



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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Land Use Board Minutes

Minutes of the Town of Clinton Land Use Board meeting held on October 4, 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".

Attorney William Caldwell, Mr. Robert Clerico and Mr. Jim Kyle were present.

ROLL CALL:

Present: Sailer, Blanco, Carberry, Feldmann, Hetzel, Schaumburg, Smith, Viotto

Absent: Mayor Kovach, Maher, Mellick

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. Carberry, to approve the minutes of September 6, 2016:

All Ayes: Motion carried.
Abstain: Blanco, Schaumburg

Resolution Approval-Minor Site Plan Application- Block 12 Lot 4- 10 East Main Street:

A Motion was made by Mr. Carberry, seconded by Mr. Feldmann, to approve the Resolution for Block 12 Lot 4:

Roll Call Vote:

Ayes: Sailer, Carberry, Feldmann, Hetzel, Smith, Viotto

Nays:

All Ayes. Motion Carried.

Use Variance Application- Block 13 Lot 19- 5&51/2 East Main Street- R. Hisena

A Motion was made by Mr. Hetzel, seconded by Mr. Feldmann to approve the Resolution for Block 13 Lot 19:

Roll Call Vote:

Ayes: Sailer, Feldmann, Hetzel, Smith, Viotto

Nays:

All Ayes. Motion Carried.

Informal Hearing for Block 18 Lot 2.04- Ansuya Enterprise of Clinton LLC:

Attorney Howard Apgar and applicant Hemant Desai were present, Mr. Desai was sworn in.

The hotel application was originally designed as a Comfort Inn and approved by the Board of Adjustment many years ago. The applicant has now contracted with a Marriott which has a specific design criteria which includes changes to the floor plan and roof. The floor plan is similar to the original approved plan, the 2004 plan was approved for a four story 60,416 square foot hotel and the new proposal will be reduced to 59,220.00 square feet. Mr. Clerico issued a memo to the board recommending the changes in the floor plan could be treated as a field change. The roof design was originally approved as a peak roof with a building height of 49.24 when measured to the midpoint of the sloped roof and the new proposal will be a flat roof and when measured to the top of the roof plate will be 44.75 feet in height, which is a reduction in height. The Marriott design is to include a roof parapet wall and decorative structure on top which will hide the mechanicals and the Marriott logo sign will be installed on. Attorney Apgar stated it is his understanding that the decorative structure should not be included as part of the building height calculation. Mr. Desai commented that if you measured from the top of the old sloped roof the roof height would be 56 feet, the decorative structure is 54.3 feet high which is two feet lower. Mr. Clerico stated if you measured from the top of the flat roof the height is 42.26, measured from the top of the parapet wall the height is 44.75 and measured from the top of the decorative structure the height is 52.3 feet, the original approval did include a height variance of 49.24 feet. Mr. Sailer asked the applicant to clarify where the sign would be placed, Mr. Desai responded the new Marriott logo which is smaller than the original approved wall sign will be located on the parapet wall. Mr. Carberry inquired if the sign will be illuminated, Mr. Desai stated the prior sign was illuminated and the Marriott logo will also be illuminated. The board agreed the changes are acceptable and can be considered as a field change. The applicant will submit updated plans reflecting the changes.

Public Hearing for determination of designating a Redevelopment Zone:

Mr. Kyle summarized the process of determining an area in need of redevelopment, which is outlined in detail in his report titled "Preliminary Investigation for determination of a Non-Condemnation area in need of Redevelopment" dated 9/14/2016. The process started with Council directing the Land Use Board to conduct a preliminary investigation the board went through the redevelopment criteria to determine if the properties qualify for a redevelopment zone. The next step if the Governing Body agrees will be to develop a plan, Mr. Kyle explained that when the plan is in place it does not mean the property owners have to participate it is strictly up to the owners if they want to be involved.

Public Comments:

Ms. Millin 35 West Main Street- concerned with including the residential properties in the plan, the effects it will have on her property and feels the residential lots should not be included. Mr. Kyle stated this is a volunteer program you do not have to redevelop if you choose not to.

Ms. Norma Kania, 27 West Main Street- commented that the music hall property which is next to her home is listed for sale next to the "New Development" and inquired about the new development. Mr. Mike Ruccio, owner of the music hall lot replied that was not true the listing did not indicate next to new development.

