



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 September 4, 2018 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 the "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 the next month's agenda".

ROLL CALL:

Present: Mr. Carberry, Ms. Dineen, Mr. Feldmann, Ms. Healy, Mr. Maher, Mayor Kovach, Mr. Sailer, Mr. Smith, Mr. Viotto

Absent: Mr. Mellick, Ms. Van Weeren

Approval of Minutes:

A Motion was made by Mr. Smith, seconded by Mr. Viotto, to approve the August 21, 2018 Regular and Executive session minutes"

All Ayes:

Motion carried

Abstain:

Healy, Maher

Waiver from Site Plan Block 12 Lot 4.03- 8 ½ East Main Street- Greg & June DePetro:

Mr. & Mrs. DePetro were present, the applicants are looking to expand their restaurant "Chef & the Family Builder" into the adjoining space next door by opening the wall. The space is 1,000 square feet they plan to expand their prep area relocate the pizza oven, venting and hood; add approximately 8-10 tables, which will increase the seating up to 40 people. The restaurant will be open 5 days a week between 4:00pm-9:00pm. Mr. DePetro indicated all construction work will be done per code.

A Motion was made by Mr. Carberry, seconded by Mr. Maher, to grant the waiver from site plan and permit the change of use for the restaurant:

Applicant to receive all necessary change of use permits and approvals through the construction office and the approval is subject to standards conditions relating to the application including but necessarily limited to sign permit approvals, Board of Health approvals if applicable, payment of all outstanding fees, escrow, permits, and any other outside agency approvals that may be necessary.

All Ayes.

Motion carried.

Attorney Katie Razin, Mr. Robert Clerico Engineer, and Jim Kyle Planner arrived at 7:15pm.

Preliminary & Final Site Plan Application- Block 11 Lot 16 River 49 LLC- 48-51 Main Street

Attorney Jay Thatcher, Mr. Joe Mullaney, Engineer, Mr. Donald Baker Contractor, and Anthony Piazza applicant was present and sworn in.

- A1 Preliminary and Final Site Plan Applications
- A2 Tax Certification dated April 30, 2018
- A3 Site development plan prepared by Joseph E. Mullaney, PE (1 sheets) dated 7/20/2018
- A4 Architectural plans Sheet A1-A3 prepared by J.E. Mullaney dated 7/18/2018
- A5 Copy of submission to NJ State DEP application dated 7-19-2018
- B1 Robert Clerico, Van Cleef Engineering report dated August 29, 2018
- B2 Fire Marshall review dated August 31, 2018
- B3 Jim Kyle, Kyle Planning & Design report dated September 4, 2018

Attorney Thatcher advised the board in light of all the issues outlined in the board's professional reports he would like his engineer and builder to testify tonight since they are present and assuming the board gives their blessing we will wrap up the plans and present all the agreed upon items at the next meeting. Attorney Razin advised the board after reviewing the reports it appears the applicant will need a C-1 Variance due to the pre-existing setback of the existing building. The applicant has not noticed and in order for the applicant not to lose another month Attorney Razin suggested the board hear testimony and confirm the conditions that need to be updated tonight, at the October meeting the applicant will notice for the variance, the plans will be revised to reflect all the missing information, the board can then vote on the application and the resolution at the next meeting. The board was in agreement.

Mr. Clerico and Mr. Kyle questioned how the FAR was calculated; Attorney Razin stated the issue of the FAR needs to be resolved. Mr. Mullaney stated the FAR calculation was taken from the outside perimeter walls which reflect the FAR at 86.03% just under the 87% allowed. Mr. Piazza indicated that he wants to make sure the FAR falls within the regulations so no D variance will be necessary he will make the necessary adjustment if needed, Mr. Kyle stated then no D Variance is necessary we are just looking for a bulk variance for the building setback.

Mr. Mullaney advised the board they received verbal approval from the DEP and the permit should be in hand within the next 2 weeks.

