



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 July 18, 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 Ms. Beth McManus were present.
Fire Chief Jeff Hedden was present.

ROLL CALL:

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

Approval of Minutes:

A Motion was made by Mr. Carberry, seconded by Mr. Viotto, to approve the June 20, 2023 minutes.

All Ayes.

Motion Carried

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

A Motion was made by Mr. Carberry, seconded by Mr. Viotto, to adopt the resolution:

Roll Call Vote:

Ayes: Sailer, Carberry, Smith, Snider, Viotto

Nays:

All Ayes.

Motion Carried

**Public Hearing # 2 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. John Rea, Traffic Engineer, Mr. Bhaskar Halari consulting Engineer and principal were present and sworn in.

The following items were submitted into evidence:

A57: Revised Traffic report by McDonough & Rea dated 7-10-2023

Attorney Apgar stated this a continuation of the hearing for Clinton Moebus, tonight the public can continue with their questions for Mr. Ingram and when completed Mr. Rea the Traffic Engineer will testify.

Public questions:

Phil Franzone 47 Center Street- questioned the topography, detention basin, stormwater management and runoff from the gas station. Mr. Ingram stated the site design will have a detention and infiltration basin and the stormwater design meets all of the state and highlands requirements, the gas station will be designed with oil and water separator for protective measure and will be designed to prevent leakage off the facility, the final site plan will have a lot more details on the system for each specific tenant.

David Wiant, 78 Center Street- inquired about site lighting, commercial signage, if the lots would be sold off separately, open space lot and about the management company. Mr. Ingram replied the signage has not been finalized the anticipation is that each commercial tenant will have signage, there will be one Association for the entire lot but how the Association will function is a legal question, the open space will be deeded to the Town.

Katelyn Price- 2 Fairview Avenue- concerns with line of sight to spruce run, inquired about the height of the buildings, Taco Bell deliveries and if any of the commercial spaces will operate on a 24-hour basis. Mr. Ingram stated the townhomes will be 2 ½ story with a height of 35 feet, the deliveries for Taco Bell will be off- peak hours and he was unsure of the hours of operation.

Art Dysart, Trustee for Riverside Cemetery- inquired about a pedestrian path, if there were any plans for a fence or wall in the rear of the cemetery lot, blasting concerns with monuments in the cemetery that are over 200 years old. Mr. Ingram stated no fence or wall is proposed and he will refer the blasting to the Geotechnical Engineer.

Resident Fokken, 59 Center Street- inquired what are the plans for the old structure on the open space lot. Mr. Ingram stated the open space will be dedicated to the town so it will be up to the town.

Nancy Greaney 58 Halstead Street- concerns about the riverside and discharge flowing into the narrow part of the river. Mr. Ingram replied in that location there is not a significant amount of disturbance, the stormwater will be less than what exists today we are not making it worse.

Norma Kania- 27 West Main Street- stated we are under a water restriction has any consideration been given for the restriction. Mr. Ingram stated we need to obtain water capacity from the town which is part of our outside agency approvals.

William Courtney 67 Center Street- asked if the calculations for the stormwater runoff have been reviewed after the new regulations, the access to the site from New Street. Mr. Ingram replied that we are grandfathered in under the old regulations and there is no proposed access of New Street.

Kelly Boyd 93 Center Street- inquired about the access of Central Avenue. Mr. Ingram stated the fire department reviewed the plans and the applicant plans to widen the driveway to accommodate a 20- foot driveway for emergency access.

Luke Jacob- 1 Central Avenue- asked if the applicant has researched the utilities because it looks like the proposed sewer line runs into his water line, construction access into the site, and the roadway in the buffer area. Mr. Ingram stated the application with water and sewer is pending and any issues will be addressed with the water and sewer department, the construction access will be off Route 31 and there is

no prohibition of the road placed within the setback area.

Mr. Bhaskar Bahlari, Consulting Engineer and principal was advising his engineer therefore the board requested he be sworn in.

Scott Velivis 101 Center Street- inquired about ongoing maintenance, the plowing of the emergency access, Mr. Ingram stated the maintenance is the responsibility of the Association.

