



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 1, 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".

ROLL CALL:

Present: Chairman Sailer, Mr. Feldmann, Ms. Healy, Mr. Lubsen, Mr. Mellick, Mr. Smith, Mr. Snider, Ms. Van Weeren. Mr. Viotto

Abstain: Per the MLUL Mayor Kovach, Ms. Dineen were not present.

Attorney Katie Razin, Mr. Robert Clerico and Mr. Jim Kyle were present

Approval of Minutes:

A Motion was made by Mr. Feldmann, seconded by Mr. Smith, to approve the August 6, 2019 minutes:

All Ayes. Motion Carried

Abstain: Mr. Viotto

Per the MLUL Mr. Feldmann recused himself from the Public Hearing

Application for Use Variance, Preliminary & Final Site Plan Approval- Block 6 Lot 2- 72-74 West Main Street LLC:

Attorney Kristen Perry was present on behalf of the applicant, the following professionals were sworn in: Mr. Rich Muerer, Mr. Chris Nusser, PE; Mr. Paul Ricci, Planner; Mr. Clerico, PE and Mr. Jim Kyle, Planner.

The following items were submitted into evidence:

- A1 Variance, Preliminary & Site Plan Application
- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Clerk's Certified 200 foot list
- A4 Tax Certification dated August 27, 2019
- A5 Site Plan dated prepared by Engineering & Land Planning dated April 15, 2019 with revision date September 9, 2019

- A6 Architectural Plans prepared by Eric Trepkau dated 7-17-19 with revision 9-9-2019
 - A7 State of NJ DOT Highway Access permit executed date August 7, 2019
 - A8 Drainage Area Plan with Summary of Hydrologic Analysis and runoff Calculations-dated 9-9-2019.
 - A9 Turning Template plan dated 9-09-2019
 - A10 Boundary & Topographic Survey dated 4-8-2019
 - A11 ELP Comment letter dated 9-10-2019 prepared by Christopher Nusser, PE, PP
 - A12 JCP&L will serve letter dated 7-11-2019
 - A13 Letter requesting de minimus exception for NJ RSIS dated September 20, 2019
 - A14 Colored rendering of Main House
 - A15 Colored rendering of rear carriage house
 - A16 Aerial overlay of Sheet 1 of the site plan set
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- B1 Robert Clerico, Van Cleef Eng. Report dated August 26, 2019
 - B2 Robert Clerico Van Cleef Eng. revised report dated 9-28-2019
 - B3 James Kyle, Report dated September 20, 2019
 - B4 Chief Matheis review comments dated 5-9-2019
 - B5 J. Daniels. Fire Marshal review comments dated 5-13-2019
 - B6 J. Daniels Fire Marshal review comments updated 9-5-2019

Mr. Rich Muerer, property owner gave the board a brief personal and business background and advised the board he was here tonight to seek relief to add 10 apartments at 72-74 West Main Street. Mr. Muerer stated this could be a great project if he is permitted to move forward the restoration of the building will be something we will be proud of. Mr. Muerer advised the board he has run into a lot more issues with the building than anticipated and in order to be cost effective he must have ten units anything less he will not be able to move forward as planned. Mr. Muerer advised the board the leasing of tenants will be done in house there will be no outside management company this property plans to stay in the family for years to come. Mr. Mellick, Historic Commission Liaison, advised the applicant the Historic Committee reviewed the proposed architectural upgrades on the building and they felt the proposal fits in with the historic look. Mr. Kyle questioned if the vinyl could be substituted, Mr. Muerer commented that maybe the front and the sides could be replaced with hearty plank, Mr. Kyle stated if we get through the use variance than the details can be discussed. Mr. Clerico inquired if anything had to be torn down in the non-conforming areas; Mr. Muerer stated a small portion in back of the house but this part of the building is conforming.

Meeting opened to the public for questions for Mr. Muerer:

Ms. Norma Kania 27 West Main Street has traffic concerns, which will be deferred to the Engineer.
Ms. Jennifer Feldmann- 68 West Main Street asked the board if economic needs can be taken into consideration, Attorney Razin deferred the comment until after the Planner testifies.

