



TOWN OF CLINTON
INCORPORATED APRIL 5, 1865
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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on November 5, 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”.

Due to conflicts with some 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.

ROLL CALL:

Present: Gallagher, Feldmann, Berson, Sailer, Smith , Recame

Absent:

Attorney William Caldwell and Board Engineer Robert Clerico were present.

Application for an Amended Preliminary & Final Site Plan – Block 9 Lot 1- The Hunterdon Art Museum. Attorney Robert Simon, Herold Law; Mr. David Fantina, Engineer, Mr. John Madden, Planner and Marjorie Nathanson, Museum representative were present.

The following items were submitted into evidence:

- A1 Application
- A2 Public Notice
- A3 200 Foot List
- A4 Certified Mailings
- A5 Site Plan dated 6/29/12 revised 10/14/13
- A6 Site Plan dated 6/29/12, revision dated 10/14/13 & 10/28/13.
- A7(a) Photograph of how terrace looks today taken 11/4/13
- A7(b) Photograph of how terrace would look with cars parked in front.
- A7(c) Photograph of proposed patio with planters.

Attorney Simon advised the board his applicant was before the board a year ago and received Preliminary & Final site plan approval to install a patio and eight parking spaces on the Museum property. Tonight the applicant wishes to seek an amendment to the approval which includes eliminating the eight onsite

parking spaces and to place planters in the area of the eliminated parking spaces.

Chairman Gallagher wanted to clarify the number of times the Museum has been before the Planning Board, Attorney Simon stated the Museum has only appeared once before this board for site plan approval a year ago.

Mr. David Fantina, P.E from Fantina Engineering was sworn in. Mr. Fantina stated the applicant proposes minor changes to the approved plan, the changes include eliminating eight parking spaces, a change to the outdoor sink and the installation of six concrete plantings that will be placed 10' apart at the entrance of the patio along Lower Center Street.

Mr. Fantina stated the Museum was looking for a more antique looking sink the new sink proposed will be 11" high and 65" long. Mr. Recame expressed concerns with the size and the security of the sink, Mr. Fantina stated last year the board was concerned with the security of the sink in regards to protection against vandals putting things down the sink that could enter into the sewer system, Mr. Fantina stated the applicant addressed the concerns and the new sink will be secure. Attorney Simon added that a condition of approval can be added to state that it will be the responsibility of a museum representative to make sure the sink is secured.

Mr. Berson questioned why the proposed planters needed to be movable, Mr. Fantina responded the planters are not intended to be moved, each planter will weigh approximately one-thousand pounds.

Mr. Clerico advised the board that when the town made the improvements the town left the depressed curb and apron to accommodate the museum's parking and had the Museum's original proposal not included parking then the town would have installed the curbing, the town did certain things to accommodate and coordinate with the museum. Mr. Clerico added that if the town knew parking was not going in then the town could have added the curb and added parking spaces on Lower Center Street. Mr. Clerico questioned if there was an obligation to maintain the onsite handicap space since one always existing, Attorney Simon responded that there was no prohibition in the ordinance against removing a handicapped space, Mr. Simon added that per chapter 136 of The Town of Clinton Ordinance a handicapped space is not required if you have under 20 spaces, Mr. Clerico stated he would have to look into that.

Chairman Gallagher stated the site has 2 exterior lights that look like street lamps which are outdated and inquired if the Museum had any plans to replace them, Mr. Fantina responded there had been no discussion regarding replacing the lights but he will discuss the lights with the museum.

Mr. Recame stated he was concerned with the 10' spacing between the planters, Mr. Clerico suggested that if the variance were to be approved the planters should be closer together and advised the board that they should focus on the variance first before getting into details about the other changes.

