



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 6, 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, Maher, McGuire, Perez, Rogan

Absent:

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mrs. Jones-Holt, to approve the minutes of June 4, 2013 with the following change:

Page 5- 6th paragraph change building # 6 to building # 3

All Ayes.

Motion carried.

Abstain:

Maher, Rogan

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:

- A18 Preliminary & Final Site Plans revision date 6/17/2013
- A19 Storm water Detention Facilities Maintenance Program
- A20 Storm water Management Report- revision date 6/2013
- A21 Page engineering report dated June 18, 2013
- A22 Page Engineering Letter dated July 22, 2013
- A23 Landscape Plan revision date of 7/30/2013
- A24 Site Cross Section dated 6/3/2013

- B6 Carl Hintz review report # 2- dated June 26, 2013
- B7 Van Cleef Engineering report # 2- dated June 27, 2013
- B8 Town of Clinton Fire Official memo- dated July 2, 2013
- B9 Maser Engineer, Town of Clinton Sewer Engineer letter dated July 2, 2013

Attorney Wilson stated this hearing is a continuation of the public hearing of June 4, 2013 and advised the board the Town Council has passed a new ordinance redefining a story which now eliminates the need for the variance that was granted at the June 4, 2013 meeting.

Mr. Miguel Martin addressed Mr. Daniels report dated April 28, 2013 and advised the board of the following, the building will have no elevators; the sprinkler system will be in full compliance with NFPA 13R; the plan will be updated to show the Knox Box system; all hydrants and fittings will be installed per Andrew Holt, Town of Clinton Water Engineer's suggestions and will be code compliant; the parking meets RSIS standards and the Town of Clinton standard; the units will be rentals and the owner will comply with the town rental regulations; the owner will not install a standpipe system; the no parking signage will be installed approximately 50' apart.

Mr. Martin addressed the sound-proofing concern raised by Mr. McGuire and Mr. Hintz and advised the board the Federal guidelines do not come into play with this type of project, the building code does not have any requirements to sound proof the exterior of the building, only the interior space between units and the common area. The applicant plans to upgrade the building materials to reduce the ambient noise, the walls will be upgraded from a 4" thickness to a 6" thickness, the insulation will be upgraded from R-13 to R-19 rating, the windows proposed will have a STC rating of 28. The board raised concerns with the noise levels and the noise impact with the units that are closest to Route 78, the applicant agreed to upgrade a total of 18 windows to an STC rating of 33 on the southeast side of the building closest to Route 78.

Mr. Clerico went through the outstanding items of his report dated June 27, 2013:

- A1- Applicant will note on plan.
- A2- Condition of approval
- A3 & A4- Will provide the LOI and all required NJDEP permits
- A5- Applicant has addressed.
- A6 & A7- will provide details on plan.
- A8- Applicant has addressed.
- A9- Sign will comply with the sign ordinance.
- A10- Detail will be shown on plan.
- A11- Waiver requested not to install the extension sidewalk on Village road to Union Gap.
- A12- Condition of approval.
- A13- Revised building layout was presented at the June hearing.
- A14- Applicant has agreed to extend the sidewalk out to Route 173 to meet up with the existing sidewalk.
- B1- Applicant has addressed.
- B2- Variance no longer needed.
- C1a- Applicant has satisfied.
- C1b. Applicant can make changes to grading to solve the problem, Mr. Page testified he will look into the change to make sure it works, will work with Mr. Clerico on resolving the grading.
- C2- Applicant agreed to make the changes.
- C3- Condition of approval.
- C4- Applicant has addressed.
- C5& C6- Applicant will note details on plan.
- C7, C8, C9- C10- C11 Applicant is working with the Town Sewer Engineer and The Town Water Engineer and will comply with suggestions.
- C12& C13- Plans will reflect all easements.
- D1-D6- Applicant has satisfied.
- D7- Condition of approval.

E- Updated landscape plan received, Mr. Hintz is in agreement with updated landscape plan.
F1- Waiver requested for supplying EIS document.

F2- Will provide.

F3- Applicant has addressed.

The board opened up the meeting to the public for cross-examination:

Ms. Jean Marino, resident of Union Gap inquired about the distance of building #1 to Hillside Court; the height and type of exterior lighting; signage; type of heating; and the school bus stops. Mr. Page responded Building # 1 will be approximately 100' from her property line; there will be a total of 20 light poles installed which will be approximately 15' high, the fixtures will have low lighting; the signage will be 4 x 3 and approximately 7' high and will comply with the Town's Sign Ordinance; the units will be heated by gas; and the school bus stops are controlled by the Board of Education.

Mr. Hintz suggested the landscape plans should include the manufactures cut-sheet, Mr. Page will supply. Mr. Hintz advised the board that he finds the updated landscape plan consistent with the board's comments and suggestions and recommended the board add a condition of approval that if any of the planting materials are changed that the applicant get input and approval from the Town Planner, the applicant agreed.

There being no further questions, A Motion was made by Mrs. Jones-Holt, seconded by Mr. Hetzel, to close the meeting to the public:

All Ayes. Motion Carried.

