



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on July 18, 2006 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Cagno
Gallagher
Hendricksen
Jones-Holt
McGuire
Schaumburg
Tranquilli

Absent:

Kovach
Wiant

Attorney William Caldwell, and Beth McManus from Clarke, Caton & Hintz were present.

Chairman Hendricksen called the meeting to order at 7:30pm 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 10:30pm 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 Mayor Schaumburg, seconded by Mr. McGuire, to approve the minutes of June 6 and June 20, 2006.

All Ayes. Motion Carried
Abstain Gallagher

Extension Request for Preliminary Site Plan Approval for Country View Builders-Block 1 Lot 60 & 60.02:

Attorney Walter Wilson was present.

Attorney Wilson stated he was here on behalf of Country View Builders to request an extension of the Preliminary Site Plan approval that was approved and adopted by the Planning Board on June 4, 2002. Attorney Wilson advised the board that the applicant will be submitting a revised site plan application, which will be in compliance with the new stormwater regulations and the growth share ordinance. The revised site plan application will have no change in the site layout; the main change will be the number of

units. The original approved plan had 48 units and a payment in Lieu instead of providing onsite affordable units and now to meet the growth share obligation the applicant is proposing an additional 10 to 11 units, of which 9 to 10 units will be onsite COAH units. The COAH units will be intermixed within the complex. Attorney Wilson added that the revised plans that will depict the new stormwater regulations and the additional COAH units should be completed sometime in August for the Board’s review in September.

Attorney Wilson asked the board to grant an extension of the original approval so that they could proceed forward with the renewals of the outside agency permits. Attorney Wilson added that the board could condition the extension approval based on the applicant complying with the new stormwater regulations, complying with the growth share obligation and the applicant would be willing to enter into a Developers Agreement that would stipulate no construction to commence until the new plans have been submitted and approved by the Planning Board.

Mayor Schaumburg inquired if the additional affordable units will be rental and Attorney Wilson responded yes the affordable units will be rentals, which will be managed and operated by the developer or a non-profit organization. The Units will have a deed restriction and will comply with all COAH regulations.

Mayor Schaumburg asked Beth McManus were that would put the town in regards to meeting the growth share obligation and Beth responded that it would certainly help the town and it would reduce the accessory apartment program or the municipality sponsored program.

A Motion was made by Mrs. Jones-Holt, seconded by Mr. Cagno, to open the meeting to the public and there being no questions a Motion was made by Mayor Schaumburg, seconded by Mrs. Jones-Holt, to close the meeting to the public.

All Ayes. Motion Carried.

Mr. Hendricksen commented that he would like some time frame in place on when the applicant will be proceeding forward. Attorney Wilson advised the applicant will be moving forward as quickly as possible. The Developers agreement will be submitted to Attorney Cushing with a copy to the board by the end of next week and he should know by August 1, 2006 when the new plans will be submitted.

A Motion was made by Mrs. Jones-Holt, seconded by Mayor Schaumburg, to grant an extension of the existing preliminary site plan approval with the following conditions:

- 1). The plans will comply with the new 2006 stormwater regulations.
- 2). The applicant will comply with the requirements for the Growth Share obligation.
- 3). The applicant will enter into a Developers Agreement in a form acceptable to the Planning Board and the Town Attorney.
- 4). The applicant will submit new plans for the Planning Board’s review and approval.

Roll Call Vote:

Ayes: Gallagher, Hendricksen, Jones-Holt, McGuire, Schaumburg, Tranquilli
 Nays:
 Abstain: Cagno

Review of Ordinance #06-13- Amendment to Town of Clinton Ordinance -Section 88-53B:

Mr. Gallagher excused himself from the meeting.

Chairman Hendricksen advised the board they had received a letter from the Governing Body which includes an Ordinance to amend Section 88-53B of the Town of Clinton code to permit certain financial

services, institutions, and activities in the C1 Zone. Chairman Hendricksen read the proposed ordinance.

Mrs. Jones-Holt questioned why the governing body sent the recommendation to the Planning Board and commented that usually it's the Planning Board that sends the recommendations to the Governing Body. Mayor Schaumburg responded that the Council received a request to look at amending the zone, the town planner could not find any supporting documentation on why the uses were eliminated from the C1 Zone and at this time the governing body drafted the ordinance and it is now before the Planning Board for their endorsement. Attorney Caldwell added that the law states that once the Governing Body adopts the ordinance on the first reading and refers it to the planning board, the planning board has thirty-five days to either endorse the changes as being consistent with the master plan or reject the changes as not being consistent and if the planning board does nothing at the end of the thirty-five days the governing body is free to act one way or another.

Beth McManus advised the board that when looking thru past documents she was unable to find out the reasons why banks were eliminated from the C1 zone. Mrs. Jones-Holt responded that the change was talked about in the Master Plan Subcommittee meetings and it was eliminated from the zone for a couple of different reasons. One being bank drivethrus, lack of parking and double-parking issues. There is a parking issue in town and we did not feel there was adequate parking to house banking and when dealing with ATM machines it does encourage people to double park their vehicles. Mrs. Jones-Holt added that subsequently she did speak with another town about how they eliminated their double-parking issue and they installed 15 minutes parking spots throughout town. Another reason the C1 and C2 zone already has several banks and the fear was that Clinton would become the banking institution of Hunterdon County so by eliminating banking uses it would encourage a variety of other types of businesses. All of the above were the primary reasons of why banking was eliminated from the C1 zone.

