



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 October 17, 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.

ROLL CALL:

Present: Mr. Sailer, Mayor Kovach, Mr. Devita, Ms. Dineen, Mr. Smith, Mr. Viotto

Absent: Mr. Bruno, Mr. Carberry, Mr. Lubsen,

Approval of Minutes:

A Motion was made by Mr. Viotto seconded by Mayor Kovach, to approve the September 19, 2023 minutes.

All Ayes.

Abstain:

Motion Carried

Devita

Public Hearing # 4 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 and Mr. Bhaskar Halari consulting Engineer and Principal were present.

The following items were submitted into evidence:

A60 Traffic Engineer Updated letter dated 9-28-2023

A61 Detailed description of phasing of the site dated 9-29-2023

B6A R. Clerico revised Geo Tech Supplement report dated 10-16-2023

Attorney Apgar advised the board the applicant has granted an extension of time to act on the subdivision and site plan applications through November 30, 2023.

Attorney Apgar advised the members of the public that Mr. Ingram will meet with the residence on Georges Place this Friday October 20, 2023 between 4:00pm-4:30pm, and asked anyone interesting in meeting with Mr. Ingram to put there contact information on the sign- up sheet.

Attorney Apgar stated this is a continuation of the hearing for Clinton Moebus, the Geo Tech Engineer is not able to make the meeting tonight, Mr. Halari will go over the details of the phasing plan and then Mr. Rea the Traffic Engineer will finish up.

Mr. Halari provided an outline letter dated September 29, 2023 detailing the proposed phasing of the project. Mayor Kovach questioned a document on loop.net .com that shows 5 commercial sites, Mr. Halari stated they have no plans for 5 lot subdivision and is unclear where the ad is appearing. Mayor Kovach stated it looks like the entire site will be disturbed under Phase 1, Mr. Halari stated the work in Phase I will tie into other phases and future connections. Mr. Clerico stated the phasing plan should be specific, the function of the site relies on the infrastructure on other phases Mr. Clerico stated currently on paper the level of detail is not thought through, this is more like a staging plan, the board needs to know if each phase can stand on its own. Mr. Clerico stated that procedurally the applicant will need to come back for final site plan after they have tenants, Mr. Halari replied elements of Phase I will need to go in before the roadway, Mr. Clerico stated we need a bigger level of detail, it is plausible we can evaluate the phasing as a condition we are looking at a piece of a puzzle we want to make sure it fits. Mr. Halari suggested a meeting with Mr. Clerico to go over all the details. Jack Daniels, Fire Marshal advised the applicant he has not received the staging plan and requested a meeting with the applicant to go over the details regarding fire related items. Mr. Halari agreed to set up a meeting.

Attorney Razin asked for timeline of phasing. Mr. Halari stated they need approval for the three- lot subdivision in order to submit their updated application and receive approval from DOT. Once the subdivision has been approved, they will file with the county and once the lots have been created, we will come back to the board for future subdivision. Attorney Apgar stated we are unsure of the exact timeframe if needed we may to have request extensions of the approval. Mayor Kovach stated she would like to have some clarity on the phasing, Mr. Halari responded he would like to meet with Mr. Clerico to go over all the details so we can supply the information to satisfy the board. Mr. Smith inquired how the site will get a second driveway, Mr. Apgar stated you need more than one lot fronting a highway the second driveway will be part of the final. Mr. Halari stated the final plans will be very clear and will show everything. Mr. Devita inquired about the timeframe for site work, Mr. Halari replied we will have a better answer at the time of final approval. Mr. Daniels inquired about the offsite water line on Central Avenue, Mr. Halari stated this will be part of Phase I the details will be worked out on the final application.

Public Questions:

Mr. George Tiboni, West Main Street stated there was no representation on how they will control the site runoff.

David Wiant, 78 Center Street stated this is part of a builder's remedy there has been no discussion on the affordable housing aspect and how that will get built, Attorney Apgar stated we are in negotiation with the developer of the Agway site and the affordable housing will be a separate site plan application. The agreement is we can only obtain 28 Certificate of Occupancy for the townhomes until the affordable housing is complete. When we determine where the affordable housing will be built, we will file an application prior to the second phase.

Lisa Intrabartola, Georges Place questioned why the applicant only filed a preliminary application and not a final application and inquired if there was an estimate on the timeline of site construction. Attorney Razin the applicant has only filed a preliminary application the final application and plans will require a

greater amount of detail, filing just a preliminary is not an abnormal procedure. Mr. Halari stated in regard to timeframe we will be in better position to answer that during final approval.

