



## **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 October 6, 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, Mr. Jim Kyle, and Mr. Michael Margulies were present

#### **ROLL CALL:**

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

**Absent:** Mr. Feldmann

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

A motion was made by Mayor Kovach seconded by, Ms. Dineen, to approve the September 15, 2020 minutes

**All Ayes.**

**Motion Carried**

#### **Resolution for 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.**

A Motion was made by Mr. Smith seconded by, Mr. Viotto, to approve the resolution with conditions

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

**Ayes:** Sailer, Dineen, Kovach, Healy, Lubsen, Smith, Viotto

**Nays:**

**All Ayes.**

**Motion passed.**

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

Attorney Kate Coffey from Day Pitney, Mr. Brett Skapinetz Engineer from Dynamic Engineering, Mr. Craig Peregoy, Traffic Engineer from Dynamic Traffic, Mr. Haley Donovan, Architect and applicant Geoff Long from Ingerman were present and sworn in.

The following items were pre-marked:

- A1 Preliminary & Final Site Plan Application
- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Clerk's Certified 200-foot list
- A4 Tax Certification dated 8-18-2020
- A5 Preliminary & Final Site plan prepared by Dynamic Engineering dated 8-13-2020-revised 9-22-2020
- A6 Architectural plans prepared by Haley Donovan dated 8-13-2020
- A7 Boundary & Topographic Survey prepared by Dynamic Survey LLC dated 9-27-2019
- A8 Stormwater Documentation prepared by Dynamic Engineering dated 8-2020
- A9- Environmental Impact Statement prepared by Dynamic Engineering dated 8-2020
- A10 Traffic Impact Study prepared by Dynamic Traffic dated 8-13-2020
- A11 Jurisdictional Wetland Evaluation letter dated 3-9-2020
- A12 Phase 1 Carbonate Rock Study prepared by Dynamic Earth dated 5-8-2020
- A13 NJDOT Major Access application prepared by Dynamic Traffic dated 9-2-2020
- A14 Updated architectural plans prepared by Haley Donovan revised 9-23-2020
- A15 Updated colored architectural plans prepared by Haley Donovan revised 9-23-2020
- A16 Underground Detention & Water Quality Profile prepared by Dynamic Engineering- 9-15-2020
- A17 Land Survey Title Prepared by Dynamic Survey LLC dated 7-6-2020 revised 9-22-2020
- A18 Clinton Fire Department response letter prepared by Dynamic Engineering dated 9-23-2020
- A19 Colored aerial map prepared by Dynamic Engineering dated 10-6-2020
- A20 Colored site plan rendering prepared by Dynamic Engineering dated 10-6-2020
- A21 Colored architectural renderings (4 Pages) prepared by Haley Donovan dated 8-13-2020
- A22 Colored architectural perspective (2 pages) prepared by Haley Donovan dated 11-27-2018
- B1 Robert Clerico, Van Cleef Engineering report dated 10-3-2020
- B2 James Kyle, Planner report dated 10-2-2020
- B3 J. Daniels. Fire Marshal review comments dated 9-9-2020
- B4 Town of Clinton Chief of Police report dated 9-30-2020
- B5 Town of Clinton Environmental Commission report- 9-18-2020
- B6 Town of Clinton Historic Commission report dated 9-28-2020
- B7 Town of Clinton Chief Kubinak report dated 9-30-2020
- B8 J. Daniels. Fire Marshal review revised comments dated 10-04-2020
- B9 M. Margulies Board Architect review letter dated 10-5-2020
- O1 Hunterdon County Planning Board Letter-Approval not to construct- dated 9-22-2020

