



## **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 July 5, 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

### **ROLL CALL:**

Present: Chairman Sailer, Mr. Lubsen, Mr. Snider, Mr. Smith, Mr. Padmos, Mr. Viotto, Ms. Van Weeren

Absent: Mayor Kovach, Ms. Dineen, Mr. DeVita, Mr. Kelly

### **Approval of Minutes:**

A Motion was made by Mr. Viotto seconded by Mr. Snider, to approve the Minutes of June 7, 2022

**All Ayes.**

**Abstain:**

**Motion Carried**

**Van Weeren**

**Resolution of approval- Block 18 Lot 5- Extension request for Puleo International LLC:**

A Motion was made by Mr. Smith, seconded by Mr. Viotto, to approve the resolution for extension request for Puleo International LLC:

**Roll Call Vote:**

Ayes: Chairman Sailer, Mr. Lubsen, Mr. Snider, Mr. Smith, Mr. Viotto, Ms. Van Weeren

Nays:

**All Ayes. Motion carried.**

**Resolution of approval- Ansuya Enterprise of Clinton LLC & Ansuya Riverbend LLC -Block 17 Lot 2, Block 17.01 Lots 2.03, 2.04, & 6- 1628 Route 31 North-**

A Motion was made by Mr. Smith, seconded by Mr. Viotto, to approve the resolution for Ansuya Enterprise of Clinton LLC / Ansuya Riverbend:

**Roll Call Vote:**

Ayes: Chairman Sailer, Mr. Lubsen, Mr. Padmos, Mr. Snider, Mr. Smith, Mr. Viotto,

Nays:

**All Ayes. Motion carried.**

**Continuation of Public Hearing # 2– Block 10 lot 1- DJV Holdings LLC- 2-8 Main Street- FAR Variance Extension Request & Minor Site Plan:**

Attorney Michael Malloy from Obermayer Rebmann, Chris Nusser, PE, from ELP, Michael Haggerty, designer from White dog studios and JR Vernick applicant were present and sworn in.

The following items were submitted into evidence:

- A11 Revised schematic –prepared by David Singer dated 6-22-2022
- A12 Revised schematic & elevations (6 Pages) dated 6-22-2022
- A13 Revised site plan prepared by ELP revision date 6-20-2022
- B3 Robert Clerico, Van Cleef Engineering report # 2 dated 6-30-2022

Attorney Michael Malloy advised the board this is a continuation from last months hearing and Mr. Haggerty will present the changes that came out of the discussion from last meeting.

Mr. Haggerty advised the board the plans have been modified they missed the deadline of submission but he went on to describe the new changes. The foot print will remain as it, leaving the first floor angled, the second floor will overhang the first floor and the plan will now include attic renovations, which was not part of the original submission. The attic space will not be utilized for public space, they have eliminated some storage space, the space will now hold the HVAC units and some storage. The only area of the attic that is remaining is the center area for the storage loft and will be accessible from the second floor by a “ships ladder”. Discussion took places if the attic space counted towards the FAR, Mr. Kyle advised the board the attic space should be included as part of the FAR . Mr. Nusser stated the existing FAR with the existing attic space is 137%, by eliminating some of the attic space the new FAR will be reduced to 120.3%, we are reducing the FAR but we are still over the 87% it was concluded an FAR variance will still need to be granted. Mr. Smith asked for clarification on the second floor overhang Mr. Haggerty responded the overhand will be 12 feet above the driveway.

Mr. Nusser advised the board the plan revisions are relating to the comments from last month and vehicle circulation. The entrance changes in the rear consist of a raised driveway to meet grade, there will be ADA accessibility for the rear entrance by creating a 1 ½ % slope from the sidewalk to the door. The

space will be delineated by concrete so it will become more of a formal entrance. The small fence will remain which will screen the trash receptacles. The revised plan now show the circulation of the driveway and the sight visibility exiting onto Main Street. Mr. Nusser stated there is adequate sight visibility and he has no concerns with the sight distance and oncoming vehicles when exiting onto Main Street. Mr. Nusser advised the board the owner still would like to park 2-3 vehicles in the rear of the building, the new design provides adequate room for emergency services to access the area with ladders and equipment. Mr. Clerico stated he was concerned because there is no representation of the spaces on the plan and advised the board we should have the applicant define the spaces, we should make sure the spaces conform, without the spaces on the plan we don't know if they are meeting the parking standards and if design waivers are needed. Mr. Hedden, Fire Chief stated with cars parked there we will have to work between them, that this is not the only driveway on Main Street utilized for parking. Attorney Razin advised the applicant they will need to mark out the spaces so the board can grant the appropriate relief.

Attorney Malloy stated the driveway was used under the prior use it was used for parking and it was unregulated the applicant is making an investment in the building he would like to park 2-3 cars in the rear driveway space, Mr. Clerico stated the applicant should be up front on how they plan to use the driveway space, the plan should show designated spaces so the board can decide. Mr. Kyle stated he would like to see restrictions of traffic flow around the building to prevent vehicles backing out onto Leigh Street.

The board agreed they would like to see the parking layout on the plan. Mr. Clerico inquired if the code requires an ADA Space, Mr. Daniels commented that under the building code only 20% of the rehab needs to be dedicated to barrier free, if they meet or exceed this percentage they are not obligated to construct an ADA space.

Mr. Nusser advised the board they will update the plans and any relief required. The board agreed to carry the hearing without further notice to July 19, 2022.

#### **Hearing for Sign Variance- Block 10 Lot 12.01- 8-10 Leigh Street- Nourish to Heal**

Anthony & Nicole Piazza applicant were present. Nicole advised the board they would like to install a 36" round hanging sign off the front porch, the bottom of the sign will be four feet above the ground level, the ordinance requires 8 feet. Nicole Piazza stated they plan to install planters under the sign so no one can walk under it. Ms. Piazza presented the board with a sketch and photograph of the sign design and the sign location with the planters, the board had no concerns with the sign

A Motion was made by Mr. Viotto, seconded by Ms. Van Weeren to approve the sign variance as presented.

#### **Roll Call Vote:**

Ayes: Chairman Sailer, Mr. Lubsen, Mr. Padmos, Mr. Snider, Mr. Smith, Mr. Viotto, Ms. Van Weeren  
Nays:

#### **Voucher Approval:**

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

**All Ayes. Motion Carried.**

#### **Adjournment:**

There being no further discussion, a Motion was made by Mr. Lubsen, seconded by Mr. Viotto to adjourn the meeting at 8: 25pm.

Respectfully submitted,  
Allison Witt, Land Use Board Administrator