



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 May 3, 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

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.

Attorney Razin, Robert Clerico and Jim Kyle were present
Ches Snider was previously sworn in.

ROLL CALL:

Present: Chairman Sailer, Mr. DeVita, Mr. Kelly, Mr. Snider, Mr. Smith, Mr. Lubsen, Ms. Van Weeren,

Absent: Mayor Kovach, Ms. Dineen, Mr. Padmos, Mr. Viotto

Approval of Minutes:

A Motion was made by Mr. Snider seconded by Mr. Smith, to approve the April 5, 2022 minutes:

All Ayes.

Motion Carried

Abstain:

Lubsen, Van Weeren, Kelly

Completeness Review for Block 10 Lot 1- 2-8 Main Street FAR Variance & Minor Site Plan:

A Motion was made by Mr. Smith, seconded by Mr. Lubsen, to grant the permanent waiver requests under item 1 and 3 of Mr. Clericos' report dated April 26, 2022, grant temporary waivers for checklist items # 38, H, I, J, 30d. Checklist Items B and 48 were submitted:

Roll Call Vote:

Ayes: Sailer, DeVita, Kelly, Lubsen, Snider, Smith, Van Weeren

All Ayes.

Motion Carried.

Public Hearing scheduled for June 7, 2022

Public Hearing Ansuya Riverbend LLC Block 17 Lot 2; Block 17.01 lots 2.03; 2.04 & 6-1638 Route 31 North- Amended Preliminary & Final Site Plan for Phase 3 to construct a one story office building and a three story building to be used for 20 room hotel, restaurant/ bar and meeting space and Amended Preliminary & Use Variance approval for Phase 2 to construct a one story building for a fast food restaurant/ coffee shop:

Attorney Kara Kaczynski, Wayne Ingram, PE and Suchitia Shah Architect were present. The professionals were 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 3-29-2022
- A4 Township of Clinton Certified 200 foot list 1-20-2022
- A5 Tax Certification dated 3-29-2022
- A6 Water & Sewer Certification of payment 3-29-2022
- A7 Amended Preliminary Phase 2 Site Plans & Amended Preliminary & Final Phase 3 Site Plan prepared by Engineering Land Planning dated 12-11-2020 revised 6/11/2021
- A8 Architectural plan of hotel and restaurant prepared by Kamlesh Shah Design dated 6-25-2020.
- A9 Stormwater Management Narrative & Preliminary Plan prepared by ELP dated 6-11-2021
- A10 Preliminary Geotechnical engineering report- 5-14-2002
- A11 Addendum to Geotechnical Engineering report- 11-25-2002
- A12 Addendum to Geotechnical Engineering report- 1-16-2003
- A13 As built Plan prepared by David A, Stires- Dated 1/29/2019 revised 11/19/2019
- A14 Environmental Impact Statement narrative prepared by ELP 3-31-2022
- A14A Environmental Impact Statement prepared by Schoor Depalma dated 11-2021 revised 1-4-2022
- A15 Phase I Carbonate Area District Investigation prepared by ELP dated 6-6-2021
- A16 Project Hydrology report prepared by Schoor DE Palma dated 11-2001 revised 10-13-2004)
- A17 Town Of Clinton Sewer Agreement- 3-29-2006
- A18 CTSA Sewer Agreement 3-22-2006
- A19 Town of Clinton Water Agreement dated 1-10-2007
- A20 HCPB Letter Conditional Not to construct 2-4-2022
- A21 HCSD Filed Application- 1-4-2022
- A22 HCHD Filed Application dated 1-11-2022
- A23 Restaurant exhibit (colored rendering)
- A24 Concept rendering prepared by KSD Architects dated 4-5-2022
- A25 Applicants reply to Board Planner review report dated 5-3-2022
- A26 Applicant reply to Board Engineer review report dated 5-3-2022

- B1 Robert Clerico, Van Cleef Engineering report 4-28-2022
- B2 James Kyle, report dated 4-28-2022
- B3 J. Daniels. Fire Marshal review comments dated 2-21-2022
- B4 Chief Kubinak Review report dated 3-8-2021
- B5 Environmental Commission review report dated May 3, 2021

