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Reply to:
Somerville Office

May 3, 2022

Allison Witt, Board secretary
Land Use Board
Town of Clinton
43 Leigh Street
Clinton, NJ 08809

Via email awitt@clintonnj.gov

**Re: Ansuya Riverbend LLC & Ansuya Enterprise of Clinton LLC (the “Applicants”)
Route 31 – Block 17, Lot 2 & Block 17, Lot 2.03 (the “Property”)
Our File # 21-1862**

Dear Ms. Witt,

As you know our office represents the Applicants in the above captioned matter. In response to the technical review letter issued by Robert J. Clerico, P.E., Board Engineer for the Town of Clinton dated April 28, 2022, please accept the following comments in bold below:

1. Land Use Issues & Site Layout – I defer any detailed review of performance standards from the Town’s Zoning & Land Use requirements for the proposed buildings and site improvements to Jim Kyle, Board Planner. However, based upon my review of the filed documentation, I offer the following general comments regarding the general layout of the proposed buildings and site improvements:
 - a. Buildings
 - i. Phase 1 Existing Building – The existing 4-story hotel, constructed under the phase 1 component of the original approval only included a small common area in the lobby that was intended to serve breakfast to hotel guest. Although an application requesting a modification to the phase 1 portion of the project was not filed, the site plan states that the applicant intends to remove 10 hotel rooms and reuse that area as a bar/lounge for hotel guests, only. Separate Architectural plans need to be provided for this intended change along with a reassessment of the parking requirement per §88-62A of the Town Ordinance. Additionally, the applicant will need explain how they plan to regulate/restrict this facility so that its use it is limited hotel guests only. **The Applicant is not proceeding with any change to the prior hotel approval at this time but reserves the right to make such application in the future to address any modifications required by Marriot. If such an application is presented to the Board, the Applicant will provide architectural drawings and address the concerns noted above.**

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- ii. Phase 2 Building “A” – Proposed 1-story 2,540 s.f. fast food restaurant/coffee shop building with a drive-thru component is located south of the property adjacent to Rt. 31. As mentioned above, drive-thru is not a permitted use and therefore will require variance relief from the Board. As described in the Town Ordinance, restaurants and cafes, where patrons are seated at tables/counters and are served food and drinks by waiters/waitresses for consumption are a permitted principal use in the Office Building (OB-4) district zone. The applicant has not identified a tenant for this proposed building and therefore, they will be required to return to the Board for Final Site Plan review and approval once a tenant and detailed architectural plans have been provided. **No comment to this item is required.**
 - iii. Phase 3 Buildings “B” and “C” – Proposed 3-story 8,040 s.f. mixed use building with bar/restaurant and meeting space in the first floor and hotel rooms on the second and third floors will be referenced as building “B” moving forward in this report. The proposed 1-story 1,200 s.f. meeting space building located north of the property will be referenced as building “C” moving forward in this report. Architectural plans need to be provided for Building “C.” **The Applicant’s architect will provide testimony as to the interior of Building “C”. If architectural drawings are still required after her testimony, the Applicant can provide them as a condition of any approval,**
- b. General Layout, Parking & Circulation - The applicant needs to address the following issues associated with both phase 2 & 3:
- i. Demolition Plan – some of the perimeter curb and storm inlets and pipe have been installed within the footprint of the proposed parking lot areas for Phase 2 & 3. The demolition plan must include a detailed depiction of which elements of the existing improvements are to be retained, removed or reconstructed. **The Applicant will provide.**
 - ii. NJDOT Permit – the applicant will need to provide either an amended permit or a “Letter of No Interest” from NJDOT since the proposed change in uses will alter the projected traffic volume using the existing driveway access to Route 31. This would be a condition of any approvals granted by the Board. **The Applicant has submitted for a Letter of No Interest.**
 - iii. The parking demand must be calculated based upon §88-62A of the Town Ordinance. The parking requirements are insufficient and/or incorrectly noted on the plans as follows:

1. Phase 1 – as mentioned above, ten (10) of hotel rooms in the existing Marriot Hotel will be turned into a bar/lounge area for hotel guests. The elimination of the ten (10) required parking spaces for the rooms will need to be offset by the required one space per 50 sf of lounge/bar area designated for patron use unless there is some imposed restriction that would preclude the use of this space by anyone other than hotel guest. A parking analysis for this proposal must be shown on the plans in order to determine if the requested modification will result in a deficit or excess parking demand when considering the 103 existing spaces available. **As noted above, there will be no modification to Phase 1.**
2. Phase 2 Building “A” – architectural plans for the Building “A” must be provided along with parking a calculation that would clearly identify the 1,250 sf of patron use area associated with the fast food restaurant/coffee shop building. As presented, there are fourteen (14) excess spaces (25 required vs 39 proposed) currently designated within the Phase 2 parking area associated with this use. **Architectural plans will be provided at the time of application for final, major site plan approval.**

