



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 5, 2021 at 7:00pm. The meeting of the Town of Clinton Land Use Board has changed the format of its regular meeting 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”.

“Meetings are held on the first Tuesday of each month. Applications must be filed at least 21 days prior to the meeting date. In order to ensure that all applications receive complete and thorough consideration of the board, all meetings will adjourn no later than 10:00pm with all items not concluded to be carried over to the next month’s agenda”.

N.J.S.A 10-4-8(b) authorizes municipalities to conduct public meetings through the use of streaming services and other online meetings. 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 the 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 you keep your device muted and your video turned off until called upon by the Chairman, please be advised the board also has the capability of using the mute feature if necessary.

ROLL CALL:

Present: Chairman Sailer, Mayor Kovach, Ms. Dineen Mr. Lubsen, Mr. Snider, Mr. Viotto, Ms. Van Weeren

Absent: Mr. Kelly, Mr. Smith

Approval of Minutes:

A Motion was made by Mr. Viotto, seconded by Mr. Lubsen, to approve the September 21, 2021 minutes:

All Ayes. Motion Carried

Abstain: Ms. Dineen, Mayor Kovach

Waiver of Site Plan Request-Block 11 Lot 11 37 Main Street-ASASA LLC- Change of Use 1st Floor office use to department store retail use:

Mr. Steven Ackaway, owner was present. Mr. Ackaway advised the board he is looking to change the

first floor from office space to retail space, he is not planning to change anything on the outside and is requesting a waiver from filing a site plan for the change of use. The space is set up as office space I would like to use the space as separate spaces to sell different items. I will run the business and if the sales person does well they can operate as a standalone business or boutique. I would like to start off selling women's products such as clothes, shoes, perfume and also bring in people seasonally to sell candy and chocolates. Mr. Ackaway stated he would like to bring retail back to Clinton. Mr. Ackaway stated he was looking to run the store with the flexibility of different items

Mayor Kovach stated the plan looks like you want to partition off the spaces, the concern is the intensity of the use and the occupancy, Mayor Kovach stated she would like to see more of a detailed plans.

Chairman Sailer stated they received a memo from the Fire Marshal who has some concerns with fire safety inspections, Mr. Ackaway stated all the inspections were done prior to closing in May and everything that needed to be done was done. Mr. Sailer questioned the window advertisement which indicates the space will be called the "Red Mill Mall". Mr. Ackaway stated his intention is to sell items that will help generate the market, he will be offering diverse items.

Mayor Kovach stated the board is not saying no, we are not comfortable with granting a waiver of site plan request based on the intensity of use.

Chairman Sailer stated the plan on the window and the plan the board received is different and he feels Mr. Ackaway misrepresented what his intentions for the space are. Mr. Ackaway stated he plans to operate at first as a stand-alone business but would like to attract vendors and he would make them come to the board for approval.

Mr. Viotto stated he agreed with the board he would not support a waiver and felt a site plan application was needed to show how the space would fit. Mr. Ackaway asked the board to picture each space as 10 x8 space there would be shelving on the walls and a display in the middle, each space would be designed the same way and before hiring different operators/vendors he would make them come back to the board for approval.

Chairman Sailer asked if Mr. Ackaway if there was any residential space, Mr. Ackaway replied in a separate building,

Mr. Ches Snider stated he understands offering flexibility and inquired if he plans to hire outside vendors, Mr. Ackaway stated he would run this as a department store. Mr. Snider stated he is trying to understand the operation if a vendor comes to you would he be working for you. Mr. Ackaway responded I would tell the vendor he needs to come to the board for approval.

Ms. Dineen stated department stores have buyers and questioned if Mr. Ackaway will be buying the products or subleasing the space. Mr. Ackaway stated at first I will later on they will run their own business.

Mayor Kovach stated she appreciated adding retail however, what was presented to the board and what is posted on the store window is misleading and would feel more comfortable with a site plan review. Mr. Ackaway responded he will forget about hiring outside people and just open as a retail space, he will do whatever the board wants to be able to open. Mayor Kovach stated this is not the application process, it doesn't work that way, you have to present a clear picture of what you intend to do.

Chairman Sailer stated the change of use will require a site plan review so the board can get a clear and full picture to what is proposed.

Mr. Snider stated we need to know what the capacity of the building is and if there are any safety issues related to the use, filing a site plan is appropriate.

A Motion was made by Mr. Snider, seconded by Mr. Viotto, to deny the waiver of site plan request:

Roll Call Vote:

Ayes: Chairman Sailer, Mayor Kovach, Ms. Dineen Mr. Lubsen, Mr. Snider, Mr. Viotto, Ms. Van Weeren

Nays:

All Ayes.

Motion Passed

Board Discussion:

Chairman Sailer advised the board the next meeting is scheduled for November 2, 2021 to adopt the Resolution for Tejoymaya final site plan approval and we anticipate Clinton Moebus coming back on December 7, 2021.

Voucher Approval- None

There being no further business a Motion was made by Mr. Viotto, seconded by Mayor Kovach, to adjourn the meeting at 7:55pm.

Respectfully submitted,

Allison Witt
Land Use Board Administrator