



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 September 1, 2020 at 7:00pm.

The Meeting of the Town of Clinton Land Use Board has changed the format of its regular meetings for the duration of the COVID-19 Public Health Emergency to "Virtual" Meetings via "Zoom".

Chairman Sailer called the 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".

N.J.S.A. 10:4-8 (b) authorizes municipalities to conduct public meetings through use of streaming services and other online meeting platforms.

The Town of Clinton is using ZOOM Video Meetings. Please be aware that this meeting is being recorded for the public record. ZOOM meetings are imperfect, so if glitches pop-up, please be patient. We will open the meeting to the public during public comment time, each person will have the opportunity to ask questions and give comments at the appropriate time. If you would like to speak, please use the raise hand feature and I will call on you one at a time you must provide you name and address to be recognized for comment. We ask that you keep your device muted until called upon by the Chairman.

Attorney Katie Razin, Mr. Robert Clerico, and Mr. Jim Kyle were present

ROLL CALL:

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

Absent:

Approval of Minutes:

A motion was made by Mr. Viotto, seconded by Ms. Dineen, to approve the August 4, 2020 minutes

All Ayes.

Abstain:

Motion Carried

Feldmann

Mr. Feldmann recused himself from the application due to a conflict per MLUL

Preliminary & Final Site Plan Application- 82 West Clinton LLC-

Block 6 Lot 1.01- Application to add a "Dunkin" as an accessory use.

Attorney James Turteltaub, James Henry, Engineer; Nicolas Verderese, Traffic Engineer; Mr. McDonough, Planner; Mr. Truilo, Architect and Angela Buonantuno stenographer were present.

The applicant's professionals were sworn in with the exception of Mr. Truilo who did not have video to be sworn in.

The following exhibits were pre-marked:

- A1 Preliminary & Final Site Plan Application
- A2 Affidavit of Service & Proof of Publication 8-20- 2020
- A3 Town of Clinton Clerk's Certified 200-foot list
- A4 Tax Certification dated 8-21 2020
- A5 Site Plan dated prepared by James Henry Dynamic Engineering dated 4-8- 2020 with revision date 5-21-2020
- A6 Architectural Plans prepared by Frank Truilo Architect LLC dated 5-29-2020
- A7 Boundary & Topographic Survey prepared by Blue Marsh Associates Inc. dated 1-18-2012 latest revision 5-14-2020
- A8 Drainage statement report prepared by Dynamic Engineering dated 4-2-2020 revised 5-2020
- A9 Environmental Impact Statement prepared by Dynamic Engineering dated 4-2-2020
- A10 Traffic Impact Study prepared by Dynamic Engineering dated 4-8-2020
- A11 3D colored rendering (15 pages)
- A12 Deed restrictions and easements dated 4-20-2020 revised 5-2020
- A13 Storm Water basin area investigation report prepared by Dynamic Engineering dated 4-8-2020 revised 5-20-2020
- A14 Geo web wellhead protection area mapping
- A15 Site plan exhibit 9-1-2020
- A16 Aerial exhibit 9-1-2020
- A17 Vehicle circulation exhibit 9-1-2020
- A18 3D rendering exhibit (4 pages) 9-1-2020
- A19 Existing site photo exhibit 9-1-2020
- A20 Tax parcel map, planner exhibit 9-21-2020
- A21 Aerial map, planner exhibit 9-21-2020
- A22 Land use map, planner exhibit 9-21-2020
- A23 Zoning map, planner exhibit 9-21-2020
- A24 View of fueling station & garage planner exhibit 9-21-2020
- A25 View of paved area & repair garage, planner exhibit 9-21-2020
- A26 View of adjacent land & car wash, planner exhibit 9-21-2020
- A27 View of site frontage, planner exhibit 9-21-2020
- A28 Site plan exhibit page 4 (1 sheet)
- A29 Vehicle circulation tanker exhibit (1 sheet)
- A30 Vehicle stacking exhibit (1 Sheet)
- A31 Vehicle circulation fire ladder (1 sheet)
- A32 Vehicle circulation WB-50 (1 sheet)
- A33 Vehicle circulation passenger car (1 sheet)
- A34 Sign exhibit (1 sheet)
- A35 Colored architectural rendering (2 pages)
- A36 Vehicle circulation exhibit revised canopy - 1 sheet
- A37 Site plan exhibit revised canopy and striping- 1 Sheet

