



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on March 1, 2011 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Gallagher 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”.

Attorney Caldwell, Robert Clerico and Carl Hintz were present.

Oaths of Office:

Mr. Steve Feldmann was sworn in as the new Planning Board / Board of Adjustment Liaison.

ROLL CALL:

Present: Gallagher, Feldmann, Hetzel, Maher, McGuire, Rogan

Absent: Hendricksen, Insel, Perez

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. McGuire, to approve the January 4, 2011 minutes

All Ayes. Motion Carried. Abstain: Gallagher, Feldmann, Rogan

Preliminary & Final Site Plan Application- Block 1 Lot 60 & 60.01- Country View Builders:

Attorney Walter Wilson, James Cosgrove, PE from Omni Environmental LLC, Catherine Mueller, PE from Page Engineering, Tylman R. Moon, PA from Tylman R. Moon and Associates and Jeffrey Charlesworth NJ Licensed Landscape Architect were present.

The following exhibits were submitted into evidence:

- A-19 Revised Preliminary & Final Site Plans revision date of 1/20/2011
- A-20 Architectural plans prepared by Tylman R. Moon dated 1/13/2011
- A-21 Tylman Response letter to The Town of Clinton Fire Official dated 2/9/2011
- A-22 Page Engineering Response letter dated 2/17/2011
- A23 Color Rendering of Sheet # 6 of Preliminary & Final Site Plans

- B-7 Van Cleef Engineering report dated 1/31/2011

- B-8 Clarke Caton & Hintz report dated 1/31/2011
- B-9 Town of Clinton Fire Official report dated 2/7/2011
- B-10 Town of Clinton Fire Official report dated 2/14/2011
- B-11 Van Cleef Engineering report dated 2/28/2011
- B-12 Steve Feldmann certification that transcripts from previous meeting have been read.

Attorney Wilson stated this hearing is a continuation of the public hearing and tonight would like to go over the plan revisions with the board.

Chairman Gallagher asked Mr. Clerico to go through each outstanding item on his report dated January 31, 2011.

A1- (roadway ownership) Mr. Clerico commented that we need a clear understanding of what is being proposed in terms of ownership and maintenance of roadways within the development. Attorney Wilson stated that the applicant anticipates all roadways will be private as in the same manor as Union Gap Village and managed through a condominium Association.

A2- (encroachment) Attorney Wilson stated we acknowledge the encroachments of one unit in Union Gap Village and will provide a license agreement to the owner of the unit so there will be no problems with the resale of the unit in the future.

A3 & A4- (Copy of LOI & plans stamped by NJDEP) Attorney Wilson testified that these items are part of the record and will resubmit to Mr. Clerico's office.

A-8- (Fencing) - Details of the aluminum fence will be provided.

A-9- (Walls) Mr. Clerico stated that he has not received stability calculations regarding the stone walls and asked the applicant to provide sufficient testimony to confirm the walls can indeed be constructed as depicted on the plans.

Ms. Mueller, referred to sheet 4 and sheet 12 of the plan set. The wall along the western side of the roadway along Union Gap will be 9' tall; the type of wall can be built up to 12' tall per the specifications without geo grid. There will be no excavation needed for drainage; the walls proposed can be built on the site according to the manufacturers installation specifications. The wall is built in a system of large stone blocks, which the gravity of the wall will help maintain the soil behind it. Ms. Mueller indicated a soil test will be done at the time of construction. The wall is 160 feet long, approximately 40' of the wall will be 9' and the highest point and the lowest point will be 2' in addition, fencing will be installed on top of the walls. The wall will require a review and permit by the Town Building Code Official.

The board is concerned with the design of the wall and whether the wall will work from a structural standpoint. Attorney Caldwell questioned why the applicant does not do a soil test now to determine if the wall will work. Ms. Mueller responded that she has looked at the design and specifications of the wall and is confident the wall will work. Mr. Clerico suggested the board could limit its approval to preliminary site plan and the applicant can come back with details before issuing final site plan approval.

Mr. McGuire stated he was concerned with the height of the wall and fencing and the safety issues if someone were to fall off. Attorney Wilson stated there are two issues; one is if the board feels we provided enough testimony per Mr. Clerico's report A-9 and the second is the safety issue. Ms. Mueller stated we don't have a reasonable alternative to the 9-foot wall in this location, that's why we put a fence on top of the wall and the wall will comply with building code. The board agreed to move on through Mr. Clerico's report and come back to A-9.

A12- (parking spaces) Mr. Clerico stated he has two concerns, the first concern is there is no pedestrian access from units 17-22 to reach the parking spaces and felt the need for a pathway around the west side of unit # 22. The second concern is since the surface spaces are not assigned the surface spaces that are in front of the garage may not be adequately used, therefore reducing the number of parking spaces on site. Attorney Wilson stated they do not anticipate assigning surface parking spaces and any internal issues that arise will be managed by the association.

