

June 16, 2023

Town of Clinton
P.O. Box 5194
Clinton, New Jersey 08809

Attention: Allison Witt (via e-mail – awitt@clintonnj.gov)

Reference: Clinton Moebus 34, LLC – **Technical Report #5**
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision and Preliminary Site Plan
Town of Clinton, Hunterdon County, New Jersey

Dear Allison:

The Applicant filed updated documentation on **April 25, 2023** in an attempt to address comments that were raised in my **Technical Report #4 dated March 17, 2023**. Subsequently they made another submission on **May 1, 2023**, which involved a modification to the subdivision plat, site plan and related applications in order to comply with provisions of the Settlement Agreement between the Applicant and the Town. The Settlement Agreement referenced the division of the parcel into three (3) new lots, which are now reflected throughout the documents filed on May 1, 2023.

Since the project has gone through several modifications over the years and has not yet been fully presented to the Board I think it appropriate to outline the various submissions up to this point as follows:

- The application was initially **filed on January 19, 2021 and deemed conditionally complete by the Board at their meeting on February 16, 2021**. I completed my initial **Technical Report #1 dated May 1, 2021** however, due to the extent of open issues, the Applicant requested that the public hearing be delayed until June 15, 2021 in order to allow them to address comments from my report as well as other Board Professional's comments.
- Prior to the scheduled public hearing on June 15, 2021, the Applicant submitted revised documentation which I was able to review and issue my updated **Technical Report #2 dated June 14, 2021**.
- Following the opening of the **initial hearing on June 15, 2021**, the matter was carried to the Board meeting on September 21, 2021 so that the Applicant could make additional revisions to their submission in order to address comments/concerns raised at the June hearing.
- On September 3, 2021 the applicant filed revised plans and related document which I then covered in my updated **Technical Report #3 dated September 20, 2021**. **Upon receipt of that report** the Applicant requested that the **continued hearing scheduled for September 21, 2021 be cancelled**.

OFFICE LOCATIONS

www.vancleefengineering.com

Lebanon, NJ
908-735-9500

Hamilton, NJ
609-689-1100

Toms River, NJ
732-573-0490

Freehold, NJ
732-303-8700

Bethlehem, PA
610-332-1772

Hillsborough, NJ
908-359-8291

Mt. Arlington, NJ
862-284-1100

Phillipsburg, NJ
908-454-3080

Doylestown, PA
215-345-1876

Pottstown, PA
610-323-4040

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

- **On January 24, 2023** the applicant filed revised plans and supporting documentation which was intended for consideration at a **new public hearing scheduled for March 21, 2023**. My comments relating to that new submission were covered in my **Technical Report #4 dated March 17, 2023**. However, due to procedural issues the **hearing scheduled for March 23, 2023 was not held**.
- **As noted above the** Applicant has filed updated documentation (listed later in this report), to my office on May 1, 2023 and has also re-noticed for a new public hearing scheduled for **June 20, 2023**.

Given the extended period of time that has elapsed since the initial filing of the application and the numerous changes that have been made in the details of this proposal I recommend that the Board refer back to the following:

- ✓ **My Technical Report #3 dated September 20, 2021** – for a list of the temporary and permanent waivers granted by the Board for a completeness determination at their meeting on February 15, 2021.
- ✓ **My Technical Reports #1 through #4** – for a description of the various submissions and for my prior technical comments many of which have been addressed and are not repeated in this report.

The new submission of subdivision plan and applications and site plan documentation reflects proposed modifications to the project in which the applicant is now seeking approval for the following:

1. **Preliminary and Final Major Subdivision** – the Applicant seeks approval to subdivide the existing 28.06 acre open farm field into **three (3) individual lots**, as required by the Settlement Agreement. Although the proposed lot numbers have not yet been assigned by the Town Tax Assessor the following is a description of the proposed individual lots as reflected on the submitted Preliminary and Final Subdivision Plat:
 - a. **Lot 32.01 (commercial use):** 7.39-acre (322,057.99 sf) parcel located in the northeast of the tract fronting on Rt 31. This tract is designated for commercial use consisting of a fast-food chain restaurant, tentatively designated as a Taco Bell, a convenience store/gas station, and a food market. This lot contains a 2.78-acre Utility & Access Easement for access to NJSH 31. (**Note: a north arrow is still not shown on the P&F Subdivision Plat however, for the Board's reference, north is the top of the drawing.**)
 - b. **Lot 32.02 (residential use):** 9.10-acre (396,585.26 sf) parcel is located in the southeast corner of the tract and is intended for construction of 56 townhomes. The parcel is to the north of existing homes located on Center St. and to the west of existing homes located on Georges Place. The lot contains a 6.62-acre Utility & Access Easement for access to NJSH 31 as well as a 1.51-acre open space easement on the southerly portion of the parcel. (**Note: a north arrow is still not shown on the P&F Subdivision Plat however, for the Board's reference, north is the top of the drawing.**)
 - c. **Lot 32.03 (open space):** 11.57-acre (503,846.48 sf) parcel is in the west of the tract with frontage on Rt 31 intended for use as open space. The parcel is adjacent

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

to the South Branch of Raritan River and to the north of the existing homes/church located along Center Street. The lot contains a 0.19-acre Utility & Access Easement, a 0.34-acre Utility & Access Easement for Emergency Access (this will connect the residential development to Center Ave., which provides access to Center St.), and a 0.02-acre Easement to Lot 23 for Garage & Fence. (**Note: a north arrow is still not shown on the P&F Subdivision Plat however, for the Board's reference, north is the top of the drawing.**)

2. **Preliminary Site Plan** – the Applicant seeks approval for various proposed uses on the proposed parcels mentioned above. In my Technical Report #3, I mentioned the applicant stated that they will defer the subsequent filing of an application seeking Final Site Plan for all site plan elements of the project. Since the applicant has not made a filing for approval of Final Site Plan, all site plan elements of the project are subject to resolution of detail as part of a subsequent filing for Final Site Plan. **Under this procedure, construction cannot begin until/unless Final Site Plan approvals have been requested and approved under a subsequently noticed public hearing process.** The following are the currently intended site improvements associated with the proposed lots:
- a. **Lot 32.01 (Fast Food Restaurant):** 2,558 sf Taco Bell restaurant with an access easement for a two-way entrance for egress/ingress access to NJSH 31, parking lot of 23 spaces, drive-thru lane, sidewalks and other miscellaneous site improvements.
 - b. **Lot 32.01 (Gas Station/Convenience Store):** 5,700 sf convenience store, 8-pump gas station, parking lot of 73 spaces (of which 24 are designated to be banked spaces) and loading zones. Primary egress access to Rt 31 will utilize the proposed boulevard located in the access easement to the west while primary ingress to the lot will utilize the proposed driveway entrance located in the access easement to the east in front of the Fast Food restaurant. (**Note:**
 - *The primary ingress from Rt 31 through the proposed driveway on the adjoining Lot 32.01 is not currently covered by a proposed access easement.*
 - ✓ **This comment was added in my Rpt. #4 and has been addressed by the addition of the access easement of the driveway east of Lot 31.01.**
 - *As noted previously in my Rpt. #4, the currently proposed ingress/egress to Rt 31 through the proposed driveway entrance located in the access easement to the east in front of the Fast Food restaurant should either be eliminated or redesigned).*
 - ✓ **This comment was added in my Rpt. #4 and has not been addressed. The applicant states that the Traffic Engineer will provide testimony at the hearing**
 - c. **Lot 32.01 (Food Market):** 21,998 sf food market, parking lot of 120 spaces (of which 16 are designated to be banked spaces), loading zone, retaining walls, sand filter for stormwater management purposes, and a portion of the proposed stormwater infiltration basin that will serve all lots. Other miscellaneous site improvements are proposed as well. The only means of ingress/egress access will be through utilization of the access easements.