3. Phase 3

Building “B” – since this is a proposed mixed use, the parking demand must be calculated for each use. The following need to be addressed:

- a. The applicant must provide clarification on the number of hotel rooms proposed. The architectural plans show 21 rooms, the site plan notes 26 rooms, and the parking schedule calculation chart notes 20 rooms. The 21 rooms designated on the architectural plans would require 21 parking spaces. **As noted above, 21 additional rooms are proposed.**
- b. The parking calculation for the 2,975 s.f. “meeting room” is incorrectly noted to be based on the “business professional and executive office” requirement (1 for every 200 s.f.), instead of an “assembly hall” use requirement (1 for every 150 s.f.). The designated assembly space would require 20 parking spaces. **No response to this item is required.**
- c. The 1,974-s.f. indoor/outdoor restaurant/bar seating area would require 40 parking spaces. **No response to this item is required.**

- d. The parking lot associated with building “B” has 39 spaces, where 85 spaces are required for these uses, leaving a deficit of 46 parking spaces. **No response to this item is required.**

Building “C” – this building was not included in the parking schedule calculation.

- e. As mentioned above, meeting space would fall under “assembly hall” use. Based on the square footage, 8 spaces are required. **No response to this item is required.**
 - f. The parking lot associated with building “C” has 70 spaces, where 8 spaces are required for this uses leaving an excess of 62 parking spaces
 - g. As presented, there are sixteen (16) excess spaces (93 required vs 109 proposed) being proposed within the Phase 3 parking area associated with these uses. **No response to this item is required.**
- 4. Under the proposed modification to the site plan, the project will have 30 more parking spaces than required per the Town Ordinance. As noted later in this report (ref: SWM comments) some of the previously proposed parking will need to be eliminated given the reduced parking demand associated with the proposed change in use. **As noted above, the Applicant is not proceeding with any change to the prior hotel approval at this time but reserves the right to make such application in the future to address any modifications required by Marriot. If such an application is presented to the Board, it is likely that the Applicant will need to recalculate the parking requirements. As a result, the Applicant is requesting that the additional parking spaces be “land banked” as opposed to removed so as not to eliminate the Applicant’s right to the same. Additional testimony with regard to this issue will be provided.**
 - 5. Handicap parking spaces – the site plan show a total of five (5) spaces for accessible parking, with two spaces located in front of proposed Building “A” and three spaces are located in front of proposed Building “B” and none associated with proposed Building “C.” Handicap parking must be provided at every building in accordance with the amount of parking required for each use. **The Applicant will provide and can amend the plans to reflect the location of the same as a condition of approval.**
 - 6. Under the recently adopted New Jersey Electric Vehicle Supply/Service Equipment (EVSE) requirements, EV parking spaces must be incorporated into this plan. The amount and layout of EV spaces must be in accordance with the

adopted State criteria. **The Applicant will provide and can amend the plans to reflect the location of the same as a condition of approval.**

7.

- iv. Phasing Limits – in order to consider “phasing” of the remaining elements of the project the plans must be revised in order to clearly identify any/all improvements associated with each individual “phase” and document that each “phase” can function independent of each other. As currently presented,
 - 1. the Phase 2 element of the project (Building “A”) including the 40 car parking lot and access driveway, could not be constructed until the applicant has a designated tenant and has subsequently filed a Final Site Plan application. **The Applicant is in agreement as to this item.**
 - 2. The Phase 3 element of the project (Building “B”) including the 39 car parking lot, could not be constructed unless the noted storm drainage (currently in Phase 2) were already installed. **The Applicant is in agreement as to this item.**
- v. The parking layout and vehicle circulation for Phase 2 must be redesigned as follows:
 - 1. in order to insure that the proposed “one-way” counter-clockwise circulation around Building “A” will function the layout should be modified to:
 - a. Incorporate 60 degree angular parking along the one-way aisle on the west side of the building otherwise, those drivers would be inclined to “exit” through the one-way entrance driveway. **The Applicant is in agreement as to this item.**
 - b. Incorporate a traffic island that would direct vehicles exiting the drive-thru lane to the left in order to avoid drivers from attempting to “exit” through the entrance driveway. **The Applicant is in agreement as to this item.**
 - 2. In order to avoid conflicts with vehicles backing out of parking spaces the layout should be modified to:
 - a. Eliminate all of the 30 degree angular parking spaces on the east side since these are not required (ref: b-iii-2) and may potentially conflict with the designated exit drive & the parallel the stacking lane for the drive-thru entrance. **The Applicant is in agreement as to this item.**
 - b. Eliminate at least the last two spaces on the west side of the building since they potentially conflict with the vehicles exiting the drive-thru lane. **The Applicant is in agreement as to this item.**

