



## **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 December 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. Kyle were present.

#### **ROLL CALL:**

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

Absent: Mr. Bruno, Mr. Viotto, Mr. Devita,

#### **Approval of Minutes:**

A Motion was made by Mr. Carberry, seconded by Mayor Kovach, to approve the November 21, 2023 minutes.

**All Ayes.**

**Abstain:**

**Motion Carried**

**Dineen**

#### **Preliminary Investigation and determination that Block 2 Lot 2 is an area that qualifies as an area in need of redevelopment:**

Mr. Kyle at the direction of the Governing Body prepared the redevelopment study and the determination is now before the board to determine if the site qualifies as an area in need of redevelopment. The preliminary investigation that was conducted focused on the western portion of the site which is mainly wooded and sloped the site has practical difficulties due to the rock conditions present. The proposed plan will assist in the Towns affordable housing needs and based on the report our recommendation that the site qualifies as an area in need of redevelopment is based on criteria "C" and "H". The board discussed how this will affect the upcoming round 4 affordable housing plan.

A Motion was made by Mr. Carberry, seconded by Ms. Dineen to recommend to the Governing Body the

preliminary investigation of the westerly portion of the site for Block 3 Lot 2 is in need of redevelopment as indicated in the report:

**Roll Call Vote:**

Ayes: Sailer, Kovach, Carberry, Dineen, Lubsen, Smith, Snider

Nays:

**All Ayes.**

**Motion Passed.**

**Amendment to the Highlands Land Use Ordinance – Master Plan Consistency review:**

The amendment was introduced at the Council meeting and is being referred to the Land Use Board for review. Mr. Kyle stated that all the changes to the Highlands Land Use Ordinance are consistent with the Master Plan Element which this board has previously adopted.

A Motion was made by Mr. Carberry, seconded by Mr. Smith, that the ordinance is not inconsistent with the Master Plan

**Roll Call Vote:**

Ayes: Sailer, Kovach, Carberry, Dineen, Lubsen, Smith, Snider

Nays:

**All Ayes.**

**Motion Passed.**

**Public Hearing #6 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. John Rea, Traffic Engineer, Ms. Sarah Rebar Bisaha, Landscape Architect and Mr. Bhaskar Halari consulting Engineer and Principal were present.

The following items were submitted into evidence:

A66 Landscape Plan prepared by FPA revised 11-27-2023

A67 Landscape Exhibit prepared by FPA dated 12-18-23

Attorney Apgar advised the board there are two witnesses left to testify, Mr. John Rea will finish up with the Traffic Engineer report and Ms. Bisaha will testify as the Landscape Architect.

Mr. Rea submitted an updated report dated 11-2-2023 based on comments and testimony at the last hearing. The traffic counts include the two site driveways and has been expanded to include the intersections of Route 31 and Georges Place and the intersection of Georges Place and Center Street. The level of service findings during peak hours are the north driveway will operate at a level D, the south driveway will operate at a level C, Route 31 and Georges place intersection will operate at a level C and the Georges Place and Center Street Intersection will operate at a level A. The report summarizes the site can handle the capacity of traffic at full build out. Mr. Clerico inquired what was the benefit of the southbound right turn lane on Route 31 at the northerly driveway, Mr. Rea stated it serves as a deceleration lane. Mr. Clerico inquired about the percentage of traffic that exits each driveway, Mr. Rea stated 2/3 will use the north driveway and 1/3 will exit the south driveway. Mr. Rea went over the traffic circulation pattern at the taco bell, the gas station and the convenience store and advised the board there will be a Pylon sign at each entrance.

Mr. Carberry asked if DOT will change anything on the plan, Mr. Rea replied the site is eligible for the two driveways he does not anticipate any changes. Mayor Kovach stated the site distance between the driveways is approximately 350 feet and inquired if they see any issues with the volume of cars exiting onto Route 31, Mr. Rea replied the site is designed per DOT standards and State Highway regulations the design meets all the recognized engineering standards. Ms. Dineen inquired about the traffic flow from the Taco Bell to the gas station, Mr. Rea explained there is a stop sign at the exit lane of the Taco Bell and

there will be no issues with the line of sight. Mr. Lubsen questioned the number of vehicles exiting and has concerns with the exiting traffic flow, Mr. Rea stated they have no concerns that geometrically the site will operate fine, 75% of the flow is pass by traffic and 25% will be primary trips. Mayor Kovach stated she was concerned with the traffic now stopping at the site and commented that part of the highway is terrible and was known as “deadmans curve”. Mr. Smith inquired about highway signs; Mr. Rea advised the board they have not applied for any DOT signs.