Attorney Kaczynski gave the board an overview. The project is broken down into three phases- Phase I consist of the Marriott hotel and is complete. Phase 2 is before the board for an amended Preliminary Site Plan and Use Variance approval to build a drive-thru fast food restaurant, the applicant is in negotiation with the Chipotle chain. Phase 3 is before the board seeking an amended Preliminary & Final Major Site plan to build a 1,200 sf meeting space building and a 8,040 sf building that is to be utilized for a restaurant, bar, meeting space and hotels rooms. The proposed tenant for the restaurant and bar is Grass Tap. In conjunction with the approval they are seeking ancillary variances and waivers associated with signage, lighting, parking spaces, loading spaces, site lighting and dumpster locations which are outlined in the planners report. The prior resolution of approval #2019-06 dated June 4, 2019 granted a number of variance approvals in connection with Phase 2 and 3 which are similar to what is being requested with the amended site plan.

Suchitita Shah Architect from Kamlesh Shah Designs went over the application and phases with the board. The applicant is presently in negotiation with a national brand to build a 2,540 sf fast food restaurant in Phase 2 and if the use approval is granted by the board the brand will design the prototype and the architectural plans will be provided as part of the final site plan approvals. In Phase 3 they propose to build an 8,040 sf building, the bar and restaurant will be on the ground floor and a total of 21 rooms will be on the second and third floor. The meeting space will also be on the first floor and will be 4,000 sf feet which can be divided into two separate spaces in needed. The bar and restaurant will be run by Brass Tap and will include a covered patio on the left side. The second floor will have 11 rooms and the third floor will have 10 rooms and a guest lounge area. The roof will house the mechanical equipment and exhaust fans which will service only the first floor, the hotel rooms will have their own individual units. The mechanical equipment will be screened from the road and will comply with the state noise regulations. The hours of the restaurant and bar will be from 11:00am-11:00pm all sign lights will turn off by 11:30 pm per the Town of Clinton ordinance regulations. Ms. Shah went over the colored rendering exhibits with the board, the applicant is seeking a variance for the sign illumination. In the rear of the restaurant and hotel building they also propose a one-story 1,200 sf meeting space building. The aesthetics of the buildings will match the other buildings in regard to color and architectural features.

Chairman Sailer inquired if there was a rendering that showed the site layout of all the buildings, Ms. Shah stated she would provide one. Mr. Smith inquired what the intention of the meeting space was, Ms. Shah responded it will be used for business use. Mr. Snider inquired about the capacity of the meeting space, Ms. Shah stated the occupancy will be determined during the design phase. Mr. Snider inquired if the meeting space building could be used for other uses, Mr. Kyle stated the office building generally goes hand in hand with the hotel uses to hold corporate business events. Attorney Kaczynski stated the applicant could give a description of the intended use for the office building. Ms. Van Weeren inquired if the site will have walkways to connect the buildings. Ms. Shah deferred this to the applicant's engineer. Mr. Kelly inquired if they have any jurisdiction on the exterior of the fast food restaurant, Ms. Shah stated we can present the elevation to the brand to make sure they conform, in addition the chipotle chain colors are typically reddish brown which will compliment the site colors that exist now.

Mr. Clerico inquired without a tenant for the fast food restaurant is the parking calculation for the 2,500 sf building reasonable. Ms. Shah stated the parking is calculated on fixed seats, we believe we are being conservation in the calculation.

Mr. Kyle stated the outdoor patio is not shown on the plan, Ms. Shah replied this is a wish list item the site plan depicts what is proposed.

The board opened the meeting to the public for questions, there being no question for Ms. Shah the board closed the meeting for public questions.

