



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 June 6, 2023 at 7:00 p.m.

Chairman Sailer call the meeting to order at 7:00 p.m. 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 10:00 p.m. with all items not concluded to be carried over to the next month's agenda".

Attorney Katie Razin and Planner Beth McManus were present.

ROLL CALL:

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

Absent: Bruno, Dineen, DeVita, Lubsen

APPROVAL OF MINUTES :

A motion was made by Mr. Carberry, seconded by Mr. Snider, to approve the minutes of May 2, 2023 as submitted.

All ayes.

Abstained: Viotto, Kovach

Motion carried.

RESOLUTION #23-10 – BLOCK 4, LOT 2 – BONNELL PROPERTIES LLC

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #23-10 as submitted:

Roll Call Vote:

Ayes: Sailer, Carberry, Smith, Mayor Kovach, Snider, Viotto

All ayes

Motion carried

PUBLIC HEARING - MASTER PLAN AMENDMENT / RESOLUTION #23-11

Planner Beth McManus, a partner of Planner Jim Kyle, was sworn in by Attorney Razin. Ms. McManus explained that this is an amendment to the Highlands Master Plan Element and asked the board to consider the draft and that changes will become part of the Master Plan which is the policy that underlies all zoning ordinances here in the Town. Highlands Council is applying pressure on the municipality for finishing up the conformance process which also helps implement the vision of the municipality rather than the vision of the Highlands Council, however they are both somewhat consistent with each other. This amendment amends the 2016 Master Plan Element and adds various pieces to the element to include

updating Municipal Land Use Law goals and Highlands policies. The bigger change includes the Highlands Protection zone which includes the south west corner of the Town primarily including the Industrial Tract. This area of land is located in the Highlands protection zone and the amendment updates the policies for the protection zone, calling for clustering on these lands. Because there are various environmentally constraints such as forest resources, steep slopes, riparian land on these lands, and to maintain development of the area consistent with the vision of the Town and the Highlands, the amendment recommends clustering.

Following Ms. McManus' presentation, several board members asked questions regarding the proposed amendment, Mr. Snider asked what is clustering to which Ms. McManus replied greater intensity in one area and keeping open space in the other. It was also discussed how the amendment, if adopted, would be implemented. Ms. McManus explained that if the amendment was adopted by the Board, then implement ordinances would be adopted by the council that further the policies set forth in the Amendment but with more specific regulations. Other board members asked about the particulars of the lands that were included in the amendment.

Mayor Kovach explained that it is currently zoned for warehousing but there is no water and no sewer as it has always been in the protection zone. The owner is looking at options. Based on current Highlands regulations, it would have to be a much smaller warehouse and the owner would have to get DEP approvals for septic and well. Septic and water density is deficient in the protection zone.

The hearing was opened to the public for questions and comments. Mayor Kovach made a motion, seconded by Mr. Carberry to open to the public.

Vote all ayes
Motion carried

There being no questions and comments, a motion was made by Mr. Carberry, seconded by Mayor Kovach to close the public questions.

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Viotto, to open to the Board for discussion.

Vote all ayes
Motion carried

Planner McManus added that this amendment has been shared with the Highlands Council and they are in support of it. The Highlands would still be a resource for development review for conformance issues of environmental conditions.

Attorney Razin discussed the procedure that if the Board was inclined to act on the amendment, it would do so and then it would act in a separate action and vote to adopt the resolution relative to the amendment.

Motion was made by Mr. Carberry to close the discussions period, seconded by Mr. Snider.

Vote all ayes
Motion carried

Mr. Sailer asked for a motion to adopt the Master Plan amendment as submitted. Motion made by Mr. Smith, seconded by Mayor Kovach.

Vote all ayes
Motion carried

RESOLUTION #23-11 – AMENDMENT TO MASTER PLAN

A motion was made by Mayor Kovach, seconded by Mr. Viotto, to adopt Resolution #2023-11 as submitted:

RESOLUTION ADOPTING AMENDMENTS TO THE HIGHLANDS MASTER PLAN ELEMENT OF THE TOWN OF CLINTON MASTER PLAN

RESOLUTION #2023-011

WHEREAS, the Town of Clinton (the "Town") has recently undertaken review of

the Highlands Master Plan Element, and the impacts on and consistency of same with certain provisions of the Town of Clinton Master Plan and Town of Clinton Land Use Ordinance;

WHEREAS, as part and as a result of such review, it was determined that certain recommendations should be made relative to and within that Element in an effort to achieve better consistency between the Highlands Regional Master Plan and the Town Master Plan and Town Land Use Ordinance;

WHEREAS, upon notice duly provided pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., the Board conducted a public hearing on June 6, 2023 on proposed Amendments to the Highlands Land Use Element of the Town of Clinton Master Plan (the “Amendment”);

WHEREAS, Land Use Board planning expert, Beth McManus, PP, AICP, provided sworn testimony in support of the adoption of the Amendment during the June 6, 2023 hearing, was subject to questions from the Board and the public, and the public was given the opportunity to make comments, and upon the conclusion of the public hearing, the Board determined that the Amendment should be adopted and that the Amendment (1) is consistent with the goals and objectives of the Master Plan (2) will guide the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28 and (3) is designed to promote consistency with the Highlands Regional Master Plan;

NOW, THEREFORE, BE IT RESOLVED by the Town of Clinton Land Use Board, by motion made and seconded on June 6, 2023, that the Amendment to the Highlands Master Plan Element is hereby adopted as part of and incorporated into the Town of Clinton Master Plan.

BE IT FURTHER RESOLVED that a copy of this resolution and the Amendments shall be submitted by the Town of Clinton Land Use Board Secretary to the Town of Clinton Clerk, and to the Hunterdon County Planning Board and Office of Planning Advocacy not more than 30 days after the date of the adoption of this resolution.

Vote all ayes
Motion carried

EXTENSION REQUEST – BLOCK 18, LOT 5 – PULEO INTERNATIONAL, LLC

Attorney Kara Kaczynski, representing client, Puleo International, LLC, came before the Land Use Board to request a six (6) month extension. By way of background, Attorney Kaczynski explained that the applicant has been diligently working to comply with outstanding plan revisions and deadlines, however, currently the applicant’s architect is waiting for the Town of Clinton to sign off on the sewer connection permit. Upon receipt of the sign off, their permit can be filed with the State of New Jersey Department of Environmental Protection. There being no public comments, a motion was made by Mr. Carberry, seconded by Mr. Viotto, to approve the request.

Vote all ayes
1 Abstention (Kovach)
Motion carried

There being no further business, a motion was made by Mr. Carberry, seconded by Mr. Viotto, to adjourn the meeting at 7:33 p.m.

Respectfully submitted,