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

- d. **Lot 32.02 (residential use):** 56 townhomes, utility & access easement that will contain Clinton Commons Drive, Plymouth Drive, Lancaster Drive and Buckingham Drive, 29 parking spaces designated for guest parking, play area, portion of the 20' wide emergency access and the remaining portion of the proposed stormwater infiltration basin that will serve all lots. Other miscellaneous site improvements are proposed as well.
- e. **Lot 32.03 (open space):** The south east corner of the lot will contain a minimal portion of the 20' wide emergency access driveway with a proposed gated access with Knox box at "Central Ave." (paper street on adjoining lot 34 with access to Center St.) which is located in a Utility & Access Easement. A small portion will contain storm drainage structures that will discharge runoff from the infiltration basin into the stream, these structures are also located within a Utility & Access Easement. The rest of the lot will be utilized for open space with no other improvements. (**Note:**
- *There are no means of vehicular or pedestrian access to this parcel unless it can be established through use of Central Ave.*
 - ✓ **This comment was added in my Rpt. #4, however, the response letter by E&LP dated April 24, 2023 states that the Settlement Agreement did not provide for vehicle access to the open space. The Board should determine if this would be a beneficial addition to the project and obtain input from Jim Kyle and Katie Razin on any implications relating to the settlement agreement.**
 - *The existing garage and driveway located on the adjoining Lot 23 encroaches onto this parcel. This pre-existing condition should be acknowledged and rectified through the granting of an easement to the owner of that parcel).*
 - ✓ **This comment was added in my Rpt. #4, the site plans and has now been addressed by providing the 0.02-acre easement to accommodate the encroachment of the garage and driveway.**
 - *The Applicant shall provide testimony and offer their justification for proposing dedication of the open space under two separate parcels listed as Lot 32.05 and Lot 32.04.*
 - ✓ **This comment was added in my Rpt. #4 and is no longer applicable as the open space parcel has been adjusted to be one lot.**

The documentation of record now consists of items that were previously filed and documented in my prior reports (shown in *Italics Font*) along with the revised documentation (shown in **Bold Font**) filed on April 25, 2023 and on May 1, 2023, as follows:

- A. *Board Applications Forms with attachments consisting of:*
1. *Preliminary Site Plan Application including Land Use Fee Determination Form and Escrow Agreement.*
 2. **Major Subdivision / Preliminary Plat Application dated April 28, 2023.**
 3. **Final Plat Application dated April 28, 2023.**

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

4. *Development Review Checklist prepared by E&LP.*
 5. *Waiver Request Letter prepared by E&LP dated December 2, 2020 with Supplemental Waiver Request Letter from Howard J. Apgar dated January 29, 2021 requesting additional waivers.*
 6. *Certified List of Adjacent Property Owners dated January 24, 2023.*
 7. *Title Insurance Commitment prepared by Fidelity National Title Insurance dated March 15, 2017, including noted "Exceptions" listed on Schedule B.*
- B. Communication with Outside Agencies including:**
1. *Hunterdon County Soil Conservation District Application for Certification prepared by David Meiskin.*
 - *Submission Cover Letter to HCSCD, prepared by E&LP, dated January 11, 2021.*
 - *Soil Erosion and Sediment Control Plan Review Letter prepared by HCSCD dated February 23, 2021.*
 2. *Hunterdon County Planning Board Development Review Application.*
 - *HCPB Review Letter dated February 17, 2021 notes that:*
 - *Preliminary Major Subdivision App. was granted unconditional approval;*
 - *Final Major Subdivision App. was granted conditional approval; and*
 - *Site Plan App. was granted conditional approval not to construct.*
 - *HCPB Review Letter dated January 9, 2023 stating the conditions listed in the prior review letter were not satisfied.*
 - *HCPB Review Letter dated March 8, 2023 stating that some of conditions listed in the prior review have not been satisfied.*
 3. *NJDEP – Land Use Authorization-Technical Deficiency Letter File & Activity No. 1005-09-0002.1 LUP200001 dated January 21, 2021.*

(Note: On April 29, 2021, the applicant provided a copy of a NJDEP FHA Verification, FHA Permit and FWW GP #11 Permit to my office. The NJDEP Permits were approved April 29, 2021 and will expire on April 28, 2026. The permit contains a number of conditions that are referenced later in this report.)
 4. *NJ Highlands Water Protection and Planning Council Consistency Determination Report dated January 19, 2022, stating all conditions in the Consistency Determination have been met.*
- C. Will Serve Letters (Dated December 2, 2020) submitted to the following utilities:**
1. *Town of Clinton Water Department.*
 - *Response to Water Reservation Application prepared by Suburban Consulting Engineers, Inc., dated November 17, 2021 with an Application Status listed as Administratively Incomplete.*
 - *Response to Water Reservation Application prepared by Suburban Consulting Engineers, Inc., dated January 27, 2022 with an Application Status listed as Administratively Incomplete.*

(Note: the Applicant must obtain comments from TC-WD before the Board can vote on any aspect of the application.)

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

2. *Town of Clinton Public Sewer.*
 - *Sewer Review Letter to Richard Phelan prepared by Van Cleef Engineering (Mark A. Bahnick, PE) dated October 8, 2021.*
 - (Note:
 - *Updated submission to and receipt of response from Suburban Consulting Engineers has not been provided by Applicant.*
 - *The Applicant must obtain comments from TC-PS before the Board can vote on any aspect of the application.)*
3. *JCP&L (Note: response not yet provided).*
4. *Clinton Fire Department.*
 - *Memo from the Fire Official dated January 30, 2023. (Note: The Applicant's design engineer has revised the plans and responded to the Fire Official's comments by marking up and replying to his memo on March 6, 2023).*
 - (Note: **Testimony must be provided to indicate how the issues raised by Fire Official have been addressed and updated response from the Fire Official must be provided before the Board can vote on any aspect of the application.**)
5. *Elizabethtown Gas (Note: response not yet provided).*
6. *Comcast Cable Company (Note: response not yet provided).*
- D. **Plans entitled "Preliminary Major Subdivision and Preliminary Site Plan Clinton Commons" prepared by E&LP (Wayne J. Ingram, P.E.), dated December 3, 2020, last revised April 28, 2023, consisting of 24 sheets. (Note the following:**
 1. *Previously addressed.*
 2. **Addressed – note on site plans has been updated to reference the latest date of the title search. Refer back to my Rpt #4 for the original comment.**
- E. *Plans entitled "Tree Preservation Plan & Landscape Plans" prepared by E&LP (Edward Confair- LA), dated January 15, 2021, last revised January 10, 2023, consisting of 10 sheets.*
- F. **Clinton Commons Major Subdivision and Site Plan – Preliminary Subdivision Plan and Final Subdivision Plan, both prepared by E&LP (Wayne J. Ingram, P.L.S.), dated December 3, 2020, last revised April 28, 2023, each consisting of one (1) sheet. (Note: this document**
 1. **Addressed – two separate sheets have been provided; sheet 1 of 1 is titled Preliminary Subdivision Plan and sheet 1 of 1 is titled Final Subdivision Plan. Refer back to my Rpt #4 for the original comment.**
 2. **Addressed – all proposed easements and metes and bounds have been incorporated into the Preliminary and Final Subdivision Plans. Refer back to my Rpt #4 for the original comment.**
 3. *Has not been prepared to meet Map Recordation Requirements (ref: "D2). This comment has not been addressed. This comment has not been addressed – although the plat references the Boundary & Topographic Survey which identifies the correct Title Search date the previously mentioned missing information (M&B, North Arrow Etc.) have not been provided. Not Addressed – Applicant's design engineer states the north arrow has been added to the plans, however, it is not shown on the plans filed to my office.*

