



## **TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

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### **Land Use Board Minutes**

Minutes of the Town of Clinton Land Use Board reorganization meeting and regular meeting held on January 7, 2020 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

#### **Members previously sworn in:**

Craig Sailer

Secretary Allison Witt called the Reorganization meeting to order at 7:00pm and read the "Statement of Adequate Notice" and the "Administrative Statement".

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".

"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 10:00pm with all items not concluded to be carried over to the next month's agenda".

Attorney Katie Razin was present.

#### **ROLL CALL:**

**Present:** Ms. Dineen, Mr. Feldmann, Ms. Healy, Mayor Kovach, Mr. Sailer, Mr. Smith, Ms. Van Weeren, Mr. Viotto, Mr. Lubsen, Mr. Snider

**Absent:** Mr. Mellick

#### **Election of Chairman:**

A Motion was made by Mr. Smith, seconded by Mr. Feldmann, to nominate Mr. Sailer as Chairman for 2020.

**All Ayes. Motion Carried.**

**Chairman Sailer proceeded to run the meeting.**

#### **Election of Vice Chairman:**

A Motion was made by Mr. Viotto, seconded by Mr. Smith, to nominate Mr. Feldmann as Vice Chairman for 2020:

**All Ayes. Motion Carried.**

#### **Appointment of Board Attorney- Resolution # 01-20**

A Motion was made by Ms. Dineen, seconded by Ms. Healy, to adopt the Resolution appointing Kathryn Razin as the Board's Attorney for the 2020 calendar year

**All Ayes: Motion Carried.**

**Be it Resolved** that Kathryn J. Razin, Esq. from Stickel, Koenig, Sullivan & Drill LLC is hereby appointed to serve as the Land Use Board Attorney for the Town of Clinton and;

**Whereas** there exists a need for the performance of the statutory legal services for the year 2020 for the Town of Clinton Land Use Board and;

**Whereas** funds are or will be made available for this purpose to be certified by the local finance officer and;

**Whereas** the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

**Now Therefore, Be resolved** by the Town of Clinton Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with Kathryn J. Razin Attorney for 2020.

Notice of this action shall be printed once in the Hunterdon Review.

**Appointment of Board Engineer: Resolution # 02-20**

A Motion was made by Mr. Feldmann, seconded by Viotto, to adopt the Resolution appointing Robert Clerico from Van Cleef Engineering as the Board Engineer for the 2020 Calendar Year:

**All Ayes. Motion Carried.**

**Be it Resolved** that Robert Clerico is hereby appointed to serve as the Land Use Board Engineer for the Town of Clinton and;

**Whereas** there exists a need for the performance of the statutory Engineering services for the year 2020 for the Town of Clinton Land Use Board and;

**Whereas** funds are or will be made available for this purpose to be certified by the local finance officer and;

**Whereas** the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

**Now Therefore, Be resolved** by the Town of Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with Robert Clerico, Engineer for 2020.

Notice of this action shall be printed once in the Hunterdon Review.

**Appointment of Board Planner: # 03-20**

A Motion was made by Ms. Dineen, seconded by Ms. Healy, to adopt the Resolution appointing James Kyle from Kyle & McManus Associates LLC as the Board Planner for the 2020 Calendar Year:

**All Ayes. Motion Carried.**

**Be it Resolved** that James Kyle is hereby appointed to serve as the Land Use Board Planner for the Town of Clinton and;

**Whereas** there exists a need for the performance of the statutory Engineering services for the year 2020 for the Town of Clinton Land Use Board and;

**Whereas** funds are or will be made available for this purpose to be certified by the local finance officer

and;

**Whereas** the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A- 20.4 or 20.5 as appropriate.

**Now Therefore, Be resolved** by the Town of Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with James Kyle, Planner for 2020.

Notice of this action shall be printed once in the Hunterdon Review.

**Committee Appointments:**

**Site Plan Committee:**

Mr. Feldmann, Chairman, Mr. Smith and Mr. Viotto to serve on the Site Plan Committee. Mr. Lubsen to serve as an Alternate Member, the Site Plan Committee will meet on an as needed basis.

**Master Plan Committee:**

**TBD**

**Designation of Meeting Nights:**

The board will continue to meet on the first Tuesday of each month at 7:00pm and the third Tuesday of the month for any carry over items.

**All Ayes. Motion Carried.**

**Designation of the Official Newspaper:**

The Hunterdon Review, the Hunterdon Democrat, the Courier News to serve as the official newspapers:

**All Ayes. Motion Carried.**

**Adoption of the Town of Clinton Land Use Board Public Meeting Act Resolution # 04-20:**

A Motion was made by Mayor Kovach, seconded by Mr. Feldmann, to adopt Resolution #04-20:

**All Ayes. Motion Carried.**

A Motion was made by Mayor Kovach seconded by Mr. Viotto, to adjourn the Reorganization Meeting at 7: 05pm.