Jean Pierson 2 Halstead Street- questioned the testimony that the runoff will be less than the current runoff and asked if the numbers used were before the new regulations. Mr. Ingram stated the formula-based methodology shows that the run off will be less.

Kelly Boyd 93 Center Street- inquired if the measurements were done when widening the road and stated she was concerned with how close the roadway will be to her garage, she would like the exact measurement. Mr. Ingram replied that it appears her garage is over the property line and after looking at sheet 15 of the site plan the exact distance off the roadway will be 13 feet off your building.

Resident Courtney 67 Center Street- stated since the DEP has revised the stormwater numbers have they considered revising the plan to account for the new numbers. Mr. Ingram replied they are meeting the code based on the time of submission, the new numbers are not substantial it is a marginal number and it is not my decision to run new numbers.

Johnathon Wall 21 Water Street- stated he was concerned with the emergency vehicle access and the possibility that the public will have access to this. Mr. Ingram stated there are no plans to allow vehicular public access.

Victoria Donath, 9 Cypress Court- inquired if the access driveway encroaches on real property will they enter into a fee simple agreement. Mr. Ingram stated the garage is on our property we are not asking them to move it.

Mr. Jon Rea, Traffic Engineer from McDonough & Rea Associates Inc, was sworn in.

Mr. Rea stated the project will be broken into phases, phase I includes the fast- food restaurant and the 56 townhomes, the NJ DOT traffic study will be expanded when we get the other tenants for the other commercial buildings and at that time we will be back before the board. In order to do a worst-case scenario, the site traffic study conducted in February of 2022 considered all the uses and the level of service to the Route 31 driveways. We looked at the Route 31 speed limits, the traffic patterns, sight distance from the exit driveways and the traffic signal north of Halstead Street. In addition, because the numbers have decreased since the pandemic we also compared the traffic volumes to historical data conducted by the DOT on Route 31 prior to the shut -down. We found the peak traffic occurred during 2018 and 2019 so we took those numbers and bumped up the volume of traffic by 25 % to come up with the worse- case scenario. The traffic numbers generated based on the Institute Transportation Engineering Standard (ITE) concluded that a lot of traffic will be pass by traffic, broken down: conveniences store-gas station will be 75% pass by traffic; fast food will be 50% pass by, supermarket 36% and the residential will be all new.

We looked at the volumes and level of service to calculate how well the exit movements will operate. The level of service during the peak morning hours will operate at a D level and the afternoon peak hours at a C level of service which are both acceptable levels of service. Mr. Rea stated when the tenants are finalized the traffic study for DOT and the board will be expanded and will be subject to review by the board experts.

The internal parking on site is more than adequate, each townhome will have a two -car garage and driveway which will provide for 3.5 spaces per unit and there will be 35 off street parking spaces, we are in compliance with the Residential Site Improvement Standards (RSIS). Mr. Rea summarized all parking

requirements for all the uses have been met.

Mr. Clerico stated the applicant has not asked for phasing as part of the application and inquired why the DOT application did not include the entire site, Mr. Clerico stated we are supposed to be looking at the site as a whole not as a phase. Mr. Rea stated at the request of the applicant the DOT application included the Taco Bell and the residential because depending on the commercial tenant the size of the building may change. Mr. Clerico suggested that the applicant should make the DOT application on the entire site so we can see the function of the entire site as a whole, not knowing DOT assessment on the entire project is an issue for us when trying to evaluate the site.

Mr. Rea talked about the access point and onsite circulation; the access points will be a right in right out turn. The exit from the Taco Bell will be marked with signage, stop signs and a stop bar making it clear the traffic is an exit only from the Taco Bell. The stop signs and stop bars will be added for vehicles exiting the gas station, which will give the right of way for vehicles entering from Route 31. Mr. Clerico stated the other issue is with the function of the westerly access point as it relates to the gas station exit. Mr. Rea stated it will be a right in right out access and out of the convenience store there will be no left hand turns onto the site. Mr. Clerico questioned the east driveway Mr. Rea stated the drive will be right in and right out, stop signs and bars will be provided exiting the fast-food pad towards the convenience- gas station and double posted "do not enter" signs will be installed by the stop sign and stop bar. Mr. Clerico stated he has traffic flow and safety concerns with the internal intersection and exiting out of the gas station and fast-food restaurant and does not feel this is addressed adequately. Mr. Rea stated the DOT looked at the internal site to see how it impacts Route 31 and looked at the first 100 feet into the site to make sure it does not affect the backup on the state highway. Ms. McManus commented the internal intersection needs to be redesigned we also agreed we need to look at the full picture, Mr. Rea stated he will discuss this with his client. There was some further discussion regarding site circulation, the pattern of internal traffic, Mr. Clerico summed up that we need to look at the project in its full content.

