



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 November 5, 2019 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

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".

ROLL CALL:

Present: Chairman Sailer, Ms. Dineen, Mr. Feldmann, Ms. Healy, Mr. Lubsen, Mr. Mellick, Mr. Smith, Mr. Snider, Ms. Van Weeren. Mr. Viotto

Absent: Mayor Kovach

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

Approval of Minutes:

A Motion was made by Mr. Viotto, seconded by Mr. Feldmann, to approve the Regular & Executive session minutes of October 15, 2019:

All Ayes. Motion Carried

Application for Minor Subdivision- Lot Line Adjustment- Block 31 Lots 29& 32- 6 & 10 Olsen Lane- Conroy & Kisch:

Attorney Steven Williams, Francesa Conroy 10 Olsen Lane (Lot 32) and Robert Kisch 6 Olsen lane Lot 29) were present and sworn in.

The following items were submitted into evidence:

- A1 Minor Subdivision (Lot Line Adjustment) Application
- A2 Affidavit of Service & Proof of Publication
- A3 Town of Clinton Clerk's Certified 200 foot list
- A4 Tax Certification dated August 27, 2019
- A5 Engineering plans prepared by Finelli Consulting Engineers 3-1-2019
- B1 Robert Clerico, Van Cleef Engineering report dated Sept 1, 2019

Ms. Conroy testified and advised the board she is looking to purchase 1,946 square feet from 6 Olsen Lane which will help square off her triangular shaped property. Ms. Conroy's lot is presently a non-

conforming lot the extra land will make her lot closer to a conforming lot however; variances for the preexisting conditions will still need to be obtained. Mr. Kisch stated he is in agreement with the sale of land and his lot conformance will not be affected by the transfer.

The board decided to carry the remainder of the hearing until after the PNC application pending the arrival of Mr. Clerico and the applicant's Engineer.

Per the MLUL regulations Mr. Viotto recused himself from the PNC Hearing.

Minor Site Plan Application- Block 21 Lots 5 & 6- 35 Old Hwy 22- PNC Bank:

Matthew P. Posada Attorney and Mr. Dennis Smith, Engineer from Michael Baker International were present and sworn in.

The following items were submitted into evidence:

- A1 Minor Site plan Application
- A2 Tax Certification dated October 23, 2019
- A3 Site Plan dated prepared by Michael Baker International dated May 10, 2019 with revision date 10-18-2019
- A4 Paving plan Sheet P-101 prepared by Michael Baker International dated May 10, 2019
- A5 Response letter dated September 17, 2019 prepared by Michael Baker International
- A6 Property Survey prepared by Michael Baker International dated 10/18/2019
- B1 Robert Clerico, Van Cleef Eng. report dated August 31, 2019
- B2 Robert Clerico, Van Cleef Eng. report dated November 2 2019

Attorney Posada advised the board the applicant is looking to do some minor site work which includes modifying the grading around the 3 ADA parking spaces and modifying the sidewalk access to the building to bring the site into ADA compliance. The site work will require several design waivers, setback waiver for the front parking area which will be moved 6 feet from the building; a right of way setback waiver and a parking space width design waiver, the width proposed is 8 ½ feet where 9 feet exist now and the ordinance calls for 9.5 foot width.

Mr. Dennis Smith stated the project is located in the C4 zone; he proceeded to go through the open issues of Mr. Cleric's review report dated November 2, 2019.

Item C 1- The utility easement is on lot 6 and the lot number will be identified on the survey.

Item 5- The scale of 1" equals 12" will be corrected on the plan.

Item 8 (a) & (b) - The dumpster enclosure and upgrade site lighting is not part of the scope of the ADA site improvements.

Item 8 (c) - The applicant cannot meet the parking setback due to site conditions and is requesting a design waiver.

The board expressed several concerns regarding driveway width of 8 ½ foot. Mr. Dennis Smith stated the width of the parking space will accommodate a compact car and he believes the size will be adequate to serve customers. Mr. Kyle suggested if the board has concerns an option is to request the applicant eliminate one space so that they could make the remaining spaces compliant. Mr. Kyle inquired if a parking study was done in order to verify the site has adequate spaces per the town's ordinance requirements, the applicant indicted no parking study was done, therefore the board felt they needed this information to determine if the elimination of one space would still leave the site compliant.