**All Ayes. Motion Carried.**

Mr. Robert Clerico and Jim Kyle were present.

**Regular Meeting of Town of Clinton Called to Order at 7:05pm:**

Chairman Sailer wished everyone a Happy New year.

**Approval of Minutes:**

A Motion was made by Ms. Healy seconded by Mr. Smith, to approve the December 3, 2019 minutes.

**All Ayes. Motion Carried**  
**Abstain: Kovach, Van Weeren**

**Site Plan Committee:**

Mr. Smith advised the board they met with the applicant for Unity Bank to review a sign variance application, The Site Plan Committee deemed the application complete, the applicant will be placed on the February 4 2020 agenda for a public meeting.

**Resolution for Block 21 Lot 5 & 6- PNC Bank Minor Site Plan:**

At the applicant's request the Resolution will be carried to February 4, 2020.

Mayor Kovach, Ms. Dineen and Mr. Feldmann recused themselves from the following application per the MLUL.

**Continuation of Application for Use Variance, Preliminary & Final Site Plan  
Block 6 Lot 2- 72-74 West Main St LLC- Request to add multi- family residential apartments  
in main house and carriage house.**

Attorney Kristen Perry and Chris Nusser, Engineer was present:

The following item was submitted into evidence:

N-1 Photograph of neighbors view looking at the rear of the accessory building

Attorney Razin clarified that there is no additional testimony from the last meeting in November and tonight they would hear board comments and board summation.

**Open to the Public:**

Thomas Madding, 64 West Main Street was sworn in. Mr. Madding stated the applicant is asking the board to approve an application to permit nine units in a one-two family zone; Mr. Madding's concerns are the intensity of the application, the traffic, the intersection, and felt the application is inappropriate and should be denied.

Jennifer Feldmann, 68 West Main Street was sworn in. Ms. Feldmann advised the board she is a 20 year resident and is here to speak in opposition to the application. The board just completed their reexamination of the Master Plan and the current zoning was reaffirmed, Ms. Feldmann asked the board to consider what this will look like and to consider the intensity. Ms. Feldman's concern is if the use is suitable for the site; maintaining the boundary line; traffic; parking; Ms. Feldmann summarized stating the use is not compatible with the Master Plan and she urges the board to vote with the current zoning and deny the variance request.

Ms. Kelly Morel, 10 Maudy Drive was sworn in. Ms. Morel commented she believes the property in question should be left in its current one-two family use. Ms. Morel's concerns are the amount of potential renters, safety and privacy issues, Ms. Morel stated this is a life changing situation that her residential space is being invaded and is against the proposal.

Mr. Ryan Smerillo, 70 West Main Street was sworn in. Mr. Smerillo stated he is a nine year resident and feels this is an attempt to put too much on too little, the parking represents a 10 fold increase in activity which changes our sense of home. Mr. Smerillo stated in realty this is a residence in a neighborhood and would ask the board if they would accept this in their neighborhood.

Mr. Paul Kipp, 31 & 33 West Main Street was sworn in, Mr. Kipp stated he was concerned for the neighbors who live adjacent to the property and in his opinion the variance is only beneficial to the property owner not to the residence in Town.

There being no further public comments the board closed the meeting to public comments.

Attorney Perry thanked everyone for their comments and proceeded with her summation. Attorney Perry stated this project is consistent with the Master Plan and the MLUL. This project is a gateway property into Clinton, the property is in disrepair the proposed changes will restore the property and will maintain the historic character of the area. This is a transition zone noise, people and traffic already exists in this zone, the increase in traffic is limited to the onsite parking space, other uses such as home occupations could produce more cars and traffic than what is proposed. The nature of the lot will remain a residential

property, the testimony provided justifies the variances requested, and the plan promotes the land use goals, promotes architectural design, and maintains the small town character. The housing advances

the purpose of the MLUL and promotes the health and welfare which meets the needs of all citizens. The site is appropriate for the use. There is no substantial detriment the home looks the same as the homes within the residential neighborhood, the parking is managed, its meets the affordable housing needs. The vision is consistent with the towns' goals.

Attorney Razin summarized the relief requested:

1. D1- Use variance to permit nine units in a one-two family zone.
2. C2- Side yard setback on the westerly side of .76 feet
3. C2- Combined side yard setback of 3 feet.
4. C2- Building coverage of 31%
5. C1 Variance for existing conditions not changing- rear yard setback, lot width and maximum depth of measurement.
6. C2- Variance for the setback of the air conditioning units of .79
7. Preliminary & Final Site Plan approval
8. Design Exception- Light levels to exceed 0.5 foot-candle along the westerly property line.
9. Parking area 2' of the westerly property line and 3' from the easterly property line
10. RSIS standards to allow for 15 parking spaces.

