



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 June 15, 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 Mr. Kyle, Planner were present

ROLL CALL:

Present: Mr. Sailer, Mr. Kelly, Mr. Lubsen, Mr. Smith, Mr. Viotto, Ms. Van Weeren, Ms. Dineen (arrived 7:15pm), Mayor Kovach (arrived 7:30pm)

Absent: Snider

Approval of Minutes:

A motion was made by Mr. Smith seconded by Mr. Lubsen, to approve the May 18, 2021 minutes

All Ayes. Motion Carried

Resolution for Puelo International LLC Block 18 Lot 5- 13 Moebus Place -Use Variance, Preliminary & Final Site Plan Application:

A Motion was made by Mr. Smith, seconded by Mr. Lubsen, to approve the resolution:

Roll Call Vote:

Ayes: Sailer, Viotto, Smith, Lubsen

Nays:

All Ayes. Motion passed.

Resolution for 72-74 West Main Street LLC- Block 6 Lot 2-72-74 West Main Street-Interpretation:

A Motion was made by Mr. Lubsen, seconded by Mr. Smith, to approve the resolution:

Roll Call Vote:

Ayes: Sailer, Kelly, Lubsen, Smith

Nays:

All Ayes.

Motion passed.

Resolution for Block 11 Lot 20- 9-11 Route 22 Q&A Real Estate Development LLC**(Deegan Roofing)-Variance and Waiver of Site Plan Approval:**

A Motion was made by Mr. Smith, seconded by Mr. Kelly, to approve the resolution:

Roll Call Vote:

Ayes: Sailer, Kelly, Lubsen, Smith

Nays:

All Ayes.

Motion passed.

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 4 lot subdivision and Preliminary Site Plan Approval, mixed use- commercial and residential development:

Attorney Howard Apgar, Wayne Ingram, Engineering & Land Planning, Bhaskar Halari, Consultant Engineer, David Meiskin, applicant were present and sworn in.

In addition, Fire Marshal Jack Daniels and Fire Chief Jeff Hedden were present and sworn in.

The following were submitted into evidence:

- A1 Preliminary & Final Subdivision and Preliminary Site Plan application.
- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Clerk's certified 200-foot list 11-13-2020
- A4 Tax Certification dated November 13, 2020
- A5 Major Subdivision Plan & site plan dated 12-3-2020 prepared by Engineering & Land Planning latest revision 5-24-2021
- A6 Final Subdivision Plan dated 12-3-2020 prepared by Engineering Land Planning revised 5-24-2021
- A7 Landscape & Tree Preservation plan prepared by Engineering & Land Planning dated 1-15-2021 revised 5-25-2021
- A8 Hunterdon County Planning Board Development review application
- A9 Karstic Geology Investigation report prepared by Engineering & Land Planning dated 3-5-2020 revised 5-24-2021
- A10 Freshwater Wetlands Letter of Interpretation report prepared by Engineering & Land Planning dated 10-30-2017
- A11 State of NJ LOI dated 5-4-2018
- A12 Stormwater Management report prepared by Engineering & Land Planning dated 5-24-2021
- A13 Stormwater Management Supplement prepared by Engineering & Land Planning dated 1-30-2021
- A14 Stormwater Management Maintenance Manual prepared by Engineering & Land Planning dated 5-24-2021
- A15 Surface Infiltration Basin Field Manual prepared by Engineering & Land Planning
- A16 Application for soil erosion and sediment control plan
- A17 Title Insurance
- A18 Architectural rendering for Taco Bell prepared by Weiner Architecture Group LLC dated 7-1-2020
- A19 State of NJ DEP Permit dated 4-29-2021
- A20 ELP response letter to May 1, 2021 Van Cleef report dated 5-24-2021
- A21 Clinton Fire Ladder tracking plan dated 12-3-2020 revised 5-24-2021
- A22 Tractor Trailer tracking plan dated 12-3-2020 revised 5-23-2021
- A23 Town of Clinton Ordinance 2019-11
- A24 Settlement Agreement Dated October 30, 2021
- A25 Colored rendering of “Moebus Site Plan”

- B1 Robert Clerico, Van Cleef Engineering report dated 5-1-2021
- B2 James Kyle, report dated April 30, 2021
- B3 J. Daniels. Fire Marshal review comments dated 2-26-2021
- B4 Chief Kubinak Review report dated 1-26-2021
- OA Highlands Consistency Determination- May 28, 2021

Attorney Apgar advised the board the property is known as the Old Moebus Farm, with an address of 65½ Center Street. The property development was part of a settlement between the town and the developer to provide affordable housing.

