



## **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 15, 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  
**Absent:** Ms. Van Weeren

#### **Approval of Minutes:**

A motion was made by Mr. Viotto, seconded by Mr. Smith, to approve the September 1, 2020 minutes

<b>All Ayes.</b>	<b>Motion Carried</b>
<b>Abstain:</b>	<b>Feldmann</b>

#### **Resolution to hire Zachary Kovach as the Land Use Zoom Moderator for the calendar year 2020:**

<b>All Ayes.</b>	<b>Motion Carried</b>
<b>Abstain:</b>	<b>Mayor Kovach</b>

**Completeness Review- Preliminary & Final Site Plan Application – Block 21 Lots 29, 30.01, 31, 32 & 33- Old 22 Urban Renewal Associates LLC- (A&P Redevelopment site):**

Mr. Clerico recommended the application be deemed complete with the requested waivers and temporary waivers outlined in his memo dated September 15, 2020:

Roll Call Vote:

Ayes: Mr. Sailer, Ms. Dineen, Mr. Feldmann, Mayor Kovach, Ms. Healy, Mr. Lubsen  
, Mr. Smith, Mr. Snider, Mr. Viotto

Nays:

**All Ayes. Motion Carried.**

The public hearing dates will be scheduled for October 6, October 13, and October 20.

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

**Continuation of Preliminary & Final Site Plan 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 and Angela Buonantuno stenographer were present.

The following exhibits were pre-marked:

- A38 NJ DOT LONI submission prepared dated 3-19-2020
- A39 NJ DOT acceptance letter dated 3-8-2020
- A40 Colored rendering of alternate site layout Exhibit 9-15-2020
- A41 Vehicle circulation tanker exhibit dated 9-15-2020
- A42 Architectural drawing prepared by Frank Truilo 9-2-2020
- A43 Alternate site layout addressing the Town’s Fire Marshal comments- 9-15-2020
- A44 Fire ladder circulation exhibit 9-15-2020

Attorney Turteltaub advised the board that based upon the comments and suggestions at the last meeting there have been some minor modification.

Mr. James Henry went over the alternate site layout changes. The drive aisle operating at the northerly property line will be 12 foot wide and will be a one way aisle, the canopy was shifted from a 19’3” setback to a 26’7” setback; they reduced the parking spaces from 10 to 9 which reduces the impervious coverage; added additional landscaping in front of the building, the radius in front of the building has improved and will provide better vehicle circulation in the front of the building; the gas meter shut off valve will be located behind the Dunkin; bollards have been added in front of the 4 parking spaces at the front of the building; two HVAC pads with a four foot vinyl fence will be added to the east side of the building; the patron space will be 229 SF; the fire truck circulation plan (exhibit A44) has been updated; they have added a Knox Box in front of the building; they will add a fire alarm system which will be coordinated with the Fire Department; the drive thru has been slightly modified by adding a guardrail wrapping around the building which narrowed the lane but increased the turning radius around the drive thru lane; they moved up the stop bar and added additional stripping. Mr. Henry stated the overall changes will have significant upgrades to the site which will offer an aesthetic impact to the Town of Clinton.

Mr. Smith inquired if directional signs can be added, Mr. Henry responded yes.

Mr. Daniels, Fire Marshal asked for clarification on the alarm system and the Knox Box location, Mr. Henry stated we will coordinate with your office.

Mr. Clerico inquired about the radius and if it was opened up to prevent blocking, Mr. Henry stated the driveway is 30 feet wide there is enough room for two- way circulation and by offering two menu boards it will speed up the process which will eliminate any stacking backup.

Ms. Dineen asked for confirmation on the concrete aprons and the asphalt to delineate the area for pedestrians, Mr. Nick Verderese stated they did not update the exhibit however as testified at the last hearing they will be adding an asphalt area, heavy stripping at the crosswalk to enhance the driveway area. Ms. Dineen as a member of the Economic Development Committee, inquired if the owner would add some Town of Clinton informational and directory signs on site and inside the Dunkin to inform highway transients that Clinton has a vibrant downtown with shopping and restaurants. Mr. Turteltaub stated he thought that was a good idea and would certainly work with the town.

Mr. Lubsen inquired about the number of tanks for regular & diesel, Mr. Henry stated there will be two tanks one will be split between diesel and regular gas.

