to the conditions of the site in terms of safety and liability and allowing the tables & chairs as represented on the sketch that was provided with the application. Mr. Ackaway asked the board to consider a few tables to help his business. The Board and applicant agreed to limited seating with conditions..

A Motion was made by Mr. Schaumburg, seconded by Mr. Smith, to allow limited outdoor seating to include two (2) tables in front of the waffle latte building and four (4) tables in front of the shed building subject to the following conditions:

1. Before placing the tables outside provide the town with a copy of the survey highlighting the paver area and a new drawing with the agreed upon tables.
2. Applicant to provide pictures of the tables once set up for the file.
3. Applicant to remove the construction debris and secure the construction area

4. Provide extra garbage cans for disposal.

5. Applicant to apply to the board once construction is complete if they want to expand the outdoor seating.

**All Ayes. Motion carried.**

There being no further business a Motion was made by Mr. Hetzel, Seconded by Mr. Schaumburg to adjourn the meeting at 8:30pm.

**All Ayes. Motion carried.**

Respectfully submitted,

Allison Witt  
Land Use Administrator