Mr. Tylman R. Moon was sworn in.

A15- (handicap accessible units) – Mr. Moon testified the code requires all units on a first floor be accessible or adaptable. Accessible means the unit is a qualified handicap unit, adaptable means that if the unit is not initially accessible it can be converted to an accessible unit at a future time when needed. Mr. Moon added only one building on the site unit 5-12 does not meet the requirements because they have a split floor entranceway, all other first floor units meet the accessible and adaptability requirements.

A16 (assignment of parking spaces)- Attorney Wilson stated no designation of spaces is proposed; the association will internally manage this.

A17 (extension of sidewalks) – Mr. Clerico advised the board since the applicant is not proposing the extension of the sidewalks along Union Gap Village Drive a Waiver from the RIS standards would be required by the board.

B1- Mr. Moon testified the storage areas meet the 150 cubic feet minimum. Sheet 10 of 12 of the architectural plans show the storage areas, the garages will have an internal storage area and the remaining storage areas will be behind the garages.

B3 (chart on plans)- Mr. Moon stated the chart will be corrected on sheet 3 on the site plan.

B7- (walkways) Ms. Mueller agreed to provide the walkways per the concern in item A-12 and B-7.

B8- (garage height) – Sheet 3 of the site plan will show the garage height of 12’

C2- (roof leaders)- will revise plans

C6- (gas main service)- Ms. Mueller indicated she spoke with the Design Engineer at the gas company. The gas main will be brought up Route 173 coming in at the end of Village Court East; the applicant will take the vegetation into consideration when designing with the gas company. Attorney Wilson added they will provide the final utility plan when designed.

C11 & C12- (T/C water & sewer comments) – Attorney Wilson stated he provided both departments with plans and has not heard any comments back; he will make arrangements to set up a meeting.

D3- (stormwater recharge) – Mr. Cosgrove stated after evaluation of the site the recharge potential is very low and therefore, is requesting not to undertake a recharge test. Mr. Cosgrove stated the DEP was in agreement and issued their permit without requiring an onsite stormwater recharge.

Mr. Clerico stated the applicant has three options outlined in his February 28, 2011 letter:

1. Find another spot on site that the soils will allow for recharge to take place.
2. Have Hunterdon County Soil Conservation District agree on the soil classification of Type D, which would eliminate the need for a recharge.
3. Provide mitigation for the recharge requirement.

Mr. Cosgrove stated he would like to resolve the issue and is leaning towards option 1 or 2.

E2 (notation on plan)- the connection notation will be added to the plans.

F2 (Fencing)- Ms. Mueller advised the board the fencing on the two interior walls adjacent to the detention pond will be a decorative aluminum 4' high fence and the perimeter walls will have a 6' high fence.

F4 & F5- Deferred to Mr. Hintz

G3 (Homeowners Association)- utility elements need to be discussed with the Town.

G4 (Offsite sidewalks)- refer to A-17, waiver request needed.

Mr. Hintz advised the board that he spoke with the Landscape Architect and the following landscape items on his report dated January 31, 2011 need to be addressed:

6.9, 6.11, 6.12, 6.13, 6.14, 6.15 and 6.17

Attorney Wilson advised the board that item # 5.2 on Mr. Hintz's report refers to a tree inventory on what currently exists on the site; since the trees will all be removed the applicant does not wish to complete the tree inventory.

Mr. Jeffrey Charlesworth, Landscape Architect was sworn in.

Mr. Charlesworth referred to sheet 6 of the site plan and advised the board the landscape plan includes shade trees along Village Road and within the site, a grouping of evergreen trees along Route 78 access area to provide screening, grouping of smaller flowering trees, canopy trees, flowering shrubs and trees will be placed along the entranceway and plantings and native grasses suited to grow in the wet areas by the detention areas. Mr. Charlesworth advised the board that he looked at the existing vegetation on site which is very dense and it is his opinion the trees existing are not high quality trees, the proposed trees will provide a much better value to the site. Mr. Charlesworth indicated the site will have 180 flowering trees, 82 evergreen trees, approximately 1,400 shrubs and ground coverings and per Mr. Hintz's request the applicant will provide additional evergreen trees.

Attorney Wilson stated in regard to 6.13 & 6.14 of Mr. Hintz's report the applicant is not proposing the replace the dead trees along the center median of Village road, that Union Gap has always maintained the center median. Attorney Caldwell inquired if this is a contractual obligation with Union Gap homeowner's association. Mr. Hintz's commented that he thought only 2-3 trees needed to be replaced. Attorney Wilson advised the board he will look into if there is an existing contractual obligation and get back to the board. Attorney Wilson stated that all other landscaping issues will be addressed.

