



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 7, 2019 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".

Attorney Katie Razin, Robert Clerico and Jim Kyle were present

New Member- Bryan Lubsen was sworn in.

ROLL CALL:

Present: Chairman Sailer, Mr. Feldmann, Ms. Healy, Mr. Lubsen, Mr. Smith, Ms. VanWeeren

Absent: Mayor Kovach, Ms. Dineen, Mr. Viotto. Mr. Mellick,

Approval of Minutes:

A Motion was made by Mr. Feldmann, seconded by Ms. Healy, to approve the February 5, 2019 minutes:

All Ayes. Motion Carried

Site Plan Review Report:

Mr. Smith advised the board the Site Plan Committee met with the following applicants; Ambe Holding LLC- Subdivision application, Clinton United Methodist Church- Variance and Site Plan application, and 72-74 West Main Street LLC- Use Variance and Site Plan application. All applications were deemed complete, public hearing to be scheduled for June 4, 2019 and August 6, 2019.

Ansuva Enterprise LLC- Blocks 17 & 17.01- Lots 2 & 2.03- Amended Preliminary Site Plan, Bulk Variances, Final Site Plan approval for Phase I; Phasing of the project and extension requests for site plan approvals for Phase II and III.

Attorney Kara Kaczynski, Mr. David Stires, PE, Wayne Ingram. Landscape Engineer & PP, and Mr. Hemant Desai, applicant were present and sworn in.

The Following items were submitted into evidence:

AI Amended & Final Site Plan Application package

- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Clerk's Certified 200 foot list
- A4 Township of Clinton certified Tax Assessor 200 foot list
- A4A. Tax Certification dated 5/2/2019
- A5 Final Site Plan prepared by David A. Stires Associates LLC dated 8/28/2018 revised 3/6/2019
- A6 Landscape Plan prepared by Engineering & Land Planning dated 2/21/2019
- A7 David A Stires Associates LLC summary letter dated October 2, 2018
- A8 David A Stires Associates LLC summary letter dated March 6, 2019
- A9 Engineering & Land Planning Summary letter dated March 11, 2019
- A10 Cover letter and updated application submission dated April 25, 2019 (41 pages).
- A11 Amended preliminary & Final Site Plans prepared by David A. Stires Associates LLC 8/28/2018 with revisions dates 3/16/2019 & 4/18/2019
- A12 Signage plans prepared by Persona signs dated 1/11/2019 (3 pages).
- A13 Construction drawings prepared by Kenneth Budd, RA dated 1/19/2017 revised 9/20/2017
- A14 Colored Photographs of the hotel (8 Photographs)
- A15 Colored rendering of Site Plan Exhibit A5

Board Submissions

- B1 Robert Clerico, Van Cleef Eng. report dated April 13, 2019
- B2 Robert Clerico, Van Cleef Eng. Report # 2 dated May 4, 2019
- B3 Fire Marshal, J. Daniels Email comments dated April 6, 2019
- B4 Kyle & MacManus Associates report dated May 6, 2019

Attorney Kaczynski advised the board the applicant was here tonight for several requests, to revise the original approval and phase out the project into three (3) phases. The hotel is within phase I and the restaurant and office will be part of phase II and phase III. Tonight the applicant would ask for an amended preliminary and final site plan approval on Phase I and a two-year statutory extension request for Phase II and III to secure tenants.

Mr. Hemant Desai, the owner was called to testify. Mr. Desai advised the board that even though he is asking the board to phase out the project he does intend to see the entire project through to the end. Mr. Desai stated that the hotel brand changed over the years, it started with a Sleep Inn, Comfort Inn, Holiday Inn Express and then finally a Marriott. Marriott hotel, which is a premier hotel chain, has different standards therefore some changes had to be made to the original approved plan. The major changes were the elimination of the banquet facilities in the hotel which resulting in a reduction of the footprint of the hotel and some site changes because of the retaining wall.

Mr. David Stires, PE went over the site plan rendering with the board (exhibit A-15). Mr. Stires indicated Phase I is the hotel, Phase II is the restaurant and Phase III will be the office building. Mr. Stires testified the infrastructure of the site is complete, the detention basins are complete, all utilities are in place, the emergency access road is complete and the loop road through the site is complete. The incomplete items are the second coat of paving, some walkways and landscaping.

Mr. Stires went through some of the changes with the board. The hotel footprint was reduced from 18,020 square feet to 15,424 square feet; the dumpster in the northeast corner was eliminated and two parking spaces were added; due to safety concerns and recommendations from the board's professionals, the concrete island in front has been removed. The changes to the retaining wall resulting from Marriott's request that the rear door be ADA accessible, Mr. Stires stated we had to extend the wall to provide wheelchair accessibility to the south side entrance, the wall was then extended to provide for the grade change of the parking lot and the finish grade of the hotel. In addition, after meeting with the boards' professionals, the walkway was eliminated from this area and two additional parking spaces and landscaping were added. The hotel height has been slightly reduced from 49.24 feet to 46.88 feet. A chain link fence has been relocated to the front area, the sign package was modified per Marriott's request and the board is asking for variances on signage.