Mr. Clerico went through his report dated August 29, 2018. Mr. Clerico stated his report just outlines a lot of housekeeping issues that need to be clarified and updated on the plan, the applicant agreed to the conditions outlined in the report, the plan will be modified to reflect the items.

Mr. Kyle went through his report dated September 4, 2018. Mr. Kyle's main concerns are the plans should reflect a zoning schedule so the record is clear as to compliance on the bulk regulations of the zone; the architectural plans should show the height of the building; the architectural plans indicate a shed will be removed this should be shown on the site plan. The site also includes other sheds on the property the FAR calculations need to include the remaining sheds and if over the FAR they will need to remove. Mr. Kyle added the dumpster, which is located on lot 15.01, should have an enclosure, the board would like to see a fence with vinyl slats, Mr. Baker will show the details on the revised plan.

The applicant is proposing a new ADA ramp the details will be reflected on the plan, the board discussed whether an ADA parking space should be installed in the rear lot, Mr. Piazza stated his office/ retail space is valued because of the parking spaces he can offer his tenants if he has to install an ADA space it will take away an available space for his tenants which will create a hardship for him. Mr. Piazza advised the board there are two existing ADA spaces in front of his building by the Museum and the pharmacy,

Mr. Clerico added the board has no parking standards for this zone, the applicant is proposing an accessible ramp I do not think they necessarily have to install an ADA parking space.

A Motion was made by Mr. Carberry, seconded by Mr. Smith, not to require the installation of an ADA parking space: **All Ayes. Motion carried.**

Mr. Kyle advised the applicant due to the increase in the FAR a 2.5% mandatory non-residential development fee for the building and 1.5% for the residential development fee will be applied based on the equalized assessed value.

Mr. Mullaney advised the board they will comply with the Fire Marshalls recommendations dated August 31, 2018.

Mr. Piazza thanked the board for hearing his application tonight; he has been in town since 1997 when he first worked at the frame shop after graduating college he opened up the Riverside Coffee shop where he met his wife Nicole, they partnered together and bought the failing restaurant known as Ninos and opened up Clean Plate. The opportunity came along for them to purchase the building with the purchase they inherited a mess, they are looking to be good neighbor, to subtain the project costs it is extremely important the construction improvements start as soon as possible so they can close in before winter arrives. We are committed to the town we plan to live upstairs in the newly created apartment and we feel the improvements will create a better environment for all. Mayor Kovach stated we are excited that you are investing in the building there is so much history there the Mayor added we are not trying to delay your project we just need to make sure we address all the zoning and construction issues, we are excited to see what you guys will do.

The board opened the meeting to the public; there were no public comments.

A Motion was made by Mr. Viotto, seconded by Ms. Dineen, to approve Attorney Razin to draft the Resolution for the Preliminary and Final Site Plan for River 49 LLC for the October 2, 2018 meeting, as long as the applicant is compliant with all the issues discussed tonight and the plans are revised to incorporate all the agreed upon items, applicant to notice for the variance application 10 days prior to the October 2, 2018 meeting date.

Roll Call Vote:

Ayes: Mr. Carberry, Ms. Dineen, Mr. Feldmann, Ms. Healy, Mr. Maher, Mayor Kovach, Mr. Sailer, Mr. Smith, Mr. Viotto

Nays: **All Ayes. Motion carried**

The updated plans should be on file with the Board Secretary by September 21, 2018, Attorney Razin requested copies as soon as possible so she can prepare the resolution for the October 2, 2018 meeting.

The Board Professionals were dismissed at 8:35pm.

Master Plan Updates:

Mr. Feldmann will distribute a copy of the Master Plan draft notes that Mr. Carberry, Mr. Mellick and Mr. Feldmann have been working on to the board secretary for distribution.

There being no further business a Motion was made by Mr. Carberry, seconded by Mr. Viotto to adjourn the meeting at 8:40pm.

Respectfully submitted,
Allison Witt, Land Use Board Administrator.