Mr. John A. Madden, Jr. Planner from Maser Consulting was sworn in. Mr. Madden advised the board the museum site is located in the center of town, before the museum improvements were undertaken the parking area consisted of gravel, weeds and underbrush, and at that time the only view of the riverscape was from the Red Mill, since the Museum improvements this area now has an iconic NJ view. The Museum initially asked for parking but now that the patio is complete they feel that parking cars on site will spoil the expansive view. Mr. Madden stated from a planning standpoint there are larger issues than providing eight parking spaces, the expansion of the public space is an important aesthetic planning design. Mr. Madden stated the other concern with cars parking onsite is the concern with the vehicles dripping oil, antifreeze, and tire marks which will add to the deterioration of the look of the patio. Mr. Madden commented that he was also concerned with the required wheel stops in that they can cause a tripping hazard, Mr. Madden testified the onsite parking can create a safety and aesthetic conflict. Mr. Madden advised the board that for the last three years there has been no parking available on site at the museum and he believes this has had no adverse impact on downtown.

Mr. Madden advised the board the applicant is here tonight to amend their site plan approval and to request bulk variance relief under flexible C 40:55-D-70 c (2), where the benefits of the deviation from the zoning ordinance would substantially outweigh any detriment. The museum terrace is a viewing platform and an extension of the museum which is an historic landmark. The amended site plan proposal will promote the general welfare by providing light, air and open space, provides a desirable visual environment, promotes conservation of historic sites and will advance the historic preservation of the property. In terms of public good it allows the public to enjoy the space and the scenic view, it will eliminate the potential tripping hazards from the wheel stops and will eliminate any safety concerns with the vehicles backing out across the sidewalk . The negative criteria requirement has been satisfied, the town has sufficient parking to meet its demands, the variance will not impair the zone plan. The Town's Master Plan regards the Museum as a focal point and enhancing the design of the property is a design goal of the Master Plan, Mr. Madden concluded the benefits substantially outweigh the detriments.

Mr. Clerico inquired if a parking study was done to determine the availability of public parking in town? Mr. Madden responded no parking studies were done, his statements were based upon his personal observations. Mr. Clerico stated the ordinance recognizes the need to preserve parking and this request is placing an additional burden on public parking. Mr. Madden responded the Museum has not provided parking for the last three years and he has not seen a negative impact. Mr. Clerico stated he did agree with Mr. Madden's earlier testimony that the wheel stops can create a tripping hazard and asked if the applicant would agree to eliminate the wheel stops. Attorney Simon stated that it was the board that required the wheel stops.

Mr. Sailer asked the applicant at what point did they decide to eliminate the parking, Mr. Madden stated it evolved once the patio was finished, the museum was approached by several merchants asking to preserve the view and not add parking. The onsite museum parking was intended for museum patrons, when the museum has an event it is usually late afternoons into the evening and does not contribute to a lack of parking for the merchants, eliminating the eight spaces would not be a detriment to other merchants, preserving the view would be beneficial to the public. Attorney Caldwell stated that letting the public use the area also raises legal issues for potential public easement access claims that could arise based on the testimony being presented tonight. Attorney Simon clarified that we are just testifying to the ability of the public to walk on the patio area, go to the river and enjoy the view but by no means are we implying or stating the museum has or will grant an easement to the public. We are just trying to demonstrate the impact of eliminating the onsite parking spaces. Attorney Caldwell stated through testimony you have asked the board to consider the patio as public space and the benefit of the space to the public when in effect your saying it's still a private space and if the board grants the parking variance then down the road at some point the museum could decide they have had enough of the public using their patio and fence off the area, then the town is stuck because the variance the town has granted runs forever. Attorney Caldwell stated this is not a decision the board should take lightly. Attorney Simon stated he could offer to the board that a condition be imposed that if the museum were to put up a fence they would be required to come back before the town, Attorney Caldwell stated there is no such thing as a conditional use variance. Attorney Simon stated the main reason why the museum is proposing to eliminate parking is to maintain the view and the use for the benefit of the public. Mr. Madden added the museum has allowed public access for decades, the museum has never chased anyone away, the public has been allowed to enjoy the space and now that the patio has been expanded the public will be able to use it more. The museum has not taken the position that it is off limits, the museum has always welcomed people to come on their property.

