

Minutes of the Town of Clinton Planning Board meeting held on April 5, 2005 at 7:30pm in the Municipal Building.

**Present:**

Cagno  
Gallagher  
Harrison  
Hendricksen (arrived 8:30)  
Kovach  
Schultz  
Smith  
Wiant

**Absent:**

Jones-Holt

Attorney Joseph Novak, Robert Cutter, Public Works/ Business Administrator, Robert Clerico P.E. from Van Cleef Engineering, Carolyn Neighbor PP from Schoor DePalma were present.

Chairman Wiant called the meeting to order at 7:30pm and read the “Administrative Statement” and “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 10:30pm 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”.

**Approval of Minutes:**

A Motion was made by Mr. Smith, seconded by Mrs. Kovach to approve the minutes of March 1 2005 with the following changes:

Page 1- Correct the meeting date to March 1, 2005 and insert the name Joseph after Attorney and before Novak

Page3- Change the spelling of threw to through.

**All Ayes. Motion Passed.**

**Voucher Approval:**

A motion was made by Mr. Schultz, seconded by Mr. Smith, to approve the vouchers submitted on the March voucher list (voucher list attached).

**All Ayes. Motion Carried.**

**Municipal Storm Water Plan:**

Mr. Robert Cutter gave the board a quick overview of the stormwater management policies and maintenance procedures that will be submitted to the state. Mr. Cutter stated that the material is available for public review. Mr. Clerico gave a brief overview of the municipal storm water management plan and advised the board that the plan should be adopted as an amendment to the Master Plan. Mr. Clerico added that once the plan has been adopted it will be filed with the County Planning Board. Mr. Clerico stated that the next step would be to hold a public hearing for any public comments. Attorney Novak advised the board that at the next meeting the board should take a vote to adopt the plan as an amendment to the master plan.

A motion was made by Mr. Harrison, seconded by Mrs. Kovach, to hold a Public Hearing on the Stormwater Management Plan on May 3, 2005

Roll Call:

Ayes: Cagno, Gallagher, Harrison, Kovach, Schultz, Smith, Wiant

**All Ayes. Motion Carried**

**Application for Preliminary & Final Site Plan- Block 21 Lot 25- Clinton Management**

Attorney Wendy Berger; Martin DeSapio, Architect; Amy Green, Environmental Consultant; Sharon Carpenter, Air Quality Noise Consultant were present.

The following items were submitted into evidence:

- D22 Revised site layout No. 4 prepared by Hopewell Engineering dated 4/5/05
- D23 Rendered elevations of sheet A-4 dated 4/5/05
- D24 Parking level floor plan of sheet A-1 dated 4/5/05
- D25 Office level floor plans of sheet A-2 dated 4/5/05
- D26 Roof Plan of sheet A-3 dated 4/5/05
- D27 Unrendered version of elevations of sheet A-4 dated 4/5/05
- D28 Sample of the window glass- "Artic Blue"
- D29 Sample of the window glass- "Super Gray Glass"
- D30 Samples of noise levels dated 4/10, 4/11-4/12 2002
- D31 Project finding report dated April 1, 2005

Mr. DeSapio stated that the applicant was here tonight to present a revised layout of the original proposal. The building has been shifted 60' to the south closer to RT 173, which will meet the minimum setback in the C-4 zone.

Mr. DeSapio advised the board that no variances will be required for parking. The new proposal reflects 273 spaces of which 55 will be in the parking garage, 190 spaces on grade and 28 banked spaces in the northeast corner of the site.

Mr. DeSapio stated that he believed there will be several benefits to shifting the building closer to RT 173 and outlined some of the benefits to the board:

- 1). The green space at the rear property line has increased from 47' to 60'.
- 2). The building height from RT 173 has been reduced from 4-story to 3-story.
- 3). There has been a 7% reduction in the maximum impervious coverage from 61.7% to 60.4%.
- 4). As a result of relocating the building 60' the HVAC units will be further away from the residential area.
- 5). The number of retaining walls have been reduced.
- 6). Excavation on the site will be reduced.

