



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 October 2, 2012 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Vice Chairman McGuire 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".

ROLL CALL:

Present: Feldmann, Hetzel, Insel, McGuire, Perez
Absent: Gallagher, Rogan, Maher, Mayor Kovach

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. Perez, to approve the September 4, 2012 minutes:

All Ayes. Motion Carried.

Memorialization of Resolution for Minor Site Plan Approval Block 10 Lot 15- Ackaway:

Carried until the November 6, 2012 meeting.

Exemption from Site Plan request- Block 12 Lot 5- Karen Gruss- Consignment Shop:

Karen Gruss, applicant was present. Ms. Gruss would like to open a consignment shop to sell women's apparel and small household items. There will be no changes to the structure.

A Motion was made by Mr. Hetzel, seconded by Mrs. Insel, to grant the waiver of site plan:

All Ayes. Motion Carried.

Due to some Planning Board members who were not eligible to vote on the next application, the board took a 5 minute recess to rearrange the member seating.

The boards reconvened with new members, Attorney Caldwell & Mr. Robert Clerico were present:

Roll Call Vote:

Present: Pl Board Chairman Gallagher, Pl. Bd member Feldmann, Pl. Bd member Perez, BOA member Berson, BOA member Carberry, BOA member Sailer, BOA member Recame

Attorney Caldwell advised the applicant due to numerous conflicts with members of the Planning Board the board has applied the MLUL which allows the board to cross populate if there is a lack of eligible voters to make up a quorum.

Site Plan Application for Block 9 Lot 1- Hunterdon Art Museum:

Attorney Robert Simon, Mr. David Fantina, Engineer and Mr. James McDevitt, President of the Board of Trustees were present.

The Following items were submitted into evidence:

- A1- Application package
- A2- Proof of Publication
- A3- 200 Foot Mailing List
- A4- Certified Mailings
- A5- Tax Certification
- A6- Site Plan dated June 29, 2012 with revision date July 24, 2012
- A7- Large exhibit of sheet 2 of the site plan dated July 24, 2012
- A8- Large exhibit of sheet 3 of the site plan dated July 24, 2012
- A9- Colored exhibit of sheet 1 with before & after conditions
- B1- Van Cleef Engineering letter dated August 4, 2012
- B2- Van Cleef Engineering letter dated September 28, 2012

Mr. David Fantina, applicant's engineer was sworn in. Mr. Fantina proceeded to give an overview of the site, he advised the board the applicant is looking to replace the patio and the parking area which have both been in existence for many years. Mr. Fantina stated the grade changes that occurred as part of the Dam & Dike Project will now allow the Museum to enlarge the patio area and formalize the eight parking spaces.

For the purpose of completeness, Mr. Fantina went over the waiver requests outlined on page 2 of Mr. Clerico's letter dated September 28, 2012.

- a). Waiver request from contours offsite requested.
- b). Waiver request from providing an EIS.
- c). Temp waiver request for completeness only, applicant will provide details on updated plan.
- d). No waiver requested, the site will not have loading dock; all deliveries are made by van type trucks, which a parking space can accommodate.
- e). Temp waiver request for completeness only, applicant will provide the elevations on an updated plan.
- f). Updated on plan, no longer applicable.
- e). Temp waiver for completeness only, the applicant is proposing the same amount of spaces prior to the upgrades, which will be presented to the board during public hearing.

A Motion was made by Mr. Carberry, seconded by Mr. Sailer to grant the permanent waivers and temporary waiver requests for the purpose of deeming the application complete:

All Ayes. Motion Carried.

Mr. Clerico proceeded to go over his review letter starting on page 3, dated September 28, 2012:

1- Mr. Clerico stated the existing map shows a 90 foot frontage, the previous parking spaces were not stripped and after reviewing some old photographs on-site he believed the site accommodated 8- 9 vehicles. In addition, Mr. Clerico suggested the handicap space should be relocated to the space closest

to the building and ramp. Mr. Fantina responded that even though the photo shows nine vehicles, the spaces were not of legal size. ADA requires a handicap space to be 8' with an 8' loading area. Mr. Fantina stated

it is not the intention of the applicant to provide fewer spaces but to comply with the ordinance in regards to the required parking standards; the prior parking could never have legally fit 9 parking spaces. Mr. Clerico stated he will accept the testimony that the site can only legally fit eight parking spaces; however he would still like to see the handicap space relocated to the northerly area adjacent to the handicap ramp. Mr. Clerico suggested by relocating the handicap space to space # 8, then the southerly spaces # 1-6 could shift north a little to create more of a buffer area from the utility pole and the stairs and space 7 & 8 could be shifted a little to the south. Mr. Fantina responded that it certainly could be done.

Mr. David Recame inquired about the note on page 1 of the site plan which states *During events, the museum can remove the wheel stops from the northerly two parking spaces and use this area as part of the patio.* Mr. Fantina responded during special events the museum will utilize the two parking spaces as part of the patio, Mr. Fantina suggested that one of the other spaces could be designated as a temporary handicap space.