Mr. Wayne Ingram, Engineer from Engineering Land planning testified next. Mr. Ingram went over the colored site rendering which shows all the existing and proposed improvements on the site. Mr. Ingram advised the board the property is located in the OB4 zone, it is surrounded by commercial uses to the east and west, there is a vacant tract of land across the street and the rear of the site is adjacent to residential homes located in Clinton Township. The site was subject to prior approvals for a 20,000 sf three story office building with rear parking, and a 7,700 sf restaurant pad. The buildings will now be located closer to the road which will have less of an impact to the residential properties, the overall amended proposal is a significant decrease to the prior approval. The proposed 2,500 sf drive thru restaurant will replace the approved 7,500 sf sit down restaurant and the prior office building location in the rear of the site will be replaced with the proposed 1,200 sf office building space building. The site work and curbs are completed and they will incorporate the new design into the site design. Access into and out of the site will be off Route 31, there will be a central circulation driveway on the site. The loading zone by the restaurant hotel building will be 10 feet by 50, which is larger than the prior approved loading zone and will provide easy access in and out. The do not propose a loading zone for the fast food restaurant the deliveries will be completed during off peak hours therefore to avoid additional impervious coverage they seeking approval to eliminate the loading zone, There will be two dumpsters allocated on site one for the fast food area which will be located in the south easterly corner and one in the between the restaurant and hotel building and the office building.

Mr. Ingram addressed the Environmental Commissions review letter and stated the dumpster will be located on a concrete pad and screened by a board on board enclosure, due to the topography and landscaping on site the dumpsters will not be visible. The north site landscape buffer already exists and they will replace any dying or dead trees. The trees will line the circulation drive and there will be additional screening between the buildings and the neighbors. The buildings will be pulled forward which will dramatically improve the visual aesthetics for the surrounding property owners. Mr. Ingram stated they will work with the Board Planner to make sure the landscaping is satisfactory. In regard to lighting, 15 foot pole mount fixtures with bollard fixtures will be installed throughout the site, which is consistent with the prior approval. In regard to storm water, we have greatly reduced the impervious coverage, we will not create any additional storm water runoff than what was already approved.

Mr. Ingram advised the board per Mr. Clerico's suggestion they will angle the restaurant parking reducing the ten stalls to seven stalls and they have no issue with removing the four stalls on the other side. The overall parking has been slightly reduced, they can revisit the fast food restaurant parking once they secure a tenant at the time of the final site plan submission. Mr. Ingram stated we meet the parking demand and we are consistent with the prior approval, we have more parking than we need so we have no objections to land bank some of the spaces with the option if needed in the future we can still utilize them. The site proposal meets the stormwater regulations due to the reduction in the impervious coverage.

Mr. Clerico commented that he is to consider this an amended site plan with the originally approved parking spaces and questioned if the amount of additional spaces are justified spaces, Mr. Clerico stated he is concerned with the subsurface of the parking areas and would suggest they return the space back to a pervious area. Mr. Ingram responded we propose to bank some spaces and leave the spaces as vegetation but we would like to leave the spaces on the plan to use if needed in the future. The site coverage permits 50% this proposal covers 26.9% which is certainly a reduction to the prior approval. Mr. Ingram stated he would like the flexibility to bank the spaces and reserve the right if needed in the future to utilize the spaces, Attorney Kaczynski advised the board that things may change in the future which could impact

the parking. Mr. Clerico stated we need something on record to justify if the additional spaces are needed. Mr. Rohit Patel, business partner was sworn in and suggested offering parking with pervious coverage such as grass paver parking. Mr. Clerico stated it all comes down to the stormwater regulations. Mr. Ingram stated it does not appear we can resolve this tonight, we looked at the standards we do not feel we are vastly over parked and we offer to land bank the space to green space. Mr. Kyle suggested they provide some data to justify the need for the parking and come back to the board with the information. Mr. Ingram wrapped up his engineering testimony he advised the board the sidewalks will be interconnected between the office building and the restaurant hotel building, additional sidewalks will connect the Marriott building and they can add a crosswalk area from the hotel to the fast food restaurant.

Mr. Ingram proceeded to go over the variances requested.