Meeting closed to the public for questions to Mr. Muerer.

Mr. Eric Trepkau, Architect was sworn in. Mr. Trepkau advised the board the property is located on West Main street next to the Shell Station and is visual when entering and exiting the town. The building has been vacant for some time and the home has had a lack of maintenance some structural issues exist. The goal is to renovate the building and the carriage house to an attractive building that will house 10 apartments, two of which will be COAH units. There are two building on site now, the main front building, building A is a 2 ½ story structure and building B in the rear of the property is a 1½ story masonry building, the front building currently has 3 apartments and we will add 2 more to create 5 apartments in building A, and we plan to add 5 apartments in building B. Mr. Trepkau advised the board they will remove a small portion in the rear of building A and rebuild in a smaller footprint. They are looking to capture wasted space to maximize the floor area on the first floor. The buildings will be designed for ADA accessibility a small ramp will connect the front porch. The driveway will be widened and a small garbage pad with a fenced in enclosure will be added on the side.

Mr. Trepkau gave the board an overview of the architectural features and the breakdown of apartment types:

Building A will have 2 two- bedroom units side by side on the first floor, the second floor will have 1 one bedroom and 1 two- bedroom apartment on the second floor and will be accessible through a side entryway, the fifth apartment which will be 2 bedrooms and will be located in the existing attic space on the third floor. The Victorian character of the building will remain, we plan to upgrade the building with a new roof, siding, windows, the wrap around porch will be raised and repaired so the side of the porch will connect with the side ramp.

Building B will have 2 one- bedroom apartments which will be designated as the affordable apartments, 1 two- bedroom apartment on the first floor, 2 two bedroom apartments on the second floor. The second floor apartments will be loft style with open kitchens, living room with cathedral ceilings and exposed brick. Access to the units will be through the front door into a foyer to the staircase, the foot print of the building will not change we are proposing a new roof with a shed dormer to lift the roof and maximize the ceiling height which will create have a carriage house look, new glazed windows, siding and doors and sprinklers will be added. The building will be renovated and updated which will make it a nice place to live and will enhance the aesthetics of the neighborhood.

Mr. Trepkau stated the site will have 15 parking spots, 1.5 space per unit the spaces will be located behind building A. NJ residential site improvements standards (RSIS) require 1.8 spaces (19 spaces) the applicant is requesting a de minimis exception from the RSIS standard.

Mr. Trepkau continued his testimony on site conditions there will be an 11 x 4 concrete pad with a vinyl fence enclosure to hold the household garbage cans, the applicant has had discussions with the garbage company they were advised they will use a small truck for garbage pickup. The outdoor space is limited to the front yard and the wrap around porch which will be accessible to all the units. The design for the HVAC units is being worked out they are looking at mounted HVAC units which will be approximately 16" deep by 3 feet long, 5 units per building. Questions arose if the HVAC units will further encroach into the setback space, Mr. Trepkau was unsure at this time they would look into more details on what units they plan to use.

The Meeting was open for questions for Mr. Trepkau to the public:

Mr. Thomas Mading, 64 West Main Street inquired about the total bedroom count for both buildings, the size of the apartments, questioned the ability of a garbage truck to access the site. Mr. Trepkau responded there will be 17 bedrooms total ranging in size from 500 SF to 1100 SF and per the conversations with the garbage company the small garbage truck will back into the driveway to pick up.

Mr. Ryan Smerillo, 70 West Main Street stated the proposed occupancy could lead to 34 potential drivers and inquired if any counts were done, questioned was deferred to the Engineer.

Ms. Jennifer Feldmann, 68 West Main Street asked for clarification of the zone and inquired about multi-family use in a one & two family zone and how long the property had been vacant. Attorney Razin deferred to the zone question to the planning testimony and Mr. Trepkau responded he was advised the building had been vacant for years.