The application will be carried to December 3, 2019.

Mr. Viotto rejoined the meeting.

Continuation of the Minor Subdivision - Lot Line Adjustment Application- Block 31 Lots 29& 32- 6 & 10 Olsen Lane- Conroy & Kisch:

Mr. Carl Eugene Weber, Engineer was sworn in. Mr. Weber advised the board this is a fairly straight Application for a lot line adjustment between lots 29 & 32, the main purpose is to eliminate the driveway encroachment on Lot 32, shifting the lot lines will accomplish this. Mr. Weber testified lot 32 is presently a non-conforming lot; the lot line adjustment will make the lot less non-conforming. The applicant is seeking the following variances: lot area within the maximum depth of measurement, minimum lot width at the building setback and a variance for the preexisting minimum front yard setback deficiency. The variance relief is outlined in Mr. Cleric's report.

There being no further testimony and or questions and comments a Motion was made by Ms. Healy, seconded by Mr. Viotto to grant the Minor Subdivision with the variances requested and conditioned on addressing the items outlined in Mr. Cleric's report dated September 1, 2019.

Roll Call Vote:

Ayes: Chairman Sailer, Ms. Dineen, Mr. Feldmann, Ms. Healy, Mr. Lubsen, Mr. Mellick, Mr. Smith, Mr. Snider, Ms. Van Weeren. Mr. Viotto

Nays:

All Ayes.

Motion Passed.

Per the MLUL Mr. Feldmann recused himself from the Public Hearing

Application for Use Variance, Preliminary & Final Site Plan Approval- Block 6 Lot 2- 72-74 West Main Street LLC:

Attorney Kristen Perry was present on behalf of the applicant, Mr. Rich Muerer, Mr. Chris Nusser, PE; Mr. Paul Ricci, Planner; Mr. Clerico, PE and Mr. Jim Kyle, Planner. The professionals were previously sworn in

The following items were submitted into evidence:

- A20- Aerial Photograph of updated site layout
- A21- Email from EMS dated October 28, 2019
- A22- Sheet A8 of revised Architectural plan (exhibit A18)
- A23- Sheet A7 of revised Architectural plan (exhibit A18)
- B7- Jim Kyle revised report dated 11-5-2019

Attorney Perry advised the board the applicant has had a chance to address some of the issues from last month's hearing and asked Mr. Muerer to give the board an overview of the changes.

Mr. Muerer stated they widened the driveway and relocated the trash cans to the rear of the building, in order to accomplish this they had to remove a small part of the back of the building and in doing this the number of units went from 10 to 9 total apartments.

Board open the meeting for questions:

Mr. Thomas Mading, 64 West Main Street asked how much the applicant paid for the building and intends to charge for rent, Mr. Muerer declined to answer.

Mr. Chris Nusser, Engineer went through the changes from last month. The rear of the building in the northeast corner was reduced in size which lowered the building coverage from 32% to 31.1% which is closer in conformance to the ordinance standard of 30%; the driveway was widened to 16" which will allow for 2 way traffic in and out of the site; the trash enclosure was relocated to the rear of the building so now the doors of the trash enclosure will not conflict with the driveway and the trash enclosure will not be visible from the road. The details on the air conditioning units have been provided the units will be located in the rear of building A, and the wall mounted units will be located in the rear and side of

building B. Mr. Nusser advised the board that some of the cleanup items from last months' meeting have been addressed, such as the access into the sprinkler room is now depicted on the plan, the leader drains will be connected to the street, they have received approval from Emergency Management Services copy of approval has been submitted (exhibit A21), they met with the Town's water department and the location of the meter pit will be located in front of building A. The unit count has been reduced to 9, which is broken down as 2- one bedroom units, 5- two bedrooms units, 1- three bedroom unit and 1- one bedroom efficiency unit. The parking standard requires 17 spaces the site will accommodate 15 parking spaces. Mr. Nusser addressed a comment from an audience member last month who indicated there was no parking on West Main Street in the winter months, Mr. Nusser stated this only applies when the road is snow covered therefore, parking will be available to guests during the winter on West Main Street.