Katilyn Price, Fairview Avenue inquired if the townhomes are two- or three-bedroom units and if the Taco Bell has an expiration date, Mr. Halari responded the units will be three bedroom and the taco bell has no expiration date.

John Price, Fairview Avenue inquired if soil testing has been done on the Agway Site, Mr. Halari stated the music hall site can accommodate the affordable housing if needed.

Kelly Boyd, Center Street asked if they will have access to Central Avenue when installing the water lines and what happens to agreements made if the developer sells the site, Mr. Halari responded Central Avenue will be open during construction. Attorney Razin added any agreements will be incorporated into the plan and the resolutions. Mayor Kovach suggested they get their agreements in writing.

Nicole Ayers, Fairview Avenue asked for clarification on what preliminary versus final means and she has concerns with construction starting without securing a builder. Mr. Clerico stated the preliminary follows a general layout of what is proposed and the final shows a lot more detail such as who the tenants are for the commercial site and how exactly the site will be built, the overall concept does not change. Attorney Razin stated the preliminary elements are addressed such as traffic, circulation, stormwater management and utilities, the preliminary and final plan resemble each other but the final is much more detailed all of the items are buttoned up at the time of final. The construction on site cannot proceed until final approval is granted.

Chairman Sailer asked the applicant to explain the next steps after Preliminary approval is granted, Attorney Apgar replied once the outside agency approvals are finalized and we get water and sewer department approvals we can file the final application and plans.

Allison Robert, Center Street inquired about the timeline for the application and what standards do they have to demonstrate, Attorney Razin went over the general MLUL guidelines and standards of proof for the variance relief. Attorney Razin stated it is unusual that an applicant will demand a vote until all of the testimony has been provided, the application usually comes to a close before a vote is considered.

Norma Kania, West Main Street asked if the affordable housing is part of a phase, Attorney Razin stated the affordable housing is a separate application with its own set of conditions.

Traffic Engineer testimony:

Mr. John Rae, Traffic Engineer advised the board the traffic study and traffic counts have been updated since the last meeting, the updated traffic counts have been submitted to the board, the new counts match the old study therefore the 2020 study remains valid.

Public for questions:

Angelo Yacone, Georges Place stated he appreciated the Traffic Engineer's due diligence.

Lisa Intrabartola, Georges Place questioned the school traffic patterns and how many cars will 56 homes generate. Mr. Rea replied the commercial traffic will be pass by Route 31 traffic and the local residence will most likely use Georges Place. In regard to residential vehicles the RSIS standards are 2.3 for every three bedrooms. Mr. Rea also noted that Rutgers just completed a study which resulted in lower numbers from the state standards. The site generation has all been accounted for in the study, the peak hour traffic generating from the townhomes in the morning hours between 7:00am -8:00am will be 27 trips, the afternoon peak traffic between 4:30-5:30pm will be 32 trips.

Katilyn Price, Fairview Avenue inquired if there is any consideration to add a traffic light, Mr. Rea replied the DOT will not approve a light.

Kelly Boyd, Center Street inquired about the safety of cars exiting out of the Taco Bell and Georges Place at the same time, Mr. Rae testified there is a couple of hundred feet between the two there is enough separation. Mr. Rae also advised the board per the concerns from the last meeting the southerly driveway closet to Georges Place has been addressed, we have agreed to convert that driveway from a two way driveway to a one way driveway in a northly direction, the opening will be reduced for 30 feet to 18 feet, posted with do not enter signs and directional arrows which will prevent vehicles from exiting onto the southerly driveway, that aisle will be a one-way in a northly/westerly direction

Mayor Kovach inquired about the line of sight when exiting Georges Place, Mr. Rae stated there is an existing site triangle established on the last property on George place so when cars exit out of Georges Place there will be no interference with the line of sight pulling onto Route 31.

There being no further questions the meeting will be carried to November 21, 2023 at the Fire House at 7:30pm, no further notice is required.

Voucher Approval:

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

All Ayes. Motion Carried

Adjournment:

A Motion was made by Mayor Kovach, seconded by Mr. Viotto to adjourn the meeting at 9:20pm.

All Ayes. Motion Carried.

Respectfully submitted,

Allison Witt
Land Use Administrator