Mr. Smith commented that as to the intent and purpose of the zoning ordinance you have testified about the aesthetic value but have not given us a functional reason. I would assume the town would feel the parking function is more important than beauty and I'm not sure the positive and negative criteria have

been met. Attorney Simon stated that every positive and negative has its degree, there is a balancing act to comparing the positive and negative. Mr. Smith inquired if the museum had any data on how many guests per day visited the museum and where they park. Mr. Madden stated Ms. Marjorie Nathanson will answer

the question when she has been sworn in. Mr. Smith stated he was concerned with losing parking spaces and inquired if the museum would explore options of offering parking at certain peak times.

Mr. Feldmann was concerned with the lack of parking data and the impact of losing eight spaces, however on the flip side he agrees with the applicant on the aesthetics of the view. Mr. Feldmann commented that if the museum removes eight spaces it gives the museum additional patio space and inquired if this weighed into the decision to remove the parking spaces. Mr. Madden responded the museum has no particular plan to use entire terrace, Mr. Feldmann inquired if at the last meeting there was a discussion on material that was going to be used for parking. Mr. Clerico stated it was all presented as a concrete surface, there were a few things added to distinguish the parking from the patio. The museum proposed 10 x 10 scoring of the patio area that was not going to protrude into the parking area, however the museum did not follow this guideline when they build the patio they scored the entire area. Mr. Clerico stated he is not sure if this was a mistake, or it was at this point the museum decided they did not want parking. The other items the museum agreed to provide was different textural treatment in place of parking lines and provide bumper stops so it would give the visual intent that parking was marked out. Mr. Feldman inquired if the museum would consider curbing, Mr. Clerico responded the Governing Body would have to approve curbing. Mr. Madden stated it is not unusual to have a depressed curb. Mr. Clerico advised the board if the board granted the approval to eliminate the onsite parking, the Town would still have the option to stripe for public parking spaces along the front on Lower Center Street.

Mr. Recame inquired about the height of the wall, Mr. Clerico responded the wall was built as part of the Dam & Dike Project as a flood control measure, the wall was built higher than the original wall. Mr. Recame stated he was concerned with the fact the town had installed a depressed curb to accommodate the museum parking and if the proposal was granted would the museum pay for grading so the town could install street parking. Mr. Fantina stated it was not an option for the museum to raise the curb because if you raise the curb, you would need to raise the sidewalk and then the patio. If the board approved the elimination of onsite parking, the depressed curb would not preclude the town from installing parallel parking on the street.

Chairman Gallagher stated to Mr. Madden that there was weight in your experience as far as living in the town and being a member of the community as opposed to having planning testimony from someone living in another area, deficiency on data can be an offset by personal experience and what you see. Parking is a main criteria and there are a couple concerns with loss of parking. The town has been trying to find more parking in town, parking downtown is an inherent issue with balance between the merchants and the residents. The board now must try to weigh the eight spaces. Looking at the overall proposal I can clearly see the benefits of the aesthetic value to the town and would like to verify some testimony from Marjorie Nathanson.

The board opened the meeting for cross-examination:

Joan Bloomer, 34-36 Main Street, stated she was here tonight as a resident and business owner and would like to know where Mr. Madden got his information that a loss of parking will not impact the town. Mr. Madden responded from his own observations, the museum has not had any parking for the last three years and he has seen no detriment to the town.

Nancy Izzo, 11 Lower Center Street, stated she was the owner of Roses in Your Hair and stated that between the peak hours of 12:00pm to 2pm there is a lot of pressure to find parking spots downtown and suggested if the museum could come up with an option to offer parking during that peak time it would help out. Mr. Madden stated there are times when the museum needs drop off space and there may be

some value in keeping some spaces.

Due to the time frame the applicant agreed to carry the meeting to a special night of Monday November

25, 2013. The Hearing will follow the regular Board of Adjustment Meeting at 7:00pm.

There being no further business a Motion was made by Mr. Feldmann, seconded by Mr. Sailer to adjourn the meeting at 10:15pm.

Respectfully submitted,

Allison Witt
Land Use Administrator