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

G. Reports consisting of the following:

1. Karstic Geology Investigation Report prepared by E&LP (Wayne J. Ingram, P.E.), dated March 5, 2020, last revised September 2, 2021.
 2. Environmental Impact Statement prepared by E&LP (Wayne J. Ingram, P.E.), dated July 23, 2020, revised September 3, 2021.
 3. Stormwater Management Report prepared by E&LP (Wayne J. Ingram, P.E.), **dated April 18, 2023.**
 4. Stormwater Management Maintenance Manual prepared by E&LP (Wayne J. Ingram, P.E.), **dated April 24, 2023**, along with Attachment D – major Development Stormwater Summary and now including Surface Infiltration Basin Field Manual. (Note: prior comments relating to Highland Consistency have been addressed and omitted from this report)
 5. Soil Investigation prepared by E&LP (Wayne J. Ingram, P.E.) containing Soil Log Profile data and Soil Permeability classifications, **dated March 3, 2020, signed and sealed.**
 6. Supplement to Stormwater Management Report prepared by E&LP (Wayne J. Ingram, PE) dated January 18, 2023. (Note: this document was resubmitted and now includes the water quality calculation results obtained from the hydrographs, however, it is dated November 15, 2021 whereas the document we received/reviewed in our Report #4 was dated January 2023. This inconsistency must be addressed.
 7. ~~Surface Infiltration Basin Field Manual prepared by E&LP.~~ (Note: this document has now been incorporated into the Stormwater Management Maintenance Manual, ref. G-4 above).
 8. Geophysical Investigation Report prepared by ANS Geo (Atulkumar N. Shah, PE), dated December 23, 2022 (REV. 4).
 9. **Traffic Statement** prepared by McDonough & Rea Associates, Inc., dated March 3, 2022, **last revised April 24, 2023.**
- H. Freshwater Letter of Interpretation: Line Verification dated May 4, 2018 along with NJDEP Wetlands LOI Plan prepared by E&LP (Christopher Nusser, P.E.), dated July 19, 2017 and Freshwater Wetlands Letter of Interpretation Report dated October 30, 2017.
- I. Elevation view rendering image of proposed Residential Buildings.
- J. Draft Architectural Plans for Taco Bell prepared by WA Group Architects, dated July 1, 2020, consisting of sheet A2.0 – Equipment and Seating Plan and sheets A4.0-A4.1 – Exterior Elevations.
- K. Vehicle Tracking Plan consisting of the following:
1. Tractor Trailer Circulation Plan dated December 3, 2020, last revised December 27, 2022.
 2. Clinton Fire Truck dated December 3, 2020, last revised March 6, 2023.
- L. Response Letter addressing comments from my May 1, 2021 report (revised September 20, 2021), prepared by E&LP dated January 24, 2023.
1. **Response Letter addressing comments from my March 17, 2023 report, prepared by E&LP dated April 24, 2023.**
- M. Summary of Revised Plan Submission dated **May 5, 2023** prepared by Howard J. Apgar, Esq.

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

- N. *Updated Comments from Jim Kyle dated June 14, 2021. (Note: pending receipt of updated comments from Jim Kyle).*
- O. *Letter prepared by E&LP dated September 2, 2021 providing a limited response to only the Site Grading and Carbonic Rock comment section of my Report #2.*
- P. *Taco Bell Rendering and Floor Plan. (Note: The date of preparation and the person responsible for preparation are not identified).*
- Q. *Response Letter to HCSCD -SESC Review letter, prepared by E&LP, dated January 24, 2023.*
- R. *Boundary & Topographic Survey prepared by E&LP (Wayne J. Ingram, PE), dated January 15, 2021, last revised January 10, 2022, consisting of one (1) sheet.*
- S. *Earthwork Analysis Plan prepared by E&LP (Wayne J. Ingram, PE), dated December 3, 2020, last revised January 18, 2023, consisting of one (1) sheet.*
- T. **NJDOT Letter dated April 19, 2023, confirming receipt and completeness of Major Access Driveway Permit. (Note: this letter only references the submission of a permit for Proposed Multi-Family and Fast Food w/Drive thru, it does not appear to include the gas station/convenience store or the food market).**
- U. **Response Letter prepared by ANS Geo dated April 24, 2023 addressing Site Grading & Carbonic Rock comments from my March 17, 2023 Technical Report #4.**
- V. **Response Letter prepared by McDonough & Rea Associates, Inc., dated April 24, 2023, addressing traffic related comments from my March 17, 2023 Technical Report #4.**
- W. **Retaining Wall Detailed Plans prepared by James Brown, PE, dated June 4, 2022. (Note: these plans are only for the infiltration basin retaining w and do not include the other retaining walls that are part of the project.).**

The following is a compilation of relevant comments from my original Report #1 dated May 1, 2021 along with additional comments from my subsequent Rpt #2, Rpt #3 and Rpt #4 shown in *italics font* with any open comments shown in **italics bold font** in order to avoid repetition. New comments based upon my review of the above referenced new/revised documentation are noted in **regular bold font**.

1. **Site Layout & Land Use Issues** – *I defer any detailed description and assessment of the performance standards from the Town's Zoning & Land Use requirements to Jim Kyle's report dated April 30, 2021 or updated report once issued. I am offering the following comments under this section to supplement and in some cases expand upon Jim's comments as follows:*
 - A. **Buildings** – *The proposed commercial buildings on Lot 32.01 will have direct egress/ingress access to/from southbound Rt. 31. The site slopes from the east to the west and drains into the South Branch of Raritan River. The Board granted permanent waiver for providing Architectural Plans for residential homes in Lot 32.02, and convenience store/gas station and food market in Lot 32.01. The layout of the proposed buildings for Preliminary Site Plan approval as depicted on the site plans consists of the following:*
 1. **Lot 32.02** – *56 townhomes of approximately +/- 1,800 s.f., all containing a two-car garage and a basement.*
 2. **Lot 32.01** – *A 2,558 s.f. proposed fast-food chain restaurant (tenant to be Taco Bell). Draft architectural plans (ref. J) provided indicate the store to be*

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

around 2,087 s.f. with indoor seating, drive-thru area, and office space. The Site Plans depict a 2,558-s.f. building with a drive-thru area, which is not consistent with the submitted Architectural Plan.

- ✓ **Updated Architectural Plans must be provided and must be consistent with the depiction shown on the site plans.**

3. **Lot 32.01 – A 5,700 s.f. gas convenience store (unknown tenant) is proposed with a 13'x100' and 14'x130' designated loading zone area and a 50'x120' gas station pump area.**
4. **Lot 32.01 – A 21,998 s.f. food market (unknown tenant) containing a 105'x25' loading area at the back of the building.**

B. Site Circulation/Parking – Currently, there is no access point for egress/ingress onto the existing site from Rt. 31 or Central Ave. The applicant is proposing:

1. **NJDOT RT 31 Access.** The applicant is showing various access driveways on to Rt. 31 however they have not provided a copy of any NJDOT Highway Access Permits or a specific Traffic Report confirming the feasibility/likelihood that NJDOT would allow what is being proposed which includes:

a) **Residential/Commercial Boulevard** – allowing ingress/egress access from/to Southbound Rt. 31 that serves the entire development. (Note: the required NJDOT Permit has not yet been requested or obtained).

- ✓ **Open comment** – the Applicant provided a letter from NJDOT, Office of Major Access Permits confirming their receipt of a “complete” application. However, a copy of the application was not provided and the letter does not reference the entire development, only the Proposed Multi-family and Fast Food with drive thru use. **The Applicant must provide the Town with a copy of the NJDOT application and all submitted materials.**

b) **Commercial Driveway** – allowing ingress/egress access from/to Southbound Rt. 31 serving the commercial development on Lot 32.02. (Note: the required NJDOT Permit has not yet been requested or obtained)

- ✓ **Open comment** – the application filed with DOT does not reference the gas station/convenience store or the food market. **The Applicant must provide the Town with a copy of the NJDOT application and all materials that were included in the submission.**

c) A Traffic report (ref: G-8) has now been submitted. My comments are as follows:

1. **The report notes that access to Rt 31 will require a permit from NJDOT and that a “more detailed Traffic Impact Analysis will be required” for that submission. Accordingly, the document being submitted does not address the issue I raised relative to the “feasibility/likelihood that NJDOT would allow what is being proposed”. While any action taken by the Board would be subject to the applicant obtaining a DOT permit, the Board should be provided with some level of confidence that the plan being presented meets the basic parameters for acceptance by DOT.**

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

- ✓ **Open comment** – Testimony from the Traffic Engineer must be provided along with copies of the “detailed traffic impact analysis” that was presumably filed with NJDOT to address this question.
- 2. **The ultimate buildout analysis in the report should also include analyses of weekend peak hour traffic.** The scope of the traffic study is under the jurisdiction of the NJDOT.
- ✓ **Open comment** – See above
- 3. The report utilizes existing traffic volumes, recorded in February 2022, which were then adjusted to pre-covid conditions using historic 2019 data collected on Route 31 south of the site by NJDOT. This method is generally acceptable for review by the Board. **Comment Addressed.**
- 4. The report states that the background growth factor was determined “conservatively” for the build year of 2027 by assuming a background growth rate of 1.5 per cent for the first three years and then a rate of 0.5 percent for the last two years The NJDOT growth rate for Route 31 in this area is 1.25 percent. The report should be modified using the NJDOT growth rate, which is actually more conservative than the rate utilized in the report.
- ✓ **Open comment** – the applicant’s traffic engineer should explain in further detail how their methodology results in a conservative background growth factor (GF) as per NJDOT protocol, when in fact the growth factor is lower when compared to the standard.
 - ✓ Applicant’s Methodology : $GF = (1.015)^3(1.005)^2 = 1.056$
 - ✓ Standard Methodology (1.25%) $GF = (1.0125)^5 = 1.064$.
- 5. In regards to the proposed convenience store/gas station, the trip generation table in the report utilizes a Land Use Code (LUC) 945, for this proposed operation, while the companion pass-by rate table utilized a LUC 960, Super Convenience Market/Gas Station, pass-by rates that were applied to the convenience store/gas station trips. The proposed trip generation rates in the report should be modified, utilizing the LUC 960 for the proposed 5,700 SF convenience store/gas station operation.
- ✓ **Open comment** – The applicant’s Traffic Engineer must provide the Town with its full buildout TIS submission to NJDOT and include confirmation of NJDOT acceptance of their use of LUC 945 for trip generation and LUC 960 for pass-by rates.
- 6. I also have serious concerns regarding the current layout and design of the access driveways to Rt 31. This can generally be summarized as follows:
 - a) The proposed 300 +/- foot separation along Rt 31 between the westerly exit driveway and easterly entrance driveway traffic islands does not appear to be adequate to

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

accommodate the traffic weaving that will result from these conflicting entrance/exit movements. The report as submitted does not analyze the adequacy of this layout based upon the anticipated weaving volumes resulting from the proposed uses.

