



## **TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

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### **PLANNING BOARD**

Minutes of the Town of Clinton Planning Board meeting held on September 6, 2005 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

**Present:**

Cagno

Gallagher (arrived 8:20pm)

Harrison

Hendricksen

Jones-Holt

Kovach

Schultz

Wiant

**Absent:**

Smith

Attorney Joseph Novak, Robert Clerico P.E. from Van Cleef Engineering, and Carolyn Neighbor PP from Schoor DePalma were present

Chairman Wiant 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 Mrs. Kovach, seconded by Mr. Hendricksen, to approve the minutes of August 2, 2005

**All Ayes. Motion Carried.**

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

Attorney Wendy Berger; Russell Smith Engineer from Hopewell Valley Engineering; Martin DeSapio, architect; and Kenneth A. Huber, P.E. from Langan Engineering were present.

The following items were submitted into evidence:

D46 Jack Daniel's Memo dated July 23, 2005.

Attorney Berger advised the board that the applicant has agreed to reimburse Mr. Proudfoot for a fence that he will be installing on his property.

Mr. Russell Smith advised the board that the plans were revised on July 11, 2005 to address the

comments and concerns from the board, the professionals and the public and that he feels that the final plans satisfy all of the outstanding concerns.

Mr. Smith outlined some of the drainage issues in Mr. Clerico's report dated July 28, 2005:

C1a. – The bypass flow area does not drain into the detention system and will not create an increase in run off along RT 173 and therefore does not need to be included in the calculation.

C1b- The calculations were done prior to the new 100-year storm standard and the calculations will be revised and forwarded to Mr. Clerico for review.

C1c- The calculation and design will be revised to prevent a pressure problem.

C1d- The conduit outlet protection is shown on sheet 7 of the plan.

C2- The inlets were designed to prevent floatables and sediments getting into the drainage system. The system will have to be inspected and cleaned a minimum of twice a year and after a heavy rainfall.

Mr. Clerico stated that a maintenance agreement will be drafted and incorporated into the Developers' Agreement. Mr. Clerico recommended that the hood inlet be expanded to include a sump inlet along the driveway and Mr. Smith advised that they would incorporate this into the final plan.

Mr. Smith stated that the remaining items in Mr. Clerico's letter have been addressed and the landscaping concerns in regard to the steep area and the island have been addressed. The steep area will include low maintenance ground covering and the lights on the island have been eliminated so as not to conflict with the landscaping and will now be placed on each side of the island which will distribute the light to the upper and lower parking lots.

Mr. Hendricksen questioned the two lights on the north side of the existing building that are shown to be located in the sidewalk and inquired if they could be relocated and Mr. Smith stated yes they can be relocated.

Mr. Wiant inquired about the timing devices on the parking lot lights, which are shown on sheet 4 of the site plan. Mr. Smith stated that the security lights have been eliminated from the plan. There have been many discussions on when the parking lot lights should be turned off and the applicant is proposing a 10:00pm shut- off time.

Chairman Wiant opened the meeting to the public:

Mr. Hausamann, 145 Center Street, stated he was concerned with the 10:00pm timeframe that the parking lot lights would remain lit. Attorney Berger stated that if the tenant is in the building until 10:00pm that from a safety standpoint they will need the parking lot lights on.

Mr. Brian Rogan, 23 Harrison Street, questioned if a motion sensor could be installed on the exterior lights and Ms. Neighbor stated that due to the wildlife outside a motion sensor would not be feasible.

There being no further questions, a motion was made by Mr. Harrison, seconded by Mr. Hendricksen, to close the meeting to the public.

Mr. Clerico suggested that in regards to the exterior lighting, the applicant should get some police input in regard to safety and Mr. Smith stated that they would request some input from the police department.

Mr. Gallagher questioned the connection of the existing building and the proposed building and whether it was considered one building. Mr. DeSapio stated that building is connected by the mechanical room and it is the applicant's position that the proposed building is an addition to the existing building and will be considered one building when completed. Mr. Gallagher inquired about the sign and Attorney Berger stated that the sign complies with the requirements of the sign ordinance in a commercial zone, however when the new C4 zone was introduced the C4 sign regulations were not included in the ordinance and if the new sign regulations are not adopted then they will be seeking a sign variance.

Attorney Berger stated that she has no further testimony tonight and the next step would be to make the final revisions to the plan. Attorney Berger suggested that Mr. Clerico go through his report and advise what items he felt were outstanding so that the final revisions to the plan would be correct. Mr. Clerico went through his July 28, 2005 report and advised the board what he thought was a board policy decision and what had been addressed by the applicant.