Ms. Healy asked for clarification on sign lighting, Mr. Henry stated all signs will be externally illuminated with the exception of the price points and the menu boards. Mr. Kyle advised the applicant the ordinance does not address the internally lit menu boards, relief will need to be granted for the menu board signs.

A Motion was made to open the meeting to the public for questions:

Jennifer Feldmann, 68 West Main Street inquired about egress stacking when trying to exit onto West Main Street; the estimated increase of onsite traffic; the history of Dunkins' being place next to residential areas. Mr. Verderese stated they anticipate 1 vehicle stacking at the exit, possibly 2 at peak times, the lightest volume in the area is in the morning which is the peak time for Dunkin; the estimated increase in traffic will be during the morning approximately 30-40% will be associated with the shared service, at the peak hour we estimate 50 customers and on Saturdays this will drop to 10-20%; Mr. Verderese testified about two thirds of the Dunkins' that he has been involved with have been adjacent to residential areas.

Ian Callahan, 7 Spruce Run Road, inquired who would be responsible for the up keeping of the landscaping and inquired about pedestrian safety; Mr. Henry replied the landscaping will be the owner's responsibility and will be a condition of the approval; Mr. Verderese address the pedestrian safety concern he advised their previous testimony he stated they would be adding "yield to pedestrian" signage, changes will be made to the aprons, adding asphalt to delineate the driveway from the sidewalk, they will be adding large painted crosswalks similar to the Clinton House, the site will have a better circulation path than what exists today and an alternate sidewalk route that wraps around the building has been added.

Richard Meurer, 72-74 West Main Street, inquired about the height of the trees that will be planted adjacent to his property and if the gate will be accessible to his residents on his property, Mr. Henry stated the initial trees will be planted 6-7 feet tall and Mr. Turteltaub stated his client would not have a problem with access but the Fire Department would have to approve if they door could be left unlocked. Mr. Daniels stated the gate was for firefighters to gain access in an emergency, but he is not opposed to having it open to his residents.

There being no further questions the meeting was closed for public questions.

A motion was made to open up the meeting for public comments:

Mr. Rich Muerer 72-74 West Main Street was sworn in. Mr. Muerer stated he liked the project he felt it was a good project for Clinton and as an adjacent property the improvements were meeting his needs.

Ms. Jennifer Feldmann, 68 West Main Street was sworn in. Ms. Feldmann stated she appreciated the applicants efforts to be try to be a good neighbor but was concerned with adding the new use and the sound impact between 9:00pm-11:00pm. Ms. Feldmann commented the remainder of her concerns were minor, she felt this was a modern use that did not fit in with the historic district and did not care for the location of the "Welcome to Clinton" sign in front of a gas station.

No further comments the board closed the meeting for Public Comments.

Attorney Katie Razin went over the signage relief being requested, the applicant is installing 5 ground signs which include the price point sign, the "Welcome to Clinton" sign, 2 menu board signs and the menu preview board. The informational signs regarding Clinton can be worked out with the Economic Development Committee.

There being no further questions or comments a Motion was made by Mr. Smith, seconded by Mr. Viotto, to approve the Preliminary and Final Site Plan Application with conditions outlined in Mr. Clerico's report, Mr. Kyle's report and the agreed upon items that the applicant testified to,

**Roll Call Vote:**

Ayes: Mr. Sailer, Ms. Dineen, Mayor Kovach, Ms. Healy, Mr. Lubsen, Mr. Smith, Mr. Snider, Mr. Viotto  
Nays:

**8-0 Motion Passed**

Mr. Feldmann rejoined the meeting, the board professionals were excused at 8:35pm.

**Board Discussion:**

Mayor Kovach updated the board on the Bohnel Tavern and the water mains on West Main Street. Ms. Healy advised the board the Environmental Commission will be preparing a review report for 22 Urban Renewal Associates LLC and inquired who the letter should be addressed. The letter should be Addressed to the Land Use Board and copies to the applicant.

**Voucher List:**

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

**All Ayes.      Motion Passed**

There being no further business a Motion was made by Mr. Viotto, seconded by Ms. Dineen to adjourn the meeting at 8:50pm.

**All Ayes.      Motion Passed**

Respectfully submitted,

Allison Witt  
Land Use Board Secretary