



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 1, 2005 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Gallagher

Hendricksen

Jones-Holt

Kovach (arrived 8:30pm)

Smith

Schultz

Wiant

Walton

Absent:

Cagno

Attorney Joseph Novak was 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".

Oath of Office:

Mr. Richard Walton was sworn in as the new Planning Board member to replace Mr. John Harrison.

Approval of Minutes:

A Motion was made by Mr. Schultz, seconded by Mrs. Jones-Holt, to approve the minutes of October 4, 2005

All Ayes.

Motion Carried.

Abstain:

Mr. Gallagher & Mr. Walton

Public Hearing for Determination Study for redevelopment –Block 23 Lot 13:

Ms. Neighbor advised the board that there are seven criteria's used in order to determine whether a site is in need of redevelopment. This site has met five out of the seven criteria's that are outlined in the determination study.

A Motion was made by Mr. Smith, seconded by Mr. Schultz, to open the meeting to the public.

All Ayes.

Motion Carried.

Mr. John Baka, 21 Water Street, commented that when planning for future uses the board should look at improving the parking and traffic flow and questioned whether the town would finance the redevelopment project. Chairman Wiant responded that he would hope that it would be financed by the developer of the site or by grants that the town would apply for.

There being no further questions, a Motion was made by Mr. Smith, seconded by Mr. Schultz, to close the meeting to the public. All Ayes. Motion Carried.

Mr. Schultz commented that the report completed by Ms. Neighbor was very thorough and professional however, he was not in favor of the idea of taking someone's land.

Mr. Smith stated that the town has looked at this property for years and one of the things that need to be looked at is if the site is used for parking how to safely get the pedestrians into the downtown area.

Chairman Wiant advised the board that the next step would be to recommend the report be forwarded to council for their determination.

A Motion was made by Mrs. Jones-Holt, seconded by Mr. Smith, to send the determination study to the council for their recommendation to declare the site in need of redevelopment.

Roll Call Vote:

Ayes: Gallagher, Hendricksen, Jones-Holt, Smith, Wiant
Nay: Schultz **5-1 Motion Passed.**

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.

Attorney Berger stated they have provided the board and the board's experts with the final plans and the issues that remain are very few. Attorney Berger stated that they had received a letter from Todd Horowitz from Melick-Tully dated October 25, 2005 stating that all the Geo-Tech items have been satisfied. In addition a letter received from Ms. Neighbor dated October 25, 2005 stated that the issues in regard to landscaping and lighting have been satisfied and in regard to the signage if the ordinance is not amended to include signs within a C4 zone then two sign variances will be requested. One variance to allow 6' x 6' sign in the front and the second sign 1 1/2 x 2' at the Center Street entrance.

Attorney Berger then proceeding to go through Mr. Clerico's report dated October 25, 2005.

General Comments:

A1- Applicant is proposing to bank 28 spaces and built 245 spaces.

Mr. Smith inquired why the applicant is banking the spaces on the commercial side and not the residential side and Attorney Berger responded that the space chosen for banked parking allows more green space on site.

Mr. Schultz stated that at past meetings there has been lengthy conversations regarding building less and banking more parking spaces and inquired why the applicant chose to build more. Attorney Berger stated that the applicant looked at the parking spaces in terms of renting the office space and having more spots available to tenants is more beneficial.

A2- The applicant is willing to reduce the sidewalk to 4', which will increase the access aisle to 28'.

Mr. Hendricksen stated he was concerned with the three parking spaces that were adjacent to the garage and would like the applicant to consider banking the three spaces so that a vehicle exiting the garage would have an 18' buffer area. Attorney Berger stated that the applicant will comply. The board added a condition that if the banked spaces had to be built in the future that the three closest to the garage will be the last to be built. The banked spaces will now increase to 31 spaces and the built spaces will decrease to 242 spaces. Ms. Neighbor also suggested that onsite signage directing traffic would help avoid vehicles unnecessarily going into this area.

A3- Obtaining NJDOT approvals for the improvements within the RT 173 right-of-way and granting Title 39 to the Town of Clinton the applicant will accept as conditions of approval.

A5- Waiver requested to allow loading area size of 15 x 25'.

B2(3) Attorney Berger stated that their Engineer has come up with a design that is appropriate and that if NJDOT requires the 4-foot shelf to extend then the plans will be modified.

Mr. Schultz stated that he is not prepared to ignore Mr. Clerico's recommendations to extend the 4' shelf. Mr. Huber stated that the 4' shelf will not make a significant difference to the design and that our position is the design of the wall is safe and in accordance with code and if NJDOT requires any additional we will comply.

B2(5)- Will agree to condition the approval on the applicant having an onsite Engineer from Langan Engineering to oversee, inspect and certify that the wall conforms to the design standards.

B2 (ii)- The approval of the safety fence by Mr. Leonard, the applicant will accept as a condition of approval.

B2(iii)- No sidewalk is proposed on Center Street.

B4(i) Certification from Hunterdon County Soil Conservation has been obtained.

B4(iii)- Applicant will agree to construction staging as a condition of approval.

B4(iv)- Applicant will appoint the site manager in charge of enforcing the no construction vehicle policy on Center Street and will make this a condition of approval.