✓ **Open comment** – It is our opinion that the TIS should include a weaving analysis in place of the signalized intersection analyses presented for the driveway intersections with Route 31.

b) The easterly access driveway for the Taco Bell would logically be the primary point of ingress into the convenience store/gas station. Under the current layout, the proposed 30 ft. radius to accommodate this 180-degree turn is not sufficient for the vehicles making that maneuver, especially considering the high deceleration speed of the vehicles coming off Rt 31. The layout will need to be modified to either eliminate this movement or relocate the point of ingress to properly accommodate the turning movement.

✓ **Open comment** – The current design of the proposed egress opening in the northeast corner of the fueling operation lot is a significant safety concern that falls under the jurisdiction of the Planning Board. As previously stated it must be eliminated or relocated.

c) Similar to the above, the use of installation of the proposed egress opening in the northeast corner of the fueling operation lot must be eliminated or relocated. As currently designed, the proximity of the opening to the entrance driveway off of Rt 31 is not sufficient to accommodate the conflicting movement between vehicles entering the Taco Bell and those attempting to exit the fueling area to cross over and access southbound Rt 31.

✓ **Open comment** – same as 6b above.

d) The proposed access opening located in the southwest corner of the Taco Bell lot is only intended for use as an exit by customers of that facility which will allow them to enter the residential portion of the project. In order to physically prohibit entrance into the Taco Bell from that location the opening must be further restricted by extending the curbing and reducing the opening to only allow for the exit movement.

✓ **Open comment** – No change from the previous plan.

2. **Emergency Access.** The applicant must address the intended design standards, ownership, operation and maintenance of the emergency access (EA) driveway to the property off Central Ave. The Board should obtain input from the Town Emergency Services (Fire, Rescue) regarding the design of this access. The Board should also obtain input from the Town Emergency

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

Services and DPW in order to determine if an extension of the EA driveway further to the west should be constructed to allow for restricted access to Open Space Parcel (Lot 32.03) for Rescue and/or Property Maintenance vehicles.

- The applicant has provided vehicle truck turning plans for the Town of Clinton Fire Vehicle and WB-62 Trailer. Approval of the EA Driveway by Emergency Services/DPW has not been provided.

✓ **Open comment** – As of January 30, 2023, the Fire Official still had comments. Approval correspondence from the Fire Official and DPW will need to be provided to the Board before they act on this application.

3. **Parking Layout.** The applicant has provided more than the required amount of parking spaces for all proposed lots. The breakdown of the proposed parking count is as follows:

- a) **Lot 32.02 (residential)** – Each townhome is designed to include a 2-car garage and a driveway. According to NJAC 5:21-4.14, this combination shall count for 3.5 parking spaces. The applicant is proposing 196-parking spaces for the residential use and an additional **29 off street parking spaces**, creating a total of **225-parking spaces**, where 135 spaces are required.

Open comment –

○ **Testimony to be provided by the Applicant's Traffic Engineer. Justification for the 90 extra spaces being proposed must be provided.**

○ The plans must delineate the proposed 10-banked spaces differently and/or note #5 on sheet 5 must be revised to remove banked parking. **Addressed – banked spaces for the residential use are no longer proposed, previous note has been removed from the plans.**

- b) **Lot 32.01 (Fast-Food Chain)** – Per the Town Code, a restaurant use shall designate 1 parking space for every 50 s.f. of floor area devoted to patron use. The draft architectural plans for the Taco Bell note an FOH area of 860 s.f. this would require 17 parking spaces. The applicant is proposing 23 angled parking spaces and onsite aisles to one-way circulation, which raises other issue addressed later in this report. The applicant has stated that the site is designed to meet franchise-parking requirements for the larger building prototype. This is not an adequate response given that the stated purpose under SWM is to reduce impervious coverage. Specific testimony from the applicant must be provided before the Board should consider allowing any excess impervious surfaces beyond the minimum required.

Open comment – testimony must be provided by the Applicant's Traffic Engineer in order to justify the installation of the 6 additional parking spaces being proposed. **Partially addressed** – sheet 3 of the site plans have been revised to note the FOH area is 1,160 s.f. which would require 23

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

spaces; therefore, satisfying the parking requirement. **The Applicant must provide updated Architectural plans that depict this corrected FOH area.**

- c) **Lot 32.01 (Convenience Store/Gas Station)** – Retail stores required a parking space for every 180 s.f. of retail merchandising/commercial floor area, this would require 32 parking spaces for the convenience store. The applicant is proposing 73 parking spaces **(49 parking spaces and 24 banked spaces)** for this facility, far exceeding the required amount of parking and not considering the goal of reducing unnecessary impervious coverage. **The Applicant claims that the additional parking being proposed is to meet “franchise requirements.” The Board granted waiver for providing Architectural plans due to the applicant not having a tenant for this facility at the time. However, since the applicant apparently now has a known tenant, Architectural plans should be provided.**

Open comment –

- **Testimony to be provided by the Applicant’s Traffic Engineer in order to justify the 41 additional parking spaces being proposed. Since a tenant for this facility has not been identified, the Applicant cannot claim the excess spaces will be to meet “franchise requirements”. As part of the preliminary site plan, the required amount of parking spaces will need to be provided. Once a tenant is established, the Applicant may request as part of a Final Site Plan application, a modification to the layout to accommodate additional parking.**
- Note #5 on sheet 3 of the site plans must be updated to separate the parking requirements for lot 32.02 and 32.03 since they are individual parcels. **Addressed – parking requirement for each commercial use in lot 32.01 are noted on sheet 3.**
- The square footage of the buildings must be consistent on the notes and on the plan view. **Addressed.**

- d) **Lot 32.01 (Food Market)** – Food marking is a retail store, therefore, the same requirements as the Convenience Store apply. The required amount of parking is 122 spaces where the applicant is proposing **120 parking spaces (104 parking spaces and 16 banked spaces)**. **The applicant has decreased the number of proposed parking spaces due to “franchise requirements.” As mentioned above, the Board granted waiver for providing Architectural plans since a tenant was unknown at the time. However, since the applicant apparently now has a known tenant, Architectural plans must be provided and additional documentation provided to support to amount of proposed parking in order for the Board to evaluate the adequacy of this parking and/or grant any relief from the ordinance standards.**

Open comment –

- **Testimony to be provided by the Applicant’s Traffic Engineer. In this case, there is a deficit of 2 spaces. As mentioned above, he Applicant cannot claim a lower amount of spaces than**

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

required by the Ordinance in order to meet “franchise requirements” without identifying the tenant. As part of the preliminary site plan, the required amount of parking spaces will need to be provided. Once a tenant is established, the Applicant may request as part of a Final Site Plan application, a modification to the layout to accommodate a lesser amount of parking.

