



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 7, 2006 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Gallagher
Hendricksen
Insel
McGuire
Schaumburg
Tranquilli
Wiant (arrived 7:40pm)

Absent:

Cagno
Jones-Holt

Attorney William Caldwell, Carl Hintz and Beth McManus 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 Mr. McGuire, seconded by Mayor Schaumburg, to approve the October 3, 2006 Minutes:

All Ayes.	Motion Carried
Abstain	Hendricksen, Insel.

Extension Request – Block 18 Lot 5 -Z&F LLC:

Attorney Lloyd Tubman from Archer & Greiner was present on behalf of the applicant.

Attorney Tubman advised the board that she was here tonight to receive a determination from the board that the three year period of protection for the Preliminary Site Plan Approval was tolled by the inability of the Town of Clinton to provide water service, which is outlined in a letter presented to the board dated November 7, 2006. Z&F LLC received preliminary site plan approval to construct two office buildings on December 4, 2001, and on September 4, 2002 the Department of Environmental Protection would not

allow the Town of Clinton any new water connections until Well # 15 was completed and placed in service, therefore Z&F was prevented from moving forward with the construction of the office buildings. On October 13, 2005 the town of Clinton applied for NJDEP permits to construct Well # 15 and on July 15, 2006 the NJDEP issued authorization to the Town to utilize Well 15 for water distribution. Attorney Tubman stated that for three years and 10 months Z&F was prevented from proceeding forward with the approved office building because of a DEP directive forbidding water allocation until Well 15 was complete. At this time she would ask the board to confirm that the preliminary site plan approval period of protection was tolled from September 4, 2002 to July 15, 2006 and would ask the board to confirm that the period of protection is still in effect.

A Motion was made by Mayor Schaumburg, seconded by Mr. Tranquilli, that the three year period of protection for Z&F LLC Preliminary Site Plan was tolled and will expire on September 14, 2008.

Roll Call Vote:

Ayes: Gallagher, Hendricksen, Insel, McGuire, Schaumburg, Tranquilli, Wiant

Nays:

All Ayes. Motion Passed.

Change of Use Discussion:

Mayor Schaumburg stated that after last month's meeting Mr. Leonard has prepared a memo and a zoning application for the board's review and recommendations. The board needs to decide if they want to see an applicant when there is a new use, but an allowed use. Mayor Schaumburg suggested that the zoning office needs a clear direction on how to move forward and feels the board needs to resolve the issue tonight.

Mr. Wiant commented that even though you have a permitted use the intensity of the use can vary within the zone, issues such as additional garbage, parking, and cooking, have a different set of criteria. In addition, if an applicant appears before the board the board has an opportunity to discuss sidewalks and streetscape.

Mr. Hintz suggested that the Zoning Application checklist should include more questions such as additional lighting, change in parking, loading area. Mr. Tranquilli questioned if the use is permitted what impact does the board have if the applicant comes before us. Mayor Schaumburg suggested that if zoned properly we should be able to prevent applicants from coming before us for an approved use. Mr. Wiant commented that the board looks at the master plan and how a site fits in with the master plan one example is when Eckerd came before the board it was helpful in terms of sidewalk, landscaping, construction timetable and feels there is a role for the board to play. Chairman Hendricksen advised the board under the Town Ordinance #88-39 any change of use requires planning board approval either by exemption from site plan, minor site plan or site plan. Mr. Hendricksen commented until the ordinance is changed all change of uses need to be directed to the board. Mayor Schaumburg asked Mr. Hintz to come up with some recommendations and report to the board at the next meeting.

A Motion was made by Mr. Wiant, seconded by Mrs. Insel, that the Planning Board ask the Governing Body to instruct Mr. Leonard to follow the existing land use ordinance requirements until the change of use checklist in the zoning application is clarified and completed.

All Ayes. Motion Carried.

Accessory Apartment Discussion:

Beth McManus advised the board that her memo dated October 26, 2006 was in response to Mr. Leonard's inquiry about the deletion of Section 88-52H of the Land Use Ordinance. Beth explained that Section 88-52H was replaced with Ordinance 06-12, which created new regulations on accessory apartments in Section 88-60.Y of the Town of Clinton Land Use Ordinance.

