



**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 April 6, 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, Engineer Ms. McManus, Planner and Jack Daniels, Fire Marshal were present

### **ROLL CALL:**

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

**Absent:**

### **Approval of Minutes:**

A motion was made by Mr. Viotto, seconded by Mr. Smith, to approve the March 2, 2021 minutes

<b>All Ayes.</b>	<b>Motion Carried</b>
<b>Abstain:</b>	<b>Kovach, Dineen, VanWeeren</b>

**Public Hearing for Clinton Moebus 34 – "Clinton Commons"- Block 14 Lot 32- 65 ½ Center Street (property faces Route 31 South) Preliminary & Final Subdivision for 5 lot subdivision and Preliminary Site Plan Application. Mixed Use- commercial and residential- THIS MEETING HAS BEEN CARRIED AND WILL BE MOVED TO THE MAY 4, 2021 MEETING AT 7:00PM**

**Completeness Hearing for Block 11 Lot 20- 9-11 Route 22 Q&A Real Estate Development LLC (Deegan Roofing) - Variance and Waiver of Site Plan Application request.**

A Motion was made by Mr. Viotto, seconded by Mr. Smith, to deem the application complete with the waiver requests outlined in Mr. Clericos' completeness review letter dated March 26, 2021:

**Roll Call Vote:**

**Ayes:** Sailer, Healy, Kelly, Smith, Snider, Viotto, Kovach, Dineen, VanWeeren

**Nays:**

**Abstain:** Lubsen (due to conflict)

**Public hearing will be scheduled for May 4, 2021****Continuation of Public Hearing for Puleo International LLC Block 18 Lot 5- 13 Moebus Place (property fronts Route 31 North) - Use Variance, Preliminary & Final Site Plan Application.**

Attorney Kaczynski and Mr. John Chadwick Planner were present. Attorney Kaczynski stated this is a continuation of the hearing, we have concluded the testimony and questions for the applicant, Engineer, Traffic Engineer and Architect, tonight we will open up the meeting with Mr. John Chadwick the planner and then open for questions.

Mr. John Chadwick, advised the board he has reviewed all the reports, sections of the Town Ordinance, the Master Plan and the amendments to the Master Plan. Mr. Kyle's report dated February 20, 2021 lays out all the variance requests in detail. The site is located on Route 31 and has approvals for two office buildings, the approval has more parking than the proposed plan, the site is serviced with utilities and the proposal meets the criteria of suitability of the site. In terms of activity and use this is a non-residential use which is fundamental with the objectives outlined in the Master Plan. In comparison to the prior approval there has been extensive testimony from the Engineer and the Traffic Engineer that this proposal will have a fraction of traffic. This proposal advances the Municipal Land Use Law is compatible with the goals and objectives of the Master Plan and does not have a significant impact on the neighborhood, when measuring this use against the positive and the negative the traffic impact is vastly less than the prior approval. The truck traffic was discussed at length the traffic is seasonable, the trucks exit and enter off Route 31, and will not impact the neighborhood. In regard to the FAR Variance the building fits on the site and the setbacks proposed are more than double what is required. The applicant has redesigned the detention basin to enable the mature trees to remain on site and the applicant is willing to work with the Board Planning Consultant to satisfy the landscaping plan.

The C Variance requested is for the sign, the proposed sign will be a 150 square foot wall sign, the ordinance permits 100 square feet. The sign fits within the building piers and is in context with the building. The purpose of the sign is to identify the building, the sign will be indirectly lit and will be turned off from midnight to dawn. The sign is in scale with the building and there will be no negative detriment to grant the sign variance.

Under the D Variance we measure the impact of the use, the traffic impact will be vastly reduced, the use is appropriately located along a highway, the building is attractive and the applicant has clearly demonstrated he will cooperate with the municipality in regard to landscaping and lighting. The building separates the north neighborhood from noise and lights coming from the Route 31 and because of the topography of the site there will no impact to the neighborhood to the south, this use is far more compatible for this site.

Mr. Chadwick concluded his testimony, this project will have no substantial impact to the Town's Master Plan, the plan conforms with the bulk regulations, and the developer has modified the plans to address the concerns of the town and the township. This warehouse is a very unique operation, the particular use is very unique in terms of activity and traffic.

