



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on May 7, 2013 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Gallagher called the meeting to order at 7:00pm 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 10:00pm 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 & Carl Hintz were present.

ROLL CALL:

Present: Gallagher, Mayor Kovach, Hetzel, Jones-Holt, Maher, McGuire

Absent: Feldmann, Perez, Rogan

Approval of Minutes:

A Motion was made by Mr. Maher, seconded by Mrs. Jones-Holt, to approve the minutes of April 2, 2013:

All Ayes. Motion carried.

Abstain (from Capital Improvement Presentation section of the minutes):

Mayor Kovach, Jones-Holt.

Abstain (from waiver of site plan Block 11 Lot 15 section of minutes)

Gallagher, Hetzel.

Amended Preliminary & Final Site Plan Application for Block 1 Lots 60 & 60.02

Country View Builders Inc. / Park Valley Clinton LLC

Attorney Walter Wilson, Kevin Page, Civil Engineer from Page Engineering, Mr. Lawrence Appel from Appel Design Group Architects, Mr. Gerard Burdi, principal from Park Valley Clinton LLC and Jackie Klapp Stenographer were present.

The following items were submitted into evidence:

- A1 Application package
- A2 Proof of Publication
- A3 Clerks 200 Foot Mailing List
- A4 Certified Mailings
- A5 Tax Certification dated May 2, 2013
- A6 Preliminary & Final Site Plan by Page Engineering Consultants dated February 8, 2013

- A7 Stormwater Management Report-Engineering Consultants, PC – February 2013
- A8 Architectural Plans -Appel Design Group Architects dated January 22, 2013
- A9 Black & White rendering of Elevation Plan
- A10 Diagrammatic Section by Appel Design Group
- A11 Sheet 3 of Preliminary & Final Site Plan
- A12 Three Building Concept plan.
- B1 Van Cleef review report dated
- B2 Carl Hintz review report dated May 2, 2013
- B3 Town of Clinton Chief of Police review letter dated April 15, 2013
- B4 Town of Clinton Fire Official review letter dated April 28, 2013
- B5 Maser Engineer, Town of Clinton Sewer Engineer, dated May 6, 2013.

Attorney Wilson stated there is a small issue to be discussed before proceeding with the public hearing, Mr. Hintz has indicated in his report that the proposed building will be four stories, however we do not consider a below grade basement should be included in the story calculation. The building has a split grade between the front and rear when the building drops down there is a below grade basement area of 150 SF, the question is whether the basement below grade is considered a story. Mr. Hintz read through the definition of a “story” under the Town of Clinton Ordinance. The board had some discussion as to whether a basement should be included, Attorney Caldwell concluded as the ordinance is written all basements are stories, but since the building meets the height requirements he does not see this as a height issue and the Planning Board can grant a C-Variance to permit a four story building.

A Motion was made by Mayor Kovach, seconded by Mr. McGuire, to grant a C Variance to permit a four-story building where only three stories are allowed in the zone.

Roll Call Vote:

Ayes: Gallagher, Mayor Kovach, Hetzel, Jones-Holt, Maher, McGuire
 Nays:

All Ayes. Motion Passed.

Mrs. Jones-Holt on behalf of the planning Board will suggest to the Governing Body to amend the ordinance definition of a story to eliminate below grade basements.

Attorney Caldwell reviewed the legal notice and found it sufficient to include the additional variance relief:

A Motion was made by Mrs. Jones-Holt, seconded by Mr. Hetzel, to deem the notice sufficient and proceed with the public hearing:

Roll Call Vote:

Ayes: Gallagher, Mayor Kovach, Hetzel, Jones-Holt, Maher, McGuire
 Nays:

All Ayes. Motion Passed.

Mr. Kevin G. Page, Civil Engineer from Page Engineering Consultants PC was sworn in.

Mr. Page advised the board this is an amended site plan application the prior approval permitted a 61 unit residential development, the new application will consist of 60 units condensed into three buildings. The three building design is more compact, it will reduce the amount of disturbance to approximately 2 ½ acres, the design works with the topography of the site. The three buildings front onto Village Road, the site will have an access drive that circulates the buildings and walkways will be provided. In addition, the new design will eliminate the need for the large retaining wall that was part of the prior application the wall will be replaced with a smaller 4’ wall.

Mr. Page went through Mr. Clerico's report dated May 3, 2013 and addressed the following comments:

A1. Attorney Wilson stated the applicant will proceed however the Town wishes, if the Town desires we can dedicate this to the Town and if not Union Gap Association has expressed an interest in acquiring. Attorney Wilson added the Town of Clinton Ordinance section 88.51 F. (3) states *Common space may be deeded to the Town, if accepted by the Mayor & Council*, and 88.51.F (4) - states *All Common open space not accepted by the Town and all common elements in the development shall be deeded to an open space organization established to own and maintain*. Mr. Clerico suggested at some point this should be presented to the Governing Body.

A2-A License will be granted for any encroaching structures from Union Gap Village that currently encroach onto Lot 60.

A3- The LOI that was issued by the NJDEP is still valid and will be provided to Mr. Clerico.

A4-FHA & Wetlands permits issued by the NJDEP will be supplied once received.

A5- ADA elevations will be provided.

A6- Additional details on the handicap ramp will be provided.

A7- The architect will provide location of handicap COAH Units.

A8- The four foot wall will provide for a physical and visual barrier details will be provided.

A9- The new sign will be located further into the project, details will be provided.