Mr. Paul Kipp stated he was under contract to purchase 31-31 ½ West Main Street and inquired if this would go from non-condemnation to condemnation and if the tax rate would be effected on his property. Mr. Carberry responded the council feels strongly about this process being Non-Condemnation and Attorney Caldwell stated properties are assessed at fair market value and this plan will not change the assessed value if nothing changes with the property.

Mr. Todd, 1 West Main Street -concerned with the historic district, Mr. Kyle replied the plan will be compatible with the historic district.

Ms. Ann Marie Gialias, Clinton House was concerned with her lot which is the parking lot area, Mr. Kyle stated the goal is not to take away parking but perhaps to reorganize the lot and ease pedestrian traffic the layout will be focused on during the planning process.

Mr. Chris Neuterlant, a representative of Fox lumber stated only a portion of the lumber yard was included in the plan and would like to keep their options open and inquired if the entire lot could be included in the plan, Mr. Kyle replied they would definitely look into that.

Mr. Kyle advised the public as we move forward with the planning process this will be an open process for residents and property owners.

Mr. Carberry stated the best way to describe the redevelopment zone is as an overlay zone, the town is not in a position to say you must do this or that.

Mr. Feldmann added that the board will be sensitive to the area and will take the area into account during the planning process

There being no further comments the board closed the meeting to the public.

A Motion was made by Mr. Carberry, seconded by Mr. Smith, the board adopt the resolution recommending to the Governing Body :

1. The Land Use Board of the Town of Clinton finds that the following parcels constitute a “non-condemnation” area in need of redevelopment, according to the criteria set forth in N.J.S.A. 40A:12A-5; Block 11, Lots 15.01 and 17, Block 23, Lots 13 and 13.01, A PORTION OF Block 24, Lot 2, Block 24, Lots 1, 3, 6 and 8, A PORTION OF Block 25, Lot 8, and Block 25, Lots 15, 16, 17, 18, 19 and 20, as shown on the Official Tax Map of the Town of Clinton; and
2. The Land Use Board of the Town of Clinton recommends that the delineated area, consisting of the parcels identified at Block 11, Lots 15.01 and 17, Block 23, Lots 13 and 13.01, A PORTION OF Block 24, Lot 2, Block 24, Lots 1, 3, 6 and 8, A PORTION OF Block 25, Lot 8, and Block 25, Lots 15, 16, 17, 18, 19 and 20, as shown on the Official Tax Map of the Town of Clinton, be designated a “non-condemnation” area in need of redevelopment by the Governing Body of the Town of Clinton.

Roll Call Vote:

Ayes. Sailer, Carberry, Feldmann, Hetzel, Smith, Viotto

Nays:

All Ayes. Motion Carried.

Public Hearing to amend the Town of Clinton Master Plan to include a Highlands Environmental Resource Inventory and a 2016 Reexamination report:

Mr. Kyle advised the board the Highlands Act requires that municipalities revise and conform their Master Plan to conform with the Highlands Act, which is done through a series of steps. The Council must now adopt a checklist ordinance which is an interim measure until the full Highlands Ordinance which is very detailed is in place. The goal is to provide consistency between the Master Plan and Town Ordinances. Mr. Kyle explained when someone applies for a development permit within the planning region of the highlands if you meet certain criteria there are exemptions that will apply so you will not have to obtain Highlands approval, which will be determined by a local appointee.

A Motion was made by Mr. Hetzel, seconded by Mr. Carberry to adopt the Master Plan Reexamination report dated September 22, 2016, a reexamination of the Town of Clinton Master Plan and development regulations conducted specifically to address the task of achieving conformance with the provisions of the

New Jersey Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.) and the Highlands Regional Master Plan. and that the Town of Clinton Land Use Board hereby adopts the Town of Clinton Highlands Master Plan Element, dated September 22, 2016, based upon the model Master Plan Highlands Element provided to Highlands municipalities by the Highlands Council.

Roll Call Vote:

Ayes. Sailer, Carberry, Feldmann, Hetzel, Smith, Viotto

Nays:

All Ayes. Motion Carried.

Voucher approval:

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

All Ayes. Motion Carried

There being no further business a Motion was made by Mr. Carberry, seconded by Mr. Smith to adjourn the meeting at 8:10pm.

Respectfully submitted,

Allison Witt
Land Use Administrator