vi. Trash/Recycling enclosure

1. §88-60.K(2) – Accessory buildings/structures in nonresidence districts shall meet all the requirements applicable to principal buildings. Both enclosures being proposed for Building “A” & “B” do not conform to this requirement since they fall outside of the front and side yard setbacks. These structures must be relocated or the applicant will need to apply for a variance along with providing justification for the requested relief. **The Applicant is requesting a variance and will provide testimony as to the proposed location of the structures which may also be relocated to address some other concerns outlined herein.**
2. In addition to the fact that trash enclosure located adjacent to Building “B” does not conform to the setback requirement, it is not oriented to allow for truck access. Truck turning template must be provided to ensure accessibility. **The Applicant will address by way of testimony at the hearing.**
3. The plan must show how/where trash/recycling will be provided for Building “C”. **The Applicant will provide testimony as to this item and can schedule additional pick-ups as may be necessary.**

vii. Pedestrian Access

1. The amended site plan should reflect all of the pedestrian access features that were constructed as part of originally approved site plan. Several of these features (sidewalk access from Hotel to rear drive and crosswalks etc.) are not currently shown. **The Applicant is in agreement as to this item.**
2. An extension of the existing sidewalk from the Hotel to Building “C” must be incorporated into the plan. **The Applicant is in agreement as to this item.**
3. A proposed 4’ walkway is shown beginning at the Building “B” covered patio and running parallel to the main access driveway however, the as-built plan shows that are existing street trees located roughly in the area where this walkway is proposed. The site plans should identify these trees and relocate the sidewalk in order to avoid any conflicts. **The Applicant will relocate the trees.**

2. Site Grading

- a. The Architectural plans and site plans are not consistent for proposed Building “B.” Architectural plans show an outdoor patio north of the covered patio. The grading plan on the amended site plans do not reflect a patio in this location. Clarification and consistency between both plans must be provided. **The Applicant will revise the plans as a condition of approval to maintain consistency and depict the outdoor patio.**

- b. Additional details for ADA accessible ramps on the proposed sidewalks and at entrances of the buildings must be added to the plans to ensure slope and dimension requirements are met. **The Applicant is in agreement.**
- c. Specific details of the proposed retaining walls must be provided. **The Applicant is in agreement.**
- d. The demolition plan must clearly depict any/all of the existing site improvements (including pavement on the main access driveway) that will need to be removed and/or modified. The current plan for removal/resetting of inlets and installation of pipe from building “B” will require repair/replacement of the existing surface pavements. The plans must identify the limits and methods (removal/reconstruction or mill/resurfacing etc.) that are being proposed. **The Applicant is in agreement.**

3. Stormwater Management

- a. The applicant has provided a stormwater management narrative along with a drainage area map explaining that the amended plan will not result in any increase to drainage area and/or increase the amount of impervious areas draining to any of the four existing basins on site. While there will be no adverse impact on the ability of the current basins to reduce the rate of stormwater discharge under their original design we do have to determine if the original design considerations are being met under the amended proposal. Under the prior N.J.A.C. 7:8-5.3 regulations, non-structural stormwater management strategy #2 required a minimization of any impervious surface associated with the project. Under the current approval, that strategy had been met since the amount of parking provided was in fact less than that required by the ordinance. However, under the amended plan this strategy is not being met since they are proposing to install 30 more parking spaces than required for the proposed uses. Unless the applicant intends to undertake a complete reassessment of the project under the current Stormwater Control Ordinance criteria then any excess parking must be eliminated from the project. This would have the benefit of further reducing the rate of stormwater discharge while lessening the amount runoff from motor vehicle surface and improving ground water recharge. **The Applicant’s engineer will provide testimony as to this item that is consistent with the need to “land bank” the excess parking spaces.**
- b. The applicant must also address the following:
 - i. Phase 2 Building “A” – The storm drainage/inlet system south of the building adjacent to the sidewalk does not appear to be connected to any of the existing systems. The plan must clearly indicate how all proposed modifications and expansions of the collection

system would be connected into the current infrastructure. **The Applicant's engineer will provide testimony as to this item.**