#### Public Questions:

John Bohnel, 76 Center Street- questioned statistics of the traffic going out on southside driveway and inquired if there was an ease on lane, Mr. Rea stated cars exiting will need to wait for a gap to exit.

Jack Daniels Fire Marshal inquired about the circulation plan and the need to make sure the fire equipment could access the site and asked the applicant to document the updated plans so they are part of the record. The applicant agreed.

George Tiboni, 41 West Main Street- inquired if the residential traffic was included in the counts and the traffic flow to the food store, Mr. Rea responded yes, the residential counts were included and the traffic to the food market will come in from the north driveway.

Tracy Ivie, 28 Georges Place inquired about the distance from the south driveway to Georges Place, Mr. Rea responded approximately 320 feet.

Kaitlyn Price, 2 Fairview Avenue- questioned exiting traffic from Georges place onto Route 31, Mr. Rea stated the level of service analysis reflects no issue with exiting traffic.

Mayor Kovach asked for an explanation of what level service ‘C’ means, Mr. Rea explained for pm peak hours there is an average of 17 second delay and the am average of 16.9 second delay, the queuing of vehicles at the north driveway is estimated at 2.7 cars in the am and 3.9 cars in the pm, the level of services is acceptable.

Mr. Sailer inquired about the parking spaces for the grocery store and was concerned about the traffic flow when the spaces were full, Mr. Rea stated there were 120 stalls in the market and they have no concerns with the traffic flow.

Ms. Kelly Boyd 93 Center Street- asked if they have considered the calculation of potential collisions and with the additional traffic the impact of noise on the Route 31 rumble strip that is installed by Georges Place, Mr. Rea replied the site and spacing meets all DOT standards.

Ms. Norma Kania 27 West Main Street- inquired if any study was done with the traffic on the opposite side of the highway, Mr. Rea stated when we do the traffic study for the DOT, we will have to incorporate the u-turn traffic into the study, we will need to meet all the standards and if the signal light needs to be adjusted we will have to do that.

Mr. Phil Franzone, Center Street- inquired about the additional traffic that will make a right onto Georges Place, Mr. Rea stated there will be a small increase that will result from the residential traffic, the study shows approximately 34 right turns in the am, and 37 right turns in the pm. The Center Street will add 22 turns in the am and 24 in the pm peak hours. The level of service at Georges place will be a C and the level of service at Center Street will be an A.

Mr. William Courtney, 67 Center Street inquired how big is the gap from Halstead Street and in his experience the gap is always filled with cars. Mr. Rea stated there is a clearance interval the study reflects the light changes which result in the gap timeframes.

There being no further questions the meeting was closed to the public for questions.

Mr. Sarah Rebar Bisaha Landscape Architect from FPA Associates was sworn in. Ms. Bisaha went over

the landscape plan with the board, the plan creates a buffer between the residential area and commercial area. When designing the plan, we looked at the ordinance requirements and factored in a wide variety of plantings. The plant selection incorporated 93 % of landscaping that is native to NJ, we looked at the USDA landscape zone, vegetation that is rated by counties within NJ, diversity of the species, deer resistant plants, drought resistant plantings, salt and saline intake were taken into consideration, the size of the plantings, the grass species that can handle drought and high traffic areas were all factored into the design of the plan. The smaller areas of the site will have sod planted, the storm water basin on the west side will have plantings that are native conservation species this area will have biodegradable erosion control. The buffer design in the south and eastern area of the site will be broken up into two modules, approximately 1,250 square feet with interchangeable plants and buffering. The initial trees will be planted with a 2-3" caliber and 10 feet in height, the evergreens will be between 8-10 feet in height and the shrubs between 3-4 feet in height they will have a moderate growth rate of 1-2 feet per year. We are trying to preserve the vegetation in the area by Route 31 and Georges Place we met with the owner of 19 Georges Place and per the owners request we will plant some lower material so the resident can see the trees in the distance. They also met with the resident at 34 we agreed to keep as much of the vegetation as possible and we will install evergreen trees and provide a fence on the northside. Ms. Bisaha stated the developer will adjust things accordingly if things are not working.

