



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on October 5, 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 Caldwell, Robert Clerico, and Carl Hintz were present.

ROLL CALL:

Present: Gallagher, Insel, Hetzel, Maher, McGuire, Perez, Rogan, Trepkau

Absent: Hendricksen

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. Maher, to approve the August 3, 2010 minutes:

All Ayes. Motion Carried. Abstain: Insel, Trepkau Motion Carred

Site Plan Review Report:

Mr. McGuire advised the board at the August Planning Board meeting the Board approved an exemption from site plan for Block 10 Lot 15 based on the testimony provided. Mrs. Anna Ackaway testified at the meeting the new occasional showroom would sell one of a kind type items such as antique chairs, cabinets, end tables. Recently the store window has put up a paper sign indicated a mattress retail store, and after a conversation with Attorney Caldwell it was requested Mr. Daniels, the Code Enforcement Officer confirm what was being sold. Mr. Daniels confirmed the only items in the store were beds, box springs and bed frames. Attorney Caldwell will send a letter to the applicant requesting they appear back before the board to explain the change in product line.

Memorilzation of Resolution for Block 18 Lot 5 -Z&F LLC Extension Request:

A Motion was made by Mr. McGuire, seconded by Mr. Hetzel, to approve the Resolution for Z&F LLC for a second –one-year extension:

Roll Call Vote:

Ayes: Gallagher, Hetzel, Maher, McGuire, Perez, Rogan,

Nays: **All Ayes. Motion Carried.**

Preliminary & Final Site Plan Application- Block 1 Lot 60 & 60.01- Country View Builders Inc.

Attorney Walter Wilson, James Cosgrove, PE from Omni Environmental LLC, Catherine Mueller. PE from Page Engineering, David Parisi, owner and Kenny Lang, Construction Consultant. were present.

The Following exhibits were submitted in to evidence:

- A1 Application
- A2 Public notice of September 14, 2010
- A3 200-Foot List
- A4 Certified Mailings
- A5 Tax Certification
- A6 Preliminary & Final Site Plan, 11 Sheets dated March 8, 2010
- A7 Boundary Survey, 1 sheet dated January 22, 2010
- A7 Architectural Plan, 5 sheets dated July 17, 2007
- A8 Stormwater Management Report- dated February 2010
- A9 Copy of NJDEP Land Use Regulation Permit dated June 25, 2010
- A10 Hunterdon County Soil Conservation Certification dated April 7, 2010
- A11 Hunterdon County Planning Board Letter dated April 19, 2010
- A12 Addendum to Preliminary & final site Plan Application dated July 13, 2010
- A13 Existing Conditions Map 2/24/10
- A14 Aerial Photo Exhibit of Site dated 10/5/10
- A15 Erosion Control Plan
- A16 Freestanding Sign Detail
- A17 Site Light Detail
- B1 Clarke Caton Hintz report dated August 26, 2010
- B2 Van Cleef Engineering dated September 1, 2010
- B3 Fire Official Report dated August 23, 2010
- B4 Environmental Commission Report dated August 31, 2010
- B5 Shade Tree Commission Report dated September 20, 2010
- B6 Chief R. Brett Matheis Report dated August 31, 2010

Attorney Wilson stated tonight he submitted the written waiver request for the submission of an Environmental Impact Statement (EIS), which outlines in detail the basis for the waiver. Attorney Wilson is requesting a determination by the Board of the waiver requested. In addition, the applicant is in the process of changing their architect to a local architect and will have floor plans and renderings soon.

Attorney Wilson stated tonight he would focus this evening on presenting an overview of the proposed development.

The site was previously approved for 48 units on the northern side of Village Road lot 60.02 with some improvements on lot 60; the new plan will place the storm water improvements on lot 60.02. The prior approval contained a contribution of \$26,000 to the town in lieu of building sidewalks, the \$26,000 was already paid to the town, the new proposal will include sidewalks. The second condition was a payment in the amount of \$250,000 in lieu of providing affordable housing, which was not paid. COAH no longer accepts payments in lieu of providing housing, the new application will provide for 12 affordable housing units. The new application is seeking approval for 61 total units, twelve of which will be affordable housing units.

Mr. James F. Cosgrove, Jr. PE was sworn in. Mr. Cosgrove works for Omni Environmental LLC and specializes in environmental impacts, storm water management and water quality.