Mr. Smith questioned the D rating; the deceleration lanes and the traffic exiting during peak hours; Mr. Rea stated the level of service relates to the delay people experience the average delay during peak morning hours is a 35 second delay. In addition, the signal at Halstead Street provides gaps for the Route 31 traffic flow and the applicant is proposing a deceleration out of the main westerly driveway.

Mr. Carberry inquired about the vehicles exiting the southern driveway and the impact of the headlights onto the residents on George Place, Mr. Rea replied there will be plantings and buffering along Georges Place the grade in that area goes up and he does not feel the headlights will be an issue.

Mr. Lubsen asked what the most used entrance will be, Mr. Rea stated most of the traffic into the site will use the westerly driveway, peak morning 180 anticipated movements on the west driveway and 80 movements using the east driveway and in the afternoon 200 movements using the west driveway and 117 using the west driveway.

Mr. Sailer advised the applicant they will need to address the traffic study for the entire site, Mr. Bahalari replied the study includes the entire site the DOT permit does not. Mr. Sailer stated we are requesting all of the information together not as a phase, Mr. Bahlari stated he will discuss this with Mr. Clerico and look into the phasing.

Public Questions:

Lisa Intrabartola 19 Georges Place- inquired if the traffic study included Georges Place concerns with additional traffic using Georges Place, the additional vehicles exiting the site and the residents trying to exit from Georges Place onto Route 31, Mr. Rea stated the traffic study did not include Georges Place that

the morning peak hours residents are going to work not going into town and the pass by traffic is coming from Route 31.

Jim Thompson 53 Quarry Ridge Road-inquired about tractor trailer and deliveries and if they could make the turn, Mr. Rea stated the templates have been laid out for the turns safely and efficiently. The study looked at the site driveway and how it works, it will be expanded for DOT when the applicant comes back for final. Mr. Rea added that offsite traffic is not a reason to turn down an applicant when they are before the board for a permitted use.

Angelo Yacone 25 Georges Place- stated he was the corner house on Georges Place and will be impacted by the vehicles and inquired if it is possible for the second access to be an entrance / non-exit driveway due to the proximity of Georges Place. Mr. Rea replied the exit level of service will decrease but it is something we can look into.

Diane Panko 2 Georges Place- inquired how we can prevent cars from turning into Georges Place. Mr. Phil Franzone from 47 Center Street suggested a no right turn into Georges Place, Mr. Rea replied that would be up to the elected officials.

Mr. Franzone 47 Center Street- questioned the acceleration of trucks onto Route 31, additional sound generated, and the additional traffic on the overpass. Mr. Rea testified that large trucks will not be permitted to use the gas station, they use truck stops, the sound meets state sound standards, and the overpass will more than likely be studied by the DOT.

Katlyn Price 2 Fairview Avenue- inquired if any studies were done on the impact to the children walking to school, inquired if the driveway by the Taco Bell had a dedicated lane, Mr. Rea stated there is no lane just the shoulder.

Due to the time frame questions will resume at the next meeting scheduled for September 19, 2023 at the Clinton Fire House start time 7:30pm- Mr. Rea will return along with the Landscape Architect and the Geotechnical Engineer- Meeting carried without further notice.

Voucher Approval:

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

All Ayes. Motion Carried

Adjournment:

A Motion was made by Mr. Carberry, seconded by Mr. Smith, to adjourn the meeting at 10:00pm:

All Ayes. Motion Carried.

Respectfully submitted,

Allison Witt
Land Use Administrator