



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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Land Use Board Minutes

Minutes of the Town of Clinton Land Use Board meeting held on February 4, 2020 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Sailer 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 Matthew Sullivan (on behalf of Katie Razin) & Jim Kyle were present.

ROLL CALL:

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

Absent: Mr. Mellick, Mr. Snider

Approval of Minutes:

A motion was made by Mr. Viotto, seconded by Ms. Dineen, to approve the January 7, 2020 minutes

All Ayes.

Motion Carried

Abstain:

Site Plan Committee:

Mr. Feldmann advised the board they met with the Holiday Inn as of tonight the application was deemed incomplete however if they are able to submit the missing information within a week at the March hearing the board can hold a completeness hearing and if deemed complete can go into a public hearing.

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

At the applicant's request the Resolution will be carried to March 3, 2020.

Resolution of Block 6 Lot 2- 72-74 West Main Street LLC: Denial of Use Variance request to add multi- family residential apartments in main house and carriage house.

A Motion was made by Mr. Viotto, seconded by Ms. Healy, to approve the resolution for 72-74 West Main Street LLC:

Roll Call:

Ayes: Sailer, Healy, Viotto, Smith, Van Weeren, Lubsen

Nays

All Ayes.

Motion Carried

Resolution for Block 23 Lot 6- Extension of Preliminary Subdivision approval:

A Motion was made by Ms. Healy, seconded by Mr. Viotto, to approve the resolution for Block 23 Lot 6:

Ayes: Sailer, Healy, Feldmann, Viotto, Smith, Van Weeren, Lubsen

Nays

All Ayes.

Motion Carried

Sign Variance Application- Unity Bank- Block 22 Lot 22- 64 Old Highway 22:

Attorney Michelle Kirmser, Rosemary Filner Senior VP with Unity Bank and Peggy Ferron with Loumarc signs were present and sworn in; the following items were submitted into evidence:

- A1 Variance application package
- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Clerk's Certified 200 foot list
- A4 Tax Certification dated January 30, 2020
- A5 Photograph of new signage in their Bethlehem Site
- A6 Close up Photograph of Monument Sign
- A7 Existing Monument Sign
- A8 Photograph of existing Monument & wall Sign
- A9 Proposed Wall Sign prepared by Loumarc Signs
- A10 Proposed Monument Sign prepared by Loumarc Signs
- B1 Jim Kyle, Planner report dated February 2, 2020

Attorney Kirmser advised the board the applicant is seeking a sign variance for a monument and wall sign at 64 Old Highway 22. The applicant seeks to replace the existing 15 foot monument sign with a more aesthetically pleasing sign, the building sign will be changed to a new internally lit sign, the light will have more of a halo effect than the prohibited led florescent light.

Rosemary Filner advised the board this property is their flag ship property and there corporate headquarters and in order to keep up with the new corporate branding they need to replace the older looking signs with more architecturally pleasing signs. The goal is to place the signs in all of their branches. The older signs are internally illuminated with tube lighting and have been in need of repair, rather than repairing the two signs they wish to replace them with the new up to date logo signs. The existing monument sign height is 15 feet, the proposed sign will be 15 feet in height and 3 feet in width placed in the existing landscaping box. The sign background will not be lit only the lettering and logo and will be on a photo cell from dawn to dusk. The monument sign is located in a landscape box which will be landscaped with seasonal landscaping throughout the year. Mr. Kyle questioned the height from the grade and it was determined the sign placed in the landscaping box raises the sign about 2 feet to a height of 17 feet. Mayor Kovach is concerned the new signs do not fit into the historic nature of the town,

moving forward in the future the town is trying to incorporate the historic feel into the Old Highway 22 corridor. Mayor Kovach stated it is important to have the sign look and feel like Clinton. Rosemary Filner responded this property is their headquarters, the new design is more aesthetically pleasing, and the sign is very thin and runs vertically which will feel less massive than the existing sign.