Mr. Cosgrove presented details about Exhibit A14. The aerial photograph shows Lot 60 to the north and Lot 60.02 to the south. The vast majority of the construction is occurring on Lot 60.02. The wetlands have been identified and verified by NJ DEP on the northern side of Lot 60 and a very small area on Lot 60.02. The flood hazard area requires a 150' buffer, which is represented on the aerial as a blue dash line, DEP has confirmed the buffer and granted approval. On the original approval a large detention basin was

to be erected on Lot 60, which has now been redesigned to avoid disturbance and the stormwater management will now be located on Lot 60.02 via three detention basins. The current proposal has concentrated all the development on the five-acre site Lot 60.02 and preserved Lot 60 in its entirety. The changes have been approved by NJ DEP and permits have been issued.

The proposal will require two improvements on Lot 60. The first is a temporary sanitary sewer connection in the grass area between the road and the larger pond, the second is the existing stormwater inlet that drains to Village Road to the stream and is in bad condition, by replacing the pipe it will provide proper erosion control. Permits from the NJ DEP have been issued for these 2 improvements.

Mr. Cosgrove stated the 2004 stormwater regulations requirements include water quality control, the site will include a bio-detention basin which is considered the best management practice (BMP) and acts like a natural system. The basin will require little maintenance and has been approved by Mr. Clerico's office and the DEP. Mr. Cosgrove stated this system exceeds the stormwater management levels and the town's regulations.

NJ DEP has issued several permits; 3 wetlands permits (GP-2, GP-6, GP-11) and a Flood Hazard Area Act permit. The applicant had to complete some environmental studies, which were forwarded to the DEP for review. The Environmental study looked at stormwater management, wetlands, streams, fisheries, and endangered species. The NJ DEP requested determination if there were Bog turtles or Indiana Bat. It was determined that there are no bog turtles on either lot, however Indiana Bat could possibly be using the wooded areas on site where the dead trees are located. NJ DEP has conditioned approval that no tree disturbance shall take place during the Bat Habitat period, which runs from April 1 to September 3.

Per item D-3 on Mr. Clerico's report, Mr. Clerico questioned the Stormwater Recharge Requirement, Mr. Cosgrove testified presently the actual soils are not recharging to any significant degree and with the soils so low the DEP does not want you to recharge because they are concerned the system will fail. DEP regulations state that if the soils do not recharge there is no obligation to comply, Mr. Cosgrove stated the applicant is exempt from this obligation.

Mr. Maher asked what the importance of providing an EIS means, Mr. Cosgrove replied the EIS evaluates the impacts on the proposed development on the site, the original approval waived the requirement to provide the EIS. The Board has been supplied with the environmental studies that went to the NJ DEP in regard to wildlife and water quality, the EIS does include an air pollution and noise study but due to the location off Route 78 they did not do the study. Attorney Wilson added that the EIS is more technical in nature and that alternate submissions cover the studies on the EIS, if there is one specific topic the board would like to see addressed they would be happy to look into. Mr. Hintz inquired about the impact of noise on the development in regard to soundproofing of windows and walls, Attorney Wilson stated that will be addressed when we get to the architectural testimony.

A Motion was made by Mrs. Insel, seconded by Mr. Hetzel to open the meeting to the public for questions:

All Ayes. Motion Carried.

Donna Highland, 15 Hillside Court in Union Gap Village, inquired about wildlife studies on deer, birds and other wildlife; Mr. Cosgrove responded studies were done on endangered species only.

Katherine Kipner, Associate Manager of Union Gap Village Association, inquired if a study was done in regard to the impact on Union Village; Mr. Cosgrove the Town of Clinton has sufficient capacity in regard to water and sewer that will not impact Union Village.

Sally Reper, 66 Lakeview Avenue, was concerned with additional water runoff on her property; Mr. Cosgrove testified the proposed development will not have any impact with water runoff on Lakeview Avenue.

Madeline Sumner, 15 Rupells Road, inquired if any care will be taken in regard to other wildlife on site, Mr. Cosgrove stated Lot 60.02 will be developed, the wildlife will move.

Chuck Rosenberg, Union Gap Village, stated the new proposal is significantly different than the original approval and the environmental impact has changed; Mr. Cosgrove replied that the site was always intended to be fully developed and it is very clear that the environmental impact is much less with the new proposal.