Mr. DeSapio stated that the previous plan had two walls in the front of the building one was 6' high and the other wall was 8' high, the new plan will only require one wall which will be 8' high. On the west side the new wall will be reduced by two-thirds and on the north side the original 10' high wall will now be eliminated. Mr. DeSapio stated that the new plan will have two small walls on the west side and one 8' high wall in front.

Mr. DeSapio testified that the roof elevation will be reduced from 277' to 270.4' and the new proposal will replace the architectural screening around the HVAC units with 10' high noise walls around each of the four units.

Mr. DeSapio showed the board samples of the original window glass and the proposed window glass. The new window glass color will be "super gray" and is considered a high performance tint. Mr. DeSapio testified that by using this glass the light transmission will be reduced by 92%.

Mr. DeSapio stated that the proposed 13' x 25' loading space will be located between the existing building and the new building.

Mr. DeSapio commented that he believed the new plan addresses numerous concerns that the board and the public have expressed and at the next meeting a fully engineered lighting & landscaping plan will be submitted.

Mr. Clerico inquired about the building elevations. Mr. DeSapio stated the garage elevation will be 230.4, the first floor will be 241.4, and the upper levels will be at a 255.4 elevation. Mr. DeSapio stated that the building heights were increased to allow for proper circulation in the parking garage and the office level height will allow for 10' high finished ceilings. Mr. DeSapio added that from an architectural standpoint the new proposal is a much better plan than the previous plans.

Ms. Neighbor stated that the new plan still does not address the visual impact from RT 173. Mr. DeSapio stated that the green space has been increased to allow for a larger landscaping area in front to soften the look of the building from Rt 173. Attorney Berger stated that they had listened carefully to the concerns and comments from the board and the public and by moving the building further away from the residential area they had addressed a lot of the concerns that the board and public expressed.

Ms. Amy S. Greene, Environmental Consultant was sworn in.

Ms. Greene advised the board that she had previously submitted an Environmental Impact statement in April of 2002. Ms. Greene stated that due to the numerous changes she revisited the site and it was her opinion that the new proposal will have less of an impact to the 3.1 acres of

forest area between the building and the residential area. Ms. Greene stated that the lighting has been addressed, the water quality plan is adequate, the HVAC units have been addressed and there are no significant impacts to the adjoining properties. In conclusion, Ms. Greene stated that the development of this property would have no adverse environmental impacts.

Mr. Wiant inquired about the drainage of the site and whether it would flow into the Beaver Brook and whether that part of the Beaver Brook was in a C-1 area. Mr. Clerico responded that there is a cross drain to the west of the property that discharges into the Beaver Brook however the Beaver Brook in Town is not in a Category-1 area. Mrs. Kovach advised the board that the Highlands Committee is looking at all the waterways that are not presently classified as a C-1 area and in the future they are looking to reclassify them as a Category -1 area. Ms Greene added that if the Beaver Brook is reclassified it will have no effect on this property because the property would meet the buffer requirements.

Ms. Sharon Carpenter, Air Quality Noise Consultant from Paul Carpenter Associates was sworn in.

Ms. Carpenter advised the board in regard to the HVAC noise levels that NJ State requirements limit daytime noise levels to 65dBA and nighttime levels to 50dBA. Ms. Carpenter testified that two days worth of quantitative noise assessments were performed on the site and the noise data results in regard to the HVAC noise level averaged at 45dBA which complies with all state noise regulations.

A Motion was made by Mrs. Kovach, seconded by Mr. Harrison, to open the meeting to the public for questions.

All Ayes. Motion Carried.

Mr. Patrick McGuire, 94 Center Street, asked Ms. Carpenter to explain dBA in reference to noise levels and Ms. Carpenter stated that the human ear can hear approximately 3 dBA levels.