Beth McManus went through her planning report dated February 26, 2021; the applicant has agreed to address items 1-10 outlined on page 10 of the report.

Mr. Snider inquired about the current footprint in South Plainfield, Mr. Chadwick responded he was not aware of the current warehouse size but the testimony reflected they have outgrown that building.

Mr. Smith stated he found the planners testimony was very complete and he touched on many factors for consideration. Mr. Smith inquired in the variance relief if we should consider or limit the hours of operation, Attorney Razin stated it is appropriate to make conditions based on the applicants' testimony, any approval relates to the nature of the use and if there are expansions or significant changes the applicant would be required to come back before the board.

Mr. Daniels inquired about the status of the water line, Mr. Clerico stated he was not aware they had applied for the service yet; any action of this board would be subject to the water department review and approval.

The meeting was open to the public for questions for the Planner:

Jules Vallay, 55 Riverbend Road, Clinton Township, inquired if the 81% traffic reduction was consistent with the town ordinance and if a new tenant came in with the same requirements would they have to come back before the board. Mr. Chadwick responded the comparison was given for what is permitted for this zone under the ordinance and also the prior office building, and he would refer to the board for any conditions imposed.

Dan McTiernan, 32 Riverbend Road Clinton Township, asked if an office building to industrial use is a significant change, questioned the traffic report, and asked how he would define the building as attractive and if this was an appropriate location for the building. Mr. Chadwick stated the proposed use is a single use other permitted uses in this zone are retail and office this will be one use; the traffic report was a question for the traffic engineer and the look of the building was a question for the architect. The location is appropriate the site is larger than what is required, the building is in context with the site, there will be development screening provided around the site and the building will mitigate the impacts on your neighborhood.

Amy Macissac, 24 Riverbend Road Clinton Township, inquired why they need such a large space and if in the future if the building is used in a different capacity is there any requirement to come back to the board and if the water line would create extra stress on their neighborhood. Attorney Razin stated if the board voted in favor, they can restrict the uses. Mr. Chadwick responded the sewer and water resources for the office building was sustainably greater than the warehouse.

Tracie Ivie, 28 Georges Place Town of Clinton, asked why they need a sign variance, Mr. Chadwick explained how the sign fits within the building architecture, the scale and sign distance is more than a football field away from the homes across the highway, the difference between a 100 SF sign versus a 150 SF sign will not have a significant impact.

Nina Komoroski 6 Woods Edge Court Clinton Township, inquired if the environmental issues are being considered in regard to landscaping, noise, truck idling, Mr. Chadwick stated the site plan has been explained in length by the Engineer and the landscaping will conform to the Town Planners' requirements.

Mr. Dan McTiernan, 32 Riverbend Road Clinton Township, questioned the size of the building and the sign. Mr. Chadwick stated the building is in proportion with the site and the sign fits within the architectural columns on the building.

Mr. Chris Bettenhauser, 4 Woods Edge Court Clinton Township, asked what are the positives for the town and the township. Mr. Chadwick stated this is part of an economic base for the town, it will not include residential development, it promotes the major objectives in the Master Plan, this will produce opportunity for employment, traffic use will have less impact on the township neighborhood than other permitted uses and there is significant support to grant the D Variance.

Meeting was closed to the Public.

Mr. Chadwick outlined the permitted uses in the OB4 Zone; Office buildings; scientific and research laboratories; data processing facilities; medical and dental clinics and laboratories; nursery and child care centers' funeral homes; studios; hotels; restaurants, café and taverns and wireless telecommunications.

The goals and objective of the Master Plan and the ordinance have been met, this is an appropriate use for the site, fundamental planning is in place to secure safety, provides adequate light air and open space; promotes the establishment of appropriate population densities and preservation of the environment, provides sufficient space, incorporates the best design and layout of the site.

The meeting was reopened for cross examination, there were no further questions, meeting closed to the public for questions.

The Meeting was open to the public for comments:

Ester Riedinger, 8 Harvest Court Clinton Township- concerns with impediment on enjoyment, increase in traffic, safety concerns, does not want neighborhood turned into an industrial area.

