



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 September 19, 2023 at 7:30pm. The meeting of the Town of Clinton Land Use Board has changed the location to the Clinton Fire Department at 1 New Street Clinton NJ 08809.

Chairman Sailer called the meeting to order at 7:30pm 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".

Attorney Katie Razin, Mr. Robert Clerico and Mr. Jim Kyle were present.

ROLL CALL:

Present: Mr. Sailer, Mayor Kovach, Mr. Carberry, Ms. Dineen,
Mr. Lubsen, Mr. Smith, Mr. Snider, Mr. Viotto

Absent: Mr. Devita, Mr. Bruno

Approval of Minutes:

A Motion was made by Mr. Carberry, seconded by Mr. Viotto, to approve the July 18, 2023 minutes.

All Ayes.

Motion Carried

Public Hearing # 3 for Clinton Moebus 34 LLC "Clinton Commons"- Preliminary & Final Subdivision for a 3 Lot Subdivision and Preliminary Site Plan approval for Block 14 Lot 32 65 ½ Center Street

Attorney Howard Apgar, Mr. Wayne Ingram, Professional Engineer and Planner from ELP, Mr. Vatsal Shah, Geotechnical Engineer from ANS Geo, and Mr. Bhaskar Halari consulting Engineer and Principal were present.

The following items were submitted into evidence:

A58 Phasing Plan prepared by French & Parrello Associates dated 8-28-2023

A59 Updated Geo Tech report and response letter dated 9-6-2023

Attorney Apgar stated this is a continuation of the hearing for Clinton Moebus, at the last meeting we were in the middle of public questions for the Traffic Engineer, Mr. Rea is not available tonight he will be back in October to finish up with his testimony and questions. Tonight, we plan to have Mr. Ingram testify on the phasing plan and Mr. Shah the Geotechnical Engineer will start his testify.

Mayor Kovach questioned the phasing plan and requested an updated application and detailed description on the phasing. Attorney Apgar stated he would provide that before the next meeting.

Mr. Ingram went over the phasing plans (exhibit A58). The project will be broken into 5 phases: Phase I will consist of 30 townhomes, some of the landscape buffering, and the stormwater components; Phase II will be the balance of the townhomes and the rest of the buffering; Phase III- the fast food restaurant and the second access onto Route 31; Phase IV is the gas station; Phase V is the supermarket. Mr. Ingram stated depending on the tenant Phase IV and V can be interchangeable. The phasing plan outlines the infrastructure, the stormwater utilities, and access points. Mr. Carberry inquired about the timeframe and the affordable housing; Mr. Ingram was unable to predict a timeframe he stated the affordable housing is intertwined with this project the housing will be located off site at the old music hall lot. The affordable housing will be a separate application that will need to come before this board.

Mr. Halari stated they are looking for preliminary and final subdivision approval and preliminary site plan approval for all 5 phases. Mr. Smith inquired if each phase could be a different builder, Mr. Ingram replied yes. Mr. Carberry asked for clarification if the site plan was contingent on the offsite affordable housing; Mr. Ingram stated they are intertwined. Mr. Kyle stated under the settlement agreement they cannot receive more than 28 Certificates of Occupancy for the townhomes until the affordable housing is built.

Mr. Clerico stated there are several elements of the site plan that overlap and requested a plan with more detail on what site elements are included with each phase. Mr. Clerico stated at the last hearing he recommended the applicant base his application to the DOT on the entire project not just a phase, he would like the feedback from DOT looking at the big picture. Mr. Apgar stated in order to finish the final DOT application we need subdivision approval and would ask the board to grant the subdivision approval tonight so we can finish the application with DOT. Mayor Kovach also stated she would like the detail of the infrastructure on the summary plan that will be presented to the board, Mr. Ingram agreed to document that.

Mr. Jack Daniels, Fire Marshal advised the applicant that fire hydrants must be active before any wood is delivered to the site

Public Comments:

George Tiboni, West Main Street inquired about the offsite affordable housing and if any plans were available, Mr. Ingram replied the housing will be on the old music hall site the application and plans will be submitted to the board as a separate application.

Ms. Kim Stenz, Goosetown Drive inquired who owns the land and the music hall land, Mr. Ingram stated the land is owned by different partners but Mr. Halari has part ownership in both properties,

Jim Thompsen, Quarry Ridge Road inquired how many affordable units there will be and questioned how the applicant can move forward without plans, Mr. Kyle stated there will be 10 affordable units, Attorney Razin added the plans will have to be approved by this board under a separate application.

John Bohnel, Center Street asked for some reassurance that the affordable housing will be built; Mr. Halari responded that he was in negotiation with the owners of the Agway site to develop the housing as part of the redevelopment site but if that does not happen, we will do our own independent project, it is our intention to get it done as quickly as we can.