C1(b)- The correction of the data for the 2-year rainfall will be submitted.

C2- The sweeping program will be incorporated into the Stormwater Management Plan, which the applicant will accept as a condition of approval.

C5- NJDOT permits will be required to discharge stormwater runoff in the southwest and southeast corners and will accept this as a condition of approval.

D1 (i)-(v)- will accept as conditions of approval.

D2 (i)-(ii)- will accept as conditions of approval.

E- will accept an as- built light test as a condition of approval.

Attorney Berger summarized that the applicant is requesting two sign variance and two waivers, the first waiver to allow the loading area size to be 15' x 25' and the second waiver to bank 31 spaces. As part of the discussion tonight the applicant has agreed to reduce the sidewalk to 4' so the access aisle can be increased to 28' and the applicant will add some onsite signage that directs visitor parking and assigned parking.

Mr. Robert Smith questioned the noise level of the onsite rock crusher and if any provisions have been made for dust contamination. Mr. Huber stated that the prime method used to control dust will be water and the dust control measures will be incorporated into the job specifications. The normal hours of the crusher will be 7:00am-3:30pm and that the process of the crusher is quieter than using a rock hammer. Mr. Huber stated the purpose of the crusher is to be able to use the material on site for backfill.

A Motion was made by Mr. Schultz, seconded by Mrs. Jones-Holt, to open the meeting to the public for comments and testimony. All Ayes. Motion Carried.

Mr. Mark Carroll, 145 Center Street, commented that he would like to thank the Planning Board for looking out for the best interest of the community however, he feels the Town failed in allowing this size building to be built on this parcel of land. Mr. Carroll added that he is not sure that full consideration has been given to closing the access to Center Street and would like some clarification of the process that will take place before blasting begins.

Mr. Kevin Proudfoot, 146 Center Street, stated that he would like to see some visual relief and the applicant to establish a safe barrier. He would like to see 14' spruce trees added to the landscape plan and also a fence installed prior to the start of construction. In addition, he would like the board to consider restricting the applicant to using the rock crusher offsite, replacing the two pole mounted light fixtures at the Center Street driveway with low level lighting, prohibiting construction vehicles, deliveries and trash removal trucks from using the Center Street driveway. Mr. Proudfoot also informed the board that the verbal agreement between the applicant and himself has still not been formalized.

Mrs. Dena Pender, 137 Center Street, was concerned about the deliveries and garbage trucks using the Center Street access.

Mr. John Baka, 21 Water Street, inquired if the board was satisfied with the water runoff and why the need for the access from Center Street.

Mr. Tony Yaka, 22 West Main Street, questioned the drainage into the Beaver Brook

There being no further questions, a motion was made by Mr. Smith, seconded by Mrs. Jones-Holt, to close the meeting to the public for comments and testimony. All Ayes. Motion Carried.

Chairman Wiant stated that due to the timeframe the board discussion will be carried to the next meeting on December 6, 2005.

The meeting for Clinton Management and Clinton Main Street will be carried until December 6, 2005.

2006 Budget Recommendations:

A motion was made by Mr. Hendricksen, seconded by Mrs. Kovach, to make a recommendation to Council to reduce engineering fees from \$1,500 to \$1,000, reduce legal fees from \$7,000 to \$5,000 and reduce the fees for the zoning map update to \$250.00 for a total 2006 budget of \$11,250.00.

All Ayes. Motion Carried.

Master Plan Committee Update Report:

There was no meeting in October due to a lack of attendance; the next scheduled meeting will be January 17, 2006.

Board of Adjustment Report:

Mr. Walton advised the board that a setback variance was granted for a residential home on Olsen Lane.

Voucher Approval:

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

All Ayes. Motion Carried.

Correspondence & Board Discussion:

Chairman Wiant advised the board that the site plan exemption for Kayler/Rossi that had been granted was to expand the retail business to the second floor. Chairman Wiant stated that it had been brought to his attention that the applicant is including a café and adding retail space in the enclosed deck area. Chairman Wiant stated that if the applicant wishes to proceed further a new application will have to be submitted. Ms. Anne Rossi owner stated that she was not aware that the Café needed Planning Board approval, that she was advised that this area was zoned to permit a café and no one advised her that she would need Planning Board approval. Ms. Rossi stated that she has submitted a new application and asked if the board would allow her to move forward because of the holiday time frame. The board stated she could continue with the work that was approved however, in order to proceed with the café and the retail space within the deck area the board would need to hear a new application with more details. The Planning Board agreed to hold a special meeting on November 14, 2005 to hear the new application.

A Motion was made by Mrs. Kovach, seconded by Mr. Schultz, to enter into Executive Session at 10:55pm. All Ayes. Motion Carried.

A Motion was made by Mr. Schultz, seconded by Mr. Hendricksen, to adjourn the Executive session at 11:05pm. All Ayes. Motion Carried.

There being no further business a motion was made by Mr. Schultz, seconded by Mr. Hendricksen to adjourn the meeting at 11:05pm. All Ayes. Motion Carried.

Respectfully submitted,

Allison McGinley
Board Secretary