Item 10.0 (affordable housing)- Attorney Wilson stated they will be providing 13 affordable rental units and have satisfied the affordable housing portion.

Mr. Hintz suggested the Condominium Association stipulate in their rules that garages are to be used for vehicles only, otherwise the concern is homeowners will store other things in the garage and the site will lose surface parking spaces, Attorney Wilson agreed to stipulate in the agreement.

Attorney Wilson inquired about room for snow stacking, Ms. Mueller responded that there is room to stack the snow between the walls, certain areas can be pushed in front of Village Road South, there are areas on the site that allow for snow stacking.

Due to the timeframe, Attorney Wilson agreed to carry the public hearing until April 5, 2011, no further notice required.

The Board Professionals adjourned.

A Motion was made by Mr. Maher, seconded by Mr. McGuire, to suspend the agenda and place # 8 next:
All Ayes. Motion Carried.

Block 21 Lot 5- 33 Old Hwy 22- Exemption from Site Plan request for Change of Use- K. Appezzato

Mr. Appezzato advised the board that he is looking to relocate his Jewelry store from 5 Old Hwy 22 to 33 Old Hwy 22. The prior use of 33 Old Hwy 22 was a Blue Realty Office. Mr. Appezzato advised the board that he is looking for a bigger space that will house retail and a service shop. The front of the store is for retail; space in back will have an office and a service shop for repairs, which will not be available to the public. The only changes to the building are interior remodeling, paint job on the exterior and to refurbish the awning.

Chairman Gallagher inquired about the existing ground sign, Mr. Appezzato understands the ground sign no longer meets the Town Ordinance and will be making application to the Board of Adjustment if he decides to use it.

Mr. Appezzato testified the parking for the C-4 requirements have been met plus he has 2 extra spots on the side of the building, and if needed can negotiate for more spaces from the bank if needed in the future.

Mr. Feldmann inquired about if any hazard materials will be used, Mr. Appezzato testified he is gearing more to a green business, and most of the chemicals used will be common household materials; Mr. Appezzato commented that he is operating under OSHA disposal requirements.

Chairman Gallagher stated that if approved Mr. Appezzato would have to apply for Change of Use construction permits, Mr. Appezzato acknowledged the requirement.

A Motion was made by Mr. McGuire, seconded by Mr. Hetzel, to approve the site plan waiver request for the Change of Use:

All Ayes. Motion Carried.

Per the MLUL Regulations, Chairman Gallagher stepped down from the board and excuse himself from the remainder of the meeting. Vice Chairman McGuire proceeded to run the meeting.

Block 9 Lot 4-2 Leigh Street- Exemption from Site Plan Request for Change of Use- B. Wolchik:

Briellen Wolchik was represented by her Attorney Roger W. Thomas, from the firm Dolan & Dolan.

Attorney Thomas stated the board that he wished to defer the application for 2 Leigh Street at this time, he advised the board his client will be applying to the Board of Adjustment for an interpretation of the second floor use.

Block 9 Lot 4- 4 Leigh Street- Exemption from Site Plan request for change of Use-B. Wolchik:

Attorney Thomas advised the board that his client, Briellen Wolchik is here tonight to seek approval for a Waiver of Site Plan to permit a change of use from an antique store to a coffee shop / and expansion of restaurant seating on the first and second floor. Ms. Wolchik stated presently 2 and 4 Leigh Street are two separate units and she would like to expand the business at 2 Leigh Street to include 4 Leigh Street by installing an interior archway doorway to connect both spaces. Mr. McGuire was concerned about the accuracy of the floor plans submitted, Attorney Thomas stated the floor plans, with the exception of the archway was an accurate depiction of the proposed use. The archway to connect 2 and 4 will be approximately 3' from the front entrance. Ms. Wolchik stated that #2 is existing now and consists of a separate entranceway, 2 display cases, walk thru kitchen in the rear, back door and deck and tables upstairs, # 4 will have tables in the front, couches and chairs in the rear of the first floor and second floor will have seating in the front and an office area in the rear.

The applicant was advised if approved construction change of use permits would be required for # 4 Leigh Street, the applicant acknowledged the requirements.

A Motion was made by Mr. Hetzel, seconded by Mr. Rogan, to approve the Site Plan Waiver request for the change of use:

All Ayes. Motion carried.

Voucher Approval:

A Motion was made by Mr. Maher, seconded by Mr. Hetzel to approved the attached voucher list:

All Ayes. Motion carried.

There being no further business a Motion was made by Mr. Maher, seconded by Mr. Hetzel to adjourn the meeting at 11:10pm.

All Ayes. Motion carried.

Respectfully submitted,

Allison Witt
Land Use Administrator