Master Plan Committee Update Report:

Mrs. Insel advised the board that the Master Plan Committee meet with the Historical Preservation Commission who presented a draft Historic Preservation Ordinance, which the Planning Board has received copies of. Mrs. Insel stated the commission has been working on the draft for a year and Mr. Craig Rogers is here tonight if the board has any questions.

Mr. Hendricksen commented that when the Historic District was formed many years ago regulations were discussed and at that time restrictive ordinances was something the board didn't want to get into. Mr. Gallagher commented the ordinance is a mandatory review but a voluntary compliance and that recent issues have come up in town that may have not happened if the ordinance was in place. Mayor Schaumburg commented that if the Historic Commission was to review applications in advance it may not change anything but it will give the owner a more educated and informed choice. Mr. Wiant commented he was concerned with the timing issue, by the time an applicant gets to the permit stage they are ready to move forward and they may be less receptive to go back to their engineer or architect to revise their plans. Mr. Wiant suggested that it would be better if the Historic Commission advertise their review service early on rather than waiting until the time when an applicant is ready for permits. Mr. Hintz advised the board that Flemington has a mandatory review process which works. Mrs. Insel added that this ordinance still allows the owner to do what they want and what the ordinance does it educate the owner. Mr. Hendricksen questioned some of the wording for example under demolition penalties it states if you don't obtain a certificate of historic review you may be forced to return the structure back to its original condition and if it is voluntary how can you make them return a structure back to its original condition. Mayor Schaumburg stated that the review is mandatory and compliance is voluntary. Mrs. Insel suggested that perhaps a permit is only issued after the review process is complete. Mr. Gallagher commented that the Historic Commission has put a lot of effort into the ordinance and deserves a thank you; the committee is made up of the town's residents who felt this ordinance should move forward.

Attorney Caldwell commented that he was concerned with the two-year time frame for demolition review. Mayor Schaumburg suggested that Attorney Caldwell research the legal issue regarding the two-year time frame and report back to the board at the next meeting and also Mr. Hintz and the planning board members should review the ordinance and make any suggestions at the next meeting.

At the suggestion of Attorney Caldwell Chairman Hendricksen polled the board to see if they were in favor of pursuing a Historic Preservation Ordinance.

All Ayes. Motion Passed.

The board will continue the discussion at the next meeting.

Smart Growth Update Report:

Mrs. Insel advised the board that they will be reapplying for funds for open space in December.

Executive Session:

A Motion was made by Mr. Gallagher, seconded by Mr. Tranquilli, to enter into an Executive Session at 9:30pm to discuss potential litigation.

Roll Call:

Ayes: Gallagher, Hendricksen, Insel, McGuire, Schaumburg, Tranquilli, Wiant

Nays:

All Ayes. Motion Passed.

A Motion was made by Mr. Gallagher, seconded by Chairman Hendricksen, to adjourn Executive Session at 9:40pm:

All Ayes. Motion Passed.

Voucher Approval:

A Motion was made Mayor Schaumburg, seconded by Mr. Gallagher, to approve the following vouchers:

William Caldwell	Sept-Oct Legal	DeGroff	\$594.40
William Caldwell	Aug-Oct Legal	General Board Matters	\$710.50
William Caldwell	Oct Legal	Hunterdon Capital	\$667.00
William Caldwell	Oct Legal	Twin Ponds	\$261.00

All Ayes. Motion Passed.

Board Discussion:

Mr. Gallagher stated he was concerned with a few items regarding zoning. There is a 20-foot container stored in the back of Secors store on Main Street and there is an abandoned Thumans Refrigerator truck behind Peter Joseph’s building at 49-51 Main Street. Chairman Hendricksen added he was concerned with the lighting in the front of Latino’s residence on Leigh Street.

A Motion was made by Mr. Wiant, seconded by Mayor Schaumburg, to have Mr. Barczyk investigate the properties.

All Ayes. Motion Passed.

There being no further business a Motion was made by Mr. Gallagher, seconded by Mayor Schaumburg, to adjourn the meeting at 10:10pm.

All Ayes. Motion Passed.

Respectively Submitted

Allison McGinley
Land Use Administrator