A Motion was made by Mr. Feldmann, seconded by Mrs. Jones-Holt, to approve the Preliminary and Final Site plan application for Country View Builders/Park Valley Clinton LLC contingent upon the applicant complying with the agreed upon conditions in Mr. Clerico's report and Mr. Hintz's report, conditioned on the applicant complying with The Town of Clinton Water and Sewer Engineer's recommendations, conditioned upon the applicant upgrading a total of 18 windows to a STC rating of 33 on the southeast side of the building that is closest to Route 78, Waiver granted for the EIS statement submission, Waiver granted to applicant not to extend the sidewalk into Union Gap, conditioned on all outside agency approvals:

Roll Call Vote:

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

Nays:

All. Ayes. Motion Passed.

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.

Attorney Robertson advised the board this hearing is a continuation of the hearing held on June 4, 2013 in where the applicant is seeking approval to consolidate the four lot subdivision into two lots.

Mr. Templin stated that based on the boards comments at the last meeting the plan has been revised, the lot lines have been adjusted and the applicant plans to remove the barn which will eliminate the need for the front yard accessory structure variance. Mr. Templin testified that he investigated the barn and found the barn in a significant state of disrepair and as a practical matter the barn may not be able to be saved.

Mr. Caldwell inquired if the applicant would give the historic commission a time frame to raise funds to preserve the barn and suggested a year time frame; Attorney Robertson stated he would discuss the proposal with his client.

Mr. Clerico went through the outstanding items in his report dated May 31, 2013:

A1- Easement dedications to be a condition of approval

A2- Town Councils approval to vacate its rights in the ROW should be a condition of approval.

A3- Item has been addressed

A4- The driveway width has been narrowed down to 35'

Mr. Clerico stated he was concerned with the driveway width because it can lead to problems in the future and suggested that the driveway easement include the appropriate language to avoid confusion on the lot owner's rights. Mr. Clerico suggested that an alternate driveway layout for Lot 24.02 may solve the problem and suggested the applicant relocate the driveway to come off Olsen Lane. Mr. Clerico stated there would be less disturbance if Lot 24.02 and Lot 24.03 shared a common driveway opening off Olsen Lane then the driveways should split off, Mr. Templin stated it looks feasible and will look into.

A5-Road opening permit condition of approval

A6- The existing springhouse easement will remain in place.

C1- Setback will be addressed and discharge numbers will be provided.

C2- Obtaining Road Opening permits should be a condition of approval.

C4&C5- Town of Clinton Water & Sewer Department review and approval should be a condition of approval.

C6-No longer valid.

D1- Not subject to State Storm Water Regulations.

E1&E2- Will preserve as many trees as possible and any street trees required will be planted.

The board opened the meeting to the public for cross-examination:

Mr. VanWeeren, 149 Leigh Street advised the board the shed on Lot 24.02 was once a springhouse the water line from the springhouse is an active line that runs into his property and stated he was concerned with disturbing the line during construction. Mr. Clerico advised the applicant the plan should be updated to change the shed to a springhouse and advised the applicant to either label the line or remove the line to prevent future problems. Mr. Templin will look into and address accordingly.

Christine Wood, member of the Town of Clinton Historic Commission stated she would like the applicant to give the Historic Commission time to raise the funds needed to preserve the barn.

Rosemary Platt, Chairman of the Historic Commission, stated the barn should be preserved, and would request time to secure a grant to preserve the barn. Attorney Caldwell suggested the applicant work directly with the Historic Commission on a timeframe in which the Commission has to obtain funds to preserve the barn. Mr. Hintz added that if the barn is not removed the board needs to acknowledge that the accessory structure will be located in the front yard.

Mr. VanWeeren, 149 Leigh Street, stated he would like to see the barn preserved, is in agreement with the new driveway option for Lot 24.02 coming off Olsen Lane.

There being no further public comments the board closed the meeting to the public.

A Motion was made by Mrs. Jones-Holt, seconded by Mr. Hetzel to approve the Amended Major Subdivision for Hunterdon Capital contingent upon the applicant complying with the agreed upon conditions in Mr. Clerico’s report and Mr. Hintz’s report, conditioned on the applicant complying with The Town of Clinton Water and Sewer Engineer’s recommendations, conditioned on all outside agency approvals, if the barn is preserved than the board agrees to grant a variance for the front yard accessory structure and if the barn cannot be preserved than no variance will be granted.:

Roll Call Vote:

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

Nays:

All. Ayes Motion Passed.

Board Discussion:

Mayor Kovach advised the board the Town is in contact with the A&P regarding the Old Wargo Tract and would like Mr. Hintz to look into whether it is economically feasible for the Town to acquire the land to add a parking area.

Mr. McGuire inquired about sending a memo to Town Council regarding adverse impacts on decisions made by the Board of Adjustment granting Use Variances and changing the way property is zoned, Attorney Caldwell advised the board the Governing Body cannot influence the Board of Adjustment, decisions made by the Board of Adjustment have an appeal process that can be followed which is outlined in the Municipal Land Use Law.

Voucher Approval:

A Motion was made by Mr. Hetzel, seconded by Mrs. Jones-Holt, to approve the attached voucher list:

All Ayes. Motion Passed.

There being no further business a Motion was made by Mrs. Jones-Holt, seconded by Mr. Hetzel to adjourn the meeting at 10:30pm.

Respectfully submitted,

Allison Witt
Land Use Administrator

