



TOWN OF CLINTON
INCORPORATED APRIL 5, 1865
43 Leigh St., P.O. Box 5194
Clinton, NJ 08809-5194
TEL: (908) 735-2275 FAX: (908) 735-8082

Land Use Board Minutes

Minutes of the Town of Clinton Land Use Board meeting held on February 2, 2021 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 your name and address to be recognized for comment. Any individual giving sworn testimony, including members of the public making comments, shall appear by video. Members of the Public we ask that you keep your device muted and your Video turned off until called upon by the Chairman. In addition, the Board also has the capability of using the mute feature if necessary.

Attorney Razin, Mr. Clerico and Mr. Kyle were present

ROLL CALL:

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

Approval of Minutes:

A motion was made by Mr. Viotto, seconded by Mr. Smith, to approve the January 19, 2021 minutes

All Ayes. Motion Carried

Application for Clinton House Block 6 Lot 27- 2 West Main Street Use Variance, Preliminary & Final Site Plan

Approval:

Attorney Anthony Koester, Mr. Wayne Ingram, Engineer and Planner from ELP, Mr. Morris Clarke, Architect from DAS Architect Inc., William Campbell, Project Manager from DAS Architect Inc. and Nick Gialias, applicant were present and sworn in.

The following items were submitted into evidence:

- A1 Preliminary & Final Site Plan Application
- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Clerk's certified 200-foot list dated 10-21-2020
- A4 Tax Certification dated 11/10/2020
- A5 Preliminary & Final Site Plan prepared by Engineering Land Planning dated 1-19-2021 revised 1-21-2021
- A6 Architectural plans prepared by DAS Architects Inc. dated 12-10-2020
- A7 Carbonate Rock District Report dated 1-19-2021
- A8 Parking Exhibit prepared by ELP
- A9 Copy of Hunterdon County Planning Board application
- A10 Architect rendering second floor prepared by DAS Architects Inc. dated 12-10-2020
- A11 Architect Elevation prepared by DAS Architects Inc. dated 12-10-2020
- A12 Architect perspective prepared by DAS Architects Inc. dated 1-22-2021
- B1 Robert Clerico, Van Cleef Engineering report dated 1-31-2021
- B2 James Kyle, report dated 1-28-2021
- B3 J. Daniels. Fire Marshal review comments dated 1-25-2021
- B4 Chief Kubinak Review report dated 12-16-2020
- B5 Historic Commission review dated 12-15-2021

Attorney Koester gave the board a brief summary of the project. The Clinton House is located in the C-1 zone on 6.26 acres, the owner is looking to renovate and add an addition to adapt to the pandemic circumstance. The applicant is seeking a D-4 FAR variance where 87% is permitted and 89.53% is proposed, C-1 variance for dumpster location, C-1 for not providing a loading space, C-1 for parking and a design waiver for the overhead electrical lines.

Mr. Gialias, owner advised the board the Clinton House is a family owned business since 1995, in March 2019 he purchased 50% of the business from his father the remaining 50% is owned by his mother. The current operation is a full service food and beverage restaurant with dine in service and this year due to the circumstances, they expanded service to outside dining. Mr. Gialias advised the board they are looking to add an addition which will include dining on the second floor. The space will be designed to be as safe as possible which includes spacing the tables, adding adequate air flow, HVAC and ventilation, we are looking to create the best possible environment. The existing second and third floor of the current building is unoccupied, they received a use variance to operate hotel rooms and a conference center but they have no plans to move forward with the prior use variance approval and will waive the rights to the variance. The existing space is not conducive to creating a safe environment and rather than retrofitting the historic building it will be more appropriate to add an addition onto the existing building. The first floor addition will be used for storage space and receiving deliveries, the second floor will be used for the additional dining room, there are no plans to use the flat roof except for the mechanical system. Mr. Gialias stated the addition would help us to adapt to different situations, the current set up does not allow us to get up to a 50% occupancy, we are looking to keep a distance from each table in the future the expansion would allow this safe setup with the comfort of our guests. The deliveries will remain the same, the vast majority of delivery trucks park at the end of the sidewalk in front of the building, they use box trucks and the deliveries are early in the morning and late in the afternoon during non-peak restaurant hours. The current dumpster location is not ideal due to the elevation change and the angle, they are looking to relocate the dumpster to the triangle lot across the street, which is easier to conceal, the dumpster will have an enclosure and they are willing to incorporate Mr. Kyle's landscaping suggestions around the enclosure to make it looks as nice as possible. The dumpster size will remain the same they will load totes with the garbage and bring the garbage to the dumpster area at the end of the night. The café will have a take- out window for take- out meals and bakery goods. In the future Mr. Gialias stated the long term goal is to do a complete historical restore which will take place over different phases.

No members of the public were present for questions or comments.

Mr. William Campbell, Project Manager and Mr. Morris Clarke, Architect from DAS Architect Inc. went over the architectural details with the board. The new addition will compliment the existing architecture, the roof lines on the addition have been lowered, ornamental moldings, lattice work, lap siding will be added they will continue the porch lines and add an ADA ramp in front of the secondary entrance, they will use the same porch railings going across the front. Some of the existing interior space will be reconfigured and an elevator will be added to access the second floor. The main entrance will remain and a secondary entrance will be added for those who want to access the second floor only