- Note #5 on sheet 3 of the site plans needs to be revised as noted above. **Addressed** – parking requirement for each commercial use in lot 32.01 are noted on sheet 3.
- e) The proposed food market (Lot 32.01) has the refuse enclosure on the loading area. Size for this enclosure is not noted as it is on the other lots.
- A 10'x10' solid waste storage enclosure has been provided; however, this seems inadequate for a store of this size even if compaction equipment is being utilized. Again, it will be difficult for the Board to evaluate the adequacy of the proposal without the benefit of know the specifics of the intended tenant's operation.
 - Previously Conditionally Addressed.
- f) Given the location of the property within the watershed of a C-1 Stream and considering the provisions of the Town's SCO regulations there is no justification to allow for excess parking and the associated additional impervious coverage, especially in this situation where specific tenants for the commercial uses have not yet been established. (~~Ref comments under 3A-1a~~).
- The proposed pavement width of the roads has been reduced to 24' in ordered to minimize the impervious coverage.
 - Concerning note #5 on sheet 3 of the site plan referencing the 10 future banked parking spaces for the residential use - These spaces banked spaces are not identified on the plan view. Open comment – testimony to be provided by the Applicant's Traffic Engineer to justify the amount of parking being proposed. **Partially addressed** – note has been removed since banked parking in the residential use is no longer proposed. All other proposed banked parking is shown and noted for each use, however, the **traffic engineer must provide testimony regarding the amount of parking spaces proposed.**
4. **Site Circulation.** The plans need to include vehicle turning templates to confirm the adequacy of the road and parking layouts to accommodate vehicle access on all of the proposed lots including fire apparatus, garbage trucks, tractor trailer delivery vehicles (to commercial properties), moving vans (to residential units) and service vehicles for road/utility (water, sewer, power, stormwater etc.) maintenance access.
- Vehicle truck turning plans have been provided for the Town Fire Truck and WB-62. Applicant states any other truck will be smaller and therefore have no problem getting in and out of the site. As

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

depicted, the WB-62 turning movements do conflict with opposing traffic (exiting the fueling area) and with existing parking (within the Food Market). Both of these situations are not acceptable and need to be addressed. Input and response from Fire Marshal is required prior to the Board voting on this application.

Open comment – testimony to be provided by the Applicant’s Traffic Engineer. Approval from the Fire Official needs to be provided to the Board.

- Previously addressed.
- The Taco Bell drive-thru driveway on the west side of the building is a one-way (southbound entrance) circulation and the parking spaces on the west side are angular parking. This raises a number of other questions and issues relating to alteration of the egress movements from the residential portion of the development.

Open comment –

- **The circulation to Lot 32.01 from the Residential lots is restricted by an “exit only” lane from Lot 32.01 to Plymouth Drive. In order to ensure this restriction the opening must be narrowed by extending the curbing to prohibit the entrance movement.**

✓ **Open item - The design has not been altered based upon E&LP’s response that the current width is required for fire/emergency vehicle access. If that is confirmed by the Fire Marshal then the applicant should propose some other design feature that would not restrict fire/emergence vehicles use but would physically discourage vehicle use. (A mountable curb would be one option)**

- A Traffic Assessment Report has been provided by a Traffic Engineer, see comments (ref: 1.B.1.c) above related to this report, however, I will defer any further comments until I hear the Engineer’s testimony.

✓ **Open comment – see traffic related comments under 1.B.1.c.**

5. **Pedestrian Access-** **The applicant should present testimony regarding the proposed pedestrian access for the Boards consideration. As a result of that presentation, the Board should determine if any additional pedestrian paths should be considered as part of this project. Once pedestrian paths have been established then the plan will need to be modified to depict individual details for all handicap ramps and road crossing in order to document compliance with the ADA and/or PROWAG standards as applicable.**

- As currently shown on the grading plan, most pedestrian paths and curb ramps at the intersections will not be ADA (RISIS) compliant due the steep design grades of the approaching roads at these intersections. Revisions to the current design must be provided

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

using recommended 2% max grade within the intersection areas and separate details of the individual curb ramps and handicap spaces to ensure compliance with ADA.

Open comment – Although ADA enlargements for all curb ramps have been provided, they lack sufficient detail to determine compliance. Some noted deficiencies are:

1) Centerline elevations of the road between the crosswalks are not shown on multiple details, making it difficult to confirm the cross slope of the crosswalks. **Addressed.**

2) Clinton Commons/Plymouth Dr. intersection, Plymouth/Stratford Dr. intersection, and Clinton Commons Dr. ramps at 8+86 and the gas/convenience ADA access details either exceed the 2% cross slope and/or the noted percentage differs from what is calculated from the point elevations provided. Those must be revised and enlargements checked & documented for compliance with ADA. **Addressed.**

- Previously addressed.
- Previously addressed.
- All missing information must provide to allow us to complete a thorough review of the current proposal. I will defer any further comments until a complete submission containing sufficient information is submitted.

C. **Zoning** – I defer to Jim Kyle’s report for all required variance relief being requested however, the applicant will also need to include a specific chart documenting compliance with RSIS criteria. The applicant will need to show compliance with all RSIS requirements or request waivers from any deviations and offer justification for any requested relief. This applies to design slopes of all roadways at intersections where ADA compliance cannot be waived.

Open comment – RSIS requirements have been added to the site plans under note #7 on sheet 3. All criteria are noted to comply with RSIS except for the sidewalk on Lancaster Drive, where sidewalk on both sides is required and the applicant is proposing on one side only. **Testimony must be provided in order for the Board to consider this design waiver.**

2. Site Grading & Carbonic Rock

A. **Earthwork** – Since the applicant is proposing only one stormwater management facility, the site will require some grading to flow water towards the detention basin to the west of the property. Issues/comments regarding grading are as follows:

1. The applicant must provide a Cut/Fill balance calculation along with a detailed outline of the method of excavation.

Open comment – an Earthwork Analysis Plan was submitted showing the cut and fill calculations for the site. The plan shows a total of 20,400+/-cy of cut and 35,900 +/- cy of fill. Accordingly, development of

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

the site will require the net import of 15,500 cy of fill material. A detailed outline of the method of excavation, suitability for use of onsite material as fill, disposal of unusable material and specifications for the imported material must be provided.

- ✓ **ANS Geo only provided a partial response to the Open comment. A detailed outline of method of excavation, disposal of unsuitable material and specifications for the imported material was not addressed. This documentation must be incorporated into Earthwork Analysis Plan and be included as part of the site plans.**
- ✓ **ANS Geo responded that all soils above the bedrock on site can be used as general backfill. This response indicates that ANS Geo is recommending all of the on-site soils above the bedrock are suitable for reuse as fill. ANS Geo must clarify this statement and include supporting criteria that was used to reach this conclusion.**

B. Soil Erosion & Sediment Control – *The applicant has provided a copy of their SESC application, however, proof of filing has not been provided. The Board cannot act on the Preliminary Site Plan application until/unless they have input from the HCSCD.*

Open comment – *a copy of the review letter issued by the District has been provided as well as the Applicant’s response comments. In order for this comment to be satisfied, approval from the District will need to be provided. Pending review and approval from HCSCD.*

C. Wall Design – *the applicant is proposing several modular block retaining walls on all proposed lots. Various retaining walls at the east, south and west side of the property have a maximum height ranging from 8 to 11 ft. Detailed construction plans for the wall including structural design will need to be prepared by a Professional Engineer and be incorporated into the site plan. Design issues relating to impacts on adjoining elements of the project and safety fencing must be taken into consideration and incorporated into the design of the project. As currently presented, there is not sufficient information that would allow me offer any detailed comments regarding this aspect of the project.*

- *The site plans have been revised to incorporate a 4-ft post and rail fence around the SWM basin. That type of fence is not suitable for its intended purpose. A picket or similar fence that would prevent child access must be provided.*
Open comment – *a wire mesh on the post and rail fence is not acceptable. Safety fencing, such as a picket fence or similar, must be provided. It appears the layer for the picket fence detail must have been turned off. The actual detail is not shown on the site plans submitted to my office.*
- *A note has been added to the plans stating structural design for the retaining walls to be provided “prior to construction”. That is not an acceptable proposal. Sufficient detail and basic design parameters need to be provided as part of the site plan in order to ascertain the impact on adjoining elements as requested.*

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

Open comment – Typical section shown on Sheet 24 of 24 as Block Retaining Wall Detail (red: E&LP response). A global stability analysis or geotechnical recommendations (retained soil characteristics, bearing capacity, settlement, etc.) have not been provided. The Applicant must provide the noted items along with additional information required to complete the design of the wall design. (Note; E&LP's response letter states that retaining wall design has been provided however, this is was not included in the submission received by my office). **Partially addressed** – detailed plans for the retaining wall at the infiltration basin have been provided, however, the geotechnical report must be revised and resubmitted with recommendations, as requested. Additionally, detailed plans for the retaining walls near Lots 22, 29 and 30 must be provided to ensure no disturbance to adjacent lots will occur.

