



## **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 May 3, 2011 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Gallagher 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 Caldwell, Robert Clerico and Carl Hintz were present.**

#### **ROLL CALL:**

**Present:** Gallagher, Feldmann, Hetzel, Insel, Maher, McGuire, Perez, Rogan

**Absent:** Hendricksen

#### **Approval of Minutes:**

A Motion was made by Mr. Hetzel, seconded by Mr. McGuire, to approve the April 5, 2011 minutes

**All Ayes. Motion Carried. Abstain: McGuire, Perez, Rogan**

#### **Preliminary & Final Site Plan Application- Block 1 Lot 60 & 60.01- Country View Builders:**

Attorney Walter Wilson, James Cosgrove, PE from Omni Environmental LLC, Catherine Mueller, PE from Page Engineering, Tylman R. Moon, PA from Tylman R. Moon and Associates and Jeffrey Charlesworth NJ Licensed Landscape Architect were present.

The following exhibits were submitted into evidence:

- A-29 Revised Site Plan and Architectural Plans dated 4/18/11
- A-30 Rendering of 9 additional evergreen trees along Building 5-12
- A-31 Rendering of 10 additional evergreen trees along retaining wall
- A-32 Slope tree planting detail dated 5/2/11
- B14 Patrick McGuire’s certification that the tape of April 5, 2011 was listened to.

Attorney Wilson advised the board that revised site plans and architectural plans have been submitted per the comments at the last meeting, the applicant’s experts have completed all their testimony and tonight is seeking the board’s vote on the Preliminary and Final Site plan.

Mr. Jeffrey Charlesworth, Landscape Architect pointed out the two additional landscape revisions that will be incorporated into the Final Site Plan.

1. Exhibit A30 indicates that 9 additional evergreen trees will be planted along Village Road on the south side of Building 5-12, evergreen trees will be planted in groups of three along the berm.
2. Exhibit A31 indicates 10 additional evergreen trees will be planted along the retaining wall by the Route 78 access ramp.

The final landscape plan indicates some fine-tuning, some of the trees were relocated based on the lighting and the plan shifted some of the flowering trees for adequate spacing.

Mr. Hintz inquired if additional trees were added by Building # 16; Mr. Charlesworth testified three additional evergreen trees were added on the landscape plan. Mr. Hintz advised the board he has reviewed the final plan and the changes have been incorporated.

Mr. Rogan inquired about the amount of trees on site now versus the amount of proposed trees; Mr. Charlesworth advised the board the applicant proposes approximately 276 shade and flowering trees, which is equal to what is on site now.

Mr. Feldmann inquired if the plan has been modified to take into account the snow stacking areas; Mr. Charlesworth responded the far end of the parking areas have been left empty so snow can be pushed into the open areas. Ms. Kathy Mueller stated the grading at the end of Village Court West has been revised, the parking stall has been relocated which pulled in the curb line 9' and now allows for extra green space for snow stacking in front of Building # 1.

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

**All Ayes. Motion Carried**

Attorney Patrick McNamara on behalf of Union Gap Village, inquired when the spruce trees mature will it effect the retaining wall, Mr. Charlesworth responded the spruce trees will take about 50 years to mature, the trees will grow to approximately 30-45 feet tall and the root structure will not effect the retaining wall.

Attorney McNamara inquired about the Cherry trees in the center median, Attorney Wilson stated Union Gap owns the trees in the center median; the applicant will replace four of the Cherry trees.

There being no further questions, A Motion was made by Mr. Hetzel, seconded by Mr. Feldmann, to close the meeting for questions for Mr. Charlesworth:

**All Ayes. Motion Carried.**

Ms. Mueller updated the board on the latest changes shown on the revised site plan dated April 18, 2011, sheet 3 shows five crosswalks, two at Village road and three interior to the site, the crosswalks will be striped no raised crosswalks are proposed. Sidewalks were added by Building 20, 21, 22, which now gives access to the storage rooms and garages. The revised plan shows the fencing details, there will be a six- foot wooden fence located on the walls adjacent to the access ramp, the wooden fence will act as a sound buffer, and the four- foot aluminum fence will be on the walls to the west of the site and by the detention basin.