Mr. Frank Gallagher, 31 Center Street inquired if the proposal was in accordance with the Town's Master Plan and the breakdown of square footage of each unit in the rear building. The Master Plan question was deferred to the planner. Mr. Trepkau stated building B the one bedroom efficiency apartment will be 520 SF; the other one bedroom apartment will be 570 SF, the two-bedrooms unit on the first floor will be 912 SF; 2nd floor unit#501 will be 1,050 SF and second floor unit # 502 will be 1,068 SF, all units will have one bathroom.

Meeting closed to the public for questions to Mr. Trepkau.

Mr. Chris Nusser, Engineer from Engineering & Land Planning stated the overall proposal is to keep the two existing structures and provide better access and parking on site. The existing driveway is 9 feet and they propose to widen the driveway to 12' and at the bottom it will be widened to 20' allowing cars to exit and enter the site at the same time. The 15 spaces proposed will also include 1 handicap space. The existing site has some parking constraints the parking stalls will be located 3 feet off the east side property line and 2 feet from the west side property line, the ordinance requires a five foot setback.

Mr. Nusser testified about site drainage, half of the drainage in the rear flows to the west towards the shell lot and the other half flows downwards towards West Main Street there is no proposed changes to the drainage pattern that exists now. The applicant plans to add additional lighting which will not interfere with the eastern properties, plantings will added to each side of the door of the carriage house which will add an aesthetic view and also add protection for vehicles that pull up to the building which will eliminate the need for bollards. Mr. Nusser advised the board the property is presently serviced by oil they do plan to install gas service to the building, upgrade the electric service and abandon the well on site and hook up to public water; they will use the same sanitary sewer service which already connects to the street.

Mr. Nusser testified about the parking requirements, the RSIS standards call for 1.8 parking spaces per unit they are providing 1.5 which is a fairly common standard that is used today. Mr. Nusser felt that not every occupant will have a car, there will be one space assigned to each tenant and the four extra spaces will be used on a first come basis, the tenants will know in advance about the parking spaces before signing the lease. Mr. Mellick stated he was concerned with the amount of parking spaces versus the amount of tenants. Mr. Nusser replied there is also parking available further down on the street it may not be as convenient but parking is available. Mr. Nusser addressed the driveway queuing concerns raised in Mr. Clerico's letter, he felt that generally people would be leaving the site in the peak morning hours and returning in the evening the traffic would be flowing in the same direction when entering and exiting the site. The base of the driveway can accommodate two way traffic, however the top of the driveway narrows and will only accommodate one way flow of traffic. Mr. Nusser commented when you exit the site and want to make a left into town most people will give you a courtesy gap to exit left and if you are coming from the direction of the Walmart plaza to the site there is enough room for a car to get around the car waiting to make a left into the site, Mr. Nusser testified that it was his opinion the driveway would operate efficiently and New Jersey DOT already approved the driveway access permit with the plan as submitted. Mr. Smith stated he was concerned with the off ramp traffic and the backup of vehicles if a car was trying to enter into the site, Mr. Nusser stated the roadway is extra wide in this area which will allow traffic to get around if a vehicle is waiting to make a left into the site.

Mr. Nusser advised the board the water connection for the fire department access will be at the top of the driveway and based on discussions with the Fire Marshal they do not intend to pull a fire truck up the driveway the truck would stage in the street if needed.

Mr. Nusser stated no design waivers are needed from 88-44B (2) F; J; M since this section refers to a planned development community the relief is not relevant to this application. Mr. Nusser stated a lot of the items in Mr. Clerico's letter have been answered though testimony the remainder of the items are as follows:

1. Page 5 item 3 (b) - Applicant seeking relief from the required 25 foot access aisle to a 24 foot access aisle width.
2. Page 6 –item 3(d) - The rescue vehicles will access the site by backing into the driveway, They did not solicit any input the rescue squad, but do not feel the vehicles will have issued getting into the site if needed.