Mr. Kyle inquired about driveway lighting, Mr. Nusser replied the light was originally provided for the trash enclosure and has now been relocated to the rear there is no lighting proposed in the driveway area, but we are open to suggestions. Mr. Kyle stated his concern was if people were walking up the driveway, Chris stated they could explore this perhaps a lower mounted light below the neighbors fence line which would illuminate the driveway area, they will investigate if this is an option.

Mr. Clerico inquired due to the location of the curb and the electric meters where they able to accommodate the 16" width of the driveway, Mr. Nusser responded that he is comfortable and confident about meeting the 16" driveway width.

Opened to the public for questions:

Ms. Jennifer Feldmann, 68 West Main Street inquired about the total bedroom count; the AC unit setbacks from the property line; if there was a rear elevation exhibit; and the driveway material; Mr. Nusser offered the following responses, the total bedroom count went from 17 to 16; the AC unit in the rear building will be located .79 feet from the rear property line; the architect rendering will be referred to the architect; the driveway will be asphalt and will run up the existing curb line.

Mr. Thomas Mading, 64 West Main Street questioned the number of parking spaces in regards to the bedroom count, Mr. Nusser replied based on the RSIS standards the amount of proposed parking spaces is sufficient and with the reduction of one unit that brings the spaces closer to conformance.

Ms. Kelly Morey, Marudy Drive inquired about the location of the AC units on the back building, Mr. Nusser stated two of the wall mounted units will be located on the rear wall and the rest on the side wall.

Mr. Sean Bubb, 11 Marudy Drive inquired about exterior lighting Mr. Nusser stated the pole mounted lighting will be lit by led lighting from dusk to 10:00pm, the lighting is adjacent to the commercial property.

Mr. Ryan Smerillo, 70 West Main Street inquired about the amount of anticipated parking on West Main Street, Mr. Nusser commented that he is not anticipating tenants to park on West Main Street there will be assigned parking on site for the tenants which will be self-regulating, the on street parking will be used mostly by guests visiting.

Mr. Eric Trepkau, Architect summarized the architectural changes with the board. Mr. Trepkau stated in addition to widening the driveway, moving the trash enclosure to the rear we also changed one of the 2 bedroom units to a 1 bedroom unit and reduced the overall number of apartments down to 9. The second floor apartment in building A was redesigned to a three bedroom unit, the apartment will have a sliding glass door that opens to a roof deck. Building A 1st floor apartments will have two access areas one off the rear of the building and the front porch which will be ADA accessible. The front elevation is the same however they are swapping out the second door and replacing it with a window, the rear elevation of building A is reduced in size and scale, there are no changes to building B. The plan now shows details on the AC units which will be mounted on the rear and side wall and will be 16" deep low profile condensers which will extend past the overhang 4" they will be mounted 17 feet

above grade. There is a door on the side of building A that will have access to the basement area which will be house the mechanicals and a storage area for tenants.

Open to the public:

Jennifer Feldmann inquired about the height of the roof deck; if there was an elevation of the rear of building B that showed the windows; the solar panels on building B; Mr. Trepkau responded the deck is approximately 10-11 feet above grade, the windows added to the back of building B will be pairs of windows which will be egress in size of 6 x 6, the overall window added will be 36 feet of glass from what exists now. The solar panels on the back of the building will be installed over the dormer they will be black and blend in with the roof, the panels will have limited visibility. Mr. Trepkau stated the building as it exists is a masonry building the improvements proposed to the rear building will be a substantial improvement it will look like a brand new building.

Al Limbidio, 10 Marudy Drive inquired if the trees on his finances property line would remain and felt there was a big problem with adding the rear windows on the second floor, Mr. Trepkau stated they are not looking to take down the trees, the trees may have to be pruned if they overhang onto the property.