Mr. Clerico inquired if there has been any feedback from the Town of Clinton Water and Sewer department, Attorney Wilson advised the board they have not heard anything back from either department, any agreement will be in place prior to the commencement of construction.

Chairman Gallagher inquired about the light fixtures along Center Median of Village Road; Attorney

Wilson stated the applicant is installing colonial light fixtures on their property, the globe light fixtures are owned by Union Gap Village and they will agree to replace the globe fixtures along the median if Union Gap allows them to.

A Motion was made by Mr. Hetzel, seconded by Mr. Maher, to open the meeting to the public for questions for Ms. Mueller:

**All Ayes. Motion Carried.**

Attorney McNamara asked Ms. Mueller to summarize the change to the retaining wall along building 1; Ms. Mueller responded the wall has been moved away from the property line which gave us more room to allow us to lower the height of the wall, sheet 12 of the site plan shows the revision.

Mr. McGuire inquired about the snow stacking in the wetland area; Ms. Mueller indicated the area will only be used when an extreme amount of snow has fallen, there is plenty of room onsite for snow piling, and the area offsite is an unregulated area, which allows for snow stacking. Attorney Wilson advised the board snow removal will be addressed in the condominium's maintenance documents. Mr. Hintz advised the board he has reviewed the plans and feels the site has adequate areas for snow stacking.

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

**All Ayes. Motion Carried.**

Mr. Tylman Moon advised the board that the revised architectural plan dated April 21, 2011 now incorporates the enclosure around the mailboxes, and the eliminated color palate has been removed from the plans.

A Motion was made by Mr. McGuire, seconded by Mr. Perez, to open the meeting to the public for questions for Mr. Moon:

**All Ayes. Motion Carried.**

Attorney McNamara inquired about the door colors, Mr. Moon stated the door color is coordinated with the siding color of each building, each building will have there own color palate.

There being no further questions, A Motion was made by Mrs. Insel, seconded by Mr. Rogan, to close the meeting to the public for questions for Mr. Moon:

**All Ayes. Motion carried.**

A Motion was made by Mr. McGuire, seconded by Mr. Feldmann, to open the meeting for public testimony, there being no public testimony a Motion was made to by Mr. Hetzel, seconded by Mrs. Insel to close the public meeting.

**All Ayes. Motion carried.**

Attorney Wilson advised the board that he is requesting two waivers; The first is a waiver from the EIS submission; he added that he has provided the board with a majority of the items on the EIS. The second is from the lighting standards, the applicant is proposing a light fixture at the intersection of 0.2 foot-candle, which exceeds the Town of Clinton lighting Ordinance

A Motion was made by Mr. McGuire, seconded by Mr. Hetzel, to grant a waiver from the submission of a formal EIS statement:

**Roll Call Vote:**

**Ayes:** Gallagher, Feldmann, Hetzel, Insel, Maher, McGuire,  
**Nays:**

**6-0 Motion Passed.**

A Motion was made by Mr. McGuire, seconded by Maher, to grant a waiver to allow lighting with a foot-candle of 0.2 at the intersection:

**Roll Call Vote:**

**Ayes:** Gallagher, Feldmann, Hetzel, Insel, Maher, McGuire,  
**Nays:**

**6-0 Motion Passed.**

Attorney Caldwell went through the list of conditions of approval, which will be incorporated into the Resolution of Approval.

A Motion was made by Mr. McGuire, seconded by Mrs. Insel, to approve the Preliminary and Final Site Plan with conditions:

Chairman Gallagher stated based on the Town's affordable housing obligation it has resulted in a less than favorable basis for the Planning Board to manage the proper planning decisions of the town and in multiple cases and it has restricted the board, with that being said the project before us helps satisfy the Town of Clinton's obligation.

