



TOWN OF CLINTON
INCORPORATED APRIL 5, 1865
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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on June 4, 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, Feldmann, Hetzel, Jones-Holt, Perez

Absent: Maher, McGuire, Rogan

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mrs. Jones-Holt, to approve the minutes of May 7, 2013 with the following:

Delete Mr. Maher as being absent and replace with Mr. Perez

All Ayes. Motion carried.
Abstain: Feldmann, Perez

Amended Major Subdivision application- Block 31 Lots 24.02-24.05- Hunterdon Capital LLC:

Attorney William Robertson, Mr. Robert Templin, PE from Templin Engineering Associates and Mr. James Scorda, applicant were present.

The following items were submitted into evidence:

- A1 Application.
- A2 Legal Notice.
- A3 200 Foot List.
- A4 Certified Mailings.
- A5 Tax Certification.
- A6 Amended Major Subdivision Plan dated 6/14/2012 revision date of 12/5/2012.
- B1 Van Cleef engineering report dated May 31, 2013.

Attorney Robertson advised the Board that Lot 24.01 was not on the 200 foot list supplied by the Town and therefore did not receive the required notification of the public hearing. Ms. Donna Van Weeren the owner of Lot 24.01 was present and sworn in. Ms. Van Weeren testified that she had no objection to the public hearing going forward tonight and waived her right to the 10 day notice requirement.

Attorney Robertson gave the board a brief overview of the history of the site. The applicant received a Preliminary Subdivision approval for one existing lot and 4 new lots in 2004. In 2009 the Final Plat was recorded which created four new lots 24.02, 24.03, 24.04, & 24.05 and a new public street that would provide access to the new lots. Due to the turn in the economy the project is not feasible and tonight they are here to reduce the four lot subdivision to a 2 lot subdivision which will eliminate the need for the public cul- de- sac. Attorney Robertson advised the board that any approval would be subject to the Governing Body allowing the applicant to eliminate the public road, which as of today the road has not been officially accepted by the Town.

Mr. Robert Templin, PE from Templin Engineering was sworn in.

Mr. Templin stated he has been with the project since the beginning and is very familiar with the site. The site is located in the residential R-2 zone; the proposed lots are located at the North East Corner of Leigh Street and Olsen Lane. The site is lightly wooded and currently a barn, a shed and springhouse exists on the lots. The proposal will create two larger lots; 24.02 will be 32,308 sf and access to the lot will be from Leigh Street off the existing driveway on Lot 24.01 the driveway starts out as 24 foot in width and widens out to 60' feet in width, a paved driveway would be installed to Lot 24.02 and Lot 24.01 and 24.02 would share a driveway easement. Lot 24.03 will be 50,899 sf and the access to the lot would be off Olsen Lane approximately 70 feet from the Leigh Street intersection.

The applicant is seeking a Variance for the proposed "flag Lot" 24.02 because it will only contain 9,274 sf of area within the 150 foot setback from the Leigh Street Right of way, the ordinance requires 15,000 sf.

Mr. Templin went through Mr. Clerico's review report dated May 31, 2013 and addressed the following items:

A1- All dedicated easements will remain

A2- The Amended Preliminary Approval will be conditioned upon the Mayor & Council's agreement to vacate its rights in the ROW.

A3- The plan will be updated to reflect the most recent improvements along Olsen Lane.

A4- The applicant is not proposing any changes to existing driveway, the applicant spoke with the owner of Lot 24.01 and the area is presently being used as a basketball/ play area.

A5- Olsen Lane driveway details will be provided and the applicant is aware that obtaining the road opening permit will be a condition of approval.

A6- the preservation easement will remain and has been recorded.

B1- Applicant seeking variance relief

B2- Applicant would prefer to keep the barn and is seeking variance relief per 88-60 K. (c).

B3- The applicant can shift the house and will comply to increase the setback.

C1- Will supply the calculations

C2- Applicant is aware of the recent paving on Leigh Street and the moratorium of road opening permits

C4&5-Applicant understands that any approval is conditioned upon the applicant obtaining water & sewer permits and the applicant has been advised there is a moratorium on water connections.

D1- Not subject to State stormwater regulations and documentation will be provided.

E- Applicant will save as many trees as possible on site and will plant whatever street trees are required.

The applicant agrees that the subdivision approval is conditioned upon obtaining all outside agency approvals.

Mr. Clerico stated he looked at an alternative driveway layout that would follow the driveway from Lot 24.03 off Olsen Lane to Lot 24.02 as a common driveway. The utilities could be brought off Olsen Lane; this would avoid the issue of the road opening off Leigh Street and also any potential issues with Lot 24.01 and the paved play area. Mr. Clerico stated the two variances can be eliminated if the accessory barn on Lot 24.02 is removed and the applicant changes the driveway layout to come off Olsen Lane. Mr. Robertson suggested if the board wishes the applicant to remove the barn the applicant will comply. Mr. Templin stated he has not looked at the details of the alternate driveway but feels it is feasible.