Kelly Boyd, Center Street asked what phase are the Central Avenue improvements in; inquired about the specifics of the widening of the roadway; if a sidewalk would be installed; slope of the driveway when entering her garage; runoff created by the improvements; the maintenance of Central Avenue; Mr. Ingram replied the drainage will need to comply with the regulations, we will not be making the runoff worse than what exists, the roadway width will be 20 feet wide, there will be a 15 foot strip from the roadway to the closet edge of her garage, the strip will be at the same elevation, we have the obligation to maintain the roadway, Mr. Ingram stated we can talk with you about adding a trench drain our plan is not to make the situation worse, Mr. Ingram agreed to meet with Ms. Boyd to go over the design.

Art Dysart, Representative of Riverside Cemetery stated they were concerned with foot traffic cutting through the cemetery and asked how they plan to have children walk to school, Mr. Ingram replied the plan is they will walk down the driveway on Central Avenue, they also plan to add significant landscaping between the project and the cemetery, Mr. Ingram also agreed to add a fence along the cemetery line.

Lisa Intrabartola, Georges Place asked for clarification on the commercial phasing and if they would be willing to meet with the 5 homeowners on Georges place to go over the landscaping plan. Mr. Ingram stated the Taco Bell will be in Phase III, gas station Phase IV, supermarket is Phase V, Phase IV and V can be interchangeable; he is willing to meet with the homeowners to see if they can save some existing vegetation.

Resident Tara stated CPS is a walking district and inquired about a safe walking path, Mr. Ingram stated the only connection is the Driveway off Central Avenue.

Norma Kania, West Main Street questioned the design of the affordable housing, Mr. Ingram stated there are design standards we have to comply with.

Phil Franzone, Center Street inquired if the developer will maintain the property until the development is complete, if all the infrastructure will be completed with the first 28 units, who is responsible to enforce the care and maintenance while under construction. Mr. Ingram the developer will maintain the property until the Home Owners Association takes over, not all of the driveways will be constructed under Phase I they will be constructed as a loop, any necessary infrastructure to operate independently will be installed; the developer will be required to post a two- year maintenance bond for the landscaping and the zoning officer is the enforcement agency.

Katelyn Price, Fairview Avenue inquired what will be installed along the access road, Mr. Kyle stated a chain link fence was proposed but the developer may have to switch to Bollards to accommodate a walking path for the children to access.

Kim Stenz, Goosetown Drive questioned why we are allowing another gas station, Mr. Kyle stated it is a permitted use.

Nicole Ayers Fairview Avenue questioned why the applicant is building the infrastructure for the entire site when they have no tenants for Phase IV and V, and inquired why the taco bell cannot be moved further away from the residential homes on Georges Place, and about the grading of the accessway road. Mr. Ingram stated the placement design of the commercial uses is based on the spatial requirement the placement give us the most use of the space, this is the developers plan and the placement is in the best location for each use; the intention is to follow the slope of the road, we are happy to meet with the owners on Central Ave to assure them we will not exacerbate the problem and to improve if possible.

Kelly Healy Cox- resident inquired if they had implemented anything that the public has discussed in the last three meetings and if he will meet with the residents on Georges Place, Mr. Ingram stated we are making agreements which will get incorporated into a resolution and Mr. Ingram agreed to meet with the five homeowners on Georges Place.

Resident John asked if there were any requirements for the gas station to install an oil-water separator, Mr. Ingram replied yes, the water will be filtered by a sand filter and the clean runoff will run into the basin which will run into a second basin and the clean water overflow will run into the river.

Angelo Yacone, Georges Place inquired if there was any intention to put in survey markers along the property line, Mr. Halari stated we will try to stake the corners of his property.

There were no further questions- the meeting was closed to the public.

Attorney Apgar asked the board to consider making a motion to grant the subdivision so we can move forward with the DOT permit, Chairman Sailer stated we are not prepared until we listen to all of the testimony. Mayor Kovach stated this was not part of the initial request and she is not comfortable moving forward with a vote tonight. Mr. Kyle stated the subdivision does require one variance, the residential tract is 9.1 acres and the ordinance requires 15 acres, the smaller residential parcel has increased the open space parcel. Mr. Halari stated they need the three-lot subdivision approval to move forward with the DOT application, the application that was filed with the DOT was for a five-lot subdivision and in order for DOT to approve the application we need to show them the three-lot subdivision approval. Mr. Halari stated in the future we plan to come back to the board to further subdivide the commercial lot into three separate lots. Mr. Clerico asked for clarification, Mr. Halari stated Mr. Rae the Traffic Engineer will be at the next meeting to explain.

Due to the timeframe the meeting was carried to October 17, 2023 at the Firehouse start time 7:30pm- Meeting carried without further notice

Voucher approval:

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

All Ayes. Motion carried.

Adjournment:

A Motion was made by Mr. Carberry, seconded by Mayor Kovach to adjourn the meeting at 9:50pm.

All Ayes. Motion carried.

Respectfully submitted,

Allison Witt
Land Use Board Administrator