#### **Board Deliberation:**

Mr. Smith -The intent and purpose of the zoning ordinance calls for one-two family properties this goes beyond the intent of zoning. The lot size of a one family is 7,500 SF and two-family is 12,000 SF the square footage of this lot and the amount of units seems to be an issue, the density is a factor when considering the zoning impact on the residential neighborhood. The traffic and the intersection and the amount of available parking spaces are of concern.

Mr. Lubsen- The main concerns are the cars pulling out of the site, the additional vehicles, the extra parking on West Main Street and the negative impact on the neighbors.

Ms. Van Weeren- Does not believe the case was made that the use is suited for the property, and the beautification of the property is not a reason to grant the variance.

Mr. Snider- Economic burden is not a reason to grant a use variance.

Ms. Healy- Stated she appreciated their efforts and the beautification of the home but struggles with the appropriateness of the use variance, concerned with people having to live at the property because there is no green space, no side yard I do not envision this as an ideal family life. The proposal and the amount of people are not appropriate.

Mr. Viotto- This is not suited for the neighborhood and is against the proposal.

Chairman Sailer thanked the board, the public and the community for their input and asked the board to move forward with a vote.

A Motion was made by Ms. Healy, seconded by Mr. Viotto, to disapprove the D1 Use Variance:

#### **Roll Call Vote:**

Ayes: Mr. Sailer, Ms. Healy, Mr. Smith Ms. Van Weeren, Mr. Viotto, Mr. Lubsen, Mr. Snider

Nays:

**7-0 Motion Carried.**

A Motion was made by Ms. Healy, seconded by Mr. Viotto, to disapprove the C1 & C2 Variances:

**Roll Call Vote:**

Ayes: Mr. Sailer, Ms. Healy, Mr. Smith, Ms. Van Weeren, Mr. Viotto, Mr. Lubsen, Mr. Snider,  
Nays:

**7-0 Motion Carried.**

Mr. Feldmann rejoined the meeting:

**Preliminary Subdivision Extension request for Block 23 Lot 6.01 & 6.02- Riverside Drive- Latino:**

Attorney Jay Thatcher and applicant Sal Latino were present: Attorney Thatcher advised the board he is not ready to move forward with the Final Subdivision tonight and is just asking the board to grant an extension of the preliminary subdivision from 2010 to the present.

Mr. Latino prepared an outline for the board outlining the reasons why he was not able to move forward with the Final Subdivision application. Mr. Latino Preliminary Subdivision approval was granted in 2007 and his final application received several board extensions which expired in 2010. Mr. Latino advised the board through a long series of events with his attorney he was not able to move forward and to this day still has not been able to access his file. Mr. Latino advised the board his DEP permits had expired and it took time to reapply he now has valid DEP permits which are valid until 2023. Mr. Latino stated he would like to move forward with the Final Subdivision application as soon as possible and asked the board for their consideration in granting the extension.

A Motion was made by Mr. Feldmann, seconded by Mr. Lubsen, to approve the extension request for the Preliminary Subdivision conditioned upon the applicant receiving Final Subdivision approval, filing and recording the final map by February 2021 and if the conditions were not met no further extensions would be granted if the applicant wanted to move forward he would have to refile a new Preliminary Subdivision application.

**Roll Call Vote:**

Ayes: Mr. Sailer, Mr. Feldmann, Ms. Healy, Mr. Viotto, Mr. Smith, Ms. Van Weeren,  
Mr. Lubsen, Mr. Snider,

Nays:

**8-0 Motion Passed**

Mayor Kovach and Ms. Dineen rejoined the meeting.

**Board Discussion:**

Mayor Kovach informed the board a joint Council and Land Use board meeting will be scheduled for Tuesday January 28, 2020 to go over the redevelopment plan for the A&P property. The Property owner will be present for anyone who would like to view the plan ahead of time at 7:00pm. Mayor Kovach advised the board a meeting with DOT has been scheduled for Monday to discuss the traffic issues.

Mr. Kyle presented the board with a draft redevelopment plan for the A&P property. The draft plan incorporates the permitted uses and the bulk criteria for the redevelopment zone. Mr. Kyle asked the board to look over the draft copy and provide any additional comments to his office by January 14, 2020. Mr. Kyle briefly went through the report; Ms. Healy suggested other options for the impervious coverage for the Plazas and would like to see some other options using green options such as landscaping and using native plants.

**Voucher approval:**

A Motion was made by Mr. Viotto, seconded by Mayor Kovach, to approve the vouchers:

**All Ayes. Motion Carried**

There being no further business a Motion was made by Ms. Healy, seconded by Ms. Dineen to adjourn the meeting at 10:05pm.

Respectfully submitted,

Allison Witt  
Land Use Board Administrator