Mr. Stires went over the sign variance requests, which are outlined in Mr. Kyle's report dated May 6, 2019:

1. Variance to allow all signs to be internally illuminated
2. Variance to permit the walls signs to be internally illuminated with LED-tube lighting
3. Variance for the second hotel wall signs
4. Variance for the third ground mounted sign

Mr. Stires advised the board the hotel it is a 24-hour operation and for safety reasons the hotel signs need to be illuminated, the signs are directed to Highway 31 so there is no detriment to the residential properties. Mr. Stires stated the applicant will conduct a night light test with Mr. Kyle to make sure the lighting meets the board's satisfaction. Mr. Stires agreed to install the plantings at the base of the ground signs per Mr. Kyle's recommendations.

Mr. Stires addressed the parking and loading area comments per Mr. Kyle's report. The site has 276 parking spaces, the hotel has 103 designated spaces, restaurant will have 91 spaces and the office space will have 82 spaces, the parking shortage for the office building will be part of the Phase III application. In order to accommodate ADA accessibility the applicant seeks a variance for the undersized loading space of 10 x 30. Mr. Stires testified due to the elimination of the banquet area, there will be no need for tractor-trailer deliveries the trucks will be similar in size to UPS trucks therefore the 10 x 30 loading area will be adequate.

In response to Mr. Clerico's review letter dated May 4, 2019 the applicant will comply with items # 4 and 5 on page 4; the building height has been reduced from 49.24 feet to 46.88 feet the plans reflect the reduction; the applicant has eliminated the solar panels and on page 8 items A&B have been addressed. In regards to the construction details outlined on page 9 of Mr. Clerico's report the steel beam guiderail was changed to a wood beam and post guiderail, the chain link fence will be removed and replaced with a six foot high aluminum safety fence and the paving specifications for the emergency access driveway has been modified which will require approval from Emergency services.

Mr. Clerico advised the applicant the items not completed in Phase I will need to be bonded, all fire safety components should be included in Phase I and complete, the revised plan should present a clear picture of Phase I, II and III .

Mr. Feldman suggested when Mr. Kyle conducts the night light test for the sign he also look at the lighting from Center Street, Mr. Kyle agreed.

Mr. Wayne Ingram, from Engineering and Land Planning summarized the landscaping on exhibit A6 and went through the changes with the board. The biggest change is the removal of the landscaping between the guiderail and the retaining wall, there is a large density of natural vegetation in this area the concern is if they planted trees and shrubby that once mature the roots may affect the stabilization of the wall. Mr. Ingram advised the board there is no visual impact to the surrounding properties, Mr. Kyle suggested additional landscaping, which is outlined in his report, the applicant has no objections and will work with Mr. Kyle on additional landscaping.

Attorney Razin summarized the applicant's request, variances, waivers and conditions for the board's benefit. The applicant is seeking Amended and Final Site plan approval for Phase I ; an extension for preliminary site plan approval for Phase II and III. The last approval was in 2008, the permit extension act went to 2015 and then the three-year permit extension act went to 2018, which would bring the extension request approval to 2020 for Phase II and Phase III. The applicant is requesting the following variances and waivers:

1. Variance to illuminate all the signs.
2. Variance for the third ground mounted sign
3. Variance for the parking stall size and aisle width

- 4. Variance for loading area size
- 5. Waiver for the foot-candle at the commercial line
- 6. Condition of approval the applicant will work with Mr. Kyle on the final site landscaping design.
- 7. The plans will include the correct phasing, all approved signage, and landscaping.
- 8. The applicant agrees to conduct a night light test with Mr. Kyle to determine the light intensity.
- 9. Comply with all fire safety requirements.
- 10. Applicant will comply with installing the black vinyl chain link fence in front of the site.
- 11. Wall construction details to be reviewed and approved by Mr. Clerico
- 12. Final approval from Emergency services
- 13. Submit an O&M Manual
- 14. The signage is for the hotel only, the applicant to apply for signage for Phase II and III
- 15. The restaurant was only approved in concept only so a preliminary approval for the restaurant will be required.

The board determined that installing the second wall sign did not need a variance.

The board members agreed that the variances for the hotel signage could be granted, the hotel is open 24 hours and the signage as presented provides adequate visibility with no impact on the residential areas. The light test is a good idea, and it would be worth looking at the lit sign from Center Street and the Halstead Street bridge, the board felt the variances and request were minor and felt comfortable with granting the request.

There being no public questions or comments a Motion was made by Mr. Smith, seconded by Ms. Healy, to grant the amended Preliminary and Final Site Plan approval with Variances for Phase I and grant an extension of preliminary approvals for Phase II and III to 2020.

Roll Call Vote:

Ayes Chairman Sailer, Mr. Feldmann, Ms. Healy, Mr. Lubsen, Mr. Smith, Ms. VanWeeren
Nays:

6-0 Motion Passed.

Board Discussion:

The board will review a draft of the C-4 redevelopment preliminary study at the next meeting of June 4, 2019 with a public hearing to be scheduled on June 18, 2019.

Voucher Approval:

A Motion was made by Mr. Smith seconded by Mr. Feldmann to approval the May 2019 Voucher list:

All Ayes. Motion Carried

There being no further business a Motion was made by Mr. Smith seconded by Mr. Feldmann to adjourn the meeting at 9:50pm.

All Ayes. Motion Carried

Respectfully submitted
Allison Witt
Land Use Administrator