- B1 Robert Clerico, Van Cleef Engineering report dated 8-28-2020
- B2 James Kyle, Report dated 8-27-2020
- B3 J. Daniels. Fire Marshal review comments dated 5-20-2020
- B4 Historic Preservation report received May 21, 2020
- B5 Emergency Services report dated May 28, 2020
- B6 Town of Clinton Chief of Police report 9-1-2020

- O1 Hunterdon County Planning Board conditional letter dated 5-12-2020
- O2 Hunterdon County Soil Conservation submission letter dated 5-10-2020
- O3 State of NJ LOI dated 8-13-2020

Attorney Turteltaub gave an opening statement in where he advised the board and the members of the public that the accessory use is a legal conforming use in the C-3 zone, the applicant is looking to upgrade

the site to make it a prominent welcoming location for Clinton. The applicant has made a few changes to address some of the Board Engineer's comments.

Mr. James Henry, PE with Dynamic Engineering stated the site is directly off Route 78, on the border of Clinton, Franklin Township and Union Township and is the gateway into Clinton. The property address is 82 West Main Street, Block 6 Lot 1.01 consists of .068 acres and is located in the C-3 Zone. The site is underdeveloped it houses a gas station and an auto repair building. Exhibit A7 shows the existing site conditions, 4 tanks, two right in right out driveways located at the northwest and southeast side of the site, a large impervious coverage area, an existing trash enclosure and the site has very little buffering and landscaping. The building on site now is 1,395 SF the new building will be reduced to 1,050 SF. The applicant will require a few variances the goal is to improve the overall site conditions. Mr. Henry showed a rendering of the existing site conditions (exhibit A-19) and the proposed conditions (exhibit A-15).

Mr. Henry advised the board the Shell gas station is the primary use and the Dunkin will be an accessory use which is permitted in the zone. The accessory building will have 229 SF of patron space and there will be no inside seating. The applicant proposes 10 parking spaces on site, including one ADA space in front of the building. The canopy will be in the same location, there will be a new kiosk, two state of the art fiberglass tanks to replace the existing 4 tanks, there will be an oversized drive aisle in front of the Dunkin to allow for proper circulation. They propose to install a six foot wide sidewalk that will wrap around the building. The drive thru will have two 10 foot wide lanes with two menu boards, we may choose to offer a mobile bypass in lieu of the second menu board which will result in a lower queuing time. The sound on the menu board is adjustable, there will be a lot of landscape buffering and an 8 foot fence along the residential property line that will buffer the menu board sound, all sound decibels will comply with state standards. The landscaping proposed will be significant, they will be adding trees, shrubs and low bushes.

Mr. Henry stated the proposal will require some bulk variances and an impervious coverage variance. The existing impervious coverage is 65.8%, the new layout will increase the coverage to 76.6% and the ordinance allows a maximum of 75%. Mr. Henry advised the board if they eliminate the wrap around sidewalk the impervious coverage will be reduced to 73%, which will comply with ordinance standards. A variance will be required for the 10 x 55 loading area, deliveries by box trucks will be early in the morning and there will be a weekly delivery via a WB-50 truck during off hours which will not conflict with the gas deliveries that happen 2-3 times a week. The trash enclosure will require a bulk variance from the front yard and side yard setbacks, the enclosure is located in the northeast corner and scheduled pickup will be 2- 3 times a week during off peak hours. The gas generator will be located in masonry covered trash enclosure and the fence adjacent to the residential area will be 8 feet high and will require a bulk variance.

The Dunkin will operate 5:00am to 11:00pm but the applicant is asking for flexibility to open 24 hours, the gas operation is open 24 hours. The Dunkin will have 5 employees on peak hours and 2 on off peak hours, the gas station employs 1-2 employees.

Mr. Henry described the onsite lighting the new lighting will be downward facing with shoebox fixtures. There will be twelve LED lights under the canopy mounted at a height of 15.5 feet, a waiver will be required. There will be a 0 foot candle on the residential side, the will need a waiver for the driveway foot candle spillage at the front of the property facing West Main Street. Mr. Henry went through the landscape plan (exhibit A-18), the landscape plan shows a significant upgrade in landscaping and buffering. In regard to the storm water the applicant will comply with the Board Engineer's comments and all storm water runoff requirements.

