



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 May 1, 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, Mr. Feldmann, Mr. Mellick, Mr. Sailer, Mr. Smith, Ms. Van Weeren, Mr. Viotto

Absent: Mr. Maher, Ms. Healey

Per the MLUL Mayor Kovach & Councilwomen Dineen were not able to participate and were absent from the meeting

Attorney Razin, Mr. Clerico and Mr. Kyle were present.

Approval of Minutes:

A Motion was made by Mr. Carberry, seconded by Mr. Smith, to approve the April 3, 2018 minutes:

Ayes: All Ayes
Abstain: Mr. Feldmann

Application for Use Variance; Preliminary and Final Site Plan for Block 21 Lot 27-59 Old Hwy 22- Jamison Taylor LLC:

Attorney Tom Brady, Jr.; Architect Mr. Michael Byrne; Engineer & Planner, Mr. Paul Ferriero; Applicant Anthony Locasio were sworn in, along with the Board Professionals Mr. Clerico and Mr. Kyle.

The Following items were introduced into evidence:

- A1 Use Variance, Preliminary and Final Site Plan Applications
- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Certified 200 foot list & certified Mailings
- A4 Tax Certification dated April 30, 2018

- A5 Architectural plans prepared by William P. Byrne, Byre Design Associates, Inc. (2 sheets) dated 2/2/2018
- A6 Variance, Preliminary & Final Site Plan prepared by Paul W. Ferriero PE, Ferriero Engineering Inc. (2 sheets) dated 1/2/2018.
- A7 Computer generated colored rendering of front elevation
- A8 Computer generated colored rendering of rear elevation
- A9 Aerial Photograph of site
- B1 Robert Clerico, Van Cleef Eng. report dated April 27, 2018
- B2 Jim Kyle, Kyle Planning & Design report dated April 30, 2018
- B3 Jack Daniels, Fire Official report dated April 30, 2018

Mr. Michael Byrne, Architect from Byrne Design advised the board the applicant is looking to redevelop the existing site. The 1st floor of the building is currently occupied by the applicant Mr. Locasio who operates his Financial Planning business, the middle level is a medical use and the third floor is presently unfinished space. The applicant is proposing to convert the medical space and the unfinished third floor space into six- one bedroom apartments, four apartments on the middle level and two apartments on the third level. The only change on the rear side of the building is to extend the dormer to create more square footage for the third level apartments.

Mr. Byrne advised the board he met with the Town Planner, Mr. Kyle on site who voiced concerns over the aesthetics of the building and with that in mind the front elevation will be modified to incorporate new larger windows, an overhang which offers a porch effect, the exterior stucco will be replaced with a maintenance free clapboard finish which will give the building more of a residential feel. Mr. Kyle commented the changes to the building will bring it more into the character of a residential building.

Mr. Byrne described the apartments, the four apartment on the middle level will be one bedroom which will include a walk in closet, washer and dryer, full bathroom, kitchen and living room and will be 604 square feet, the two upper level apartments will be slightly larger at 740 square feet. The apartments will target senior citizens who want to stay in the area but downsize and young adults just starting out. The building square footage breakdown is 2,255 on the first floor, 2,569 SF on the middle level and 1,593 SF on the upper level. The roof will be raised so the unusable space of 121 SF will be incorporated into the upper level apartments. Mr. Byrne advised the board they will comply with the architectural aspects of the Fire Official's report dated April 30, 2018, specifically items 1- 4, the remainder of the items he will defer to the applicant's engineer to address. They will work directly with Mr. Daniels during the construction phase. Mr. Carberry inquired if they would consider wrapping the clapboard on the side of the building, Mr. Byrne replied they would look into the costs. Ms. Van Weeren asked if the sewer capacity would increase, Mr. Byrne deferred the question to the Engineer.

Mr. Paul Ferriero, Engineer & Planner from Ferriero Engineering Inc. described the existing site conditions, the first site driveway off Route 173 comes in front of the building and will service the commercial space, the second driveway leads to the rear of the building and will service the proposed apartments. The trash enclosure in front of the building will be relocated to the rear easterly side, which will cause the elimination of one parking stall leaving the site with 11 spaces in the rear however there will still be adequate parking for the site. Mr. Ferriero stated the sewer capacity will increase but they were advised by the Town that that they have no problem supplying water and sewer to the site.

Mr. Ferriero stated he has no problem complying with most of the comments in Mr. Clerico's report dated April 27, 2018 with the exception of installing a new sidewalk in front. Mr. Ferriero testified since they are moving the trash location to the rear of the building, the front sidewalk will no longer be necessary, the plan is to strip the area as a no parking zone in front. In regards to the drainage issues on site, they plan to raise the pitch of a section of the rear parking lot so the grade to the building will be elevated and the water runoff will be directed into the existing inlet, they will work with Mr. Clerico on the pitch design of the site. They will comply with the remaining items of Mr. Clerico's letter.