Peggy Ferron with Loumarc Signs showed the board a sample of the lit wall sign. The current wall sign is a big square box and is 36 SF, the proposed wall sign is 47.4 SF and will have reverse halo led lighting. The lettering will stand off from the sign 1 ½ inches therefore the light will shine on the background of the wall compared to the existing big box sign which is internally lit with LED tube lighting. The new sign is much more visually pleasing has lower voltage and is more energy efficient.

Ms. Ferron showed the board a sample of the lit monument sign. The current rectangular portion of the sign is 30SF and the proposed sign lettering will be 18.8 SF, the lettering will protrude ¼ inch from the sign. The proposed sign is smaller in sign coverage and a simpler design. Ms. Ferron indicated if the new signs were not approved they would have to repair the old led signs. Ms. Healy inquired if they considered redesigning the sign to fit in with Clinton, Ms. Filner stated they are trying to incorporate the sign to the corporate branding for bank recognition, she added they have tried to incorporate Clinton specific things inside the building. Mayor Kovach inquired if there was a way to remove the landscape box and make the monument sign flush with the existing shrubby to lower the sign. Mr. Kyle added if the sign was in the landscape box could you reduce the sign height so it would be a total of 15 feet from the ground; the applicant agreed to install the sign in the box and lower the sign so it would be a total height of 15 feet. Ms. Healy inquired if there was a way to soften the illumination or reduce the wattage and soften the outline of the monument sign by adding tall plantings on the sides; the applicant agreed to add more landscaping and will work with Mr. Kyle on the landscape plan. The board discussed the lighting of the monument sign, they asked the applicant if the town considered the glare too much would they be willing to accept a condition to reduce the lighting within 6 months. The applicant agreed to install the monument sign with a reduction of 70% on what was proposed and shown in the sample and if the town found the lighting unacceptable the town could ask the applicant to reduce the lighting within six months.

A Motion was made by Mr. Feldmann, seconded by Ms. Dineen, to approve the monument and wall sign variance with the following conditions:

1. The monument sign will be placed in the landscape box and will be a total height of 15 feet from ground level when installed.
2. The applicant will work with Mr. Kyle to provide some tall landscaping around the sign to soften the sign.
3. The applicant must reduce the lighting to the board's satisfaction if within 6 months the town is not satisfied with the intensity of the monument sign lighting.
4. The applicant complies with items # 1 & 2 of Mr. Kyle's report dated February 2, 2020"

Roll Call Vote:

Ayes: Dineen, Feldmann, Healy, Kovach, Sailer, Smith, Van Weeren, Viotto, Lubsen

Nays:

All Ayes.

Motion Carried

Mr. Feldmann per the MLUL recused himself from the next application.

Interpretation request- Block 6 Lot 1.01- 82 West Main Street- Interpretation of Customarily incidental uses to a Motor Vehicle Service Station:

Attorney James Turteltaub and Mr. Passino, Planner were present and sworn in.

The following items were submitted into evidence:

- A1 Interpretation application package
- A2 Tax Certification dated February 4, 2020
- A3 Town of Clinton Ordinance 88-55
- A4 Town of Clinton Definition section 88-4
- A5 Copy of ITE Land Use Section 945
- A6 Aerial photograph of surrounding area
- B1 Jim Kyle, Planner report dated February 2, 2020

Attorney Turteltaub stated they were hear tonight to seek an interpretation of the Ordinance.

Mr. Passino, Planner advised the board that today the gas and service station combination are not historically in use today, the trend is to replace them with a gas - convenience component. The gas station is located in the C-3 zone and is a permitted use within the zone, the site has four gas pumps on a lot of 30,000 SF. The C-3 zone regulations state businesses are largely oriented toward highway services and pass by traffic, this is an established resource for travelers on Route 78. Mr. Passino stated the Town's definition section for motor vehicle services tends to recognize what is going on throughout the country that is gas sales with a retail component and the elimination of services stations and garages. The motor vehicle definition in the ordinance recognizes other uses associated with gas stations. The trend to sell gas and an axillary retail establishment service outnumber the market by 85%. The essence of this site is to serve the existing customers, the current consumer's expectations as well as the trend in the nation which is to embrace service in conjunction with gasoline. In addition, the courts have determined gas and retail use as a single use. Mr. Passino stated he was not aware of any stand-alone gas stations being built today, within the last few years the Wawa and Quick Chek are prominent and seem to be the current trend.