Mr. Henry discussed the architectural plan (exhibit A-6), the building will be a total of 1,050 sf with 290 SF of patron space, 1 bathroom, donut maker, a small area for patrons with no seats. The elevation (exhibit A-35) is a colonial design and fits in with the Victorian style design, which was presented to the Town Historic Commission who reacted favorable. Mr. Henry stated the applicant will eliminate the proposed Dunkin signage on the side of the building, there will just be one externally illuminated sign on the front of the building. The site sign (exhibit A-28) will be reduced to 36 SF which will include 4 x 4 shell sign, a 2 x 4 Dunkin sign, and the price points will be under that. The sign will be located in the

corner and due to the historic nature of Clinton has been significantly reduced in size, a variance will be required for the internally illuminated sign. The canopy that is onsite today has 4 signs on each sides, the new canopy will not include any signage and has been upgraded to a decorative canopy.

Mr. Henry concluded the new fuels tanks, canopy, sidewalks, signage and landscaping bring a dramatic improvement to the site and the aesthetic improvements fit in with the character of the Town of Clinton.

Mr. Clerico inquired if the reduction in tanks will reduce the storage volume on site; Mr. Henry responded the two tanks will have a 20,000 gallon capacity so it will be equivalent to the four tanks that held 10,000 gallons.

Mr. John Daniels, Fire Marshal was sworn in, he inquired if the fence would have a gate to access the adjoining residential property if a fire emergency arose and also inquired if the proposed generator would be natural gas, Mr. Henry stated the fence will have the access gate and the gas generator will pull off the existing onsite utilities and utilize the meter on the side of the building.

Public Questions for Mr. Henry:

Ms. Jennifer Feldman, 68 West Main Street had the following questions menu board lighting, the noise generating from the menu board, deliveries on site. Mr. Henry replied the menu board will be illuminated, the sound levels coming from the menu board can be adjusted they will comply with state requirements of 50 decibels between 10pm- 7:00am and 65 decibels during the day, the board will be angled towards the 8 foot fence and the area will have a significant 15 foot tree buffer, the menu board will not be visible to the street. In regard to deliveries the daily box truck delivery is expected a half hour before opening around 4:30am, the delivery will be approximately 140 feet away from the residential lot line to minimize impact. Mr. Henry advised the board they would change the Dunkin to close at 11:00pm rather than 24 hours.

Mr. Paul Arnold, 28 Hillside Drive questioned the location of tanks underground and the approach route for the tankers, Mr. Henry responded the tanks will be relocated 40 feet to the west and he went through Exhibit A-29 which shows the tanker circulation for onsite fueling.

Mr. Daniels, Fire Marshal inquired if the gas meter would have vehicle impact protection, Mr. Henry stated bollards can be added.

Ms. Jennifer Feldmann, 68 West Main Street asked for clarification on the existing tank conditions, Mr. Henry stated the existing tanks are not double walled, it makes sense to replace them with double walled fiberglass tanks as a proactive measure to avoid any issues that may arise in the future.

Mr. Ryan Smerillo, 70 West Main Street inquired about signage and whether directional signs would be added to avoid traffic from making a right onto West Main Street coming off Route 78 instead of going street thought the lights into the site, Mr. Henry we can add some directional signs but would need to talk to the DOT regarding signs coming off the highway.

Mr. Henry said in regard to the sidewalk wrapping around the building if there were safety concerns they would eliminate the sidewalk, Mayor Kovach stated she had a conversation with the Chief of Police and his initial concerns where with adding the appropriate signage, adding cameras, and screening the area Mr. Henry stated they would take the appropriate measures to make the area is very visible by adding cameras and signage.

No further questions for Mr. Henry public portion closed.

