



## **TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

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### **PLANNING BOARD**

Minutes of the Town of Clinton Planning Board meeting held on August 2, 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 William Caldwell and Robert Clerico were present**

#### **ROLL CALL:**

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

**Absent:** Feldmann

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

A Motion was made by Mr. Hetzel, seconded by Mrs. Insel, to approve the July 5, 2011 minutes

**All Ayes. Motion Carried. Abstain: Maher, Perez**

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

A Motion was made by Mr. Hetzel, seconded by Mr. McGuire to table any action on the resolution until the applicant's escrow account has been replenished.

**All Ayes. Motion Carried. Abstain: Hendricksen**

#### **Preliminary & Final Site Plan Application- Block 22 Lot 19- Bank of America:**

Mr. Rogan excused himself from the meeting.

Attorney Diane Hickey and Charles Olivio, Engineer from Stonefield Engineering & Design were present. Mr. Olivio was sworn in.

The following items were submitted into evidence:

- A1 Application
- A2 Public Notice dated July 21, 2011
- A3 200-foot list
- A4 Certified Mailings
- A5 Tax Certification
- A6 Preliminary & Final Site Plan Dated April 29, 2011, revised June 10, 2011
- A7 Boundary & Topographic Survey Dated April 27, 2011
- A8 Site Rendering dated August 2, 2011 (large Exhibit)
- B1 Van Cleef Engineering report dated July 29, 2011
- B2 Fire Official Review dated July 18, 2011
- B3 Scaled version of Original Landscape Plan

Mr. Olivio gave the board a brief overview of the site, which is located on Route 173. The purpose of the site improvements is to bring the site up to ADA standards. Exhibit A-8 reflects the proposed site improvements. The applicant will not be creating any new variances, no changes to the site lighting, no disturbance to the existing landscaping and no loss of parking spaces. The site improvements include relocating two handicap stalls to the front on the northwest side of the building and replacing the handicap stalls on the northeast side with regular parking stalls. The proposal also includes a modification to the sidewalk to include handicap ramps along the front entrance to the parking area. The proposal will create minor disturbance and will create a better site standard and bring the site into ADA compliance.

Mr. Clerico reviewed his review report dated July 29, 2011 with the board and advised the board that he spoke with the applicant before the meeting and the applicant agreed to make the changes outlined in items #4, #5, #6, # 7 and #8 of Mr. Clerico's report.

Mr. Hendricksen was concerned that with the removal of regular parking stalls in front of the building it would invite patrons to park their car along the front of the building in the two-way traffic aisle while they ran inside the front entrance to do their banking. Mr. Olivio stated he understood the concern; the purpose of providing the two-way traffic aisle was to provide recirculation on the site and suggested perhaps stripping to narrow the aisle and or signage to discourage parking. Mr. Hendricksen commented that moving parking stalls further away from the inside ATM will lend itself for more parking along the aisle and suggested landscaping across the area could be a better deterrent. Mr. Hendricksen also commented that it appears the landscaping in the northeast corner that was approved as part of the original site plan approval seems to be missing. Mr. Hendricksen suggested the applicant should come into compliance with the original landscape approval and also add additional landscaping in front to deter people from parking along the aisle and cutting across the lawn to go inside the front entrance. Attorney Hickey agreed and advised the board they will comply with the original plan and work with Mr. Clerico on some low landscaping along the front. Mr. Caldwell inquired if Bank Security would have a problem with landscaping by the front entrance, Attorney Hickey stated the low landscaping will be far enough away from the front door and will not pose a security threat.

A Motion was made by Mrs. Insel, seconded by Mr. Hetzel to open the meeting to the public and there being no questions or comments a Motion was made by Mr. Hetzel, seconded by Mr. McGuire to close the meeting to the public:

**All Ayes. Motion carried.**

A Motion was made by Mr. Hendricksen, seconded by Mrs. Insel, to approve the Site Plan Application for Bank of America conditioned upon bringing the site into compliance with the original site

landscaping plan and adding low landscaping in front of the northern entrance to be reviewed and approved by Mr. Clerico.

**Roll Call Vote:**

Ayes: Gallagher, Hendricksen, Hetzel, Insel, Maher, McGuire, Perez  
Nays:

**All Ayes. Motion carried.**

**Mr. Rogan rejoined the meeting.**

**Extension Request for Final Site Plan Approval- Z&F LLC Block 18 Lot 5:**

The Board is in receipt of a letter from Mr. Fallone requesting a one year extension on their Final Site Plan Approval, Attorney Caldwell advised the board the letter requesting the extension needs to come from the applicant's attorney.