Mr. Clerico stated since the parking was a concrete patio how did they intend to strip the parking spaces? Mr. Fantina responded rather than typical parking lot stripping the museum intends to do something more artistically such as using different colored concrete, there will be a clear distinction for each space. Mr. Clerico stated that whatever you decide will need to be shown on the plans.

Chairman Gallagher stated that he didn't think it as critical for the 8 spaces that were existing to continue if it meant trying to squeeze vehicles into a space. Mr. Gallagher commented that he was concerned with parking space # 1 and the issue with traffic coming off the bridge. After observing the traffic flow in the area he noticed that when vehicles come off the bridge and turn left onto Lower Center Street approximately 90% of the drivers cut off the turn which can create limited sight issues when vehicles back out of space # 1 and based on that Mr. Gallagher suggested eliminating space # 1 altogether which would benefit the site leaving room for a buffer between the parking area and the walkway to the river. Mr. Gallagher suggested a four-foot fence and some evergreens as a buffer

Attorney Simon responded that when Mr. Madden, the planner for the Museum originally looked at the project it was his suggestion not to have any parking however, because parking existing prior to the improvements the plans still include parking. Mr. Simon stated that if the board wishes to proceed with less than 8 parking spaces and provide a buffer area that the chair just suggested he was sure the museum would be agreeable to that.

Attorney Caldwell suggested before moving forward the board resolve the issue regarding the handicap space and the removable wheel stops. Mr. Fantina responded the parking spaces would be in place 99% of the time and only during a special event would the two wheel stops be removed and one of the regular spaces would accommodate the handicap space. Attorney Caldwell was concerned with the signage and how the temporary handicapped space would be marked.

Chairman Gallagher stated the art museum is looking for use of the handicap space as part of the patio use on a temporary basis when events occur and to avoid any confusion later Mr. Gallagher suggested to leave space # 6 as the handicap space as originally requested and eliminate the two northerly spots.

Mr. Clerico stated the ability to move the handicap space on a temporary basis can certainly be worked out. The applicant can install a sleeve in the concrete for the signage, there are ways to work out the details, but felt the board should make a decision on the layout and number of the parking spaces before moving forward.

Chairman Gallagher asked for the board's input.

Mr. Carberry stated that parking is dear and we should not reduce any spaces; Mr. Feldmann agreed that no parking spaces should be reduced and that by moving the handicap space to space # 8, spaces #1-6 could be shifted down enough to create a buffer; also it would make the most sense to use space # 6 as the

temporary handicap space during special events. Mr. Sailer agreed and also added that when you relocate the handicap space when having a special event then the temporary space should be clearly marked for handicap; Mr. Perez is in agreement to keep the eight spaces and allowing the applicant the flexibility to move the handicap space when needed; Mr. Berson agreed there should be 8 spaces but he is also concerned with traffic flow and the angle parking and asked for more reassurance. Mr. Fantina responded it was common to have cars parked on a radius and stated it will not present a problem if people are driving correctly. Mr. Fantina testified they can create a buffer on the southerly side and still keep the eight spaces.

Mr. Clerico stated it seems like the board and applicant are in agreement to keep the eight spaces, shift spaces 7 & 8 a little to the south, shift 1-6 a little to the north to create approximately 4-5 foot buffer and the buffer will include some sort of landscaping or hedging.

Mr. Clerico continued with reviewing his report:

2 & 3- Parking issues have addressed.

4&5-Mr. Fantina stated he will provide the grading to Mr. Clerico.

6 & 7- Notes on plan addressed.

8a) - Formal dedication of the ROW will be recorded.

8b)- The pipe will be repaired and they will give the town the right of open discharge.

8c) - No objection to providing an easement for pedestrian access, which will be worked out with the Governing Body.

9- Mr. Fantina testified the outdoor area has always been open to the public and used for special events, such as weddings, wine tasting, art events, etc. The sink will be utilized as a utility sink for the caterers and events. The sink will drain into the existing sanitary sewer lateral which is shown on exhibit A-8.

10- Will provide spot elevations

11- Has been addressed under item 8b.

12- Agreed to plug the pipe per Mr. Clerico's suggestion.

13. Pre-existing non-conforming condition.

14. Applicant requests a waiver to use a concrete surface for the parking.

15. Section 88-44B.1. (g) applicant will comply with 11 out of the 12 design standards and is asking for a waiver from section 88-44B.1. (g) [5]. Mr. Fantina stated that for safety reasons it will be important to light the area by the walkway and the stairs, the twelve foot light pole by the dam will light the patio area and will not spill out on neighboring properties. Mr. Fantina stated the three light poles have different functions, one for the patio which will only be used during the use of the patio, one for the parking and one for the walkway & the steps. Mr. Fantina stated the lighting plan will be modified to show lighting details. The lighting will comply with the ordinance except for 88-44B.1. (g) [5], which will require a waiver.

