



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

Clinton, N.J. 08809-5194

(908) 735-8616 FAX (908) 735-8082

PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on April 6, 2010 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Gallagher called the meeting to order at 7:30pm and read the "Administrative Statement" and the "Statement of Adequate Notice":

"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 10:30pm with all items not concluded to be carried over to next month's agenda".

"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".

Attorney William Shurts, Mr. Clerico and Mr. Hintz were present

ROLL CALL:

Present: Gallagher, Hendricksen, Hetzel, Insel, McGuire, Rogan, Trepkau

Absent: Maher, Perez

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mrs. Insel, to approve the February 2, 2010 minutes with the following change:

Latino Final Subdivision application carried to April 6, 2010:

All Ayes. Motion Carried.

Abstain: Trepkau

Site Plan Review Report:

Chairman Gallagher and Mr. Trepkau excused themselves, as they are an interested party as defined in the MLUL.

At the Site Plan Committee Meeting Mr. Hetzel and Mr. Perez met with the applicant, Jennifer Schlaudecker, Block 10 Lot 14 to review the application submitted for a Minor Site Plan application. Mr. Hetzel informed the board that they went through the checklist and it appears to be complete and would recommend the Planning Board deem the application complete. Mr. Hendricksen inquired about the items that were checked as N/A on the checklist and after further review the board secretary confirmed she had a copy of the Site Plan and the waivers were no longer needed.

A Motion was made by Mr. McGuire, seconded by Mr. Hetzel, to deem the Minor Site Plan Application for Block 10 Lot 14- 16 Leigh Street Complete:

Roll Call Vote:

Ayes: Hendricksen, Hetzel, Insel, McGuire, Rogan

Nays: **All Ayes. Motion Passed.**

Public Hearing will be held on May 4, 2010.**Informal Hearing- Block 16 Lot 22.02- Eastern Hill LLC:**

Attorney Michael Crestiello and Mr. John Kerwin, applicant were present.

Chairman Gallagher advised the board the property to be discussed tonight was given a prior approval by the Planning Board for an office building. The applicant approached the Mayor & Council to consider a zone change from office building to residential and the Council referred the applicant to present their proposal to the Planning Board for their review.

Attorney Crestiello stated he was here tonight to request the Board consider a rezone of Block 16 Lot 22.02. The property is currently zoned and approved for a 2-story 22,000 SF office building, the new proposal would be to rezone to residential to allow for a four-story 39 unit apartment building. The proposed apartment building would be built on the same footprint as the approved office building.

Mr. John Kerwin stated he would like the board to consider the site for residential, and would offer as a condition of approval that once the Fair Share Housing mandate is settled through the legislative process the board will have the right if needed to assign a 20% affordable housing obligation. Mr. Kerwin advised the board the applicant has completed some architectural studies and it is feasible to build on the same footprint. The applicant believes his proposal is suitable for the site, it is close to the library, close to town and it is a gateway into town.

Mr. Gallagher inquired if the zoning was changed how would it impact other approved commercial development; Mr. Hintz responded each proposal would be considered on a case-by-case basis. Mr. Hendricksen commented that the site is adjacent to the library, which is next to the Community Center and playground, there are sidewalks into town, so there would not be a need to bus children to school, and thought this site meets all the criteria to consider residential zoning. Mr. Hendricksen questioned the amount of affordable housing option he recalled in the past discussing 12 units, Mr. Kerwin stated he was not sure what was discussed but he will look into it.

Mr. McGuire inquired what would be a reasonable assessment if built, Mr. Kerwin responded if there were more affordable units then it may create more children which would create a negative to the town, however if they were all market units it would create more of a positive to the town. Mr. McGuire stated he was concerned about the population of children and how it would affect the school system. Mr. Kerwin responded if they were all market units then he would estimate a total of 3 to 4 children.

Mr. Clerico inquired what the proposed height of the four-story will be, Mr. Kerwin responded approximately 50 feet. The building will be built on grade, no garages which will be less desirable to a growing family that will need more storage needs.

Mr. Gallagher stated there has to be a balance between economic impacts and the town impact. The applicant will meet with the Master Plan Committee on April 20, 2010 to discuss in more detail.

Final Subdivision application- Block 23 Lot 6- Latino:

Attorney Wilson advised the board the applicant filed the preliminary and final subdivision together, the preliminary was approved and the final application has been carried. Attorney Wilson suggested a resolution and asked the board to accept a conditional withdrawal of the final application. The condition is based on if the applicant is ready within 90 days to refile then all application fees will be waived, if filed after 90 days then the applicant will be responsible for all fees.

A Motion was made by Mr. Hendricksen, seconded by Mr. McGuire, to accept the withdrawal of the final application conditioned upon if the applicant files within 90 days all application fees will be waived and after 90 days the applicable fees to be submitted.

Roll Call Vote:

Ayes: Gallagher, Hendricksen, Hetzel, Insel, McGuire, Rogan, Trepkau

Nays: **All Ayes. Motion Passed.**

Completeness Review – Block 29 Lot 3.319- Major Subdivision application- K. Morriello:

Attorney Kevin Benbrook, Terry Essig, Engineer and Kathy Morriello were present.

Attorney Benbrook advised the board the lot is part of the Pond Ridge Condo development, the house is a single family home and an entirely different structure than the attached homes within the development. When I filed the application I looked at the subdivision as a single lot, no new roads, no new structure and filed a Minor Subdivision. Attorney Caldwell's opinion was the development was originally part of a Major Subdivision and therefore, the applicant should file a Major Subdivision application. I disagreed with Attorney Caldwell's opinion and filed action with the Court. After discussion with Mr. Caldwell and the Town Attorney Mr. Cushing I agreed to refile as a major with the hope that the waivers requested would be granted and we could move forward.