A Motion was made by Mrs. Jones-Holt, seconded by Mayor Kovach, to open the meeting for cross-examination:

All Ayes. Motion Carried.

Donna Van Weeren, 149 Leigh Street, inquired if the property was zoned single or multi-family, Mr. Templin responded single family. Ms. Van Weeren inquired if the sewer or water line connection would run through her property at 149 Leigh Street; Mr. Templin responded that they are not proposing to. Ms. Van Weeren inquired if they were aware there was an active spring on Lot 24.02, Mr. Templin stated he was not aware of an active spring.

Mr. Robert Kisch, Olsen Lane inquired about drainage issues, Mr. Templin stated the lots will have drainage improvements installed and does not foresee any drainage problems. Mr. Kisch inquired if they see any issues with the road on Olsen lane being damaged, Mr. Templin stated they will be cutting the curb on Olsen lane to accommodate the driveway and installing two trenches but does not see any issues with damaging the roadway. Mr. Kisch inquired why this proposal would be a benefit to the town, Mr. Templin responded that there will be two fewer lots, the smaller subdivision will lessen the burden to the school system, the site will have less impervious coverage and the maintenance burden will be lifted from the town if the cul de sac is eliminated.

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

All Ayes. Motion Carried.

Mr. Clerico inquired if Lot 24.02 is a wet property where would they run the foundation drain, Mr. Templin responded across Lot 24.03. Mr. Clerico stated that would be another reason to consider the lot line adjustment and allow for the common driveway out to Olsen Lane.

Mr. Gallagher stated he was in favor of retaining the barn on site. Mr. Perez inquired if the barn had any historic significance? Mayor Kovach stated she was concerned with the integrity of the barn, if the barn hasn't been maintained it could be a safety issue.

The board opened the meeting to the public for Testimony & Pubic Comment:

Mrs. Van Weeren, 149 Leigh Street, stated she supports the 2 lot subdivision.

Mr. Kisch, Olsen Lane stated he was not in agreement with knocking down a Hunterdon County Barn.

Attorney Robertson stated the applicant will look at reconfiguration of the driveway and will come back with revised plans. The board will check with the Historic Preservation Commission for input on the barn.

A Motion was made by Mr. Feldmann, seconded by Mayor Kovach to carry the meeting to August 6, 2013 without further notice:

All Ayes. Motion Carried.

Mrs. Megan Jones-Holt excused herself from the remainder of the meeting.

**Amended Preliminary & Final Site Plan Application for Block 1 Lots 60 & 60.02
Country View Builders Inc. / Park Valley Clinton LLC**

Attorney Walter Wilson, Mr. Kevin Page, Civil Engineer from Page Engineering, Mr. Jeff Charlesworth, Landscape Architect, Mr. Miguel Martin, Architect 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:

- A13- Revised dimension plan.
- A14- 11 x17 Exhibit of cross section.
- A15- Site cross section.
- A16- Colored rendering of Landscape Plan.
- A17- Colored rendering of Architectural.

Attorney Wilson advised the board after reviewing the plans, the applicant has agreed to move the buildings 12' further back from Village Road, he explained the plans have just been sent to Mr. Clerico for review.

Mr. Page stated by pivoting and rotating the most southerly building (bld # 2) it will allow the applicant to accommodate the board's suggestions and move building 1 & 3 further back from Village Road. In addition, it will satisfy the Sewer Engineer's comment and allow the applicant to accommodate the 20' sewer easement. The most northerly building (bld #1) was 102' feet from the Union Gap property line with the change it will be 90'. Attorney Wilson added that under the original approval building #1 was 50' feet from the property line and the ordinance only requires 30' so the new proposal is substantially beyond that.

Mr. Page stated other things discussed last month was the location of the street trees and after locating the underground utilities the preferred way to install the trees is first the curb, then the sidewalk, then the trees on the backside, the plan will be amended to reflect the change.

The last item we did is prepare a site cross section (exhibit A15) between Building #2 & 3 looking south and including the Westbound Lane of Route 78. The cross section shows the proposed trees, the existing vegetation, the building terraces and the parking area; from an elevation standpoint the west bound lane of route 78 is comparable to the building roof line.

Mr. Clerico stated the applicant is moving in the right direction by moving back the buildings, he suggested the applicant talk to the Sewer Engineer regarding the change to the sewer line and inquired about the retaining wall. Mr. Page stated the retaining wall was part of the plan it is just a little longer with the new proposal the wall is necessary to preserve the existing vegetation and the wall will not be any higher than 4 feet.

A Motion was made by Mr. Perez, seconded by Mr. Hetzel, to open the meeting for cross-examination:

All Ayes. Motion carried

Ms. Jane Marino, 1 Hillside Court-inquired about the distance from Bld 1 to her property line, the location of the street trees and the lighting. Mr. Page responded the building is 90' from the Union Gap property line then another 10' to your curbline for a total of 100 feet, the trees will be planted beyond the curb and the four foot sidewalk, the applicant is looking into LED Lighting.

