

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 1, 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".

Chairman Gallagher advised the board that Mrs. Jones-Holt has resigned from the Planning Board and welcomed the new council liaison Mr. Ken Carberry.

ROLL CALL:

Present: Gallagher, Carberry, Hetzel, Maher, McGuire, Perez, Rogan

Absent:

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. Maher, to approve the minutes of August 6, 2013

All Ayes. Motion carried.

Abstain: Carberry

Adoption of Resolution for Amended Major Subdivision approval- Block 31 Lots 24.02-24.05- Hunterdon Capital LLC:

Carried until November 5, 2013.

Exemption from site plan request- Block 10 Lot 12.01- Tracy Gordon

Applicant Tracy Gordon was present. Ms. Gordon advised the board she is looking for approval to open up a single chair salon at 8 Leigh Street. Ms. Gordon testified that she will be moving into the old barber shop space however due to the square footage she will need expand into the space which was previously retail. Ms. Gordon stated the Board of Cosmetology requires 350SF to operate a single chair salon, the old barber shop space is 276 SF and the retail space is 286SF. Her plans to expand into the adjoining space will include removal of the interior wall to open up the two spaces into one. Ms. Gordon testified she plans to operate the salon on her own and will offer haircutting and chemical coloring services and if in the future she decides to expand the total square footage will allow for a two chair salon.

A Motion was made by Mr. Carberry, seconded by Mr. Hetzel to approve the waiver of site plan request and permit the change of use from retail to beauty salon conditioned upon the applicant receiving all necessary change of use permits and approvals through the construction office and is subject to standard conditions relating to the application including but not necessarily limited to sign permit approvals, board of health approvals, payment of all outstanding fees, escrow and permits and any outside agency approvals that may be necessary:

All Ayes: Motion carried.

Adoption of Resolution for Preliminary & Final Site Plan Approval for Block 1 Lots 60 & 60.02 Country View Builders Inc. / Park Valley Clinton LLC

Attorney Walter Wilson was present.

Chairman Gallagher stated subsequent to the board approving the site plan for Country View Builders on August 6, 2013 the Planning Board received a letter from Mr. Daniels Fire Official dated August 23, 2013 and a response letter from Attorney Wilson dated September 10, 2013. Chairman Gallagher requested the letters be inserted into tonight's minutes. (letters attached below).

Chairman Gallagher stated he would like to address Mr. Daniel's letter in its entirety before moving forward with the Resolution .The application was presented to the Planning Board during the course of three public meetings, expert testimony was provided from the applicant's professionals and the board's professionals, the board spent many hours going over the site plan, and did not understand Mr. Daniels comments that the board had not addressed the fire comments therefore putting the responders and residents in possible harm's way. The board agreed that during the course of reviewing the plans the board solicited expert testimony and were assured the approved plans met all requirements. The Plans will also be reviewed for code compliant requirements under the construction official's jurisdiction. The board agreed there were multiple public meetings available that Mr. Daniels could have attended, which is the correct forum to address review letters. The board strongly disagrees with Mr. Daniel's opinion that the approval has put the future residents and responders in harm's way. The boards review was very detailed and in the course of the public testimony the board solicited input and advice from the board's professionals and they were assured it meets all the requirements and specifications of the code. Mr. Daniels had plenty of opportunity to explain his life safety comments during the many hours of public hearing but he did not attend any of the open public meetings. The board declines to change the approval of the site plan and does not feel they glossed over matters as Mr. Daniel's refers to in his letter. The board is comfortable with their decision and the plans will be sent to the building code official to make sure all aspects of the plan are code compliant.

There being no further comment a Motion was made by Mr. Hetzel, seconded by Mr. Maher to approve the Resolution for Country View Builders Inc./ Park Valley Clinton LLC :

Roll Call Vote:

Ayes: Gallagher, Hetzel, Maher, McGuire, Perez,

Nays:

All Ayes. Motion Carried.

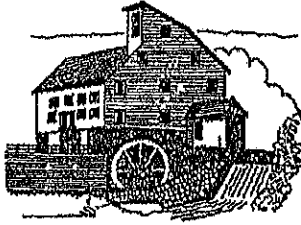
Voucher Approval:

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

All Ayes. Motion Carried.