Mr. Kyle stated the module design meets the ordinance, the buffer on the northside of lot 34 has been worked out by adding a six- foot fence and as long as the resident is happy the additions are fine. Mr. Ingram added he worked with the residents that requested a meeting and they worked out the buffering design together.

Mr. Carberry inquired if they checked on the quality of fill brought to the site, Ms. Bisaha responded yes, it is a requirement, we prefer spring installation and we will work with the contractor to make sure all the plantings are installed properly. Mr. Kyle also advised the board the developer will have to post a two-year bond for any replacement plants if needed. Mayor Kovah inquired if the grass areas can handle any excess water, Ms. Bisaha stated the majority of the planting are on the sloped area and the plants around the basin are designed for water. Mr. Sailer inquired if the trees will grow to 20 feet after 5 years and about the proposed tree by the south entrance, Ms. Bisaha stated the ones planted at 10 feet will grow 1-2 feet per year and the tree by the entrance will not be a dense tree the line of site will remain open. Ms. Bisaha stated the homeowners association and the commercial property maintenance company will oversee the maintenance of the landscaping. Mayor Kovach inquired about the life expectancy; Ms. Bisaha replied the maples can live up to 100 years.

#### Public Questions:

Kelly Boyd, 93 Center Street- inquired about the proposed plantings on the lower portion of the site adjacent to her property, Ms. Bisaha replied we will plant river birch trees we can also plant some evergreen trees for buffering.

John Price, 2 Fairview Avenue- inquired what happens after the two- year guarantee, can the homeowners association cut them down, Mr. Ingram stated the approved landscaping is bound by the site plan approval. Mr. Kyle suggested adding a specific clause into the Homeowner documents regarding the buffering.

Angelo Yacone, 25 Georges Place was not able to attend the residents meeting and inquired about the landscaping between the Taco Bell and his house, Ms. Bisaha responded we are planting a mix of spruce and hollies to help screen the area the evergreen trees will help screen the lights from the cars and we can add a lower level of evergreen shrubs to add a second layer of buffering.

Phil Franzone, 47 Center Street- inquired about the screening on the retail side and the lights shining into Center Street and the screening by the loading dock to block the truck lights, Ms. Bisaha stated there is a good distance from Center Street and there will be adequate buffering once the buffer is established, the evergreen trees by the loading dock will be dense and planting at 6-8 feet in height which will block the

truck headlights. Mr. Kyle added the trees along the river will be reforested per Highlands.

David Wiant- Center Street- inquired about the plantings of the non- native plants and the type of material used for the reforesting area and if they have considered any meadows, Ms. Bisaha stated we will plant some Norway Spruce scattered throughout the development and Japanese hollies around the foundations which are non- evasive plantings, there will be a mix of plantings in the reforest area and rain gardens will be planted around the basins which will have a meadow appearance, the list was provided by the DEP.

Norma Kania 27 West Main Street- inquired about water restrictions, Ms. Bisaha stated the State gives developers the right to water newly planted material and once established they will not need an overabundance of watering, they will be able to handle droughts once established.

Kelly Boyd inquired if the waking path will be cleared of snow, Mr. Ingram stated this will be maintained by the Homeowners Association.

There being no further questions the meeting was closed for public questions.

Attorney Apgar stated this now completes the testimony for this application and agreed to hold public comments at the next meeting scheduled for January 16, 2024. The applicant intends to be present with his Engineer at the next meeting no other professionals will be present. Attorney Apgar granted the board an extension of time to act until January 30, 2024.

The meeting for Clinton Moebus “Clinton Commons” is carried to January 16, 2024 the fire house- 7:30pm start no further notice will be required.

**Voucher approval:**

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

**All Ayes.      Motion Carried.**

**Board Discussion:**

Chairman Sailer advised the board the Reorganization meeting will be held at the Municipal, Building on Tuesday January 2, 2024 at our regular time of 7:00pm.

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

Respectfully submitted.

Allison Witt  
Land Use Administrator