Mr. Jeff Charlesworth, Landscape Architect was sworn in. Mr. Charlesworth stated he designed the landscape design which addresses the needs of shade and screening. The plantings chosen have habitat value as well as a visual and textural interest for all four seasons and a large portion of the wooded area will remain. Mr. Charlesworth stated the plan was created in January so he will be making a site visit to look at the existing vegetation to determine what is still good and will remain and what will need to be removed. The proposed landscaping will include trees, shrubs, flowering trees shade trees and evergreen trees, which will be planted at different heights to create a layering effect. The proposed landscaping closer to the Route 78 ramp will include evergreens, pines, Norway maples and Holly which will create a strong edge. The trees planted along frontage road will be a relative of sycamore tree which will create a uniform edge and will continue along the first driveway entrance. The applicant is proposing a single row of trees along Village Road that will be installed 30' on center at a height of 23-25 feet tall at planting. The board discussed a double row of trees at last month's meeting however, Mr. Charlesworth is concerned with a double row due to the detention swell which collects the stormwater and the spacing of the trees. Mr. Charlesworth stated that he has created a visual effect around the swell that includes ornamental grasses, shrubs and flowering plants; it will create a seasonal interest and will be attractive when driving by. Mr. Charlesworth stated we tried to offer a visual interest throughout the year in our landscape plan design.

Mr. Hintz stated he was concerned with the bio-detention plantings and suggested a double row of trees would provide better screening and buffering. Chairman Gallagher agreed. Attorney Wilson suggested they meet with Mr. Hintz to discuss further.

Ms. Jayne Marino, Hillside Court, inquired if the trees would all be the same height, Mr. Charlesworth responded there will be 3 major types of trees installed, evergreen, shade & flowering trees all at different heights. The shade trees by Hillside will range from 17 to 20 feet tall at planting, parallel to Hillside the shade trees will be 17- 20 feet tall and a range of evergreens will be planted 7-8 feet tall, the shade trees along Route 78 will be 17-20 feet tall at planting.

Mr. Chuck Rosenblum, Union Gap advised Mr. Charlesworth of the geese problem in area, Mr. Charlesworth stated he will look into the type of shrubs proposed to make sure they don't add to the geese problem.

Mr. Miguel A Martin, Architect was sworn in.

Mr. Martin went over the architectural features with the board. The proposal includes 3 buildings, Building # 1 and # 2 will have 24 units each, Building # 3 will have 12 units with a mix of one, two and three bedrooms. The breakdown of the 12 affordable units will be 2-one bedrooms, 7- two bedrooms and 3- three bedrooms, building # 1 will have three affordable units, building # 2 will have three affordable units and building # 3 will have six affordable units. The mix was arrived at because of the three bedrooms units which only building # 3 will have. The difference in square footage between the market units and the affordable is as follows; one bedroom units will be the same square footage, the two bedroom market unit will be 1,091 the affordable two bedroom will be 892 sf and there are no three bedroom market rentals. The units are within the building and from a visual standpoint you will not be

able to see the difference between the market rentals and the affordable rentals.

The colored exhibit A17 is a rendering of the materials being used which will be a combination of earthy tones, the shingles will be a brownish shingle color, the siding color will be clay, the buildings will have white accents, corner boards and trim work, tan scalloped gable ends will be installed on both sides of the building and the bottom of the building will have accented cultured stone which will extend

approximately 2 ½ feet in height and will be carried around the entire building. The HVAC units will be contained within each unit. The site will contain accent lighting around the entry doors which will be approximately 60 watts per fixture, and each balcony will have switch activated accent lighting. Each building will have 5 X 4 eight- foot height storage cages located in the basement and a shed for storage will be provided for the accessible units.

Due to the time frame a Motion was made by Mr. Perez, seconded by Mr. Hetzel, to carry the meeting to July 2, 2013:

All Ayes. Motion Carried.

Recommendation of changes to The Town of Clinton Land used Section 88-4 definition of a “Story”:

A Motion was made by Mr. Hetzel, seconded by Mr. Perez, to make a recommendation to Mayor & Council to amend the definition section of The Town of Clinton Land Use Chapter 88-4 and insert the words *above ground* in the definition of a story, the amended definition to read as follows:

The *above ground* portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

All Ayes. Motion Carried.

Voucher Approval:

A Motion was made by Mr. Hetzel, seconded by Mr. Perez, to approve the following vouchers (list attached):

All Ayes. Motion Carried.

Water Update:

Mayor Kovach advised the board that Highlands has agreed to increase the town’s water allocation, and is currently under public comment. The town will be working on some new ordinances regarding water restoration and limits on water usage. In summary we hope to have the increase in water allocation with restrictions and the approval to start construction of Well # 16 within 45 to 60 days.

There being no further business a Motion was made by Mr. Hetzel, seconded by Chairman Gallagher, to adjourn the meeting at 10:10pm.

All Ayes. Motion Carried.

Respectfully submitted,

Allison Witt
Land Use Administrator