Mr. Clerico brought up concerns with water runoff from the driveway and felt more information was needed to document whether the site can adequately handle the run off without causing any adverse effect, Mr. Nusser stated you are looking at 100 year storm water runoff into shell station no issues of erosion existed in the past years. Mr. Nusser stated there is a very small increase in the amount of water

impact, Mr. Clerico replied the applicant has an obligation to show us how you are managing the water runoff, Mr. Nusser stated he will provide the details to Mr. Clerico for review we will work it out to satisfy you that we are not creating an adverse effect. Mr. Nusser discussed an option to take the roof leaders and tie them directly into the state system piping that discharges directly into the stream.

The applicant is seeking variance relief for building coverage as a result of the 92 SF addition that will be built. The impervious coverage will increase but no variance relief is needed. A design waiver is needed for the light spillage on the western property line onto the shell gas station. Mr. Kyle stated there is a spotlight proposed by the garbage area and he would suggest a different solution that would be less impactful. Mr. Nusser agreed to replace the proposed spotlight with a building light that will have a shield on the light. The entryway lighting and porch lighting will be a standard residential light fixture.

The applicant recapped that they are looking for three design waivers:

1. Design waiver to permit light levels to exceed the maximum of 0.05 foot-candle along the western property line.
2. Design waiver to allow parking areas located less than 5 feet from any building and property line. The parking area is within 2' of the westerly property line and 3' from the easterly property line and the parking will be located within 3.22' of the building.
3. Design waiver for the access way which is 0 feet off the property line where 10' is required and the width of the access way is 15' where 12' is proposed.

Ms. Healy inquired about a box truck accessibility, Mr. Nusser stated the truck could enter the site but would not be able to turn around they would have to back out.

The meeting was opened to the public for questions for Mr. Nusser:

Ms. Norma Kania, 27 West Main Street has concerns with vehicles entering the site from the opposite side of the road, Mr. Nusser replied they received state approval and a permit was issued for the access way as proposed; there is 24 feet from the curb to the striped area which leaves room for 2 vehicles one to access the site and one to get around.

Mr. Thomas Mading, 64 West Main Street brought to the applicants attention the town does not permit on street parking during the winter months, his concerns are with the volume of traffic; the intersection traffic; the constraints in space; concerns with crossing over the lanes to enter and exit; eliminating existing lawn space to widen the driveway; water runoff, and intrusion to the easterly setback line. Mr. Nusser replied he does not believe there are any adverse effects.

Ms. Jennifer Feldmann, 68 West Main Street concerned with snow plowing; offsite parking; crosswalk; garbage companies approach to garbage pickup; water issues in the basement; and questioned if the NJ DOT permit triggers a section 106 review by the state. Mr. Nusser replied the concrete medium begins approximately 20 feet way, there is no issues with ground water going into the basement and to his knowledge no section 106 review is required.

Close to the Public for questions for Mr. Nusser.

Due to the time frame, Chairman Sailer stated the application for 72-74 West Main Street LLC will be carried to the November 5, 2019 meeting, the board requested the applicant bring back details on the drainage, type and details on the HVAC units, feedback from EMS regarding access the site.

Mr. Steve Feldmann rejoined the board at 10:00pm, Mr. Clerico and Ms. Razin were adjourned.

Board Discussion:

Mr. Kyle advised the board they will meet on October 15, 2019 to relook at the C-4 redevelopment zone designation, the Mayor & Council added Lot 29 into the plan. The Housing & Fair Share plan will be moved to the December 3, 2019 meeting.

Ms. Healy, liaison to the Environmental Commission, advised the board the Commission is working towards obtaining sustainable NJ certification and one request is to make the agenda more user friendly. suggestion was to add the address and a summary of the application. The board secretary will start to include the items moving forward.

Voucher approval:

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

All Ayes. Motion Carried

Adjournment:

There being no further business a Motion was made by, Mr. Smith, seconded by Mr. Snider, to adjourn the meeting at 10:20pm:

All Ayes. Motion Carried

Respectfully Submitted

Allison Witt
Land Use Board Administrator