



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on November 2, 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, Hetzel, Maher, McGuire, Perez,

Absent: Hendricksen, Insel, Rogan, Trepkau

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. McGuire, to approve the October 19, 2010 minutes:

All Ayes.

Motion Carried.

Abstain: Perez

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 were present.

The Following exhibit was submitted in to evidence:

A18 Town of Clinton EIS Ordinance Comparison dated 11/2/2010

Attorney Wilson stated that tonight is the continuation of the public hearing of October 5, 2010. Since the last meeting the applicant's professionals met with the boards' professionals to review the Planner and Engineer's concerns and comments. The applicant is in agreement with the Board professionals and is in the process of revising the plans to incorporate all the revisions, which will be ready for review at the December meeting.

At the October 5, 2010 meeting Mr. Cosgrove completed his testimony on the stormwater, which the

public had a chance to ask questions. Ms. Mueller also testified but due to the timeframe the public was not able to ask questions. Tonight Ms. Mueller is present for questions.

Mr. Hintz and Mr. Clerico indicated there are revisions to the plan per their workshop meeting and will await for the revised plans to comment.

A Motion was made by Mr. Maher, seconded by Mr. McGuire, to open the meeting to the public:

All Ayes. Motion Carried.

Donna Highland, Vice President and Trustee of Union Gap Village inquired when the plans would be available to the public, Mr. Wilson advised Ms. Highland the plans have and are available for review at the Planning Board Secretary's office.

Jane Marino, 1 Hillside Court, Union Gap stated she would like to know what the property looks like as far as building layout, lighting, landscaping, access in and out, signage. Mr. Wilson commented the testimony of October 5, 2010 gave a detailed presentation of the site layout. Ms. Mueller proceeded to give a brief description of the site as testified at the October 5, 2010 meeting. Ms. Mueller stated presently the landscape plan, lighting plan, and architectural plans are in the process of being revised and will be available for review and comment at the December meeting.

Mr. Gallagher suggested that at the next meeting it would be helpful if a landscape architect was present to provide testimony on the sizes and types of trees that will be planted.

Jane Marino, 1 Hillside Court inquired about the intention of dedicating the parcel of land with the pond on it, Mr. Wilson stated they have had prior discussions with the town and the town has indicated they may be interested in the land, presently the plans show the property under the applicants ownership, but will do what the town wishes. Ms. Marino inquired if you own it who will maintain the pond, Mr. Wilson stated that Twin Ponds own one pond and the other pond is owned by Union Gap.

Mr. Chuck Rosenberg, Union Gap Village, stated he was concerned with buffering between Twin Ponds and Hillside Court. Ms. Mueller stated the new revised plans will show enhanced buffering.

Chairman Gallagher advised the public at this time he would like to give them an opportunity to comment and give testimony.

Donna Highland, Vice President and Trustee of Union Gap Village was sworn in. Ms. Highland testified as a resident of Union Gap she would prefer the development never be built, but understands that it has prior approvals, Ms. Highland's main concern is buffering.

There being no other testimony, a Motion was a made by Mr. McGuire, seconded by Mr. Hetzel, to close the meeting to the public:

All Ayes. Motion Carried.

Chairman Gallagher asked Mr. Wilson to give a brief history of the project. Mr. Wilson stated that originally Union Gap was under a single ownership, Union Gap applied for and received approvals to build Union Gap in Union Township. Country View applied to the Town of Clinton and received approval in 2001. The owner of the corporation died and the project just languished for several years. In 2007 the project came back but their had been significant changes in the affordable housing regulations

which no longer allowed a developer to make a contribution in lieu of and major changes to the Stormwater Management Control Regulations, both resulted in the changes that are before the board

today. Mr. Wilson requested the board carry the meeting to December 7, 2010 at that time all the revisions will be incorporated into the plans. Mr. Clerico and Mr. Hintz stated they will need adequate time to review the plans before the next meeting. It was agreed upon the plans will be submitted by November 19, 2010.

Country View Builders application carried until December 7, 2010.

A Motion was made by Mr. McGuire, seconded by Mr. Maher to suspend the agenda and hear the exemption from site plan for Block 10 Lot 9 next (item # 7).

All Ayes. Motion Carried.

Exemption from Site Plan Block 10 Lot 9 - 44 Main Street- Villa

Mr. Nick Villa, 44 Main Street was sworn in. Mr. Villa testified that 44 Main Street had 2 rentable spaces, the first space is occupied by Made to Order, Morgan House occupied the second space, which is 2,400 SF, and is now vacant. Mr. Villa is requesting permission to divide the vacant space into two uses with two tenants. Mr. Villa stated in this economy it is difficult to get one tenant to rent, 2400 SF. The first tenant will be Edward Jones Investment, which will be office space, and the second use will be retail, Mr. Villa has not secured a retail tenant as of yet.

Mr. Hetzel inquired if there were any provisions for a bathroom; Mr. Villa stated yes a new bathroom to code will be installed. Mr. McGuire inquired if a rear exit needed to be provided for all tenants, Mr. Villa responded that the occupancy will be under 50 people and the fire code does not require a back egress, there will be a back exit for two of the three tenants. Chairman Gallagher advised Mr. Villa that the board would like to have him appear back when he has secured a retail tenant for further testimony on the third tenant space.

A Motion was made by Mr. McGuire, seconded by Mr. Maher to permit an exemption from site plan to permit Mr. Villa to divide up the 2,400 SF into Office space and Mr. Villa to return back to the board when a retail tenant has been secured for further testimony.

All Ayes. Motion Carried.

A Motion was made by Mr. Perez, seconded by Mr. McGuire to resume the agenda:

All Ayes. Motion Carried.

Exemption from Site Plan Block 10 Lot 15- 20 Leigh Street- Ackaway:

Attorney Caldwell advised the board that the MLUL Regulations state five- members of a nine-member board constitute a quorum. The next application requires Mr. Gallagher to step down due to a conflict, which would leave only 4 members present, which results in a loss of a quorum and a termination of the meeting.

The board discussed setting up a special meeting to hear the application for Block 10 lot 15. The Board secretary will check the availability of the board members for November 16, 2010 and advise Mr. Ackaway if a quorum is available.

Committee Updates:

Mr. McGuire advised the board he is working on revisions on the three ordinances presented at the last meeting.

Mr. Maher stated he was in the process of setting up interviews with the Professionals and inquired if there was a benefit to have the same engineer and planner as the Council, the board agreed there are some advantages but that should not be the deciding factor.

There being no further business, a Motion was made by Mr. Perez, seconded by Mr. Maher to adjourn the meeting at 9:10pm.

Respectfully submitted,

Allison Witt
Land Use Administrator.