Mr. Nick Verderese, Traffic Engineer gave a brief overview of traffic. The traffic study (exhibit A10) which identify existing conditions in 2014 and new traffic conditions were taken in February 2020 in pre-covid times. The peak hours of traffic are mornings, late afternoons and Saturday. The counts included the intersection, and vehicles entering and exiting the site. The majority of vehicles on site are already passing by the site and are not new to the area, the morning traffic into the site is the lightest versus the evening and Saturdays the highest impact to Dunkin is in the morning adding 40 new customers at this time will not have a big impact as compared to the evening or Saturday peak hours. In

addition when adding an additional use you get a sharing of trips onsite people pulling in for gas can get coffee which reduces the trips in the area due to the shared service, which is positive and works very well. The new driveway openings received approval from DOT, the redesigned driveway provides a smaller radius, the other driveway off Route 173 is generally the same with the 30 plus foot wide opening which works for the fuel delivery trucks. Mr. Verderese stated per comments received we can enhance the safety for pedestrians along the roadway by modifying the pavers to the asphalt to offer a color change so it defines the area, improve the curb ramps, install high visibility crosswalks similar to the Clinton House crosswalks and add some signage such as yield to pedestrians for the motorists at both driveways. We can also add stop bars and centerline stripes to line up the exiting vehicles, Mr. Verderese stated we can work with the Board Engineer on the specific design.

Mr. Verderese went through exhibit A 37 the 12 vehicles stacked in the drive thru lanes has no impact to onsite circulation, Dunkin did a study on queuing vehicles and the conclusion of the study is that the drive thru generally get backed up because there is a problem with the menu boards by offering two menu boards should make the ordering process move quicker and moves people through quicker.

Mr. Henry stated there were some changes due to Mr. Clerico's comments (exhibit A-37) they shifted the canopy back away from the property line so they can incorporate 10 more feet of additional stripping which will improve the setback variance from 8 feet to 26.7 feet, Mr. Henry stated either design will work well for the site. Mr. Verderese commented that this new design (exhibit A-37) was preferred is enables vehicles to exit the site easier because it opens up the width at the south side canopy.

Mr. Verderese stated in regard to parking the ordinance requires 1 space per 50 square feet which equates to 5 spaces, we anticipate at peak hours 7 spaces to be used and since we have 10 spaces we can always remove a space to reduce the impervious coverage.

Mr. Jim Smith, questioned the traffic exiting out on West Main Street at peak times in the morning, Mr. Verderese stated the proposed exit driveway will be improved so that vehicles can exit out much easier.

Mr. Clerico questioned if vehicles coming in from the westerly driveway can turn into the queuing lane, Mr. Henry replied he is confident they can turn into the driveway and enter the drive thru lanes. Mr. Clerico questioned if the cars at the fuel pump had the potential to encroach in the 30 foot wide aisle, Mr. Henry stated is possible to encroach 2-3 feet into the aisle.

Chairman Sailer he would like to hold off on further questions and hear the testimony of the planner.

Mr. John McDonough stated the applicant has meet his burden of proof, the service use has been in use for decades and the site has outlived its life the proposal will modernize and upgrade the site. The zone caters to bypass traffic in the C-3 zone, the build out will open up the site and bring a visual upgrade to the area. The existing conditions are outdated, the coffee shop is a perfect companion and is a permitted use in the zone, the proposal offers a nice green belt around the property with the type of landscaping proposed, the site will get a nice fresh clean look. The applicant is looking for modest relief, the positive aspects of the proposal outweigh any detriment and based on the evidence the board can move forward favorably on the application.

Due to the time frame Mr. Sailer stated all questions for the experts will be carried to the next meeting which will be held on Tuesday September 15, 2020 at 7:00pm

The application has been carried to September 15, 2020 at 7:00pm no further notice is required.

Mr. Feldmann rejoined the meeting

Board Discussion:

Mr. Sailer advised the board due to the application before the board we will need to meet on the following dates:

September 15, 2020 to continue the Shell

October 6, 13 and 20th to hear the A&P redevelopment preliminary and final site plan.

If any board member is not available if they can let the board secretary know right away so she can determine a quorum. The October 13, 2020 will be a special meeting therefore legal notice in the paper will be necessary.

Voucher approval:

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

All Ayes. Motion Carried.

There being no further business a Motion was made by Mr. Viotto, seconded by Ms. Dineen, to adjourn the meeting at 9:55pm.

Respectfully submitted,

Allison Witt
Land Use Board Administrator