There being no further business A Motion was made by Mr. Hetzel, seconded by Mr. Carberry to adjourn the meeting at 8:20pm.

Respectfully submitted-Allison Witt, Land Use Administrator



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August 23, 2013

Planning Board Members,

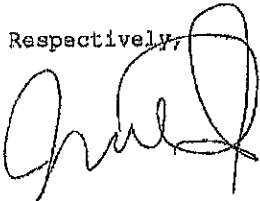
It has come to my attention that the Board moved forward with the approving resolution of the Twin Pond application. There had been substantial fire related comments made both when the application was made and then revised. This approval appears to fall significantly short of adequately addressing the most recently stated firematic issues raised. The fire related comments are of a life safety nature. The most recent revisions significantly changed the site layout and there were again a large number of fire related comments made. However, this time the comments were not all addressed as they once had been. In fact, there was no response from the applicant at all except via testimony at a Planning Board meeting. Neither the fire department nor I were given an opportunity to defend the life safety comments made. These comments again included a full fire suppression system, access concerns, site signage, etc. Apparently, there was a discussion at the meeting regarding some or all of these matters however neither the fire department nor myself were given the opportunity to explain the reasoning behind the comments. For example, the limited access on the retaining wall side of the structures presents significant firefighting operation issues. This includes access to perform firefighting activities such as suppression and ventilation. Additionally, there is no method of reaching the upper levels from this side of the structure to secure emergency escape and rescue efforts. For these reasons, a fully sprinklered building request was made. The building codes do not nor cannot be expected to address every possible situation. This is the reason for the review and comment during the site improvement stage of the project. Because of the various site conditions and situations, the fire service has required review of applications during this phase. Along that means, this holds true with this application. By not properly addressing nor allowing rebuttal of the fire comments, the Board has placed all emergency responders and residents in possible harm's way.

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The applicant's attorney would have the Board believe that the building codes address the requirements of such an application and further state that the structures will be built in a code compliant manner. The law requires this as a minimum. The site warrants that the structures have additional life safety measures taken. The place and time for those added measures to be discussed was during the Planning Board approval process. The approving resolution would be the appropriate avenue to address these matters. Without this being done, the building will in fact be built, as the law requires, to the minimum standard. The applicant did not promise anything more for the safety of the emergency responders nor the residents than what the law and codes already requires. By requiring the added levels of safety now, via the approving resolution, the site and structures would have been constructed to better serve the safety of the community, the future residents and especially the emergency responders that volunteer to put their own lives in harm's way for others.

Most importantly, the first submission set of plans had all of comments addressed by the applicant with positive results. Revisions were indicated on the plans accordingly. These included a full fire suppression system, parking signs, fire hydrant locations, etc. Now the most recent plans do not have appropriate fire safety measures in place. Therefore, I implore the Board to reconsider this application with regard to the fire safety comments. I also would ask that the Board consider the significance of the fire comments with all future applications so that applicants are not able to "gloss" over matters that could have such negative effects on many people of the community.

Respectively,



Jack Daniels, Clinton Fire Marshal

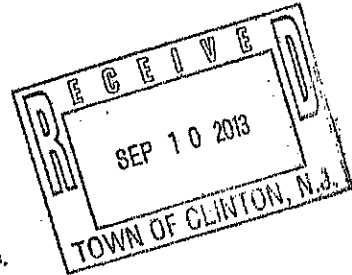
CC: Walter Dorf, Chief Clinton Fire Department
Janice Kovach, Mayor
Rich Phelan, Business Administrator

WALTER N. WILSON, ESQ.
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September 10, 2013

Allison Witt, Land Use Administrator
Town of Clinton Planning Board
43 Leigh Street
P.O. Box 5194
Clinton, New Jersey 08809



Re: Park Valley Clinton, L.L.C. / Country View Builders, Inc.
"Twin Ponds at Clinton"
Block 1, Lots 60 and 60.02 / Town of Clinton

Dear Ms. Witt:

I received from your office a copy of a letter dated August 23, 2013, addressed to the "Planning Board Members", from Jack Daniels, Clinton Fire Marshall. It is appropriate for me to respond on behalf of my clients.