A10- The lighting detail will be corrected and the applicant is looking into the Mr. Hintz suggestion of using LED lighting.

A11- Attorney Wilson stated as part of the prior approval they were granted a waiver from the ordinance standard and the applicant was not required to install the sidewalk extension along Village Road from the Westerly intersection of Park Drive to the Union Gap Development, however, Attorney Wilson stated the applicant will install if the board wishes them to. Mr. Hintz suggested installing the sidewalk extension will be consistent with the pedestrian access portion of the Master Plan.

A12- The easement will be provided.

A13- Mr. Clerico suggested the applicant move the buildings back to increase the setback from Village Road to offset the visual impact. Mr. Page responded the building position works with the topography of the site the further you go back the steeper the slopes get. The applicant does not wish to move the buildings.

A14- Applicant will extend the sidewalk to Demott Pond.

C1- Applicant will work with Mr. Clerico to satisfy comment.

C2 Applicant will provide calculations.

C3- Applicant will reapply for NJDEP permit.

C5- Mr. Page stated at this time they do not have a firm utility layout, once it has been confirmed with the utility companies they will amend the final plans before the start of construction.

C9- Easements will be needed.

C11- In discussion with the Town awaiting Water Department comments.

D7- A Stormwater BMP Operations and Maintenance Manual will be submitted for Mr. Clerico's review and approval.

E3- Lighting plan will be corrected.

F2- Attorney Wilson stated this is a rental property and will be maintained by the owner.

The remainder of the items on Mr. Clerico's report are general comments and procedural issues.

Mr. Hintz advised the board that a number of comments on his report dated May 2, 2013 have been addressed the following needs to be clarified:

5.1 & 5.2- Applicant received a waiver on the prior approval; the applicant does not wish to provide a tree inventory and is requesting a waiver.

5.4- Applicant proposes three 10 x 10 dumpsters and recycling containers. Attorney Wilson stated the applicant would like to place a hip roof over the dumpsters however; the Town Ordinance does not permit it. Mr. Hintz agrees that it would be wise to enclose as much as you can.

5.9- The applicant does not anticipate a homeowners association.

6.4- Mr. Hintz recommended the applicant increase the size of plantings and add a second row of shade trees to reduce the impact of the buildings off Village road. Mr. Page indicated that he spoke with the applicant's landscape architect and the increase of plantings will reduce the amount of morning sun which will shade the basins. Mr. Page stated he was not concerned with trying to hide the buildings; the buildings will face 12 acres of open space and the pond and does not feel it necessary to block the view. Mr. Page stated they can look into placing the trees behind the sidewalk but will need to look at the utility mark out first. The applicant's Landscape architect will review further.

6.13 & 6.14- Applicant agrees to replace the diseased and dead trees in the center medium of Village road

7.2- Applicant will comply with full cut off luminary lighting.

7.3 & 7.4- Led lighting is being considered and the applicant will change the lighting fixtures on Village Road to be more consistent with the architectural style of the site.

8.1- Applicant will provide the balcony & patio dimensions.

8. 2- Architect will provide testimony on the storage space.

8.3- Samples roofing and siding materials will be provided for review.

9.4-Applicant will provide details of the crosswalks.

10.1 & 10.2 & 10.3- The affordable units will be rentals and the breakdown of the rentals will be two -1 bedroom units, 3- three bedroom units and 7- two bedroom units. The affordable units will be interspersed throughout the development.

10.5- The administration of the affordable units will be discussed with the Governing Body.

Mr. McGuire suggested it may be useful to the applicant to evaluate the site and conduct some sound testing to determine if the decibel level are in conformance with the Federal Highway Interstate Regulations.

A motion was made Mr. Hetzel, seconded by Mrs. Jones-Holt to open the meeting to the public for cross-examination:

Donna Highland, Trustee for Union Gap Village- inquired about the tree line view from the residents on Hillside Court, Mr. Page stated the building is 102' to the property line and in addition to the existing trees the developer will be planting additional shade trees and evergreen trees.

Jean Marino-1 Hillside Court-inquired where the dumpsters will be located and about the direction of lighting. Mr. Page responded the dumpsters will be located in the parking lot area opposite each building and the lighting will be pointed in a downward direction. Ms. Marino commented that she didn't feel it necessary to extend the sidewalk to Union Gap.

Mr. Chuck Rosenblum- 3 Crescent inquired if vehicles can make a left turn when exiting the driveway closest to Hillside, Mr. Page stated the driveway is restricted to a right turn only. Mr. Rosenblum inquired if there would be any impact to sewer service capacity in Union Gap, Mr. Page responded no.

There being no further cross-examination a Motion was made by Mrs. Jones-Holt, seconded by Mr. Maher, to close the meeting to the public:

All Ayes. Motion carried.

Due to the time frame the meeting for Park Valley Clinton LLC will be carried until June 4, 2013 no further public notice is required.

Master Plan Committee Appointments:

Mr. Gallagher appointed Mrs. Megan Jones- Holt who will replace Mr. Steve Feldmann to serve on the Master Plan Committee.

Voucher Approval:

A Motion was made by Mrs. Jones- Holt, seconded by Mr. Maher to approve the following voucher:

Gebhardt & Kiefer Easement reviews for The Hunterdon Art Museum \$1,289.90

All Ayes. Motion carried.

There being no further business a Motion was made by Mr. Hetzel, seconded by Mr. Maher, to adjourn the meeting at 9:55pm.

All Ayes. Motion carried.

Respectfully submitted,

Allison Witt
Land Use Administrator.