



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on December 3, 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".

ROLL CALL:

Present: Gallagher, Mayor Kovach, Carberry, Feldmann, 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 December 3, 2013:

All Ayes.

Motion carried.

Abstain:

Feldmann, Mayor Kovach

Site Plan Waiver request – Block 12 Lot 4.03- 19A Old Highway 22- Ivanna Bronowicka:

Mr. Peter Sandrian, building owner and Ivanna Bronowicka, tenant were present.

Ms. Bronowicka advised the board she is here tonight to request permission to operate a pet store in the space that housed Wholesome Bagel. The business will not include pet grooming or animals for sale just strictly pet supplies for cats and dogs. Ms. Bronowicka testified that she receives deliveries from three distributors which will be scheduled on the same day once a week. The deliveries will be made by box type trucks and sometimes larger trucks. Ms. Bronowicka stated she has a store in Chester and when the larger trucks come to her store they park off site and wheel in the pallets of supplies which usually takes about 10 minutes. Ms. Bronowicka plans to have three part time employees and will be open seven days a week. The front of the building has seven parking spaces, four designated to Sandrian Camera and three spaces available to the pet store. The board voiced concerns with the size of trucks delivering the supplies in relation to where they would park, the time of day of deliveries and employee parking. Ms. Bronowicka agreed to condition the waiver of site plan approval on the following:

1. Employees will not park on East Main Street they will use the Municipal Parking Lots.

2. All deliveries will be made from Old Highway 22.
3. Deliveries will not be made during the peak hours of 10:00am-2:00pm.

A Motion was made by Mr. McGuire, seconded by Mr. Carberry to grant the waiver of site plan request to permit the change of use to retail use conditioned upon the three stipulations above and 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.

Site Plan Waiver request- Block 10 Lot 15- 20 Leigh Street- Carmen Iannaco:

Mr. Steven Ackaway, building owner and Mr. Carmen Iannaco, tenant were present.

Mr. Iannaco stated he is leasing the space for an office online eBay business and online money transfer service and is here tonight because he added retail to his use. The retail use includes selling small accessory items and ready-made foods such as canned, jarred and pre-packaged foods. Mr. Iannaco testified there will be no foods prepared on site and no sit down services for patrons. The business will be open seven days a week and will have one full time employee. Mr. Iannaco testified he will only be selling his own products online for eBay he will not offer a consignment type service and in order to get a retail account on eBay he needed to lease a store. In regard to the money transfer it is similar to a western union type business and he is limited to \$1,800 per transaction per person per month.

Chairman Gallagher inquired if the money transfer service was regulated by the department of banking and if any licenses were needed to operate the service. Mr. Iannaco stated he was not aware of any regulations. Mr. McGuire inquired if any health department inspections or licenses were needed for food retail, Mr. Iannaco stated he had not filed any applications with the health department. Mayor Kovach inquired if Mr. Iannaco needed a foreign money transmitter license, Mr. Iannaco stated he was unsure.

The board was concerned with approving the use without knowing the food license and banking requirements and requested Mr. Iannaco to find out what the banking requirements and the board of health requirements are and report back to the board in January.

A Motion was made by Mr. Carberry, seconded by Mr. Maher to carry the waiver request to the January 7, 2013 meeting.

All Ayes. Motion Carried.

Per the MLUL regulations Mr. Feldmann recused himself from hearing the requests for Block 6 Lot 2.

Site Plan Waiver Request- Block 6 Lot 2- 72 West Main Street- Major Home Occupation:

Mr. Steven Ackaway owner was present.

Chairman Gallagher stated per Ordinance 88-60 X (2) Major Home occupations must meet all of the provisions of section 88-63 pertaining to conditional uses which states applications for conditional use can be granted if it is not likely to involve unusual risks of traffic or traffic congestion. The board will not be able to determine this under a waiver of site plan the applicant should file a site plan application. In addition under the Town Ordinance for Major Home Occupation section 88-60 X (2) (c) states no articles for sale shall be offered therefore this board does not have jurisdiction over this application. The Board advised Mr. Ackaway he would need to file a Use Variance and Site Plan Application with the Board of Adjustment.

A Motion was made by Mr. McGuire, seconded by Mr. Carberry to deny the Waiver of site plan application:

All Ayes. Motion carried.

Zone Change request Block 6 Lot 2- 72/74 West Main Street:

The Planning Board was asked to review a zone change request by Mr. Ackaway from R-3 zone to a C-1 zone.

The board members agreed the rezoning of this block and lot goes against the Master Plan and they are not in favor of changing the zone.

A Motion was made by Mr. Hetzel, seconded by Mr. Maher, to advise Council the Planning Board does not recommend any changes to the zone.

All Ayes. Motion carried.

Mr. Sean Rogan continued to run the meeting as Chair.

Public Comments:

Mrs. Jennifer Feldmann, 68 West Main Street, stated it is important we maintain a residential line and avoid letting commercial creep into the zone, she thanked the board.

Voucher approval:

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

All Ayes. Motion Carried.

Board Discussion:

Mr. Gallagher advised the board members the council is considering combing the Planning Board and Board of Adjustment into one Land Use Board and he just wanted the members to know that he is proud of what the Planning Board has done in the last ten years and he appreciates working as the Chairman.

There being no further business a Motion was made by Mr. Carberry, seconded by Mr. McGuire to adjourn the meeting at 8:35pm.

All Ayes. Motion Carried.

Respectfully submitted,

Allison Witt
Land Use Administrator