D. Carbonate Area District:

1. Phase I Carbonate Area District – previously addressed.
2. **Phase II Carbonate Area District Report**
 - a) Previously addressed.
 - b) Previously addressed.
 - c) ANS Geo only provided a partial Geophysical Investigation Report that was limited to performing a geologic investigation and presenting the data obtained from the site investigations. The report does not include an evaluation, reach conclusions or offer recommendations related to development of the site and structures being proposed by the applicant. ANS Geo must provide the required information in a revised report or issue a separate Geotechnical report in accordance with 2018 IBC New Jersey Edition Chapter 18 Soils and Foundations.
✓ Open comment – ANS Geo responded that items discussed in the Open comment were not in their scope of work and that these items shall be addressed following an additional subsurface investigation performed by others at a later date. **Based upon this response the Phase II Assessment remains incomplete.** The services of a qualified Geotechnical Engineer are required to complete the open items and bring together the subsurface data gathered by ANS Geo and others.
 - d) The Geophysical Investigation Report is not in compliance with the Ordinance provisions under.
 - § 88-64.2 E. (2), which requires the design and construction of improvements to be accomplished so as to minimize, to the greatest extent practical, the development of future sinkholes or other karst hazards and the pollution of surface and groundwater resources. The report must be updated to include the information required to comply with this section of the Ordinance.
 - § 88-64.2 F. (1)(e), which requires the geologic investigation report to evaluate site information gathered during the geologic investigation, and provide recommendations for the planning,

Page 18 of 30

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

engineering design, and construction techniques to be utilized. All design recommendations shall minimize, to the greatest extent practical, impacts upon water quality and structural hazards associated with limestone formations. **The Applicant's report shall be revised as required by the Ordinance.**

- § 88-64.2 F. (5)(b), which requires that the report shall define the extent of geological findings at the site in relation to the planned development or land use. The Applicant shall provide recommendations proposed to minimize environmental and structural impacts for the useful life of the project, as well as during construction, must be clearly detailed. **The report must be revised as required by the Ordinance.**
- ✓ **Open comments – None of the above have been addressed** ANS Geo responded that their data report was only intended to summarize their findings based upon their limited investigation. General recommendations for earthwork and grading during construction were referenced in ANS Geo's response however, they did not include recommendations as a response, and they only stated that they were to be included in a Phase II report. **A Phase II report must be prepared by qualified Geotechnical Engineer and must address the ordinance requirements.** It should be noted that a final design is not required in order to provide design and construction recommendations to address potential and/or specific karst hazards.

3. Geotechnical Investigation

- a) Multiple investigations of the site have been completed that consist of geophysical and direct testing methods (borings, test pits and percussion probes). Some area of the site have high concentrations of testing while other locations in the area of proposed structures and improvements have limited or no testing. In order to obtain building permits additional geotechnical testing will likely be required to meet the 2018 IBC New Jersey Edition Section 1803 Geotechnical Investigation requirements for number of tests per square foot of build-over area. Some noted deficiencies are located in the area of the:
 - Food market (21,988 sf) = 1 test location (B-01 and pp-08 performed next to each other in NW corner);
 - Building #1 (6 units) = no testing;
 - Building #2 (6 units) = 1 test (SL-09 in building center – no SPT blow counts);
 - Building #5 (6 units) = no testing; and
 - Building #11 (6 units) = no testing.

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

✓ **Open comment** – In their response letter (ref U) ANS Geo's stated that their scope of work did not include geotechnical engineering. **In order to address the ordinance and building code, the applicant must retain the services of a qualified Geotechnical Engineer with experience in carbonate geology.**

E. *Additional Grading Comments:*

1. *As noted the proposed plan and profile views for all roads are illegible and inconsistent. All plan and profile views must be revised and/or include the following information:*
 - a) *Previously addressed.*
 - b) *Previously addressed.*
 - c) *Previously addressed.*
 - d) *Previously addressed.*
 - e) *The proposed roads on the plan view are designed to have a crown with a gutter, however, profile design at the intersections will not accommodate/maintain the gutter around the radiuses thereby creating sheet flow discharge into the intersections and potentially directing runoff away from the inlets. Sufficient information has not been provided to assess the design and determine if the requirement has been met.*

*Open comment – a plan showing additional detail within the intersections must be provided to confirm/determine that the gutter flow is maintained and sheet flow across the intersections is avoided. **Addressed – the grading plan shows gutter flow along the intersections.***
2. *The proposed grading within the Convenience Store and Fueling area has cross/running slopes ranging between 4% and 10%. That is far too excessive for that type of installation. A revised grading plan for this entire installation must be provided. Not adequately addressed – grading has been modified in the noted area but subsequently increased in the adjoining intersection with Rt 31. Sufficient information relating to grading and the adjoining curb details (flush vs. full face) has not been provided to assess the design and offer any further comment.*

*Open comment – in E&LP's response letter to my report, they state that the grading has been revised; however, grading at this location appears to remain unchanged. **Addressed – only the aisle areas of this use exceed the 4% slope, but are less than 6%, which is acceptable.***
3. **Stormwater Management** – *It should be noted that this submission and analysis is based upon the Town's prior Stormwater Control Ordinance (SCO). See my Technical Report #3 dated September 10, 2022 for a detailed outline of SCO's effective date and the applicability of this submission. (Note: If this submission is considered by the Board to be a New Application then the SWM evaluation will need to be modified in order to be in compliance with the current SCO criteria)*

- A. **Design Methodology** – *The existing 28.06-acre property is made up of mostly open farm field land with a small wooded area near the South Branch stream. According to the Stormwater Management Report (ref. G-3), the proposed improvements will disturb 14.95-acres of land and will create an additional 8.5-acres of impervious surface. Under the Town’s Stormwater Control Ordinance and NJAC 7:8, this application is considered a major development. This requires compliance with stormwater quantity runoff, quality and groundwater recharge. Our comments on that aspect of the application are as follows:*

Nonstructural Stormwater Management Strategies

1. *Applicant has identified the nine (9) nonstructural stormwater management strategies in accordance with the NJAC 7:8-5.3 regulations will be used throughout the entire project. Strategy #2 (requires that impervious coverage be minimized) has not been met (Ref. 1B-3).*
 - *The site plans have been revised to reduce the pavement width of the proposed roads from 25’ to 24’; this has reduced the impervious coverage slightly. In addition, the applicant is 39 additional spaces in the residential area for guest parking and proposing 10 parking spaces to be “banked spaces.” All of the issues associated with onside parking and impervious coverage must be addressed.*

Open comment – testimony to be provided by the Project Engineer
2. *Additionally, a Low Impact Development Checklist from NJDEP has been provided as a separate component of the SWM Report. The document clearly identifies that the project will involve excessive impervious coverage and excessive parking. Both of those conditions must be addressed in a redesign of the project.*
 - *27-parking spaces have been designated to be guest parking with 40 of these being designated as “banked spaces” in the commercial lot 32.01 the applicant states if needed they will be constructed, which will not solve this issue. All of the issues associated with onside parking and impervious coverage must be addressed.*

Open comment – testimony to be provided by the Project Engineer.