Mr. David Meiskin, applicant advised the board he purchased the property in the summer of 2016 and filed as an intervenor with the court, the suit was settled with the town on October 30, 2018. The agreement was to allow for the development of 56 townhomes and three commercial pads fronting on Route 31. The original proposal called for 288 apartments and after many years they agreed to 56 townhomes with 10 affordable units offsite at the old music hall property and commercial development along route 31. A mediator was involved in the settlement agreement.

Attorney Apgar stated the board had previously approved a three lot subdivision the overall concept has not changed we are now seeking a four lot subdivision one for the commercial lot, one for the residential lot and two lots will be open space.

Open to the public for questions for Mr. Meiskin

Mr. Jeff Berg, 102 Center Street asked for an explanation on incremental value, Mr. Meiskin stated he cannot answer that.

Mr. Phil Franzone, 47 Center Street inquired about the offsite affordable housing, Mr. Kyle stated this is reflected in the agreement the trigger is the total number of Certificates of Occupancy that can be issued the cutoff is 28 Certificates until the affordable housing has been built off site.

Ms. Rosemary Platt, 44 Center Street inquired about green buffers and if it was possible to relocate the townhomes closer to the commercial areas to provide more of a buffer by the historic district. Attorney Apgar stated the site has constraints in regard to wetlands and DEP buffering the residential units are designed in the best location for the site.

There were no further public questions.

Mr. Wayne Ingram introduced a colored rendering layout of the site (exhibit A25) which showed an over- view of the site. The commercial lot is along route 31 and the residential lot is in the southern portion of the site. The commercial development includes a 21,998 SF food market, 5,684 SF gas station with a convenience store and a 2,558 SF fast food restaurant. The property slopes from west to east, the westerly corner of the site is along the South Branch and will not have any land disturbance per NJ DEP wetlands and highlands buffering restrictions, there also will be approximately 11 ½ acres of open space. The town requires 107 spaces for the commercial parking the applicant will provide 231 spaces which is based on the tenants needs. The residential lot will have 11 buildings with 56 townhomes total, all will be 3 bedrooms with a 2 car garage. The plan called for 196 spaces and an additional 54 spaces for visitors, however based on comments we propose to bank 30 stalls and add additional green space. Each commercial space will have a dumpster pad and the residential area will include two dumpsters, if the board requires we can add additional dumpsters. The site will have two access points off Route 31, there is also an emergency access to Central Avenue. All the work on the site will be outside the 300 foot buffer zone.

Mr. Ingram advised the board there is a bald Eagle's nesting site in the northwest corner which required us to redesign the food market to provide the required 1,000 foot buffer area to comply with the states' requirements. The developer will also have timing restriction imposed on when construction activity can take place. On the north side of the property there will be a sand filter system to treat the water from the gas station, the water from the remainder of the property will flow into a basin which has been approved by NJ DEP as part of their permitting process. They will build a retaining wall on the easterly side of the site, the site drops down and due to the cuts on site the first floor will below grade at the property

lines therefore there will be limited impact to the adjacent properties. There will be pole mounted lights around the site which will be 15 feet high. The general landscaping proposal will provide a 50 foot buffer around the easterly perimeter and will consists of 368 trees and shrubs which will provide year round enhancement, we will meet the landscaping standards as outlined and agree to comply with the comments outlined in the board planners' report. Chairman Sailer inquired if they will have a landscape architect present to testify, Mr. Ingram responded we can bring an expert in, Mr. Sailer stated yes we would like to hear the expert. Mr. Ingram stated they received the Board engineer's comments and would like the opportunity to work out the comments with the professionals and return back to the board with a more complete plan.

Attorney Apgar stated it would be in everyone's best interest to address the items before moving forward and asked the board to carry the meeting to July 20, 2021.

Chairman Sailer advised the public we will carry the meeting without further notice and the public will have an opportunity at that meeting to hear more testimony and ask questions at that meeting.

Application has been carried to July 20, 2021 at 7:00pm via Zoom- Link to be posted on the website.

Board Discussion:

Chairman Sailer announced the resignation of Tamara Healy.

Voucher Approval:

A Motion was made by Mr. Lubsen, seconded by Ms. Van Weeren to approve the vouchers:

All Ayes. Motion Carried.

There being no further business a Motion was made by Mayor Kovach, seconded by Mr. Viotto to adjourn the meeting at 8:10pm.

Respectfully submitted,

Allison Witt
Land Use Administrator.