A Motion was made by Mr. Tranquilli, seconded by Mrs. Jones-Holt, to endorse Ordinance # 06-13 and find Ordinance # 06-13 consistent with the Town of Clinton Master Plan:

Chairman Hendricksen asked for a motion to open the meeting to the public. A Motion was made by Mayor Schaumburg, seconded by Mrs. Jones-Holt to open the meeting to the public. There being no questions, a Motion was made by Mayor Schaumburg, seconded by Mrs. Jones-Holt.

The board had no further comments so Chairman Hendricksen called for a vote:

Roll Call Vote:

Aye: McGuire, Schaumburg, Tranquilli
Nays: Cagno, Hendricksen, Jones-Holt.

3 –3 Motion Failed.

Attorney Caldwell advised the board that the Ordinance will go back to the Governing Body without an endorsement from the Planning Board and suggested Chairman Hendricksen poll the board to see if any amendments can be made to the ordinance.

Mr. Cagno stated that he was concerned with the ATM machine in regards to vehicles double parking.

Chairman Hendricksen stated that he was also concerned with the parking situation although the fifteen minute parking sounds like a good idea, however the town is very short of parking and to eliminate a two hour spot for a fifteen minute spot that could go unused for a period of time is a concern.

Mrs. Jones-Holt commented that at the last planning board meeting Mr. Degroff came to the board to ask them to consider amending the zone and at that time Mrs. Kovach commented that Main Street NJ had given recommendations to have an ATM location in the downtown area but PNC bank which is located down the street has an ATM machine within walking distance.

Mayor Schaumburg responded that after meetings with “Main Street NJ” they had expressed the need for an anchor at the intersection of Leigh Street and East Main Street that would draw customers into that area and their suggestions was a bank. In addition, the location of PNC bank is not pedestrian friendly and a bank in the C1 area would be a service to residents who live in the area as well as the businesses.

Mrs. Jones-Holt stated she was concerned with the ordinance opening the entire zone up to the possibility of several banks and an applicant can go to the Board of Adjustment to determine if a particular area is suitable for a bank as opposed to opening up the entire zone. Mrs. Jones-Holt stated she was concerned by allowing more banking uses it will change the scope of downtown dramatically. Mr. Tranquilli disagreed and commented that other historic towns have a mix of businesses and as a business owner on the corner of Leigh Street access to PNC Bank’s ATM is not a comfortable walk. Mr. Tranquilli added that a bank in C1 zone would be a benefit to the town.

Mr. Hetzel, Main Street, commented that he has been in retail in the town for the last 25 years and a bank at the corner of Leigh Street would be a great resource to the merchants. Mr. Hetzel added that if a merchant wants change the walk to PNC is a challenge. Chairman Hendricksen commented that he never considered the merchants and that Mr. Hetzel brought up some good points.

Mr. DeGroff, Leigh Street, commented that from a business standpoint he does not vision that a lot of buildings in the C1 zone would be compatible to having a bank and from a resident standpoint banking in the downtown would be a benefit.

Mr. John Baka, Water Street, stated that he supports the ordinance and that from a practical standpoint there are not many sites in the C1 zone that are fit to accommodate banking.

Mr. Frank Rea, President of Regal Credit Union, commented the branch will service a lot of small local accounts and he believed that for the most part people in vehicles will more likely use a drive up ATM rather than a walkup ATM.

Chairman Hendricksen stated that after listening to the needs of the town merchants there would be a possibility he may reconsider.

A Motion was made by Mr. Tranquilli, seconded by Mrs. Jones-Holt, to endorse Ordinance # 06-13 and find Ordinance # 06-13 consistent with the Town of Clinton Master Plan:

Roll Call Vote:

Aye: McGuire, Hendricksen, Schaumburg, Tranquilli
Nays: Cagno, Jones-Holt.

4 –2 Motion Passed.

Master Plan Committee Update:

Mr. Cagno advised the board the committee meet tonight to discuss SIC coding in relation to defining what is a change of use. Mrs. Jones-Holt added that if the SIC codes were adopted that we should have some idea of what the cost would be to adopt a new ordinance. The Committee’s next step is to meet with John Leonard to go over using the SIC codes in the C1 Zone and to see if its feasible to move forward.

The next committee meeting will be on August 15 at 7:30pm.

Board of Adjustment Report:

Mr. Tranquilli gave an update on the sign committee. The main issue is the use of temporary signs; the ordinance permits the use of a temporary signs for thirty days twice a year. The board agreed to discuss the temporary sign ordinance and the fee at their August 1, 2006 meeting.

Voucher Approval:

A Motion was made by Mrs. Jones-Holt, seconded by Mr. Tranquilli, to approve the following vouchers:

Van Cleef Engineering	Twin Ponds	\$661.25
Van Cleef Engineering	Hunterdon Capital	\$102.00

All Ayes. Motion Carried.

Board Discussion:

Mrs. Jones-Holt inquired about the Smart Growth Committee. Mayor Schaumburg advised the board that the committee is appointed by the Mayor. The Committee completed a Bike Path Study and a Clinton Street Scope Study, which was funded by the Hart Grant. At this time the committee is looking for funding to complete a Vision Study for the Town, the Vision Study would go before the Planning Board and the Governing Body. Chairman Hendricksen stated that he would like to see copies of the two studies that were completed. Chairman Hendricksen recommended adding to the board's agenda a Smart Growth Committee update, which Mr. McGuire can report on monthly.

There being no further business a Motion was made by Mr. Tranquilli, seconded by Mrs. Jones-Holt, to adjourn the meeting at 9:15pm.

All Ayes. Motion Carried.

Respectfully Submitted.
Allison McGinley, Planning Board.