Harry Deckman 2 Woods Edge Court Clinton Township- major concern that the fire assessment was inadequately addressed and suggested a restriction of inventory would be of value.

Chris Bettenhausen 4 Woods Edge Court Clinton Township- choose Clinton for its charm, he was advised this would be a soccer field, the proposal is a threat to our neighborhood, has safety concerns for his family, property market values will be lowered, noise pollution, a warehouse is not beneficial and asked the board not to approve the warehouse.

William Riedinger 8 Harvest Court Clinton Township- asked the town consider the township and see us as part of your community.

Kelly Boyd 93 Center Street Town of Clinton- urged the board to deny the request, felt this will open the door for other warehouse businesses, do not feel truck traffic is beneficial.

Amy Maciassac, 24 Riverbend Road Clinton Township- concerned with the unknown on the water lines, the traffic engineers testimony, noise pollution, the drop in property value and feels it is a shame it means nothing to the residence of Clinton, we do not feel supported.

No further comments meeting closed to the Public.

Attorney Razin advised the board if they decide to vote favorably on the application, they could impose conditions set by the applicant and professionals' testimony over the course of the hearing. Attorney Razin summarized some of the potential conditions that the board could consider:

All conditions agreed to in Mr. Clerico, Mr. Kyle and Mr. Daniels report; the truck deliveries in conjunction with the use shall reflect the timing schedule as described during the testimony and if there are any substantial changes to the trucking deliveries the applicant shall return to the board; no onsite storage of containers; any expansion of the size of the warehouse shall require further review and approval by the board; any change in use of the warehouse shall require further review and approval by the board; if the showroom is open for temporary sales the applicant shall obtain necessary approvals from the Town; the applicant shall work with the planner to develop and finalize a comprehensive landscape plan; the applicant shall add house shield clips to the northside lights; the lighting on the sign shall be indirectly lit, facing downward and turned off from evening to dusk; the applicant to add no right hand turn for truck traffic on Route 31 assuming the applicant can obtain NJ DOT approval; applicant to comply with all state and local noise codes; building height shall comply with the Town Ordinance; applicant shall provide the design of the standpipes for the office area at the time of the construction drawings to the Fire Marshal; applicant to install auto fire detection system; no outdoor storage; applicant shall address issues related to water line.

#### **Board Discussion:**

Mr. Smith stated after hearing the applicant he was inclined to approve the application, the law is peculiar suited for this use, the site has access to points north, south, east and west for distribution, the traffic will be distributed away from the town which is where we want to protect. I believe there will be minimal impact other permitted uses would have more of an impact, some could be much worse. I agree with the township residence about the lighting and they should shield the lights. In granting the variance the building will create less parking spaces and traffic, this is a sleepy use compared to the approved uses and the design of the building some effort was made to give it texture and clear windows. Mr. Smith indicated he was torn with the size of the sign.

Ms. Healy stated she was inclined to grant the use variance, this is a proper use of the property, uniquely satisfying the items we describe as important when considering future development. I was impressed with the applicant's professionals

with regard to consideration to the neighbors, they moved the retaining wall and basin which enabled them to keep the mature trees and maintain the natural beauty. The traffic concerns have been satisfied with the opportunity to add signage to prohibit truck traffic entering Moebus Place. The impact to the residence will be minimized, there will be a reduction in traffic as opposed to the original approval, this is a nice improvement to what the impact could have been. I am not inclined to approve the sign the sign should fit within the ordinance. I would like to have more structured language around substantial change of truck traffic and would suggest a 15% increase as a substantial change as a condition. Attorney Razin asked for clarification of the condition, Ms. Healy stated she would like to keep the 15% across the seasonality as described throughout the testimony this will help us lock down future uses or changes.

Mr. Bryan Lubsen commented as long as we limit truck traffic, we were told 6 months out of the year there will be no truck traffic, the trucks are limited to 4 months out of the year if this can be limited to seasonable traffic I am inclined to move forward. Mr. Lubsen asked for clarification on the sign light and the timeframe, Attorney Razin stated the lights would be off from evening to dawn he heard testimony the sign would be off from midnight to dawn. Mr. Lubsen stated he does not feel traffic will impact the neighborhood, I have heard and listened to the township residents and considered the prior approval where traffic would have utilized the neighborhood. I would like to make sure the warehouse stays seasonal and maintain the same intensity.

