



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

Clinton, N.J. 08809-5194

(908) 735-8616 FAX (908) 735-8082

Land Use Board Minutes

Minutes of the Town of Clinton Land Use Board meeting held on May 2, 2023 at 7:00pm. The meeting of the Town of Clinton Land Use Board has changed the format of its regular meeting to “virtual” meetings via Zoom with a hybrid option.

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 Katie Razin, Mr. Robert Clerico and Ms. Beth McManus were present.

ROLL CALL:

Present: Mr. Sailer, Mr. Carberry, Ms. Dineen, Mr. Smith, Mr. Snider

Absent: Mayor Kovach, Mr. Bruno, Mr. Devita, Mr. Lubsen, Mr. Viotto

Approval of Minutes:

A Motion was made by Mr. Carberry seconded by Mr. Snider, to approve the March 21, 2023 minutes.

All Ayes.

Motion Carried

Completeness Hearing & Public Hearing for Use Variance- Preliminary & Final Site Plan Approval- Block 4 Lot 2 Route 22 & Pittstown Road- Bonnell Properties LLC:

A Motion was made by Mr. Carberry, seconded by Mr. Smith, to deem the application complete with the permanent and temporary waivers outlined in Mr. Clerico’s report dated 4-27-2023:

Roll Call Vote:

Ayes: Sailer, Carberry, Dineen, Smith, Snider

Nays:

All Ayes.

Motion Carried

Public Hearing-Block 4 Lot 2:

Attorney Kara Kaczynski, Theodore Bayer, Engineer from Bayer-Risee, Tiffany Morrissey, Planner and Hank Bonnell, applicant were present and sworn in.

The following items were submitted into evidence:

- A1. Application package
- A2. Affidavit of service & Proof of publication dated 4-28-2023
- A3. Town of Clinton Clerks Certified 200- foot list dated 2-3-2023
- A4. Tax Certification dated 4-24-2023
- A5. Preliminary & Final Site Plan prepared by Bayer-Risse Engineering, Inc. dated 8-5-2022 revised 3-15-2023
- A6. Boundary & Topographic Survey prepared by Carroll Engineering dated 7-29-2022
- A7. Architectural Plans prepared by D.A. Denson Architects dated 11-19-2022 revised 1-30-2023
- A8. Stormwater Operations & Maintenance Manual prepared by Bayer-Risse Engineering dated 8-5-2022- revised 3-15-2023
- A9. Exhibit Plan Proposed Sidewalks prepared by Bayer Risse Inc.
- A10. Exhibit Plan Setbacks prepared by Bayer-Risse Inc,
- A11. Exhibit Plan Proposed Sidewalks prepared by Bayer Risse Inc.
- A12. Exhibit Plan Lighting Plan prepared by Bayer-Risse Inc.
- B1. Robert Clerico, Van Cleef Engineering report dated 4-27-2023
- B2. Jim Kyle report dated 4-28-2023
- B3. Chief Kubinak report dated 4-14-2023
- B4. J. Daniels report dated 4-29-2023

Attorney Kaczynski advised the board the applicant is here tonight seeking approval for a use variance and site plan to permit parking as the principal use on Block 4 Lot 2. The application is unique because it is located in two municipalities, the Town of Clinton and Union Township. The plans that will be presented have been approved by Union Township. The single -family dwelling on the Union Township lot has received approval for a tavern use selling beer which will be produced on site. The Union Township site will also include the majority of the parking and on the Clinton site we propose eight parking spaces and signage, no structure other than a pre-existing billboard will be located on the Clinton lot. The parking will be the principal use on the lot and will require a D1 Variance. In addition to the D1 Variance we will also require approval for several C variances and design waivers.

Hank Bonnell, owner and applicant gave the board a history of the site. Mr. Bonnell is the 8th generation of his family that has owned this building, the building dates back to 1767. He plans to operate a tavern which will serve historic beers and showcase some historic artifacts. The project will be broken into three phases, Phase I is to get the microbrewery up and running, Phase II will be to rebuild the Sam Bonnell Barn on the Union lot, and the third Phase will provide improved access by building a culvert over Lingert Creek. Mr. Bonnell stated his primary goal is to save the tavern.

Mr. Theodore Bayer went over the site plan with the board. The site is located at the intersection of Pittstown Road, Route 513 and Route 173. The site will be accessed from Route 513 onto a gravel driveway that will be widened and will wrap around north of the property. The bulk of the parking 57 spaces will be located on Union Township and 8 spaces in Clinton. The addition of the barn will be part of Phase II and Phase III will be the culvert over Lingert Creek which will give you access onto Route 173. The billboard has been in place over 60 years and will remain on the Clinton lot. The improvements will include the stormwater management system, some pervious pavement, outlet structure for the stormwater overflow into Lingert creek and landscaping and trees along the driveway will be added. In regard to site lighting, they will add 5 fixtures in total, three in Clinton and 2 fixtures in Union Township,

The fixtures in front will be historic looking and the fixtures in the rear of the lot will be conventional shoebox lighting. The poles have been reduced to 15 feet which will eliminate the need for a design waiver.