Mr. Paul Ricci, Planner who was previously sworn in was up next to give his planner's testimony. Mr. Ricci advised the board he has reviewed all the reports and the Master Plan and tonight he has prepared an outline which he go thru with the board. The property borders the R-3 zone, the C-3 district and Route 78 interchange the location makes it a transitional property. The properties on West Main street are a mix of one, two and three family homes along with some home occupations the area is a mixed use in nature.

Mr. Ricci stated the applicant is seeking a D-1 "Use Variance" to allow apartments in the R-3 zone; they are also seeking bulk variances under the C-2 criteria which includes building coverage, setbacks from property line, and parking spaces provided. The MLUL states under the D-1 variance we must meet specific proofs showing the positive and showing the proposal will not cause a substantial detriment. The core question is are the 9 units suited for this property and Mr. Ricci stated he believed there are. The property is at the edge of the commercial district and in close proximity to the Clinton Village apartments, the existing over- sized carriage house, the character of the house and the location provide an ideal location for apartments. The property is an historic property but presently is an extreme eyesore and located on the edge of the district, I believe a variance can be granted which will prevent commercial uses coming onto this property. The location of the property does not make it a desirable location for a single family home, Mr. Ricci stated based on his experience as a planner there is a benefit to preserving historic structures the property is facing West Main Street and we are offering an attractive design.

Mr. Ricci testified there is not a large supply of this type of housing in the area, the proposal will allow for old and young to reside in the area. This is a rare opportunity to revitalize the property through redevelopment, keeping the building in character and providing aesthetic value to the area, this project delivers a use to the community needs. The Town's Master Plan encourages and outlines the need for a more diverse housing supply, under the R-3 zone the Master Plan's objective states historic preservation is critical to the town. Mr. Ricco believes the site meets the objections and goals of the Master Plan which are "to achieve a proper balance among the land uses while retaining a small town residential and historic character of the community" and "retain the small character of residential neighborhoods encouraging suitable housing for all income, ages, and lifestyles of the citizens of Clinton".

Mr. Ricci testified in regards to negative criteria there is no substantial detriment to the public good, the parking ratio is adequate for the 9 apartments, there is sufficient utilities to accommodate the number of units, there will be one affordable unit provided, the site will be ADA accessible, they are incorporating green energy by providing solar panels, this opportunity will provide new housing. Mr. Ricci advised the board the use promotes and enhances the goals of the Master Plan. In regard to the bulk variances associated with the small addition they are largely de minimis in nature and adding the ADA accessibility outweighs the detriment for granting a bulk variance. The vehicles exiting site Mr. Ricci stated he

believes people will rely on a courtesy gap during peak hours. Mr. Ricci concluded by granting the use variance there is no substantial detriment to the Master Plan or Zoning ordinance.

Open to the Public:

Mr. Jennifer Feldmann inquired about the number of total occupants, Mr. Ricci responded per the research put out by The Center of Urban Policy, which he feels is the best resource for planners to utilize; approximately 17 people will occupy the site.

Mr. John Mading, stated he is concerned with the scale of the project in conjunction with the surrounding area, Mr. Ricci stated the scale is being retained and is in character with the surrounding area.

Ms. Holsinger, 10 Marudy Drive asked to see the back of Building B, Mr. Ricci showed the public the architectural drawing of the rear elevation.

The meeting was closed for questions to the Public.

Chairman Sailer stated due to the time frame the board will carry the remainder of the hearing for public comments and board deliberation to the December 3, 2019 meeting.

The Board Professionals were excused at 9:50pm.

Board Discussion:

Chairman Sailer advised the board that the town went out for RFP's this year, the board decided they were happy with their professionals and would like to retain them for the year 2020.

Voucher Approval:

A motion was made by Mr. Viotto, seconded by Ms. Healy, to approve the vouchers:

All Ayes.

Motion Passed.

There being no further business a Motion was made by Mr. Lubsen seconded by Ms. VanWeeren to adjourn the meeting at 10:00pm.

Regards,

Allison Witt
Land Use Administrator