Mr. Neil Viotto stated he was inclined to improve the project based on the conditions. I believe there will be minimum traffic, the forty employees could utilize the town for lunch and other business which will be good for the town. The traffic impact will be mostly on Route 31 and not within the Town or Township. I think the sign should stay within the rules. I am in favor of this application

Mr. Ches Snider stated he was not inclined to approve, we keep talking about the alternatives, the alternatives to me like an Exxon research center would bring in significant paying jobs, the applicant mentions 40 employees this will not bring revenue to the town. I do not think this will contribute to a positive welfare for the town, do not feel the public will gain any welfare from this. The testimony regarding traffic was simplified, it will create additional traffic congestion, noise pollution and environmental pollution, I feel the residents will gain all the downside with no upside. I am concerned with the stipulations and asked how you monitor the business. Attorney Razin indicated that if conditions are set, we would hope the applicant complies and the zoning officer monitors all conditions of approval for continued compliance on all approved projects. Mr. Snider stated regardless of the conditions the warehouse is still there, the logistics is still there, this is not an appropriate location for this warehouse.

Mr. Brian Kelly stated he was inclined to vote yes, the architect and engineer made best efforts to shield the property from the neighbors, the lighting on the southern face has minimum impact on the Route 31 corridor. The design team made best efforts to minimize the lighting on the northside so it will have a minimal impact to the residents. The design team made their best efforts to design a clean aesthetics considering this is a warehouse. The Traffic Engineer made a solid case on his testimony how the trucks will enter and exited via route 31, and the fact that the traffic will be reduced from the prior office approval needs to be greatly considered, that coupled with the approval from NJ DOT makes a reasonable case for approval. I do agree we should quantify the truck traffic. The Town will be leaning on Mr. Puleo to keep truck traffic on Route 31. I understand introducing a warehouse property is concerning but by introducing a smaller seasonable family owned and operated company they are best suited to work with the Town of Clinton.

Chairman Sailer thanked the board and commented what could have been here could have been a monstrosity he felt this was a well- rounded project for everyone.

Attorney Kaczynski stated she had no objection to quantifying what is considered a substantial change but the 15% does not equal one truck and she would like to ask for 50% which gets us to 1-2 trucks additional, Ms. Kaczynski recapped the traffic 1-3 containers January-October per week and 3-4 trucks daily October – December. Ms. Healy stated that would give us up to 6 trucks maximum per day during season and stated she was okay with the 50% increase. There was a board discussion regarding the off season, mid season and peak season truck traffic. Mr. Lubsen stated he recalled there would be no truck traffic during the off season and was concerned that this may affect his outcome, Mr. Kelly stated his notes indicated that truck traffic would be almost non-existent during off season. Attorney Razin stated the testimony on record stands if there was no truck traffic during the off season January- June then the 50% condition would be zero. After a discussion it was decided before the resolution was drafted outlining the conditions Attorney Razin would listen to the tapes regarding the testimony on traffic. The board agree to limit the 50% increase across the seasons.

A Motion was made by Mr. Smith, seconded by Mr. Kelly, to approve the Use Variance, the FAR Variance and the exception subject to the conditions as stated in the testimony:

**Roll Call Vote**

Ayes: Sailer, Healy, Kelly, Smith, Lubsen, Viotto,

Nays: Snider

**Motion passed 6-1**

A Motion was made by Mr. Smith, seconded by Ms. Healy, to deny the sign variance:

**Roll Call Vote**

Ayes: Sailer, Healy, Kelly, Smith, Snider, Lubsen, Viotto,

Nays:

**Motion passed 7-0**

**Voucher approval:**

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

**All Ayes.**

**Motion Passed**

There being no further business a Motion was made by Mr. Smith, seconded by Mr. Viotto, to adjourn the meeting at 9:50pm:

**All Ayes.**

**Motion Passed.**

Respectfully submitted,

Allison Witt

Land Use Administrator