**Roll Call Vote:**

**Ayes:** Gallagher, Feldmann, Hetzel, Insel, Maher, McGuire,  
**Nays:**

**6-0 Motion Passed.**

**Exemption from Site Plan Request- Block 10 Lot 12.01- 10 Leigh Street- Kunzman**

Attorney Caldwell was asked to stay for the exemption application.

Justin & Kathleen Kunzman were sworn in.

Mrs. Kunzman stated she was here tonight to request an exemption from site plan for a change of use from a bakery use to a restaurant use. The proposed Mexican restaurant will be open seven days a week, opening at 11:00am until 9:00pm with later hours on Friday and Saturday evenings. Mrs. Kunzman estimates during the peak season and the busiest nights approximately nine employees will be working.

Chairman Gallagher went through the applicant's responses to the Zoning Checklist and inquired about the following:

Alteration to the facade or roof:

Mrs. Kunzman testified there will be no changes to the exterior venting, the new interior equipment will be using the same venting that already exists, no new venting will be required. the new interior equipment will not increase the decibel level on the exterior. Mrs. Kunzman stated the new kitchen equipment will include a grill, range and fryer. Mrs. Kunzman testified the bakery used a fryer under a separate hood, however, the replacement equipment will only require one kitchen hood, the second one will be removed.

Increase of Floor Area:

Mrs. Kunzman testified they are not increasing the interior space and the patio is existing.

Site grading:

Mrs. Kunzman stated they would like to put river rock stone on the back patio; the grading change will be under 250SF.

Loading areas:

Mrs. Kunzman testified there is an existing door for deliveries; the door opens up so trucks can pull right up and offload directly into the kitchen. The deliveries will be made by box trucks and deliveries will be

made approximately three days a week.

**Exterior Lighting:**

Mrs. Kunzman testified there will be no changes to exterior lighting.

**Change of Volume of solid waste:**

Mrs. Kunzman testified a two-yard container will be on site, they also will be recycling to the local farmers for compost, pickup of the container will be one or twice a week and the farmers will come daily for the vegetable scraps.

Mrs. Kunzman testified the cooking appliances will run off propane, 2 tanks exist onsite now and based on prior experience the 2 propane tanks will be adequate.

Chairman Gallagher questioned the occupancy load based on the square footage, Mrs. Kunzman advised the board she spoke with her architect and he advised her based on a A-2 use one occupant per 15 square feet is permitted. The question arose if the kitchen should be included in the square footage, Mrs. Kunzman will research with her architect and will comply with code.

The patio was discussed and the board determined the expansion of the net useable space and the grading of the patio would require a Minor Site Plan application. Mrs. Kunzman advised the board she would like to move forward without the patio at this time and ask the board for a waiver of site plan for the interior only. Mrs. Kunzman agreed to file a Minor Site plan for the patio at a later time.

The applicant was advised if the board grants approval tonight, the next step would be to file a change of use construction permit with the construction office.

A Motion was made by Mr. McGuire, seconded by Mr. Hetzel, to approve a change of use from a bakery to a restaurant:

**All Ayes. Motion Passed**

A Motion was made by Mr. McGuire, seconded by Mrs. Insel, to grant a waiver of site plan application for the interior space only with no change in venting:

**All Ayes. Motion Passed.**

**Voucher Approval:**

A Motion was made by Mr. Hetzel, seconded by Mr. Maher to approve the attached voucher list:

**All Ayes. Motion Passed.**

Chairman Gallagher advised the board at the next meeting he would like to discuss and propose an outdoor seating ordinance.

There being no further business a Motion was made by Mr. Maher, seconded by Mr. Feldmann, to adjourn the meeting at 10:30pm.

**All Ayes. Motion carried**

Respectfully submitted,

Allison Witt  
Land Use Administrator