Ms. Neighbor advised the board that she was generally satisfied with the landscaping, however Ms. Neighbor still felt that the landscaping across RT 173 will not be sufficient to provide the appropriate screening. Ms. Neighbor added that she was concerned with the visual impact of the building in its present location.

Mr. Harrison commented that the applicant moved the building forward to satisfy the Center Street resident's concerns and he did not see any reason why the building should be moved back. Mr. Harrison added that over the proceedings the applicant has listened to the concerns of the board members, the professionals and the public and they have revised their plan to satisfy the concerns.

Attorney Berger added that the ordinance allows a 30% building coverage and that this building was at 14.6%, which is well below what is allowed. Mr. Hendricksen responded that yes you are under the Impervious Coverage that is allowed however you are at the maximum FAR of the zone.

Mr. Wiant recapped the waivers that the board will need to vote on:

- 1). Loading Space Size Criteria under section 88-62C(1) to allow a 14' x 25' loading area.
- 2). Waiver from MSE Wall requirements of a 4' wide horizontal shelf.
- 3). Bank 10% of parking (bank 28 spaces and provide 245 spaces on site).
- 4). Possible Sign Variance pending introduction by Council of the C4 Sign Ordinance.

The application for Clinton Management will be carried to November 1, 2005.

**Application for Clinton Main Street LLC –Block 11 Lot 6-19/21 Main Street:**

At the request of Attorney Berger the application for exemption from site plan for Clinton Main Street LLC will be carried until November 1, 2005.

**Informal Discussion for Block 22 Lot 17-42 Old Hwy 22**

At the request of the applicant the informal discussion will be carried to October 4, 2005.

**Master Plan Committee Update Report:**

Ms. Neighbor stated that the board was given a handout regarding the determination study for Block 23 Lot 13. Ms Neighbor advised the board that the site has been vacant for over 10 years, which automatically qualifies this site for redevelopment. The next step before the board can adopt the study and forward to the council for approval is to hold a public hearing and provide proper notice to the property owner, the newspaper, and the Hunterdon County Planning Board.

A Motion was made by Mr. Harrison, seconded by Mrs. Jones-Holt, to hold a public hearing on the determination study on October 4, 2005. All Ayes. Motion Passed.

Ms. Neighbor advised the board that the committee has made some suggestions on permitted uses in the Industrial Zone, which the board has been provided with copies of. In addition, the committee has made some modifications to the fee schedule. The committee is recommending the Planning Board approve the changes and forward to the council.

A Motion was made by Mrs. Jones-Holt, seconded by Mr. Harrison, to forward the Industrial Zone recommendations and the fee schedule changes to the Council for approval.

All Ayes. Motion Carried.

The next Master Plan Committee meeting will be held on October 18, 2005.

**Board of Adjustment Update:**

Mr. Harrison advised the board that the Board of Adjustment is still in the process of hearing the applications for D&D Enterprise and H. Craig Stem. In addition, the sign committee will be meeting with the merchants to discuss the sign issues in September.

**Voucher Approval:**

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

All Ayes. Motion Carried.

**Board Discussion:**

Attorney Novak advised the board that after Mr. Latino has inserted some additional language in his deed that all of his conditions of approval have been met and that he would not have to appear back before the board. Mr. Clerico stated he would like to just review his file to confirm that his items have been addressed. Attorney Novak stated the 190-day period was up therefore, the board should reapprove the Minor Subdivision.

A Motion was made by Mr. Schultz, seconded by Mr. Harrison, to reapprove the Minor Subdivision For Block 23 Lot 6- Latino:

**Roll Call Vote:**

Ayes: Cagno, Gallagher, Harrison, Hendricksen, Jones-Holt, Schultz

Nays: Wiant

6-1 Motion Passed.

Attorney Novak stated that it was not clear if the board could grant an extension when the 190 days have expired and suggested the board recommend to council a change to the MLUL #88-40 b (3).

A Motion was made by Mr. Hendricksen, seconded by Mr. Harrison, to recommend Council authorize the Planning Board authority to grant an extension to an applicant after the an application has expired.

All Ayes. Motion Passed.

There being no further business a motion was made by Mr. Harrison, seconded by Mr. Shultz, to adjourn the meeting at 10:30pm.

Respectfully submitted,

Allison McGinley Board Secretary.