Mr. Ragozine, 24 Haver Farm Road, inquired if the applicant had taken into account the visual impact of the roof mounted HVAC units and whether they had thought of placing the units in an alternate location. Mr. DeSapio stated that if the HVAC units were located on the ground the sound would bounce off the building, which would create more noise.

Mr. Mark Carroll, 145 Center Street, inquired if after the building was built and the HVAC units were not in compliance with the state noise requirements what measures could be taken and Attorney Berger responded the applicant could be cited.

Ms. Dena Pender, 137 Center Street, inquired in regard to the noise levels what was the best location for the HVAC units from the residents standpoint and Ms. Carpenter responded that the noise level would be lower if the units were placed on the ground in front of the building.

A Motion was made by Mr. Harrison, seconded by Mr. Smith, to close the meeting to the public.

All Ayes. Motion carried.

The application for Clinton Management will be carried to May 3, 2005.

**Exemption from Site Plan-Clinton Main Street LLC Block 11 Lots 6 & 7 (19/21 Main St):**

Attorney Wendy Berger, Mr. Martin DeSapio, architect, and the applicant Mr. Alex Reisner were present.

The following items were submitted into evidence:

A1 Architect plan dated 2/25/05, which reflects the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> floor

Attorney Berger stated that her applicant was looking to add a third apartment on the third floor and was here tonight to request an exemption from site plan.

Mr. DeSapio stated that the first floor is currently being used as two retail spaces, the second floor is a continuation of the tile store and an apartment and the third floor is being used for storage. The applicant is proposing to convert the third floor space into an apartment and no changes to the exterior are proposed. The apartment will consist of one bedroom, living room, kitchen and a study area and will total 940SF.

Attorney Berger advised the board that she can prepare a deed merger for the two lots and provide the board with a copy of the deed reflecting the lot merger if the board wishes.

Mr. Smith questioned the apartment and whether it would comply with the low & moderate-income requirements. Ms. Berger stated that it would comply and Ms. Neighbor stated that the deed should reflect the restrictions.

Mr. Smith stated that he was concerned with a third floor apartment having no means of a fire escape or a way to evacuate. Mr. DeSapio stated that the apartment will be in full compliance with all building codes and whatever the codes require the applicant will comply.

Mr. Schultz stated that before proceeding forward with the application he would like to have Mr. Daniels, the Town of Clinton Fire Prevention Official, review and comment on the proposal. In addition to the Fire Prevention Official's comments he would like the applicant to present a parking plan.

The application for Clinton Main Street LLC will be carried until May 3, 2005.

**Report of Master Plan:**

Mr. Cagno advised the board that the committee met on March 15, 2005 and discussed the Industrial Tract. The consensus of the committee was to keep the tract zoned for light industrial. Carolyn Neighbor submitted a report that outlines the proposed changes for the board to review and discuss at the next meeting. The committee will meet on April 19, 2005 at 7:30pm.

**Discussion:**

Mr. Smith stated that after reviewing the Planning Board minutes from last year in regard to the Historic Preservation's brochure the record indicates that Mrs. Kovach agreed to take the brochure back to the Historic Committee for further review. Mrs. Schaumburg, the Council Representative to the Historic Preservation Committee inquired if the board had specific recommendations. Mr. Smith stated that they are spelled out in the minutes and it was his

recollection that the board had a problem with the word "shall". A copy of the minutes shall be provided to Councilwoman Schaumburg.

Mrs. Kovach advised the board that they had interviewed several COAH Planners and at this time they are left with only one individual. Mrs. Kovach stated that maybe the board might want to consider having Carolyn Neighbor handle some items to cut down of the costs of the other planner. The board felt that another planner would not be willing to certify someone else's work.

There being no further business a motion was made by Mr. Harrison, seconded by Mr. Smith to adjourn the meeting at 10:35pm.

Respectfully submitted,

Allison McGinley  
Board Secretary