



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 August 21, 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, Mayor Kovach, Mr. Sailer, Mr. Smith, Mr. Viotto

Absent: Ms. Healy, Mr. Maher, Ms. Van Weeren

Approval of Minutes:

A Motion was made by Mr. Carberry, seconded by Mr. Viotto, to approve the June 5, 2018 minutes:

All Ayes:

Abstain:

Motion carried

Kovach, Dineen

Site Plan Review Report:

Block 11 Lot 16- 49-51 Main Street -Mr. Feldmann advised the board the committee met with Mr. Piazza to review the site plan application submission for Block 11 Lot 16 on July 31, 2018 and at that time the committee deemed the application submission complete. The applicant is looking to add an addition to the building, which will expand the restaurant and add a second floor apartment. The public hearing is scheduled for September 4, 2018.

Waiver from Site Plan Block 11 Lot 3- 5 Main Street- Toscanos:

Mr. Sal Djombaloc applicant was present and advised the board he is looking to open up a gourmet thin crust pizza shop and Italian baked goods in the space that was previously occupied by the Sushi restaurant at 5 Main Street. Mr. Djombaloc plans to add seating for 20 however 95% of his business will be takeout. The interior changes will include the addition of a hood, stove and pizza oven the work will be done by permits and will meet code. The sign lettering will be placed on a new awning, which will be green with gold lettering. The hours of operation will be 11:00am to 9:00pm, customers will be directed

to park in the municipal lots, Mr. Djombaloc advised the board that he and his wife will be running the restaurant; they live in town so they will not need any parking requirements.

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

All Ayes. Motion carried

Attorney Tara St. Angelo and James Kyle were present. Mr. Carberry recused himself from the meeting.

Resolution # 18-10 Executive Session- Pending Litigation and Legal Advice:

A Motion was made by Mr. Feldmann, seconded by Mayor Kovach, to enter into executive session at 7:40pm; action may be taken upon returning to regular session:

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Land Use Board find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Land Use Board will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

X Pending or anticipated litigation in which the public body is or may become a party and the general nature of the litigation is:

Town of Clinton Mount Laurel / affordable housing compliance and settlement matters. Therefore, this information will be withheld until the matter is concluded or the potential for negative impact no longer exists;

And

X Matters falling within the attorney-client privilege, to the extent that Confidentiality is required in order for the attorney to exercise her ethical duties as a lawyer; (The general nature of the matter is: privileged legal advice as to issues related to Potential settlement and board processes following settlement).

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Land Use Board hereby declares that its discussion of the subject(s) identified above may be made public at a time when the matter at hand is concluded and when the Board Attorney advises that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Board or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Land Use Board, for the reasons set forth above hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place.

All Ayes. Motion carried

Regular Session reconvened at 8:40pm

Endorsement of Agreements with Fair Share Housing and Clinton Moebus 34 LLC:

Mr. Kyle explained the settlement agreement, which sets forth conditions, stipulations, rezoning of certain properties and sets forth the specific requirements that the Governing Body has endorsed. The Land Use Board will hear the Subdivision application and the Site Plan Applications therefore it is important the board endorse the settlement agreement.

Public Comments:

Ms. Amanda Dirienz, Center Street, inquired if notice will be provided to the residents when the applicant files for site plan approval and what will happen to the abandoned home. Mr. Kyle stated that the residents within 200 feet should be notified and the house will more than likely be demolished, which will be addressed during the site plan phase.

A Motion was made by Mr. Smith, seconded by Mr. Viotto, to endorse the Fair Share Housing agreement and the Clinton Moebus 34 LLC settlement agreement:

Roll Call Vote:

Ayes: Mr. Feldmann, Mr. Sailer, Mr. Smith, Mr. Viotto

Abstain: Mayor Kovach, Mrs. Dineen

4-2 Motion carried.

Mayor Kovach and Councilwomen Dineen abstained from the vote because they already endorsed the agreement at a prior Council Meeting.

Voucher Approval:

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

All Ayes. Motion carried

There being no further business a Motion was made by Mayor Kovach, seconded by Mr. Viotto, to adjourn the meeting at 8:55pm

All Ayes. Motion carried

Respectfully submitted.

**Allison Witt
Land Use Administrator**