Mr. Hendricksen stated the most important issue is to identify if variances are needed and whether this application belongs with the Planning Board or Board of Adjustment. Mr. Hendricksen stated subdividing this lot may create a density issue with the remaining land and if so the Planning Board does not have jurisdiction over this application. Mr. Essig responded that this lot would meet the ordinance however he did not do the calculation for the remaining land. Mr. Benbrook advised the board this lot will be newly created and will be a conforming lot and the remaining lots are pre-existing. Mr. Hendricksen stated that if you remove this lot from the subdivision it may make the remaining lots non-conforming. Attorney Bill Shurts stated that the density applies to the overall project and both lots should be conforming otherwise it will create "d" variance. Mr. Clerico added this was originally a Planning Board application when Pond Ridge filed for a Major Subdivision, the original plan conformed to the zoning requirements and the same zoning is still in place today.

The Board agreed the major question is will the remaining lands when subdivided meet the density and if it does not then this is a Board of Adjustment application.

Mr. Benbrook asked the board to deem the application complete subject to the applicant providing the density data. Mr. Clerico stated there are a few other issues, the flood plain and the data from the new FEMA map should be incorporated into the plan, the buffer easement between the association needs to be addressed, and the plan should show utilities because if the utilities run from the applicant's lot to the remaining lots then a utility easement might be required. Mr. Benbrook stated he understands the issues but is looking for a compromise to litigation, since he has not technically agreed that this is a Major Subdivision application and asked the board how he can proceed from here.

Chairman Gallagher stated without the information discussed tonight the board cannot move forward with completeness and suggested as soon as the board receives the information we will do everything to

Attorney Benbrook asked to carry the completeness hearing to the May 4, 2010 agenda and his Engineer and Mr. Clerico will go over the items needed to move forward to a public hearing.

A Motion was made by Mrs. Insel, seconded by Mr. Hetzel, to carry the completeness and request for waivers to the May 4, 2010 meeting:

All Ayes. Motion Carried.

Exemption from Site Plan – Block 12 Lot 4.01- 12 East Main Street -Heather Schultz

Heather Schulz Applicant was present.

Ms. Schulz is requesting to open a hair salon, there will be no interior changes with the exception of adding 2 sinks, the business will be open from 10-8pm and she will have 4 to 5 employees. The main entrance will be located on East Main Street and there will be a second rear entrance on Old Highway 22. The trashcans are located in the alleyway and are fenced off and are not visible to the public.

A Motion was made by Mr. Hendricksen, seconded by Mrs. Insel, to grant an exemption from site plan for the change of use from an antique store to hair salon:

Roll Call Vote:

Ayes: Gallagher, Hendricksen, Hetzel, Insel, McGuire, Rogan, Trepkau

Nays:

All Ayes. Motion Passed.

The applicant was advised about filing for sign permits and plumbing permits. Mr. McGuire commented that if the sign is going to be lit it must be turned off ½ hour after closing, Mrs. Schulz advised the board she will comply with the ordinance.

Committee Updates:

Board of Adjustment: Mr. Trepkau stated the BOA is awaiting the application for T-Mobile.

Master Plan: Mr. McGuire advised the board that the Master Plan and Smart growth are on the same page with 2 issues that need to be addressed.

1. Wargo Tract- Some research needs to be done to determine DEP status, need to look into regulations to allow parking.
2. Agway Property- The Agway property is being vacated; this property would lend itself to a mixed development. The property is impacted by the traffic situation and it is difficult to make a left hand turn out.

The Master Plan will start researching the 2 properties to come up with an action plan. Mr. Hintz stated the biggest problem is the DEP requirements in regard to wetlands and wetlands buffer area. Mr. Hintz stated he will reach out to his contact at the DEP and find out who he recommends the Town meet with.

Fairshare Housing Update: Mr. Hintz advised the board that they are trying to reach out to Mr. Williams the owner of the Clinton Garden Apartments to discuss the potential of adding affordable housing in the development. Mr. Williams has been approved for 20 apartments in a fourth building and Mr. Hintz and the Sub-Committee have come up with an offer to discuss with Mr. Williams to accommodate affordable housing. Mr. Hintz advised the board that we need to schedule a public hearing before the June deadline to implement the Fair Share Housing Plan. Mr. Hintz will meet with the Master

Plan on April 20 and the Planning Board will hold a public meeting on May 4, 2010.

Highlands Update: Mr. Hintz advised the board they have not been able to move forward with the revised map on the Moebus Tract and he has a meeting with Eileen Swan scheduled. Once we hear back from Highlands, the Planning Board will have to schedule a meeting on the Highlands. Mr. Hintz advised the board the Highlands have allocated money to revise the Town's Master Plan and Ordinances, which the town can use once the plan is approved.

Mrs. Insel asked the board for some clarification if a developer comes to the subcommittee when do you refer them to the Planning Board for a zone change versus sending them to the Board of Adjustment for a Use Variance. Mr. Hintz responded it really depends on the size of the project, if a proposal comes to the Smart Growth Committee, Mrs. Insel can report back to the Planning Board and the board will determine if they want to continue forward with an informal hearing.

Voucher Approval:

A Motion was made by Mr. Hetzel, seconded by Mr. Trepkau, to approve the vouchers (list attached).

All Ayes. Motion Carried.

There being no further business a Motion was made by Mr. Rogan, seconded by Mr. McGuire to adjourn the meeting at 9:40pm.

All Ayes. Motion Carried.

Respectfully submitted,

**Allison Witt
Land Use Administrator**