Attorney Caldwell raised two questions, how the sink would be secured and protected against vandals putting things into the sewer system and how the museum would prevent their guests from stumbling into the river. Attorney Simon proposed adding a condition of approval that requires the museum to secure the sink when not in use to prevent someone from flushing anything into the sewer system. Mr. Fantina testified the bulk of the retaining wall is 5 feet high, the wall narrows on the southerly side as to not block the view of the river, but 42" high railings will be placed on the wall. Mr. Fantina added he is satisfied with the safety design of the wall.

Mr. Clerico inquired if any vehicles when making deliveries for special events could drive on the patio, when the wheel stops are removed Mr. Fantina responded the patio is not meant to be driven on. Mr. Feldmann suggested it might be worth looking into installing rebar in that area to prevent future problems, Attorney Simon responded they can look into installing rebar as a preventive measure.

Chairman Gallagher inquired if the stairs had railings installed prior to the storm. Mr. James McDevitt, President of the Board of Trustees, was sworn in. Mr. McDevitt stated it was his understanding that the town has reached an agreement with the original contractor to restore the area to the state it was in prior to the storm by installing the railings and limestone cap.

There being no further testimony from Mr. Fantina a Motion was made by Mr. Carberry, seconded by Mr. Sailer to open the meeting to the public for cross-examination:

Mr. James DeGroff, 28 Center street inquired where the water drains off from the patio and whether water will puddle on the steps creating icy conditions in cold weather. Mr. Fantina at first stated the water from the patio will drain from North to South into the storm drain system in the street, however after further review of the plans, Mr. Fantina revised his testimony and stated a good portion of the water will drain into the river. Mr. Fantina stated that the amount of water on the steps will be minimal and that he will provide Mr. Clerico with a contour plan to review.

There being no further cross examination, A Motion was made by Mr. Feldmann, seconded by Mr. Carberry to close the public cross-examination portion.

Attorney Simon stated tonight he is requesting the board act on the site plan which will not require any variances, therefore the application is a Minor Site Plan Application. Mr. Simon is asking that the approval include two design waivers one from the lighting intensity by the stairs and the second waiver for the concrete surface on the parking spaces. In addition, Attorney Simon is requesting the board recognize the pre-existing condition that the parking areas back out onto the street and the site does not have a loading space.

The board agreed the details that were discussed tonight will be added to the plan and will be reviewed and approved by Mr. Clerico as part of the condition of approval.

A Motion was made by Mr. Carberry, seconded by Mr. Perez to approve the Minor Site Plan with the discussed waiver requests and conditioned upon Mr. Clerico final review of the revised site plan.

The board members final comments were:

Mr. Carberry commented he was in favor of the application as presented and the waivers granted were reasonable.

Mr. Recame stated he was concerned with the drainage but will rely on Mr. Clerico's expertise to review the revised plan, he is in favor of the application as long as all the agreed upon conditions as set forth in Mr. Clerico's letter dated August 28, 2012 are met.

Mr. Berson would like to see the detail on the patio sink security, he stated he was in favor of the approval with changes outlined this evening.

Mr. Sailer agreed with the testimony tonight and is looking forward to seeing the project finished and utilized.

Mr. Perez is in favor of the approval contingent upon Mr. Clerico’s review and approval of the revised documents, he is looking forward to getting this area of town cleaned up it will be good for the community and visitors .

Mr. Feldmann- agrees with the plan in accordance with the conditions as discussed, he would like to emphasize securing the sink when not in use, would like to see if they can work out that the maximum drainage on the site drain into the river rather than the street, would like to see rebar extended into the two parking spaces that will be removed during special events, he would like the applicant to consider raising the railings on the wall another 6” for safety and also look at installing the railing in a better way prior to the storm. Mr. Feldmann stated he liked Mr. Clerico’s suggestion about using the flower pots instead of the wheel stops and in regard to the buffer area by the walkway and steps he felt because of the limited visibility concerns the vegetation used should not be too high.

Chairman Gallagher commented the process to appear before the Planning Board should have happened a long time ago, I think the healing for the town based upon tonight’s events should begin and that there are lessons on both side to be learned. Mr. Gallagher stated he is in favor of the buffer of evergreen behind the four foot fence and he looks forward to the art center being a physical part of the town as it has always been a respected part of the community and the master plan. Mr. Gallagher thanked Attorney Simon for his well-documented plans and presentation and thanked him for working with the board and bringing this to a closure.

Chairman Gallagher called for a vote:

ROLL CALL VOTE.

Ayes: Gallagher, Feldmann, Perez, Berson, Carberry, Sailer, Recame

Nays:

All Ayes. Motion Carried

Voucher Approval:

A Motion was made by Mr. Perez, seconded by Mr. Carberry, to approve the following voucher:

Van Cleef Engineering August 2012 Hunterdon Art Museum \$1,072.50

All Ayes. Motion carried.

There being no further business, A Motion was made by Mr. Carberry, seconded by Mr. Sailer to adjourn the meeting at 10:10pm.

Respectfully submitted,

Allison Witt
Land Use Administrator

