



## **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 January 4, 2022 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

Board Secretary Allison Witt called the reorganization 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.

Attorney Katie Razin and Jim Kyle were present.

#### **Members sworn in:**

Ms. Sherry Dineen, Council Liaison, Mr. Jeremy Padmos Class IV member and Mr. Jonas DeVita Class II, Environmental Liaison member.

#### **ROLL CALL:**

**Present:** Mr. Sailer, Mayor Kovach, Ms. Dineen, Mr. Smith, Mr. Lubsen, Mr. Kelly, Mr. Viotto, Mr. DeVita, Mr. Padmos

**Absent:** Mr. Snider, Ms. Van Weeren

**Election of Chairman:**

A Motion was made by Mayor. Kovach, seconded by Mr. Smith, to nominate Mr. Sailer as Chairman for 2022.

**Roll Call Vote: All Ayes. Motion Carried.**

**Chairman Sailer proceeded to run the meeting.**

**Election of Vice Chairman:**

A Motion was made by Mayor Kovach, seconded by Ms. Dineen, to nominate Mr. Smith as Vice Chairman for 2022:

**Roll Call Vote: All Ayes. Motion Carried.**

**Appointment of Board Attorney- Resolution # 01-22**

A Motion was made by Mr. Smith, seconded by Mayor Kovach, to adopt the Resolution appointing Kathryn Razin as the Board's Attorney for the 2022 calendar year

**All Ayes: Motion Carried.**

**Be it Resolved** that Kathryn J. Razin, Esq. from Stickel, Koenig, Sullivan & Drill LLC is hereby appointed to serve as the Land Use Board Attorney for the Town of Clinton and;

**Whereas** there exists a need for the performance of the statutory legal services for the year 2022 for the Town of Clinton Land Use Board and;

**Whereas** funds are or will be made available for this purpose to be certified by the local finance officer and;

**Whereas** the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

**Now Therefore, Be resolved** by the Town of Clinton Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with Kathryn J. Razin Attorney for 2022.

Notice of this action shall be printed once in the Hunterdon Review.

**Appointment of Board Engineer: Resolution # 02-22**

A Motion was made by Mr. Viotto, seconded by Mr. Smith, to adopt the Resolution appointing Robert Clerico from Van Cleef Engineering as the Board Engineer for the 2022 Calendar Year:

**Roll Call Vote: All Ayes. Motion Carried.**

**Be it Resolved** that Robert Clerico is hereby appointed to serve as the Land Use Board Engineer for the Town of Clinton and;

**Whereas** there exists a need for the performance of the statutory Engineering services for the year 2022 for the Town of Clinton Land Use Board and;

**Whereas** funds are or will be made available for this purpose to be certified by the local finance officer and;

**Whereas** the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A-20.4 or 20.5 as appropriate.

**Now Therefore, Be resolved** by the Town of Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with Robert Clerico, Engineer for 2022.

Notice of this action shall be printed once in the Hunterdon Review.

**Appointment of Board Planner: # 03-22**

A Motion was made by Mr. Smith, seconded by Mr. Viotto, to adopt the Resolution appointing James Kyle from Kyle & McManus Associates LLC as the Board Planner for the 2022 Calendar Year:

**Roll Call Vote: All Ayes. Motion Carried.**

**Be it Resolved** that James Kyle is hereby appointed to serve as the Land Use Board Planner for the Town of Clinton and;

**Whereas** there exists a need for the performance of the statutory Engineering services for the year 2022 for the Town of Clinton Land Use Board and;

**Whereas** funds are or will be made available for this purpose to be certified by the local finance officer and;

**Whereas** the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A- 20.4 or 20.5 as appropriate.

**Now Therefore, Be resolved** by the Town of Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with James Kyle, Planner for 2022.

Notice of this action shall be printed once in the Hunterdon Review.

**Appointment of Board Planner: # 04-22**

A Motion was made by Mayor Kovach, seconded by Mr. Smith to adopt the Resolution appointing Michael Margulies from Eclectic as the Land Use Board Architectural Consultant for the 2022 Calendar Year:

**Roll Call Vote: All Ayes. Motion Carried.**

**Be it Resolved** that Michael Margulies is hereby appointed to serve as the Land Use Board Architect Consultant for the Town of Clinton and;

**Whereas** there exists a need for the performance of the statutory Engineering services for the year 2022 for the Town of Clinton Land Use Board and;

**Whereas** funds are or will be made available for this purpose to be certified by the local finance officer and;

**Whereas** the contract for Professional Services was awarded pursuant to the provisions of N.J.S.A. 10:44A- 20.4 or 20.5 as appropriate.

**Now Therefore, Be resolved** by the Town of Land Use Board as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with Michael

Margulies Architectural Consultant for 2022.

Notice of this action shall be printed once in the Hunterdon Review.

**Appointment of Board Zoom Moderator # 05-22**

A Motion was made by Mayor Kovach, seconded by Ms. Dineen to adopt the Resolution appointing a zoom moderator services if necessary the 2022 Calendar Year:

**Roll Call Vote: All Ayes. Motion Carried.**

**Committee Appointments:**

**Site Plan Committee:**

Mr. Smith Chairman, Mr. Viotto and Mr. Lubsen to serve on the Site Plan Committee.

