



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 July 7, 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. 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 Jim Kyle were present.

ROLL CALL:

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

Approval of Minutes:

A motion was made by Mr. Viotto, seconded by Ms. Healy, to approve the March 3, 2020 minutes

All Ayes.

Abstain:

Motion Carried

Dineen, Kovach, Van Weeren

Mr. Feldmann per the MLUL recused himself from the completeness review for 82 West Clinton LLC.

Site Plan Committee- Completeness review 82 West Clinton LLC- Block 6 Lot 1.01

Mr. Clerico advised the board his completeness report dated June 30, 2020 outline the completeness review of the checklist items submitted. Mr. Clerico recommends the board grant permanent waivers for checklist items O-3, T, V, W, 11a 11b, 11c & 26; temporary waivers for the purpose of completeness for checklist items 20, 22, 27c, & 46; and determine waivers are not required for checklist items M & Y.

A Motion was made by Mr. Smith, seconded by Mr. Viotto, to deem the application as submitted complete with the permanent waiver and temporary waiver requests granted:

Roll Call Vote:

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

Nays:

All Ayes. Motion Carried

Public hearing date to be determined.

Ms. Dineen per the MLUL recused herself from the Final Subdivision application; Mr. Feldman rejoined the meeting

Final Subdivision application for Latino- Blok 23 Lot 6.02 & 6.03- Riverside Drive:

Attorney Jay Thatcher, Mr. Eric Tomczak, PE and Sal Latino, applicant were present and sworn in.

The following items were submitted into evidence:

- A1 Application package
- A2 Tax Certification dated May 7, 2020
- A3 Final Subdivision Plan prepared by James J. Mantz dated December 15, 2006 revised 1/29/2020
- A4 Cover letter to Hunterdon County Planning Board dated April 3, 2020

- B1 Robert Clerico, Van Cleef Engineering report dated May 29, 2020
- B2 Tax Assessor Certification of Assigned Block and Lots

- O1 Hunterdon County Planning Board approval July 6, 2020

Mr. Clerico went through his report dated May 29, 2020. He advised the board this application is over thirteen years old the report is a recap of the original conditions of approval and comments on the new Final Plan Submission. Mr. Clerico advised the board Riverside was recently resurfaced by the Town and under the guidelines there is a 5 year moratorium on any disturbance on the pavement, the board should make this a condition of their approval unless the applicant is able to seek permission from the Governing Body to waive the five year hold. Mr. Clerico advised the board the conditions outlined in his report have been addressed however he would ask the applicant provide testimony on the type of proposed dwelling, DEP approval, and the drainage.

Mr. Latino indicated the prior discussion during the preliminary approval indicated the proposed two-family dwelling would be an over/under dwelling there was consideration of changing the style to a side by side duplex however, at this time he plans to move forward with the over/under style. Mr. Latino indicated if he decided to change the style to a side by side he would be willing to come back to the board. Attorney Razin stated that as long as the dwelling did not significantly impact the site in regard to the utility layout or a change in building envelope that would require a variance the subdivision did not require site plan approval. Mr. Latino added there was a condition from the prior planner Mr. Hintz that the garages were not allowed to protrude out ("snout house"), Mr. Latino agreed to the condition of approval.

Mr. Latino advised the board he has been issued a NJ DEP permit valid until October 27, 2023 and as part of the approval Mr. Latino was required to plant 24 mature trees which was completed and approved by the DEP. In addition, the condition of approval also required the replacement of any dead trees within 3 years of planting.

Mr. Clerico advised the board as part of the prior approval the Board waived the need for the applicant to install sidewalks on the north side of Riverside in lieu of installation the applicant would contribute money to the town for the value of the unconstructed sidewalks, a note has been added to the plan noting this obligation.

Mr. Eric Tomczak, PE gave testimony in regard to the drainage calculations. Mr. Tomczak stated in order to grade the lot above the flood elevation it created a low spot in a section of the rear and a section of the side on both lots. In order to get the runoff needed they had to connect to the existing drainage which was a little undersized, the ponding will create a depth of 7" which will be 2 feet below the finished grade of the garage. The storm drains will connect to the town piping system and then drain into the Beaver Brook. As a condition of DEP approval language was added to the deed so that the purchasers of the lots will be aware of the condition. Ms. Healy inquired about the safety impacts to the homeowners, Mr. Tomczak replied the water is in the back of the lot and will not impact the vehicle or pedestrian traffic. Mr. Feldmann asked for clarification on the low areas, Mr. Tomczak replied the low area on lot 6.02 is in the middle of the rear of the lot and on 6.03 it is more towards the front on the westerly side, which will not impede the driveway or structure. The elevation of the slab is 1.91 and the first floor elevation is 192.3 Mr. Tomczak stated the 10 year storm calculates to 6" of runoff over a 20 minute time interval based on rainfall intensity. Mr. Latino added he was granted unconditional approval from the Hunterdon County Planning Board when they reviewed the project they were satisfied the runoff would have net zero impact.

There being no comments from the public and no further questions from the board a Motion was made by Mr. Feldmann, seconded by Ms. Healy, to approved the final subdivision:

Roll Call Vote:

Ayes; Sailer, Healy, Feldmann, Smith, Snider, Viotto, Lubsen, Van Weeren

Nays:

All Ayes. Motion Carried.

Mr. Clerico was excused and Ms. Dineen rejoined the meeting.

Board Discussion:

Mr. Kyle prepared a draft Redevelopment Plan for the Global Agway and Fox Lumber site. Mr. Kyle advised the board the Governing Body is going to introduce the plan as a redevelopment ordinance on July 22 and he wanted the board to review and comment on the plan before the ordinance takes effect. The agreement between the Moebus developers CM34 and the Agway Developers CDP was that CM34's affordable housing would be built by CDP on the music hall lot. The draft redevelopment proposal includes the affordable housing which will be a mix of single story standalone structures which will be used as group homes. The plan outlines the objectives, the mix of uses permitted, the overall bulk standards. Mr. Kyle added into the plan some language about keeping in with the historic design. The traffic will be have to be worked out between the developer and the DOT they may have to eliminate the driveway on one side and perhaps some parking spaces on West Main Street. Ms. Healey stated the plan has different heights for each building type and inquired if the heights could be streamlined, Mr. Kyle stated because each building type is a different style of building and potentially will be placed on different lots the suggested design will create less impervious coverage if they decide to subdivide the property. Mr. Kyle asked the board if they had any comments if they can forward them to him as soon as possible.

There being no further business a Motion was made by Mr. Viotto, seconded by Ms. Healy, to adjourn the meeting at 9:10pm.

Respectfully submitted,

Allison Witt
Land Use Administrator