Attorney Coffey gave the board an overview of the project. Old 22 Urban Renewal Associates LLC is the designated redeveloper for the site, which consists of Block 21 Lots 29, 30.01, 31, 32 & 33, the total lot size is approximately 5.64 acres and the site is subject to a redevelopment ordinance #20-16 which was adopted on August 12, 2020 by the Town Mayor & Council. The proposal is a mixed use development consisting of 6,005 square feet of retail space, 495 square feet of office space, and 120 multi-family residential units. The residential units are broken down as 65 one-bedroom, 50 two-bedroom and 5 three-bedroom, the 24 affordable unit breakdown will consist of 4 one-bedroom, 15 two-bedroom, 5 three-bedroom. The applicant is requesting a variance to permit two internally illuminated ground signs and changes include the addition of a loading area which now eliminates the need for a design waiver and the dumpster has been relocated which also eliminates the need for the setback variance. The site will include 180 parking spaces which complies with the redevelopment design regulations, however we are seeking a de Minimis exception from the NJ Residential Site Improvement standards (RSIS) which require 227 spaces.

Mr. Geoff Long, applicant gave the board some background history and an overview of the development. Mr. Long who is with Ingerman is the developer, contractor and owner of the site they have multiple projects throughout the state and this project will be the fifth development in Hunterdon County. The proposal is part of the Town of Clintons' Fair Share obligation, the mix use will include retail, office and residential. The retail space is not secured but they are leaning towards a grab and go food establishment, a yoga studio and a possible micro-brewery, we can accommodate up to five retail spaces but there is a possibility we combine some of the spaces together. Mr. Long stated they have been working with the town for the last two years, we have met with the Governing Body, the town professionals, committees of the town, held town meeting and listened to public's comments and concerns the whole process has been a collaborate process. Mr. Long stated we feel we now have a much better development than what we started with. The developer is a long term owner operator we are not looking to flip the project, we own, develop and manage our properties we invest in the community and intend to stay for the long term. Once the project is complete we will have our own in house property maintenance managers to operate the daily activities, the historic house on Lot 29 will remain and be utilized as a management operation. Mr. Long advised the board the trash is handled internally they do not anticipate a lot of overflow in the dumpster, the trash pickup will be by a private hauler twice a week, trash management is an important part of keeping the property up to snuff. In regard to the timeline we are hoping to start in early 2021, it takes about 16 months from start to finish which will take us into 2023 to be fully leased and operational.

The meeting was open to the public for questions and there were no public questions at this time.

Mr. Brett Skapinetz, PE, Dynamic Engineering went over the proposed site and some of the exhibits with the board.

Exhibit A-7 -Survey shows the existing site conditions, the existing A&P building is located in the back of the site and the parking is in front of the site, the site has five access points, and the runoff flows to Route 173.

Exhibit A19- Colored aerial map shows the subject site and the surrounding uses. To the east is the Napa auto parts store, across the street is the First Aid and Rescue, bagel shop, and Bank of America, to the west are retail units and the northern area border the residential homes along center Street.

Exhibit A20-Colored rendering of site plan shows the proposed site in relation to landscaping, paving, building layout, sidewalks and parking.

Mr. Skapinetz, stated the applicant is proposing a four-story building with 120 residential units, 6,500 square feet of non-residential space in the southwest corner and the remaining 495 square feet will contain office space inside the building. The driveway to the east of Napa will be an emergency access driveway, the driveway west of Napa will be the full service driveway with a two way drive aisle. On the westerly end of the site there will also be another emergency access, the driveway design has been submitted to New Jersey Department of Transportation (DOT) and is under review. The site will include pedestrian sidewalks along route 173 and surrounding the entire building. The property has been designed to meet the flood hazard and storm water regulations, we are not permitted to add more fill in the flood areas, the design will meet net fill requirements. The hillside in the rear will be regraded to blend into the rest of the hillside and landscaping will be added. The stormwater around the building and the hillside will be collected through pipes and inlets, new leaders will be placed around the building and the water run will be off the west side of the site to an underground storm system, the design meets the town and state requirements and will dramatically improve the drainage conditions. The water lines will be upgraded they will be upgraded to a 12" main that will extend from the fire house east to the site, the 12" line will loop into an 8" line around the building the 8' line will then tie into the existing 6" line which will provide adequate water flow. In regard to other utilities they will connect into the sewer system and electric and gas will be provided.

