



State of New Jersey

Highlands Water Protection and Planning Council
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PHILIP D. MURPHY
Governor

SHELIA Y. OLIVER
Lt. Governor

CARL J. RICHKO
Chairperson

LISA J. PLEVIN
Executive Director

January 19, 2022

VIA EMAIL ONLY:

Richard Phelan, Administrator
Town of Clinton
43 Leigh Street
Clinton, NJ 08809

David Meiskin
Clinton Moebus 34, LLC
123 Route 33 East, Suite 204
Manalapan, NJ 07726

Re: Consistency Determination CD #21-02684
Clinton Commons
65 ½ Center Street
Block 14, Lot 32 - Town of Clinton, Hunterdon County
Conditions Compliance

Dear Mr. Phelan and Mr. Meiskin,

The Highlands Council issued a Consistency Determination for the above project on May 28, 2021, which found the project Consistent Subject to Specified Conditions. **This letter is to confirm that all conditions in the Consistency Determination have been met.** Please forward the final approved site plans, approving resolution, as well as post-construction photographs to illustrate the completion of Condition #2 (green stormwater infrastructure installation) as available. Please refer to the attached review form for additional information.

If you have any questions regarding the Conditions Compliance for the Consistency Determination, please contact your municipal liaison, Corey Piasecki, Principal Planner, at corey.piasecki@highlands.nj.gov or 908-879-6737 ext. 129.

Sincerely,

Lisa J. Plevin
Executive Director

Enclosure

c: Allison Witt, Land Use Board Secretary
Wayne J. Ingram, P.E., P.L.S, P.P., C.M.E., Engineering & Land Planning Associates, Inc.



State of New Jersey
Highlands Water Protection and Planning Council
CONSISTENCY DETERMINATION – CONDITIONS COMPLIANCE



Highlands Municipal Project Review CD #21-02684/Conditions Compliance-January 18, 2021

Finding: Consistent Subject to Specified Conditions

Clinton Commons
 65 ½ Center Street
 Block 14, Lot 32
 Town of Clinton, Hunterdon County

Applicant: Clinton Moebus 34, LLC
 123 Route 33 East, Suite 204
 Manalapan, NJ 07726

PROJECT INFORMATION

Highlands LUCM:	Existing Community Zone	Highlands Area:	Planning Area
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Project Summary: Development of 56 townhouses and 30,250 square feet of retail development consisting of three pad sites. The submitted site plans depict proposed commercial development of a food market, retail, and a gas/convenience store. The proposed site improvements also include roadways, landscaping, stormwater collection system and stormwater basin. Approximately 12 acres of the parcel will be dedicated to the Town of Clinton as open space.

Information Received on November 15, 2021:

1. One (1) electronic copy of comment response letter, prepared by E&LP, dated November 15, 2021.
2. One (1) electronic copy of site plan set, prepared by E&LP, dated 12/3/2020, last revised 8/31/2021.
3. One (1) electronic copy of Preliminary and Final Subdivision Plat, prepared by E&LP, dated 12/3/2020, last revised 8/31/2021.
4. One (1) electronic copy of Stormwater Management Report, prepared by E&LP, dated September 1, 2021.
5. One (1) electronic copy of Supplement to Stormwater Management Report, prepared by E&LP, dated November 15, 2021.
6. One (1) copy of Stormwater Management Maintenance Manual, prepared by E&LP, dated November 15, 2021.

Information Received on December 7, 2021:

1. One (1) electronic copy of the Landscape Plans, prepared by E&LP, dated January 15, 2021, last revised September 2, 2021.

Information Received on January 10, 2022:

1. One (1) electronic copy of the Landscape Plans, prepared by E&LP, dated January 15, 2021, last revised January 10, 2022.

CONDITIONS COMPLIANCE

Condition #1: (*Applicable to use of the facility or any portion of the facility for a Major PCS.*) Where the permitted use or structure is classified as a Major Potential Contaminant Source (PCS) and is proposed to be located in a Carbonate Rock Area determined to contain or have the potential to develop karst features, facilities shall be designed in a manner that prevents the unintentional discharge of toxic or hazardous pollutants to groundwater, surface waterbodies, or the land surface, from all internal and external areas, including loading, storage, and transfer areas.

Additionally, when a PCS is proposed to be located within a Tier I Wellhead Protection Area, all provisions, and standards applicable to Major PCS facilities contained in the Highlands RMP Project Review Standards shall apply, inclusive of requirements for Best Management Practices and Operations and Contingency Plans. If applicable, the Operations and Contingency Plan shall be submitted to the Highlands Council for review.