Mr. Smith inquired about the surrounding properties. Mr. Ferriero responded the building is surrounded by woods on three sides, there is an island on the northwest corner that can accommodate some landscaping to dress up the site, the rest of the area is all woods, the property to the left is a large parking lot adjacent to the bank and the property to the east has commercial development on, the front of the site has a sidewalk which currently leads to nowhere. Mr. Smith asked if the residents leaving the building will have to cross over the highway, Mr. Ferriero stated most of the town's facilities are located on the north side of the road which will eliminate the need to cross the highway. Mr. Carberry advised the board the DOT has the town on their hotlist to install sidewalks along Old Hwy 22 in the future. Mr. Feldmann questioned the lighting plan, Mr. Ferrier responded for safety they plan to add two to three led shoebox lighting fixtures with a downward lens on the back of the building, there is no proposed changes to the front and we will work with Mr. Clerico on the lighting package. Mr. Ferriero stated they have no problem with complying with items # 5 and 6 of Mr. Daniels fire report and they will coordinate the site issues with the Fire Marshall. The question arose about fire truck access in the rear, they will confirm with the Fire Marshall regarding the access.

Mr. Ferriero proceeded with his planner's testimony. The building was built between 1972 and 1986 located in the C-4 zone, the zone was added to the Town's Ordinance in 2004 The lot is a 20,000 square foot parcel, the existing three story building is approximately 6,500 square feet, the parking is in the front and rear of the building. The applicant is seeking multiple variances, a C-1 Hardship Variance the property was previously developed the conditions on the site are existing before the zone changed. The second class of variance is a D-1 Use Variance, under the positive criteria the proposal will encourage municipal action by adapting the current use, the project will include a dedicated affordable housing unit, the other one bedroom apartments will fulfill a need in the housing spectrum for young adults and older couples that in a housing market is often overlooked. The proposal will provide a variety of uses for all citizens and will provide access to the services in town. The project will be an advancement of the MLUL by adapting the reuse of an existing structure. In regard to the negative criteria the proposal will not be a substantial detriment, the traffic will be reduced compared to the urgent care medical facilities current traffic. Mr. Ferriero advised the board the Town's Master Plan encourages for a mix of all income levels, this project encourages senior housing by offering one bedroom units that lends itself to senior citizens. Mr. Ferriero summarized the proposed project meets the positive and negative criteria, they will deed restrict an affordable housing unit, the parking will be modified, the lighting will be improved, and in his opinion based on the testimony the board has the ability to grant the D & C Variances.

Mr. Kyle commented the town is looking at the C-4 zone as a possible redevelopment zone where a mix of commercial and residential uses will be incorporated as part of the redevelopment plans. Mr. Kyle stated there is a grade difference between the sidewalk and the parking area on the south side of the building and suggested adding a hedge to eliminate car lights, the applicant agreed. Mr. Ferriero stated the ground sign will be relocated to the west side of the driveway, Mr. Kyle stated the ordinance requires a ten foot setback and questioned the need for the ground sign and the wall sign, Mr. Locascio stated the ground sign is more important and will agree to eliminate the wall sign, the proposed location of the ground sign will meet the ordinance except for the side yard setback which will be located 5 feet off the westerly property line and will require a variance. The sign will be subject to Mr. Kyle's review and a submission of a sign application.

Mr. Carberry thought this was a good project and the distribution of income levels will be a benefit to the town; Mr. Feldmann was concerned with adding more one bedroom apartments into the community and inquired how many one bedroom apartment were part of Twin Ponds and Eastern Hill, the applicant was not sure; Mr. Feldmann brought attention to the fact that an applicant appeared before the board several years ago wanting to put residential above his commercial use and the board denied his application, Mr. Smith stated he believed the main reason for the denial was his site was on the other side of the highway which has no sidewalks; Mr. Mellick stated the proposal seems like a sensible use and doesn't see a problem with the project; Mr. Viotto liked the building design and thought it spruced up the area; Mr.

Smith commented that beautifying the building is a good idea; Mr. Sailer stated this is a good opportunity to do something creative and the upgrades to the building will be aesthetically pleasing; Mr. Feldmann suggested adding more plantings and improving the sightline by adding a driveway mirror for vehicles coming down the site.

There being no further testimony or comments a Motion was made by Mr. Carberry, seconded by Mr. Viotto, to approve the application for a D-1 Variance, D-4 Variance, C Variances for the existing site conditions which are outlined in Mr. Kyle’s report, C variance for the sign setback of 5 feet , Preliminary and Final Site Plan approval subject to the following conditions:

1. Compliance with the Fire Officials memo dated April 30, 2018
2. Compliance with Mr. Clerico’s report dated April 27, 2018, with the exception of adding sidewalks.
3. Compliance with Mr. Kyle’s report dated April 30, 2018.
4. Deed restriction of one affordable unit.
5. Lighting plan subject to the review and approval of the Board Professionals.
6. Signage subject to the review and approval of the Board Professionals.
7. Safety mechanisms installed for the trash vehicles entering and exiting the site.
8. The site plan will be amended to reflect the correct FAR as shown on the architect plan.

Roll Call Vote:

Ayes: Mr. Carberry, Mr. Feldmann, Mr. Mellick, Mr. Sailer, Mr. Smith, Ms. Van Weeren, Mr. Viotto

Nays: **7-0 Motion carried.**

Board professionals were excused at 8:40pm.

Voucher approval:

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

All Ayes. Motion Carried.

There being no further business a Motion was made by Mr. Carberry, seconded by Mr. Mellick, to adjourn the meeting at 8:45pm.

All Ayes. Motion Carried.

Respectfully submitted

Allison Witt
Land Use Administrator