Groundwater Recharge

3. *The proposed development will utilize an infiltration basin to satisfy the groundwater recharge standard to meet the Town’s SCO and NJAC 7:8. The applicant has provided NJDEP’s Annual Groundwater Recharge Analysis spreadsheet in Appendix J. The proposed improvements and changes in the site land will create post-development annual recharge deficit of 465,612 cubic feet. The applicant has designed the infiltration basin to infiltrate the deficit amount of recharge that the post-development will produce.*
4. *Previously addressed.*

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

5. *The SWM Report must be coordinated with the Phase 2 Geology Review (GR) and sufficient documentation provided to determine that the proposed Infiltration Basin is positioned in a location and designed to insure that there is no potential adverse impact caused by any underlying karst formations. The Phase 2 GR must be updated to address this issue. The Board should not vote on the application until this documentation has been submitted and evaluated as part of hearing process.*

✓ **Open comment – ANS Geo’s response indicates construction and operation of the basin “will not impact any existing karst formations”, since “no concerning karst features were identified” during their investigations. However, ANS Geo further recommends that the “Client shall be prepared to mitigate any impacts” to the basin which appears to conflict with the previous conclusion that the basin will not impact any existing karst formations. The Geotechnical Engineer that the applicant retains to complete the Phase 2 Report must provide clarification and offer any recommendations for additional testing in the area of the basin.**

Stormwater Runoff Quantity

6. *The post-development peak runoff rates for the 2-, 10-, and 100-year storms have been designed to be 50%, 75%, and 80%, respectively, of the disturbed pre-development peak runoff rates. The applicant has designed the post-development peak runoff rates to be less than the max allowable peak flow from the site, in conformance with NJAC 7:8-5.4 and §88-92.B(1)(c) of the Town’s SCO.*
7. *In our initial review of this aspect of the submission we noted the following:*
 - a) *Previously addressed.*
 - b) *Previously addressed.*
 - c) *Previously addressed.*
8. *The proposed SWM- Infiltration Basin has numerous design issues that must be addressed:*
 - a) *Previously addressed.*
 - b) *The earthen embankment creating the impoundment for the IB has a height of approximately 20 ft. and as such will be classified as a Dam. Detail design for the embankment along with the outlet control structure and the spillway must be provided. The design must include an assessment of any potential adverse impact from an overflow of the basin on the Open Space Parcel (Lot 32.03). Ultimately, the dam must be classified and designed in accordance with the NJDEP criteria.*

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

- The location and design of the earthen embankment (dam) must also be taken in to consideration as part of the Phase II Assessment.
Open comment – no information related to this comment has been provided.
 - A detail of the embankment design (core material, slope stabilization etc.) must be provided.
Open comment – although a construction detail of the embankment is now shown on the plans, classification has not been provided.
- c) The safety aspects of the basin impoundment must be addressed. A protective fencing with gated vehicular access must be documented on the plan.
Open comment – the site plans show a wire mesh on the post and rail fence, this is not acceptable. Safety fencing, such as a picket fence or similar, must be provided. It appears the layer for the picket fence must have been turned off. The picket fence detail is not shown on the site plans submitted to my office.
- d) The basin as designed is intended to service the entire project including the three commercial properties and the residential development and its location extends into both the southwest corner of **Lot 32.01** (Food Market) and the northwest corner of the residential project. An easement to **Lot 32.02** for the portion of the SWM basin located on **Lot 32.01** has been added to the Final Subdivision Plan. Applicant states there will be an agreement between HOA and owner of **Lot 32.01** for the HOA to maintain the SWM basin. The particular details of the arrangement must be specified and addressed prior to the granting of any Final Subdivision approval and/or prior to the submission of a Final Site Plan application.
- Open comment – note #30 has been added to sheet 3 of the site plans that address the maintenance responsibilities for the future stating once an HOA is formed it will be their responsibility until then, the Applicant is responsible. However, these need to be added to the Final Subdivision plan. **Testimony must be provided regarding the responsibility and maintenance of the SWM facilities.**
✓ **Partially addressed – note has been added to the Final Subdivision plan, however, testimony must be provided.**
 - As noted above the south end of the Basin on Lot “B” is in conflict with the underlying bedrock and not compliant with the Town’s SCO. A redesign of this basin will probably result in a need to construct a separate SWM basin for the Residential (Lot B) portion of the project.
Open comment – the Basin recharge area reduced, so only 2 tests required for 10,000 SF basin. Stormwater basin in both the Stormwater Management Report and Supplement looks identical to the previous site drawings and is listed as 1.42 AC. If recharge area

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

reduced, area shall be indicated on drawing with soil test locations shown.

✓ **Partially addressed** – the site plans now identifies the infiltration area within the basin as 9,850 s.f., with the overall basin area remaining unchanged however, the GSR-32 spreadsheet was not updated and still uses a 3,975.3 s.f. BMP area. The documents must be revised in order to utilize the same data.

Stormwater Runoff Quality

9. *As previously mentioned, the post-development conditions will utilize an infiltration basin in order to satisfy the quality and recharge standards from the Town's SCO and NJAC 7:8. The proposed infiltration basin is designed for an 80% TSS reduction of post-development runoff.*
10. *In our initial review of this aspect of the submission we noted the following:*
 - a) *Previously addressed.*
 - b) *Previously addressed.*
 - c) *Previously addressed.*

B. Technical Details – *As previously noted until we understand the intent of the applicant's SWM design moving forward, further detail commentary on the current design will be withheld.*

Plan Details

1. *Previously addressed.*
2. *Previously addressed.*
3. *The detail of the OCS on sheet 21 is not in agreement with the plan element on sheet 21.*

*Open comment – the invert elevations and pipe sizes on the OCS #1 detail on sheet 22 differ than the note on sheet 6 of the site plans. **Addressed.***
4. *Report does not discuss the soil investigation or associated permeability testing.*

Open comment – paragraph 3.3 of the SWM report mentions the soil testing and permeability testing. However, the design now includes swales, rain gardens, and other GI facilities and no soil logs or permeability testing was performed at the location of the SWM-5, 7 and 12. This is required to confirm soils and the corresponding permeability.

✓ **Partially addressed** – the design engineer states that other GI facilities, besides the infiltration basin, are designed for water quality, not recharge, therefore, no soil logs or permeability investigation is required. GI facility "SWM-3" is currently relying upon grass areas for WQ treatment however, the plan shows this as an area for banked parking. The documents must be revised in order to utilize the same data.

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

5. Sheets 4 & 5 shows 3 soil profile pits performed in 2020 within the proposed basin (SL-2, 3 and 13). SL-13 was omitted from the SWM report however as previously noted SL-13 documents that existing bedrock is at an elevation 4 ft. above the proposed bottom of the SWM basin. This is not an acceptable condition. Overall Site Plan, drawing 4 of 23, shows 3 soil profile pits performed in 2020 within the proposed basin (SL-2, 3 and 13). The log for SL-13 was not attached.

Open comment – SL-13 is now included in the Soil Investigation, however, the basin recharge area was reduced, so only 2 tests required for 10,000 SF basin. Stormwater basin in both the Stormwater Management Report and Supplement looks identical to the previous site drawings and is listed as 1.42 AC. If recharge area reduced, area shall be indicated on drawing with soil test locations shown.

✓ **Partially addressed – see comment under 3.A.8.d) above.**

6. Based on the BMP manual 3 profile pits are sufficient for a basin up to 20,000 sf. (basin at Stage 0 (EL 224) is 17,618 sf.) however they must represent consistent and acceptable data which as noted above they do not.

Open comment – Same as comment above under #5.

7. Although not required by the BMP, in carbonate areas borings with a minimum of 10 feet of rock coring at each location is standard and shall be performed during the Phase II and or Geotech Investigation to comply with the Carbonate Ordinance.

Open comment – see comments related to the Geophysical Investigation Report and Phase II under 1.B.1.c). **Addressed – borings B-04 and B-13 were reviewed and are sufficient to address this comment. No additional comments.**

8. The SWM report contains the results of only 1 infiltration test (tube permeability) from SL-2 at 9-9.5'. As previously noted the other test from the Soil Report show unsuitable permeability within the area of the SWM Basin. Additional permeability testing will be needed to meet the BMP requirements. E&LP shall clarify if this was the only permeability test that was performed within the basin or whether additional test results were not attached. If no additional testing was performed, additional permeability testing will be needed to meet the BMP requirements.

Open comment – all test data has been included in the report, however, the design now includes swales, rain gardens, and other GI facilities and no soil logs or permeability testing was performed at the location of the SWM-5, 7 and 12. This is required to confirm soils and the corresponding permeability.

