



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 3, 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. Smith, Mr. Viotto, Mr. Snider (arrived at 7:10pm)

Absent: Mayor Kovach Mr. Mellick. Ms. Van Weeren

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

Approval of Minutes:

A Motion was made by Mr. Viotto, seconded by Ms. Healy, to approve the minutes of November 5, 2019:

All Ayes. Motion Carried

Site Plan Committee report:

Mr. Feldmann advised the board they reviewed a sign variance application submission for completeness, the submission is lacking a valid plan per the application instructions.

A Motion was made by Mr. Feldmann, seconded by Mr. Smith, to deem the application incomplete.

All Ayes. Motion Carried

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

A Motion was made by Mr. Smith, seconded by Ms. Healy, to adopt the resolution for the lot line adjustment:

Roll Call Vote:

Ayes: Sailer Smith, Viotto, Smith, Feldmann, Dineen, Healy, Lubsen

Nays:

All Ayes. Motion Passed.

Mr. Viotto per the MLUL recused himself from the PNC Application

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

Matthew P. Posada Attorney and Mr. Robert Vincent, licensed PE were present and sworn in.

The following items were submitted into evidence:

- A7 Revised site plan dated 11-20-2019
- A8 Response letter dated November 20, 2019 prepared by Michael Baker International
- A9 Affidavit of service and proof of publication
- A10 Town of Clinton certified 200 foot list
- O1 Copy of an older site plan submitted by audience member Dave Wiant

Attorney Posada stated in response to the boards concerns at the November hearing the applicant revised the plans and also resubmitted a response letter dated November 20, 2019 which also address Mr. Clericos' open items.

Mr. Vincent advised the board the proposed scope of the site work is to bring the site into ADA compliance by modifying the grading, reconstructing the curb, ramps, and sidewalk and installing ADA compliant parking spaces and by doing this the site will lose one parking space. The property consists of two parcels which have three tenants, the jewelry store, dentist office and the bank. The proposed parking dimensions for the jewelry store will be one van ADA space and three 11 x 18 spaces in front; the bank will have 9 1/2 x 18 foot parking spaces which comply with the town's design standards and the parking spots in front of the dentist will be 9 feet wide which comply with the RSIS standard. Mr. Vincent testified there is a large push to bring the site into ADA compliance and to his knowledge there have not been any past issues with a lack of parking on site, therefore, he believes the loss of one parking space will not impact the site. The site has 38 existing spaces, with the proposed improvements the total parking spaces will be 37 spaces in where the ordinance requires 43 spaces; the deficiency is a pre-existing condition that exists now. Mr. Vincent testified the ADA improvements will advance the public health and welfare and the benefits substantially outweigh any negative impacts

Mr. Vincent added the dumpster is not part of the proposed scope of work and it his understanding the dumpster with the lid on top meets the ordinance; after further review the town design standards under section 88-55.1 E. (5) require dumpsters in the C-4 to have a roofed enclosure. The board discussed placing the dumpster on a concrete pad and an enclosure.

The board opened the meeting to the public:

Mr. Dave Wiant, 78 Center Street, advised the board he lives right behind the site and years ago there were trees planted along the site to shield the dumpster, however the trees have now been removed and even if the applicant added a fence it would not shield the dumpster from view. Mr. Wiant passed around a small scale of the prior site plan approval (submitted into evidence O-1), Mr. Kyle suggested adding 4 arborvitae tree along- side the dumpster to help screen the view.

After a lengthy discussion the applicant and board agreed to provide a six foot chain link fence with slates, place the dumpster on a concrete pad and plant four (4) arborvitae trees to satisfaction of Mr. Clerico.

A Motion was made by Mr. Smith, seconded by Mr. Lubsen, to approve the amended Minor Site Plan with a parking variance to permit 37 spaces, conditioned on the planting of four (4) arborvitae trees, installing a six foot chain link fence with slates and the dumpster to be placed on a concrete slab to be approved by Mr. Clerico. In addition, the applicant agrees to maintain the fencing and landscaping

Roll Call Vote:

Ayes: Sailer Smith, Smith, Feldmann, Dineen, Healy, Lubsen, Snider

Nays:

All Ayes.

Motion Passed.

Mr. Viotto rejoined the meeting.

Continuation of Application for Use Variance, Preliminary & Final Site Plan Block 6 Lot 2- 72-74 West Main St LLC

After a brief discussion due to a lack of 7 member quorum at the applicants request the hearing will be carried to the next meeting date of January 7, 2020, no further notice will be required.

Mayor Kovach attended the remainder of the meeting.

Amendment to the Town of Clinton Housing Element and Fair Share Housing Plan:

Mr. Kyle summarized the housing plan with the board and the public. The first part of the plan is the housing element which provides a picture of where the Town is and the second section is the Fair Share Plan which outlines the details on how we plan to reach our housing needs. The round from 1999-2025 originally called for 51 units, and with the settlement the agreement calls for 116 units. The plan outlines the breakdown of where the proposed housing will come from. Mr. Snider expressed concerns with the amount of rental units versus the amount of owner occupied.

A Motion was made by Ms. Healy, seconded by Mr. Viotto, to adopt the Town of Clinton Housing and Fair Share Plan:

Roll Call:

Ayes: Sailer, Kovach, Feldmann, Dineen, Healy, Smith, Viotto, Lubsen, Snider

Nays:

All Ayes. Motion Passed.

Board Discussion:

Updates for the Board:

Owner of the shell station is asking the town to look at our ordinances and to determine what is considered an customarily ancillary use to the gas station. The owner would like to upgrade the site and put in a drive-thru Dunkin Donuts, he is looking for board input whether to file for an interpretation or would the board consider changing the ordinance to permit the Dunkin Donuts as a permitted use accessory use. The board will discuss further at the January 2020 meeting.

A local resident is interested in purchasing Bills Garage; he is looking to buy and sell high end cars and motorcycles with that the purchaser will also be cleaning up the property and renovating the existing building. The board discussed the type of use and it was determined that he would need some type of dealership license from the state which would make the use fall under a car dealership, which is not a permitted use in the zone.

Mr. Kyle went over the draft concept plan for the redevelopment site at the A&P lot. He advised the board since the front part of the lot is in a flood zone, they were not able to shift the building as close to the front of the property as originally planned. The draft concept plan includes a court yard, with a wrap around four story building and a swimming pool in the middle of the court yard. The building will be a mix of commercial and residential units. The plan has not been finalized they are still working out the details. The next step is to draft up the redevelopment plan for this site for the board to review and adopt. Mr. Kyle indicated the applicant is looking to move forward as soon as possible so the plan will be presented in early 2020.

Voucher Approval:

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

All Ayes. Motion Passed.

There being no further business a Motion was made by Mr. Smith, seconded by Mr. Viotto, to adjourn the meeting at 10:25pm.

Respectfully submitted,

Allison Witt
Land Use Board Administrator