There being no further questions for Mr. Cosgrove a Motion was made by Mrs. Insel, seconded by Mr. Hetzel, to close the meeting to the public:

All Ayes. Motion Carried.

Catherine Mueller, PE from Page Engineering was sworn in.

Ms. Mueller advised the board that she was involved in the redesign of the project and proceeded to give the board an overview of the site plans (exhibit A-6).

Ms. Mueller advised the board that Village Road is owned by Country View Builders and the access into Union Gap Village is via an easement, this site will have two access points from Village road. The development will have four main buildings containing 61 units total, each building will have parking, 121 spaces total and there are two proposed garage areas one off Village Court West and the other off Village Court East. Sidewalks will be installed along the main loop and along frontage road. The front building remains in the same location as the original approved plan. There will be 5 dumpster locations for recycling and general garbage. Ms. Mueller stated per the Town Professionals comments they were able to eliminate the pedestrian bridges and the plan will be modified to reflect the change.

Ms. Muller addressed a few items on Mr. Clerico's letter, dated September 1, 2010, which, are as follows:

A-8- Details on the retaining walls will be provided, however the applicant does not feel it is necessary to add fencing on top of the walls. To be discussed in more detail with Mr. Clerico.

A11- will correct plan and show parking spaces will line up with garage doors across from Building 1.

A12- will provide pedestrian crosswalk and stripping.

A16- The free standing sign will be located on the Easterly Corner coming in from in from Village Road and will exceed the 15 foot setback, exhibit A-16 shows the sign details. The sign will meet the ordinance. The Site plan will be revised to show the sign details.

A15- will relocate the handicap stall

A17- The applicant is only proposing sidewalks in the development and does not propose to connect to Union Gap Village.

In regard to light fixtures the plan shows a detail for a box type light after reviewing the Town Professionals comments they will change the fixture to a colonial type fixture, shown in exhibit A17. The plan will be revised to reflect the modification.

Mr. McGuire expressed concern regarding not adding fencing on top of the four- foot walls and would like to see a 42" OSHA fence on top of the walls to discourage the impulse to climb the walls.

Mr. Clerico stated that he is concerned with the safety issues of the walls and there are a lot of little issues and details that need to be resolved.

It was agreed upon that the applicants professionals and the Town Professionals will arrange to meet to go over the outstanding issues. Attorney Wilson agreed to send out by regular mail the date and time of the meeting to all people on the 200-foot list. The meeting between the professionals will be open to the public.

At the beginning of the year the November meeting changed to November 16, 2010 , which is the league of municipality week, the board agreed to change the date back to its regular meeting night of November 2, 2010 . The board secretary to advertise the meeting.

The public hearing for Country View Builders is carried to November 2, 2010 no further notice required.

A Motion was made by Mrs. Insel, seconded by Mr. Rogan, to enter into executive sessions to discuss litigation, no action to be taken.

Roll Call Vote:

Ayes Gallagher, Insel, Hetzel, Maher, McGuire, Perez, Rogan, Trepkau
Nays

All Ayes. Motion Carried.

A Motion was made by Mrs. Insel, seconded by Mr. Rogan to enter back into regular session at 10:05pm.

All Ayes. Motion Carried.

Planning Board Checklists:

A Motion was made by Mr. McGuire, seconded by Mr. Rogan, to recommend to Mayor & Council an amendment to all Planning Board Checklists to delete **no** and replace with **waiver**.

All Ayes. Motion Carried.

Subcommittee Appointment to review 2011 RFP:

Walter Hetzel, Matt Maher, and Matt Perez to serve on the subcommittee. Mr. Perez asked all board members to forward comments and or concerns so the subcommittee can include in their review process.

Master Plan Committee Update:

Mr. McGuire advised the board that they have been working on three proposed ordinances; noise, storage containers, and outdoor seating. The board agreed to meet on the alternate meeting night of October 19, 2010 to hold a working session to review the proposed ordinances.

Mrs. Insel advised the board she will be absent at the November 2, 2010 meeting but will listen to the tape before the December meeting.

There being no further business, a Motion was made by Mr. Trepkau, seconded by Mrs. Insel, to adjourn the meeting at 10:25pm.

All Ayes. Motion Carried.

Respectfully submitted,

**Allison Witt
Land Use Administrator**