Mr. Skapinetz went through the details of lighting, landscaping, signage and emergency access. The site will have new fixtures to illuminate the parking area, there will be a total of 29 fixtures placed throughout the site, the lights will be shielded to minimize light spillage the lighting will comply with the town regulations. The site improvements will include new landscaping and the existing vegetation on the hillside will remain. Mr. Skapinetz advised the board we worked with the neighbors to come up with a satisfactory landscaping plan with includes evergreen and subsidiary trees that will line the hillside. They have also incorporated landscape islands, foundation plantings around the building and a buffer along Route 173 to enhance the streetscape. The site signage will include a twenty four square foot monument sign to the west of the driveway and a second ground sign by the water feature, the sign lettering will be back lit which will create a halo effect. A variance will be required for the second ground sign and the lighting. The site will include an emergency access behind Napa they are working with NJ DOT to meet their regulations regarding access and will coordinate the design details with Emergency services.

Mr. Viotto, inquired if one driveway was enough to handle the flow, Mr. Skapinetz replied he felt it was adequate, we still need to get approval from NJ DOT and if necessary could look into utilizing the emergency access.

Mr. Kyle inquired about the loading area, Mr. Skapinetz stated the parallel 10 x 50 loading space is located up front close to the retail and residential entrance.

Ms. Dineen inquired about the fire access by Napa, Mr. Skapinetz stated we have an easement we are just working out the details to modify the easement language.

Ms. Healy inquired about walkability access for school age children, Mr. Skapinetz replied we are adding sidewalks along the site frontage. Mayor Kovach also added the Road Committee is looking at this area in regard to the walkability issues.

Mr. Daniels, Fire Marshal, requested the applicant add a fire hydrant along the new 12" extension as an offsite improvement, Mayor Kovach commented that this might be an improvement the town is looking into and suggested Mr. Daniels contact Mr. Phelan.

The meeting was opened up to the public:

Chat question from Mr. Thompson who inquired about the affordable unit breakdown; Mr. Kyle stated per state regulations 50 % will be low and 50% will be moderate income and out of that 13% will be very low income households, which is 30% or less of medium income for the county.

Mr. Jason Helper, 7 Mitchel Lane, inquired about pedestrian access to the sidewalk, Mr. Skapinetz stated they are providing pedestrian access.

Mr. Jeff Berg, 102 Center Street, inquired if they would be using the existing utility pole on the northwest corner, Mr. Skapinetz replied that they are still working on the utility details but he believes new service will be provided from the street they are waiting for JCPL to provide the details.

Mr. Randal Dahme, owner of Clinton Laundromat on Route 173, inquired about the use of the house in the back, Mr. Long commented that they will utilize this space as a regional management office.

Mr. Thompson, 130 Center Street, inquired if the trees along Route 173 will conflict with the site signage, Mr. Skapinetz stated there will be a single row of trees which will not interfere with sign visibility.

Attorney Coffey asked Mr. Skapinetz to go over the board's professional reports.

Mr. Clerico's report dated October 3, 2020 (exhibit B1) - General site issues they are working with NJ DOT, they are no longer seeking a design waiver for the loading area, and the parking spaces are compliant with the redevelopment design standards. Phase I of the Geo -Technical study was completed and filed with the board, the maintenance plan as requested under 5.5 will be provided.

Attorney Coffey stated they will comply with Mr. Clerico's comments. The pool and water details will be provided at the time of construction and they have no plans to seek any design waivers for the pool or water feature.

Mr. Jeff Berg, 102 Center Street, inquired about the onsite pool, Mr. Long stated the pool is for use by the residence, it will not be open 24 hours or year round.