According to the comment response letter, the underground storage tank for the proposed gas station will require a permit from the NJDEP prior to construction. A copy of the permit will be provided to the Highlands Council prior to construction to meet the requirements of this condition.

Condition Compliance: Met Not Met Pending

Condition #2: The applicant has proposed a large-scale infiltration basin to manage stormwater runoff generated by the proposed development. The applicant shall incorporate low impact development/green infrastructure strategies for decentralized stormwater management on the site to the maximum extent practicable. Possible strategies to consider include, but are not limited to, pervious paving, bioretention basins/rain gardens, vegetated swales, vegetated roofs (or partial vegetated roofs) and cisterns.

Following incorporation of these strategies, the Stormwater Management Report, Stormwater Management Maintenance Manual and Low Impact Development Checklist for the site shall be revised to reflect the changes and provided to the Highlands Council for review. A robust description of the proposed green infrastructure strategy for the site shall be provided. It would be helpful to include a Green Infrastructure Exhibit in the site plan package.

Additional green infrastructure practices (GI) have been added to the proposed stormwater management design for the site. These features include one (1) sand filter, one (1) manufactured treatment device (MTD), seven (7) bioswales and three (3) rain gardens positioned throughout the site designed to improve water quality. A revised Stormwater Management Report and Stormwater Management Maintenance Manual reflecting the changes have been provided. In addition, the applicant has provided a Supplement to the Stormwater Management Report that details the locations of the GI practices, corresponding water quality analyses and calculated runoff tributary to each practice. A copy of the Low Impact Development Checklist has been provided as Appendix L of the Stormwater Management Report.

Condition Compliance: Met Not Met Pending

Condition #3: The site plan proposes 480 parking spaces, 174 more than required by local zoning. Unless an actual demonstrated need for the additional spaces is identified, the applicant should consider reducing the number of spaces to reduce the impervious coverage on the site. If a need is a demonstrated, the applicant should consider the installation of porous asphalt parking spacing as a green infrastructure practice to offset the inclusion of additional impervious surface beyond regulatory requirements.

According to the provided comment response letter, the revised plans will remove 32 spaces from the residential portion of the project. The residential portion of the project seems over parked because it provides for two car garages with driveway which provides 3.5 spaces per unit while 2.4 spaces per unit is required. To accommodate guest parking, 35 off street parking spaces are proposed. The commercial area parking is provided as needed. The applicant states that the Town ordinance does not provide specific parking requirements for gas with food market. The applicant has used the retail requirement to calculate the parking demand for the gas with convenience which provides much less parking then required for such use.

Overall, the commercial area parking has been reduced from 226 to 190 spaces. In total, the proposed design reduces 68 parking spaces from the original plan.

Condition Compliance: Met Not Met Pending

Condition #4: A Landscape Plan was not included in the application materials. It is recommended that the Highlands Recommended Native Plantings (list attached) be used to provide appropriate landscaping throughout the site and an enhanced landscaping plan for the portion of the site abutting the Highlands Open Waters Protection Area. The Landscaping Plan should include drought tolerant, indigenous species to the maximum extent feasible, exclude invasive species, and should specifically exclude species such as Callery pear and Japanese barberry. This plan shall be submitted to the Highlands Council for review.

Landscaping plans were provided via email on December 7, 2021. Revised landscaping plans based on Highland Council comments were provided via email on January 10, 2022. Acceptable and appropriate native plants have been proposed.

Condition Compliance: Met Not Met Pending

Condition #5: Copies of the final approved site plans (one digital copy), supporting documents, and approving resolution shall be submitted to the Highlands Council.

Applicant states that final approved site plans, supporting documents and approving resolution will be submitted upon receipt of approval.

Condition Compliance: Met Not Met Pending

Condition #6: Compliance with the recommendations found in the US Fish and Wildlife Service (USFWS) letter, signed 5/13/21, documenting the recommendations to avoid impacts to the bald eagle nesting site. This includes a timing restriction on construction between August 1 and December 31 in any year, installation of a fence at the boundary of the Highlands Open Waters Protection Area, to reduce potential for pedestrian incursion into habitat, and plant native trees in the open space between the nest and proposed food market.

The applicant provided a copy of the recommendation from USFWS. In addition, the submitted landscape plans provide the recommended reforestation.

Condition Compliance: Met Not Met Pending