The purpose of the C-3 zone in the ordinance states" *Businesses are largely oriented toward highway services and pass by traffic. Freestanding buildings provide parking on site. The buildings are residential in scale, and signage is oriented to higher levels of moderate-speed traffic, much of which may be unfamiliar with the area.*" The orientation of this site is more inclusive rather than restrictive to serving the traveling public. Consumers on route to work or picking up children have a limited travel time, we are a motorized society and want our needs met without getting out of a car. Mr. Passino went over exhibit A6 which shows six service stations with a retail element in the surrounding area, the map indicates what is happening and shows the consumer demand is strong. Mr. Smith commented he was concerned with the historic character of the town, Mr. Kyle stated the C-3 zone is established for the purpose of patrons who want this type of establishment.

Attorney Turteltaub stated they are looking for a Dunklin or coffee shop in a 1,250 SF building ideally with a drive thru. The property is close to Route 78 patrons can pull in get gas, go to the bathroom, and pick up a something all within one trip. The site will be redeveloped and will work with the building design to make sure its fits within the character and flavor of the town at the time of site plan. The plan is to keep the same number of pumps, the building will be reoriented to allow for a Dunkin, and the proposed building will be reduced from 1,355 SF to a slightly smaller building. Attorney stated he believes the ordinance allows for this use and is asking the board for an interpretation of this ordinance. Attorney Matthew Sullivan cited an important 2016 appellate division case in where they ruled in favor of the applicant that a gas station combined with a convenience store was a single use.

Attorney Turteltaub went through the questions in Mr. Kyle's planning report on page 3, the primary use is the gas station which brings along the retail use; the Dunkin is a franchise and will be leased out to a Dunkin Donuts franchisee' the building size will be reduced, the gas station will have 2 employees and the Dunkin 3-5 employees; the gas component is open twenty-four hours, seven days a week, the Dunkin will close overnight, the ITE does not separate the number of trips generated for each use, but reviews the combined uses and the overall traffic. Ultimately the site exists as a gas station the proposed use is an appropriate use for a gas station, today we do not have stand-alone gas stations, service bays are being phased out by normal incidental uses which in today's market is gas with food service, looking at the ordinance today I see this as a normal environment that exists today. The signage on site is the Shell signage, the price points take up the majority of the sign from a visual perspective you see the site as a gas station with a small retail component.

Attorney Sullivan advised the members that it is the board's responsibility tonight to determine the interpretation of the ordinance and if the board finds this to be an accessory use it can be framed with limitations, such as size of the building and lot size. Mr. Kyle stated the question is if the coffee shop is subordinate to the gas use does it meet the definition of a permitted accessory use, the key is to focus on the definition of subordinate. Attorney Turteltaub responded on behalf of his client they would be willing to put a limit on the size of the building to 1,250 SF maximum. The board discussed setting the conditions on the building, lot size and number of pumps.

A Motion was made by Mayor Kovach, seconded by Mr. Viotto, that the board finds the coffee shop is a permitted accessory use to the gas station with defined conditions, the minimum size of the lot is 30,000 SF, the building not to exceed 1,250 SF and the gas station has four gas pumps:

Roll Call Vote:

Ayes: Dineen, Healy, Kovach, Sailer, Van Weeren, Viotto,

Nays: Smith, Lubsen

6-2 Motion Passed.

Voucher Approval:

A Motion was made by Mayor Kovach, seconded by Ms. Healy, to approve the vouchers:

All Ayes. Motion Passed

Adjournment:

There being no further business a Motion was made by Mayor Kovach, Seconded by Mr. Viotto, to adjourn the meeting at 9:15pm.

Respectfully submitted,

Allison Witt
Land Use Administrator