D1 Variance - The fast food restaurant with the drive thru will require a D variance approval. The only zone that this use is permitted is in the C-5 zone, which is located across the street from this site, our site is equally desirable for this use. The use is an appropriate use for a highway location, the site can accommodate the use, the location of the fast food restaurant will not impact the residential area, the building is smaller in size than the prior restaurant approval, and since covid there is a desire for takeout drive thru restaurants. The fast food establishment is located outside of the downtown zone this does not conflict with neighboring municipalities. There is no substantial negative impact to the surrounding properties, the lighting, landscaping and noise is consistent with the prior approval, there will be no impact on traffic and there is no detriment to the Master plan. Mr. Ingram stated this use is in line with the land use goals.

C Variances- The C Variances we are looking to keep the c variances that were previously approved. The variances requested are for the internally illuminated led tube sign lighting; the second wall sign on the restaurant hotel building, the signs will be directed towards the highway and will have no negative impact to the adjacent residents. The two proposed signs total 45 sf where the ordinance allows 100 sf. The signage will be consistent with the Marriott building sign, the second sign will be placed lower and will only be visible on site. The loading area variance proposed will be 10 x 50 for the restaurant hotel building and no loading area is proposed for the fast food restaurant. The loading area is larger than what was previously proposed, there will be no impact to traffic flow. The drive-thru will not require a loading area, due to off peak delivery times. The dumpster location for the mixed use building is 40 feet off the property line where 50 is required. The proposed location is the preferred location for pickup from a visual standpoint the location does not create a visual impact.

Waiver- The applicant is requesting a waiver from the required 25 foot driveway aisle width, the applicant proposes a 24 foot aisle width in front of the mixed use building and the fast food restaurant, in an effort to work with the curbs that are already installed, the 24 feet aisle width is an industry acceptable width and it will also eliminate any unnecessary additional impervious coverage. The .03 foot candle site lighting is the same as was previously approved, there is no negative impact to the residents.

Mr. Ingram stated in regard to the committee review comments there are no plans to install any noise barriers, the plantings chosen are suitable for the site they will work with the board planner to satisfy any buffering and replacement shrubs and trees. They agree to install the additional fire hydrant per the Fire Marshal's comments. Mr. Kyle advised the board the applicant will need to add more landscaping in the rear and he will work with the applicant to come up with the additional plan. Mr. Clerico inquired about moving the dumpster to comply with the setbacks, Mr. Ingram stated the dumpster is tucked into a corner off the property and the chosen location has less of a visual impact, they will look at the orientation of the second dumpster.

Mr. Sailer inquired if there would be a drive-thru turn restriction, Mr. Ingram said they have no objection to restricting the drive thru to a counter clock circulation pattern.

The board opened the meeting up to the public for public questions, there being no public questions the meeting was closed to public for questions.

The applicant will come back to the board with some parking calculations at the next meeting. The meeting will be carried to May 17, 2022 via zoom at 7:00pm, no further notice is required.

Waiver of Site Plan request- Block 11 Lot 14- 43A Main Street- Change of Use retail-restaurant use:

Korn Wongarochanna applicant was present. Korn advised the board he is the owner and of Pru-Thai restaurant which has been opened for 18 years and he is now looking to open up an additional restaurant at 43A Main Street. The building was used as retail space and he is looking at purchasing the building if he is able to get approvals. The board inquired what the second floor use would be, Korn indicated in the future he may want to convert the second floor into residential apartments. Korn advised there will be a need for venting up which will go up through the roof, all construction will be done by code and permits will be applied for.

A Motion was made by Mr. Smith, seconded Mr. Snider, to waive the site plan request for the Change of Use:

Roll Call Vote:

Ayes: Sailer, DeVita, Kelly, Lubsen, Snider, Smith, Van Weeren

All Ayes. Motion Carried.

Voucher approval:

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

All Ayes. Motion Carried.

There being no further business a Motion was made by Mr. Lubsen, seconded by Mr. Snider, to adjourn the meeting at 9:45pm:

All Ayes. Motion Carried.

Respectfully submitted

Allison Witt
Land Use Board Administrator