Mr. Kyle's review letter dated October 2, 2020 (exhibit B2) - Mr. Skapinetz stated they have addressed item 2.8 by adding a loading area, section 3.6 they have relocated the trash enclosure and will now meet the setback requirement; 3.9.1 they will provide 100 square feet of planting area; 3.9.3A and 3.10 testimony has been provided and they acknowledge they will require a C-2 variance. Mr. Skapinetz stated the signage identifies the site the signs meet all the setback requirements and are smaller in size than what the ordinance allows, and he believes there will be no negative impact to the neighbors. The applicant agrees to comply with Mr. Kyle's items outlined in his report dated October 2, 2020. Mr. Kyle questioned the safety of the area around the electric vehicle parking area, Mr. Skapinetz agreed to include bollards for added safety.

Mr. Daniels report dated September 9, 2020 (exhibit B3) and updated October 4, 2020 (exhibit B8) the applicant will work with the Fire Marshal to come up with an acceptable plan.

Environmental Commission report dated 9-18-2020 (exhibit B5) - They will provide a landscape list, testimony was provided on stormwater, site lighting, and walkability concerns by adding a sidewalk.

Chief of Police report dated 9-30-2020 (exhibit B7) Testimony was previously provided on the sidewalks.

Ms. Healy inquired about the building illumination and the retail space signage, Mr. Skapinetz referred the question to the architect, Attorney Coffey added they do intend to comply with the town sign standards.

Mr. Craig Perego, Traffic Engineer with Dynamic Traffic went over the traffic and circulation plan. Mr. Perego advised the board an application has been submitted to the NJ DOT, we can explore the possibility of adding a second access but it will be up to DOT to approve. The traffic study determined that one driveway will work, this development will generate less traffic than the A&P supermarket traffic. The existing site has 4 driveways, this proposal cleans up the site by narrowing it down to one or possibly two driveways. The amount of parking spaces meet the redevelopment plan regulations however, we will require a de Minimis exception from the RSIS standard, however, we do feel the parking is adequate for the site. Mr. Perego stated they could look at adding a stop bar or stop sign per Mr. Clerico's comment under item 2.3 (b) but it will need to be approved by DOT. In regard to the Environmental Commission's suggestion to add a two lane exit, the traffic engineer feels from a capacity standpoint this is not necessary and will create more problems.

Mr. Smith inquired about snow removal, Mr. Long stating they partner with a local landscaping company for snow removal on heavy snow days it is part of the site maintenance.

Mr. Snider inquired when the project is fully occupied what is the percentage of commuters during peak times, Mr. Perego testified that during peak times the traffic count is between 30-33%, approximately 26 cars leaving to work and 30 returning over the course of an hour.

Mr. Daniels, Fire Marshal, stated if they add a second driveway the emergency fire access lane in the northwest area of the site may be eliminated, Mr. Skapinetz stated they will investigate further if needed.

The board opened up the meeting for question to the public:

Mr. Prakopcyk, nonresident of Clinton had several questions regarding loading requirements, retail space, traffic study counts and the link service. Mr. Long stated previous testimony indicated they will be providing a loading area, the retail space is not secure but the plans are to provide a yoga studio, a grab and go food service and possible micro-brewery. Mr. Perego testified the traffic study count was

adjusted for the pandemic and during pre-covid times the study indicates there will be less traffic than what the A&P generated, the access points are at a level B. Mayor Kovach advised Mr. Parkopcyk that the link currently has several stops in Clinton and believes this will be added to their existing route.

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

**Due to the timeframe the meeting will be carried to October 13, 2020 at 7:00pm, all witnesses will return.**

**Voucher Approval:**

A Motion was made by Mr. Viotto, seconded by Mr. Smith, to approve the voucher list

All Ayes. Motion Carried.

**Adjournment:**

A Motion was made by Mr. Viotto, seconded by Mayor Kovach to adjourn the meeting at 10:05pm.

Respectfully submitted,

Allison Witt  
Land Use Administrator