**Master Plan Committee:**

**TBD**

**Designation of Meeting Nights:**

The board will continue to meet on the first Tuesday of each month at 7:00pm and the third Tuesday of the month for any carry over items.

**All Ayes. Motion Carried.**

**Designation of the Official Newspaper:**

The Hunterdon Review, the Hunterdon Democrat, the Courier News to serve as the official newspapers:

**All Ayes. Motion Carried.**

**Adoption of 2021 Year End report:**

A Motion was made by Mr. Viotto, seconded by Mayor Kovach, to adopt the 2021 year- end report

**All Ayes. Motion Carried.**

**Adoption of the Town of Clinton Land Use Board Public Meeting Act Resolution # 06-22:**

A Motion was made by Mayor Kovach, seconded by Mr. Viotto, to adopt Resolution #06-22:

**Roll Call Vote: All Ayes. Motion Carried.**

The reorganization meeting was adjourned at 7:20pm

**Regular Meeting of Town of Clinton Called to Order at 7:20pm:**

Chairman Sailer wished everyone a Happy New year.

**Approval of Minutes:**

A Motion was made by Mr. Smith seconded by Mr. Lubsen, to approve the December 7, 2021 minutes.

**All Ayes. Motion Carried**  
**Abstain: Viotto, Kelly, Padmos, DeVita,**

**Resolution for Block 21 Lot 32- Old 22 Urban Renewal – Sign Variance approval:**

A Motion was made by Mr. Smith, seconded by Mr. Lubsen, to approve the Resolution for Block 21 Lot 32 Old 22 Urban Renewal LLC:

**Roll Call Vote:**

Ayes: Mr. Sailer, Mayor Kovach, Ms. Dineen, Mr. Smith, Mr. Lubsen,  
Nays: All Ayes. Motion passed

**Extension request for Block 18 Lot 5- Puleo International LLC- 6 Month extension request of Condition D.1 of the resolution from December 15, 2021 to June 15, 2022.**

Mr. Kelly O'Such from Engineering & Land Planning was present on behalf of the applicant. Mr. O'Such advised the board they have been working with Mr. Clerico on compliance and at this time the applicant is requesting a six month extension to finalize and submit the final plans.

A Motion was made by Mr. Smith, seconded by Mr. Viotto, to grant an extension from December 15, 2021 to June 15, 2022 to submit the final plans:

**Roll Call Vote:**

Ayes: Mr. Sailer, Mayor Kovach, Ms. Dineen, Mr. Smith, Mr. Lubsen, Mr. Padmos, Mr. DeVita, Mr. Kelly.  
Nays: All Ayes. Motion passed

**Capital Review for Clinton-Glen Gardner Board of Education review to renovate their existing playground:**

Dr. Seth Cohen, superintendent, Matthew Gianforcaro & Matthew Gianforcaro Architects were present.

Dr. Cohen advised the board the school playground equipment has been on site for over twenty years and is in need of repair. The proposed upgrades will include new equipment, handicap accessibility, and ADA compliant ramps which will make the playground accessible to all students. The school is in the process of going through the referendum process and if approved 40 % of the costs will be provided in state aid, in addition the debt service levy will not create a tax impact. Mr. Anthony Gianforcaro added one of the requirements when going out for referendum is to present the plan to the Planning Board.

Mr. Matthew Gianforcaro presented the plan to the board, there are two areas the lower area will be used by the younger students ages three to five and the upper playground will be used by students ages five to twelve. The new equipment will stay within the limits of the existing playground there will be no expansion of the area. They plan also includes upgrades to the entrance of the playground, new plantings, providing a new concrete ramp which will be supported by retaining walls and provide a new asphalt path. If money is left in the budget as an alternate bid they would also like to include a free-standing open air gazebo to provide some outdoor class room space. Tonight we would like to request a letter from the board that the plan is acceptable so we can present to the letter to Board of Education.

Mr. Kyle stated he has no concerns the plan as presented has no zoning issues.

A Motion was made by Mayor Kovach, seconded by Ms. Dineen, that the project is not inconsistent with the provisions of the Town Master Plan and there are no concerns or objections with the project:

**Roll Call Vote:**

Ayes: Mr. Sailer, Mayor Kovach, Ms. Dineen, Mr. Smith, Mr. Lubsen, Mr. Padmos, Mr. DeVita, Mr. Kelly  
Nays: All Ayes. Motion passed

**Board Discussion:**

Chairman Sailer welcomed the new board members

**Voucher approval:**

A Motion was made by Mr. Lubsen, seconded by Mayor Kovach to approve the vouchers:

**All Ayes.      Motion Carried.**

**Adjournment:**

There being no further business a Motion was made by Mayor Kovach, seconded by Mr. Lubsen, to adjourn the meeting at 7:40pm.

Respectfully submitted,

Allison Witt  
Land Use Administrator