As you know, the Planning Board conducted public hearings on the application for an amendment to the previously approved Preliminary and Final Site Plan Approval relating to the property, identified on the Town of Clinton Tax Map as Block 1, Lots 60 and 60.02. A complete set of the amended application, together with revised Site Plans prepared by our Professional Engineer and preliminary architectural plans prepared by our licensed architect, was supplied to various Town of Clinton Officials, including the Fire Marshall, in accordance with the policy and procedures of the Planning Board. Thereafter, the Board opened and conducted Public Hearings on the amendment to the prior approval, commencing on May 7, 2013. Prior to the commencement of the public hearings we received a copy of Mr. Daniel's letter dated April 28, 2013, and took same under advisement. The public hearing was continued to June 4, 2013, after which the Applicant prepared and submitted revised Plans, which were again served upon, *inter alia*, the Fire Marshall.

Prior to the public hearing continuation date of August 6, 2013, we received Mr. Daniel's letter dated July 1, 2013. At the hearing on August 6, 2013, we presented testimony from our Professional Engineer and our Licensed Architect, both of whom commented and provided testimony regarding the Fire Marshall's comments, as would typically be the case. The Board also received comments, reports and testimony from its professional engineering, planning and landscaping experts during the course of the proceedings. At the conclusion of the public hearing on August 6, 2013, the Board deliberated and approved the requested amendments to the preliminary and final site plan approval. Mr. Daniel's chose not to attend any of the public hearing sessions. His letter dated August 23, 2013, followed.

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While we are confident in the Board's actions and the procedures followed by the Board and the Applicant, we will once again provide a summary of the positions of the Applicant regarding the items in Mr. Daniels' original letter as testified to during the course of the public hearing. We provided expert testimony from our Professional Engineer and our Licensed Architect regarding each of the issues referred to in this letter.

Following the numbered paragraphs of Mr. Daniels' letter dated April 28, 2013, we offered proofs and responses as follows:

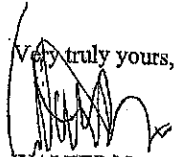
1. There are no elevators required or proposed.
2. There are sufficient fire lanes and access provided consistent with the Town of Clinton Code and accepted practice. The buildings will be constructed in accordance with all applicable Building Code requirements. The buildings have been designed to be fully sprinklered in accordance with NFPA 13R, the appropriate NFPA reference for this type of building. The building code provides all the technical requirements for sprinkler coverage and the building code does not require concealed spaces (including attics) to be sprinklered when using the 13R system. This will be addressed in more detail at the appropriate time, which is at building permit application with full construction plans, not at the time of Land Use Approval of a fully ordinance compliant site plan.
3. All fire hydrants, including all fittings and threading, will meet the Town of Clinton requirements.
4. All water lines will be sized in accordance with the Town of Clinton's Water Engineer's requirements.
5. At the time full architectural building plans are prepared for submission for building permits comments from the Fire Sub-code Official will be requested and reviewed. Testimony was provided that access would be appropriately designed with the safety of firefighters in mind.
6. The Applicant noted on the record that it will provide a "Knox Box" system, or its equivalent, for the buildings.
7. There are no standpipes proposed.
8. There was discussion regarding the placement of signage and we will install the signage as testified to and agreed by the Board.
9. Parking stalls are provided in accordance with the RSIS and the Town of Clinton Parking Ordinance.
10. As testified repeatedly during the public hearings the project is a rental project. The affordable units are required to be rentals in accordance with a previous agreement with the Town of Clinton.

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11. Access to the utility rooms was described in testimony and is not provided exclusively through the storage area. At the time full architectural plans are submitted for building permits, comments from the Fire Sub-code Official will be requested and reviewed. The design will meet applicable building codes.

We trust the above is helpful to the Board in reminding all that Mr. Daniels' review letter comments were appropriately addressed in the proper forum of the public hearing. We look forward to receiving a draft of the memorializing resolution prior to the Board's next meeting.

Thank you for your continued cooperation.

Very truly yours,

WALTER N. WILSON

cc: Park Valley Clinton, L.L.C.
Country View Builders, Inc.
Page Engineering Consultants, P.C.
Appel Design Group, Architects
William J. Caldwell, Esq.
Town of Clinton Mayor and Council