✓ **Partially addressed – see comment under 3.B.4 above.**

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

9. *The Supplement to SWM Report appears to be missing information. Paragraph 2 and 3 talk about peak flow and volume calculations for the tributary to each GI BMP, however, those are included in the report that submitted to my office.*
- ✓ **Partially addressed** – missing information is now included in this report. However, the document provided is dated November 15, 2021. In my last Rpt #4, I noted that this document was dated January 18, 2023. **The most updated version of the document must be provided.**

Given the numerous issues associated with the details of this project, I will defer offering any additional comments at this time

**C. Stormwater Management Facility Operations and Maintenance Manual
Responsibility of the SWM Facility**

1. *The infiltration basin as proposed will to be located in between proposed Lots 32.03 and 32.06. The applicant must address the issues outlined above (Ref. 3A -8d) and further address conflicting information noted as follows:*
- a) *Currently, the Stormwater Management Maintenance Manual (ref. G-4) lists Clinton Moebus, LLC as the responsible party for the maintenance of the basin. NJAC 7:8-5.8(b) states “if the maintenance plan identifies a person other than the developer (for example, a public agency or homeowner’s association) as having the responsibility for maintenance, the plan shall include documentation of such a person’s agreement to assume this responsibility, or of the developer’s obligation to dedicate a Stormwater management facility to such person under an applicable ordinance or regulation.”*
Open comment – the applicant states under note #30 in sheet 3 of the site plans that until an HOA is formed, the Applicant will be responsible for the maintenance of the SWM facility. Once the HOA is formed an agreement will be in place for the maintenance of the basin prior to transferring the responsibility. **Testimony will need to be provided regarding the responsibility and maintenance of the SWM facilities.**
 - b) **Sheet 3 of the site plan notes that the open space easements within proposed Lot A will be owned and maintained by an HOA, from this I am assuming the entire residential lot will be owned and maintained by the same HOA.** The Stormwater Management Maintenance Manual must include a document with an agreement stating how the responsibility for portion of the detention basin will be transferred to an HOA. Additionally, the Applicant should provide a separate agreement for the portion of the basin that falls on proposed Lot B.
Open comment – E&LP’s response letter states that documents will be provided prior to Final site plan application.
 - c) *An alternate suggestion that should be considered is the creation two (2) separate basins to independently accommodate the runoff from the*

commercial properties and the Residential Properties. **Testimony should be presented by the applicant and discussed with the Board.**

Open comment – E&LP’s response letter states that an agreement for maintenance will be in place in accordance with the Town’s SCO before the responsibility is transferred.

2. The following required components must be added to the manual:

a) Previously Addressed.

b) Previously Addressed.

c) The proposed infiltration basin must be encumbered by designated Stormwater Easement described by Metes and Bounds description and recorded along with the Operations and Maintenance Manual.

Open comment – to be completed prior to final approval.

d) The Basin Design Information in the Surface Infiltration Basin Field Manual (ref. G-4) does not match the runoff volume and drain time calculated in the Stormwater Management Report (ref. G-3).

Open comment – the drain time calculations in the SWM report and the Surface Infiltration Basin Field Manual are consistent (40.87 hours), however, the SWM Manual states 17.78 hours. This needs to be corrected.

✓ **Partially addressed – the drain times are now consistent however, the design engineer must clarify the start of the 82 hours drain time for the 2-, 10-, and 100-year storms. Per the BMP, infiltration basins are intended to be free of standing water between storm events in order to allow for sufficient storage for the next rain event; therefore, the drain time for standing water present on the surface of the basin bottom or in the overflow structure must not exceed 72 hours after any rain event.**

e) The Stormwater Management Maintenance Manual does not include any maintenance and/or inspection log charts. **Addressed**

3. Utilities

A. Public Water

1. Previously Addressed.

2. The applicant needs to provide copies of communication with the Town of Clinton Water Department determining how the Town will serve the project.

Open comment – Water department deemed the application administratively incomplete.

✓ **Open comment – E&LP’s response letter states that the Water Department needs site plan approval in order to deem the application complete. This requires clarification since the Board would not normally act on an application without some input from the TC-WD.**

3. Comments from Jack Daniels, Fire Official, (ref. C-4) in regard to the water service must be addressed.

Open comment – approval from the Fire Official must be provided.

B. Sanitary Sewer – The applicant is proposing a sanitary sewer connection to the Town Sanitary Sewer system on Center Street. The connection will run along Central Ave. (Paper Street) and then the north through the open space parcel (Lot D) and into the residential property (Lot A) along the main access road (Clinton Commons Drive) up to Plymouth Drive where it will connect all of the Commercial Parcels (Lot B).

1. The applicant needs to provide copies of communication with the Town of Clinton Sewer Department regarding this installation. **The Board should not act on the Preliminary Site Plan or Subdivision Application until and/or unless they have received and taken into consultation any comments from the Town Sewer Department.**

Open comment.

2. The line running down the middle of Central Ave. will be at a depth in excess of 14 ft. Given that this paper street serves as the sole access to three (3) existing private residents, the plan will need to include details of how access to those private residents will be accommodated during the construction of this line. We need sufficient information to establish and accept the feasibility of installing the current layout of the sanitary sewer within the existing ROW of Central Ave.

Partially addressed – E&LP’s response letter to my comments provides a thorough description of access to residents on Central Avenue during the construction of the sewer line. This should be included in the plans.

Addressed.

C. Gas & Electric

1. Underground gas service is shown as connection to existing facility on NJSH Route 31.
2. Copies of communication with gas and electric companies need to be provided to this office.

Open comment – copies of communication with gas and electric utility companies need to be provided to this office.

4. **Landscape** – I will defer to Jim Kyle’s report for his comments regarding the proposed landscaping and lighting improvements.

5. **Lighting** –

A. Previously addressed.

B. Previously addressed.

- Previously addressed.

- Some of the “A” type lights on the proposed roads are shown to be in the middle of the pavement.

Open comment – A-1 is still showing to be located within the roadway.

Addressed.

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

C. Details of the lights must be shown on the plans to ensure compliance with §88-44B (g-1, 3, 8). Details previously added but are subject to Jim Kyle's approval.

7. Impact Statement Report – The applicant has provided an Environmental Impact Statement (EIS). The Board and Town Environmental Commission should review this document and provide any questions/concerns to the applicant. **Updated Document (ref: G-2) subject to review by TEC.**

8. **Additional Documentation & File Map Comments** – issues related to the documentation provided (as mentioned earlier in the report):

A. A Boundary & Topographic Survey has been provided with a note referencing the title report dated April 4, 2017. However, sheet 2 of the site plans “plan of survey” does not reference the Boundary & Topographic survey and still notes the older Title search date. **Addressed.**

B. The Preliminary & Final Subdivision Plat does not show all easements (SWM easement), metes and bounds for all easements, maintenance/responsibility notes related to the easements, north arrows, etc.

✓ **Partially addressed** – north arrow is not shown on the site or subdivision plans.

C. The ANS Geo report only addresses the site geology and provides no engineering design or recommendations.

✓ **Open comment** – See prior comments under item #2 – Site Grading & Carbonic Rock as well as item #3.A.5.

9. **Outside Agency Approvals** – The applicant must obtain approvals from the following:

A. Hunterdon County Planning Board- Ref: B-2 for status.

B. Hunterdon County Soil Conservation District. The Board should withhold a vote on the site plan until the applicant has obtained input/approval from HCSCD.

C. Town of Clinton Fire and Rescue Department. The applicant shall address all comments from the fire official as noted in his letter (ref. C-4).

D. Town of Clinton Water & Sewer Department Approval with NJDEP TWA permit for Water and Sewer Extensions.

E. NJDOT Access Permits.

F. NJDEP Flood Hazard Area & Wetlands Disturbance Permits.

1. FHA Individual Permit approved April 29, 2021 for permanent disturbance of 0.007 acres (310 sf) of riparian zone vegetation and FWW General Permit #11 approved April 29, 2021 for the permanent disturbance of 0.006 acres (270 sf) of freshwater wetlands and 0.07 acres (3,022 sf) of temporary disturbance of transition areas.

2. The NJDEP permits must meet the following conditions:

a) The FHA Verification must be recorded on the deed of property within 90 days;

b) Trout maintenance – no disturbance to riparian zone in permitted between March 15 thru July 30;

c) Eagles – no work within 1,000 feet of nest between January 1 thru July 31; and

June 16, 2023

Re: Clinton Moebus 34, LLC – Technical Report #5
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision & Site Plan
Town of Clinton, Hunterdon County, New Jersey

- d) *Must submit a Riparian Zone Mitigation Plan a minimum of 90 days prior to commencement of regulated activities.*
- 3. *The applicant must note all of these conditions on the Site Plan and modify the plan to identify the areas impacted by the Eagles (1000 ft.) Restriction and the Riparian Mitigation.*
- G. *NJDEP- Dam Classification and approval of SWM – Infiltration Basin Embankment.*
- H. *Highlands Municipal Referral Application – Conditions have been met.*

Please contact me if you have any questions.

Very Truly Yours,



Robert J. Clerico, P.E.
Board Engineer
RJC: L-5548083-230616-Tech Rpt 5.docx

CC: Board Members (email)
Board Attorney – Kathryn Razin Esq. (email)
Board Planner – Jim Kyle (email)
Applicant's Attorney – Howard J. Apgar, Esq. (email)
Applicant's Engineer – Wayne J. Ingram (email)