without going through the main entrance. The second floor additional dining area will also include bathrooms, elevator access and large windows will give the occupants a view of the river and town. The side elevation will have some stone, ornamental corniches and decorative railings. Mr. Campbell addressed Mr. Daniels letter dated January 25, 2021, they plan to do the fire separation, adapt the sprinklers in the addition, alarms will be added, a Knox Box which will be designed during the construction phase. There are no plans to add a solar roof, the occupant load will be determined at the time of construction, there will be a ladder at the back of the building to access the flat roof, and the roof will house the mechanical equipment. Mr. Campbell advised the board they will work with Mr. Daniels at the time of construction. The access to the first floor addition will be open, Ms. Healy stated is concerned with the safety of leaving the space open, Mr. Clarke stated they can add a double panel door with a lock as a condition of approval. Mr. Clerico inquired about the new ADA ramp, Mr. Clarke stated the new ramp will work, but he will defer the question to the Engineer. Mr. Clerico inquired if equipment could access the rear of the property and suggested they might want to relocate the wall if necessary. Mr. Kyle inquired about item # 7 of Mr. Daniels report, Mr. Clarke responded the size of the elevator pad will meet code requirements under IBC.

No Members of the public were present for questions or comments.

Mr. Wayne Ingram, Engineer and Planner from ELP. went over the site conditions and the proposed changes. The new dumpster location will be fully enclosed, the doors of the enclosure will open up into the parking space, and the trash pickup will be during off peak times so we do not anticipate any issues with trash pickup. The current loading area is not being utilized due to the elevation, currently delivery trucks park at the end of the curbing, we are not proposing any changes. In response to Mr. Daniels suggestion relocating the dumpster is not practical, the suggested location will have the same issues that exist now with the elevation and drainage and the garbage truck would have to swing in which would be more disruptive. The area for the proposed location is wide enough that a vehicle could get through while trash is being picked up. Mr. Ingram stated he does not believe there will be an infringement for fire access due to the fact the dumpster has been relocated away from the building and the area is now more open. The area Mr. Daniels is suggesting is more visible we believe our location will not affect access to the site, the proposed location is hidden out of view from visitors, Mr. Ingram stated he would reach out to Mr. Daniels.

Mr. Ingram stated they will comply with Mr. Kyle's suggestions to add landscape screening around the trash enclosure and the trash container will be anchored. The site is just outside of the flood plain therefore, no DEP permits will be required. The ADA ramp is at 40% we do not anticipate any accessibility issues but if needed we have the room to make the ramp steeper, we will provide additional ramp details to Mr. Clerico for his review. Mr. Ingram stated they will provide the modifications per Mr. Clerico's letter and are amenable to making the requested changes.

Mr. Ingram advised the board the parking is adequate for the site, the addition will spread people out not necessarily add an increase in parking demand. The required parking is 93 spaces Clinton house has access to 141 spaces, which exceeds the demand the facility needs. There are 23 public spaces. 4 private spaces across from the right of way, 34 spaces in a lot which is controlled by the applicant and 81 spaces at the Fox Lumber and Weichert site, the owner has long term standing agreements to utilize the lots for parking. The Fox Lumber and Weichert business do not have competing demands at the same time so shared parking works well. Mr. Gialias stated he did not have anything in writing the agreement has been long standing for many years. In addition, the owner has agreed to abandon his prior hotel and banquet room use variance which would have generated more of a parking demand. Mr. Smith inquired if they have book weddings or banquets, Mr. Gialias responded if we do these are pre-planned and we always notify our guests in advance of the off- site parking area. Mr. Snider was concerned when they start the construction process how the school kids would be rerouted since they use the sidewalk, Mr. Gialias responded we will certainly work with the town so it will not be an issue. Mr. Clerico questioned the actual number of parking space and Mr. Ingram stated he will look at the existing survey to confirm the exact number of parking spaces. Attorney Razin asked Mr. Gialias if he would agree to the offsite parking as being a condition of approval, Mr. Gialias stated he agreed.

Mr. Ingram advised the board they are looking for a D-4 variance for the 89.53% FAR, which is 440 square feet over the allowable FAR. The site can accommodate the increased FAR, much of the existing third floor is not used, if we were to eliminate the third floor that would be 30,935 square feet of unused space. In addition, the owner has abandoned their approval to utilize the existing second floor space, the addition will not utilize more space, and there will be no increase in intensity with the proposed addition. The owner is looking to provide seating options in a post-covid world. The site has adequate parking and the proposal will not have a substantial impact, there is no detriment to the community or neighboring properties. The additional FAR will not increase the intensity.

Mr. Ingram testified the C variances for parking, loading and trash can be granted without causing a detriment to the site. The loading zone does not function now and there will be no real change on how the site operates today, the proposal will not increase the parking demand. Mr. Ingram stated by granting the proposed addition there will be no impairment to the master plan or zoning ordinance.

No Members of the public were present for questions or comments.

A Motion was made by Mr. Lubsen, seconded by Mr. Smith, to approve the Preliminary and Final Site Plan for the proposed addition, with a 89.53% FAR Variance, C variances for parking; elimination of the loading area; dumpster location and a design waiver for the overhead electric lines, conditioned on compliance with Mr. Kyle and Mr. Clerico's report and the applicant to work out the dumpster location so it adheres to fire safety with Mr. Daniels.

Roll Call Vote:

Ayes: Mr. Sailer, Ms. Healy, Mr. Lubsen, Mr. Smith, Ms. Van Weeren, Mr. Viotto, Mr. Snider.

Nays: **7-0 Motion Passed.**

Voucher approval:

A Motion was made by Mr. Snider, seconded by Ms., Healy, to approve the vouchers:

All Ayes. Motion carried.

There being no further questions a Motion was made by Ms. Healy, seconded by Mr. Viotto, to adjourn the meeting at 8:51pm

All Ayes. Motion Carried

Respectfully submitted,

Allison Witt
Land Use Administrator