A Motion was made by Mr. Hetzel, seconded by Mr. Hendricksen, to table the extension request and notify the applicant.

**All Ayes. Motion Carried.**

**Discussion on proposed Outdoor Seating Ordinance:**

Mr. McGuire outlined the proposed ordinance; the main purpose of putting together an outdoor seating ordinance is to protect the Town of Clinton from liability. Mr. McGuire advised the board after researching other towns that had outdoor seating establishments he found their ordinances extremely complicated. The purpose of the ordinance is to create a registry for each outdoor eating establishment and to make sure the town does not incur any tort liability. The proposal will not create any additional fees to register your establishment. Mr. McGuire added outdoor seating adds an allure to the town and the proposal is not against outdoor seating but rather a measure to protect the town from any liability. Mr. Gallagher added there is a real need not to create any additional fees the ordinance is more of a registration process rather than a fee income based ordinance. Mr. Hendricksen stated this is only the first draft and tonight is a working session and the board welcomes any input from the public.

**Public Comments:**

Linda Johnson, President of the Guild- concerned with the rules within the proposed ordinance such as washing down the sidewalks, timeframes, noise and appreciated Mr. McGuire's explanation of why the town wanted to introduce the ordinance but wasn't sure the explanation was portrayed in the ordinance. Mr. McGuire responded that we have to keep in mind in regards to noise that there are residential apartments above some of the establishments and this is only a first draft.

Whitney Wetherill, West Main Street, questioned the expense of a new ordinance and whether there was a need for it. Ms. Wetherill felt a lot of the regulations were covered in other town ordinances. - Mrs. Insel responded the big component is insurance and the liability issue.

Brielle Wolchik, Garden Gourmet, questioned if the business was closed how the business owner can be held liable. - Mr. McGuire responded if the business is closed and people are on your property we have to assume their trespassing which would be a police matter. Brielle Wolchik stated she was concerned with the increasing cost to add insurance- Mr. McGuire responded there wouldn't necessarily be a cost involved.

Arthur Schwartz, Halstead Street-agreed liability is an issue but any social issues should be left to the police to deal with.

Carol Beder, Heartstrings commented that it seems that registration and liability is the main issue and all

the other regulations should be eliminated - Mr. Gallaher responded that the Town has to think about the merchants, the residents and the public. Mrs. Insel commented besides liability we want a product that is enforceable, we want to create something friendly for everyone, and the goal is to come up with a proposal that is user friendly for everyone.

John Palladino, JJ Scoops, commented the town requires an insurance certificate to hold the Town harmless for standing signs and there is no additional charge to your insurance, sounds like this is the same thing no additional charge to get the insurance certificate.

Brielle Wolchik- Inquired what about other establishments that have seating for their customers and suggested that the ordinance should reflect all businesses not only food and restaurants.

Mr. Hetzel commented that approximately 5 years ago the concept of the 48” clear sidewalk came into effect, the proposed ordinance is not enforceable.

Chairman Gallagher thanked everyone for their comments and suggested that any written comments would be helpful. The discussion will be continued at the next meeting.

**Board Updates & Discussion:**

Chairman Gallagher suggested a subcommittee under the Smart Growth Committee that deals with economic development to the town, a small amount of change can help the community.

**Site Plan Committee-** Chairman Gallagher appointed Mr. Feldmann to the Site Plan Committee to replace Mr. Matt Perez.

**Smart Growth Committee Update:**

Mrs. Insel advised the board the committee is in the process of getting in touch with the county in regard to economics in the area, they would like the county to give the board a presentation to advise them what programs they can do for the town so the town does not duplicate any expenses.

**Public Comment:**

Mayor Richard Miller introduced himself to the board he advised the board he has been making a point to visit with all the boards and commissions in the town. He expressed his appreciation to the Planning Board members and thanked them for their service and all the hours spend volunteering, for all the board has done makes Clinton a better place to live. The Board appreciated the comments and the acknowledgement.

**Voucher Approval:**

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

**All Ayes. Motion carried.**

There being no further business a Motion was made by Mrs. Insel, seconded by Mr. McGuire to adjourn the meeting at 9:30pm.

**All Ayes. Motion carried.**

Respectfully submitted,

Allison Witt  
Land Use Administrator