- ii. Storm drainage structures in the vicinity of phase 1 and 2 parking lots and access points were installed as part of phase 1. The amended site plans show removal/abandonment of some inlets and/or adjustments to inlets and pipes. As mentioned above the site demolition plans must clearly depict what will remain and/or be removed. **The Applicant is in agreement.**
4. Utilities – The Town of Clinton entered into a Water Agreement with the Applicant on January 10, 2007 for the provision of 34,900 GPD of water to the tract. Additionally, the Town of Clinton entered into a Sewer Agreement with the Applicant on March 28, 2006 to accept 21,052 GPD of wastewater from the tract. As part of Phase 1 construction, a 12” water main, sanitary sewer main and electric service main were installed on the main access driveway.
- a. Sanitary Sewer
 - i. A 2,000-gallon grease trap is proposed at each building “A” and “B” where it will then connect to the existing sanitary sewer main located on the existing main driveway. **No response to this item is required.**
 - ii. Building “C” will connect to an existing sanitary sewer main located under the proposed parking lot. **No response to this item is required.**
 - iii. Input/approval from the Town Sewer Department for this proposed installation must be obtained. This will be a condition of any approval granted by the Board. **The Applicant is in agreement.**
 - b. Potable Water
 - i. Water service lines from buildings “A” and “C” are shown on the plans to connect to the existing water main located on the existing main driveway. However, the utility plans do not show a water lateral connection to building “B.” **The Applicant will revise the plans as necessary as a condition of any approval.**
 - ii. The current water demand calculation includes hotel rooms, restaurants and office space. An updated assessment must be provide to reflect the proposed change in use. **The Applicant's engineer will provide testimony as to this issue and can provide an updated assessment as a condition of any approval.**

- iii. Input/approval from the Town Water Department for these proposed installation must be obtained. This will be a condition of any approval granted by the Board. **The Applicant is in agreement.**
 - iv. The Board should also obtain input from the Town Fire Official on all aspects of the proposed modifications to the plan. **The Applicant is in agreement and is either in agreement with or will provide testimony regarding the February 21, 2022 letter of the Town Fire Official.**
- c. Gas & Electric
- i. An electric service line is shown only for building “A.” in Phase 2. Service line connections to Buildings “B” & “C” in Phase 3 must be shown on the plans. **The Applicant is in agreement.**
 - ii. Obtaining “will serve” letters from the respective utilities should be a condition of any approvals granted by the Board. **The Applicant is in Agreement.**
5. Landscape & Lighting – I defer review to Jim Kyle, for comments/concerns related to the proposed landscaping and lighting improvements. **No response to this item is required.**
6. Environmental Impact Statement
- a. The applicant has provided an Environmental Impact Statement Narrative in addition to the Environmental Impact Statement Report prepared by Schoor DePalma; last revised January 4, 2002. I defer review of this narrative to the Town Environmental Commission for comments/concerns. **No response to this item is required.**
 - b. Additionally, the applicant must address the comments/concerns noted in the EC’s review letter (ref. G-6 above). **The Applicant will provide testimony as to these comments/concerns.**
7. Additional Comments/Construction Details
- a. The list of property owners within 200’ in the Town of Clinton is outdated and must be revised to reflect the current ownership. **The Applicant will provide an updated list on the plans as a condition of any approval.**
 - b. The amended site plans must reflect all site improvements shown on the as-built plan (ref. H) such as sidewalk, pavement markings, street trees, etc. **The Applicant is in agreement.**



- c. A sign construction detail and signage schedule are provided, however, location of this proposed sign be not labeled on the overall site plan. **The Applicant's architect will testify as to this item.**
 - d. Retaining wall construction detail must be included. **The Applicant is in agreement.**
8. Outside Agency Approvals
- a. Hunterdon County Planning Board – no documentation provided to date. **The conditional letter noted above was provided and final approval will be provided as a condition of any approval.**
 - b. Hunterdon County Soil Conservation District – no documentation provided to date. **The application has been submitted as noted above and any final approval can be included as a condition.**
 - c. NJDOT Letter of No Interest – no documentation provided to date. **The application has been submitted as noted above and any final approval can be included as a condition.**

Very truly yours,
McNALLY, YAROS, KACZYNSKI & LIME, LLC


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