Mr. Bayer went over the setback variances with the board. The property has two front yards one that fronts Route 513 and one the fronts route 173, the rear yard is at the Town line adjacent to the Union Township lot and the side yard is adjacent to the apartment building. The parking in the rear will be at the property line and will require a rear yard setback variance, the parking along Route 513 will be setback 23' and will require a front yard setback and the parking on the side will be 18'.6 off the property line and will require a side yard setback variance. The variances are summarized on the zoning chart on Exhibit A10.

Mr. Bayer advised the board sidewalks were added (exhibit A11) as a result of the Chief of Police memo dated April 14, 2023. The four- foot sidewalks will wrap around 173 and extend onto Route 513 frontage and provide access to the tavern.

The proposed site sign will be 6 x 6 with indirect lighting and will be located in the northeast corner of the property. The area will include landscaping and uplighting. The sign is compliant with the Town of Clinton's Sign Ordinance.

The lighting plan has been revised (exhibit A12) to reduce the 16 -foot light pole to 15 feet which is compliant with the Towns Ordinance. The 3 light fixtures will be placed along the driveway, 1 in the parking lot and 1 along the entrance driveway. The footcandles comply and all lighting will be constructed in Phase I.

Mr. Bayer went through Mr. Clerico and Mr. Kyles review report and advised the board the applicant is requesting design waivers for parking space size; concrete curbs; porous permeable asphalt pavement and will add additional shade trees on site. The applicant will comply with the remaining items outlined in both review reports.

Ms. Tiffany Morrissey, Planner went over the positive and negative criteria. The property is located in the C-3 zone, half of property which includes the structure sits in Union Township and the other half which provides the access into the site sits in Clinton. The parking will be the principal use on the Clinton lot and will require a Use Variance. The site and use create a use that is particular suited for each site and promotes the general welfare. The use on both sites work to preserve the historic site and prevents urban sprawl. In regards to the setbacks if the parking was an accessory use, it would meet the setbacks of the zone but because it is a principal use the parking does not meet the bulk standards and therefore requires setback variance approval. The development is sustainably consistent with the ordinance and advances the goals of the Master Plan. Lastly Ms. Morrissey testified that it was her professional opinion that there is no substantial detriment to the public and the positives outweigh the negative.

Mr. Clerico questioned the sidewalk and inquired if the proposed sidewalks were included in the DOT permit and questioned the sidewalk along Route 173. Mr. Bayer responded the sidewalks will be added to the DOT permit and the walkway along Route 173 is blacktop and does not meet the sidewalk width therefore they will request a design waiver or variance if needed. Mr. Clerico inquired about the Chief of Police comments and stated the additional sidewalks do not connect the crosswalk. Attorney Kuczynski stated she received comments back from the Chief of Police stating the proposed sidewalks were an improvement, the applicant will work with the Chief.

Ms. Beth McManus advised the board the applicant has addressed all the questions tonight that were in Mr. Kyles report and suggested as a condition of approval the applicant work with our office and receive approval on the final landscape and lighting design.

Public Questions & Comments:

Mr. John Price, Fairview Avenue inquired about the Phase III access and if it would be a right turn only onto Route 173. Mr. Bayer stated we are working with the DOT on that.

Mr. Bruce Hirt, Committeeman from Union Township advised the board he was here tonight if they had any questions regarding the Union Township approval.

Attorney Razin summarized the relief requested. The applicant is requesting a D1 Variance, 3 setback variance, 1 sidewalk variance, and several design waivers.

Attorney Kuczynski summed up the presentation by advising the board she has been working with Mr. Bonnell over the last two years to see this project get approved, this will be a wonderful addition to both municipalities. Ms. Kaczynski asked the board not to tie in the completion of Phase III with Phase I and II as a condition of the resolution, we do not want to hold up the Certificate of Occupancy for Phase I. Union Township split the project into three phases and approved the project without the necessity of Phase III, we are asking the Town to be compatible with Union Township's approval.

Mr. Snider questioned the impact of traffic pattern in Phase III and if they would need to return back to the Board. Mr. Snider was concerned with the traffic pattern and the impacts effecting the existing business along Route 173. Attorney Kuczynski replied that we are asking for approvals tonight not to return back and the traffic pattern on Phase III will be determined by NJ DOT.

A Motion was made by Mr. Carberry, seconded by Mr. Smith, to approve the D1 Variance, 3 setback variances, 1 sidewalk variance, design waivers and exceptions as discussed, and the agreed upon conditions in Mr. Clerico and Mr. Kyles review report.

Roll Call Vote:

Ayes: Sailer, Carberry, Dineen, Smith, Snider

Nays:

All Ayes.

Motion Carried.

Board Discussion:

The board was updated on the upcoming application and change of venue and time.

Voucher Approval:

A Motion was made by Mr. Carberry, seconded by Mr. Snider to approve the voucher list.

All Ayes.

Motion Carried.

Adjournment:

There being no further business A Motion was made by Mr. Carberry, seconded by Ms. Dineen, to adjourn the meeting at 9:10pm:

All Ayes.

Motion Carried.

Respectfully submitted,

Allison Witt
Land Use Board Administrator