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September 20, 2021

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
Clinton Commons – Block 14, Lot 32
Preliminary/Final Major Subdivision and Preliminary Site Plan – Tech. Rpt. #3
Town of Clinton, Hunterdon County, New Jersey

Dear Allison:

The above referenced application filed by Clinton Moebus 34, LLC will be presenting in front of the Board on September 21, 2021. The application was initially filed on January 19, 2021 with said submission been deemed conditional complete by the Board at their meeting on February 16, 2021. I reviewed the original submission and issued initial comments as outlined in my Technical Rpt. #1 dated May 1, 2021 that was intended for discussion by the Board at a Public Hearing scheduled for May 4, 2021. However, due to the extent of comments and open issues outlined in my report along with comments from Jim Kyle, the applicant requested and the Board agreed to delay consideration of the application by carrying the public hearing until the upcoming meeting on June 15, 2021, thereby giving the applicant time to reissued various updated documentation as part of their attempt to address comments raised in my initial Technical Report#1. Prior to that hearing, the applicant submitted revised documentation received on May 26, 2021 that I commented on in my Technical Report #2 (TR2) dated June 14, 2021.

As noted in my prior report the project still includes *three (3) substantial changes from the initial subdivision proposal including:*

- *A consolidation of what was initially intended to be three proposed (3) commercial lots fronting on Rt 31 (each containing a separate commercial use) into a single commercial property containing the three uses. **The applicant should explain the purpose of this change which I assume would be to keep all commercial properties under one ownership***
- *A proposed division of the open space property along the river into two (2) separate lots. **The applicant should explain the purpose of this modification since all of the open space must be dedicated to the Town and/or some other public entity***
- *The elimination of the prior proposal to subdivide the residential portion of the project in order to create individual lots assonated with each of the 56 townhome unis.*

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The new documentation received on September 3, 2021 now reflects a further modification to the proposed subdivision of the tract in that what was to be only residential parcel is now being divided into two separate tracts. It also includes some limited changes to the previous layout with elimination of a few off-street parking spaces in the residential area and a change in circulation around the proposed Taco Bell facility.

Utilizing the prior format and outline (*italic font*) of my May 1, 2021 Technical Report I am repeating (*italic font*) my initial commons, eliminating *no longer applicable* comments, repeating TR2 comments (**highlighted bold font**) and providing updated comments in **red bold font** based upon a review of the new documentation.

The above referenced application filed by Clinton Moebus 34, LLC currently consists of an open farm field of 28.06 acres located within the Office Business (OB-3) Zone district fronting State Highway Route 31 to the north and the South Branch of the Raritan River located to the west.

The applicant is now seeking approval for the following:

- ✓ **Major Subdivision (Preliminary and Final)** approval to divide the existing parcel into **five (5)** individual lots. **The applicant has revised the Final Subdivision plan to eliminate the further subdivision of the proposed Townhouse Units and to break the Townhouse Tract (formerly Lot 32) into Lots 32 and 32.01. The purpose of this change needs to be explained. I assume the applicant may intend to phase the project however; a phasing plan has not been proposed or requested.**
- ✓ **Preliminary Site Plan** approval for various proposed uses on the **five (5)** created parcels. *The applicant states (March 3, 2021 letter from Howard Apgar Esq.) 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 upon a subsequent filing for Final Site Plan. Under this procedure no construction can begin until/unless Final Site Plan approvals have requested and approved.**

Since the proposed lot numbers have not been assigned by the Town Tax Assessor and considering that, there are conflicting designations of lot numbering on various documents, I will refer to the proposed lots as follows:

- **Lot A (Residential use- currently shown as Lots 32 and 32.01):** The **9.74-acre total** parcel located in the southerly portion of the tract is designated for the proposed construction of 56 townhomes. The parcel includes an access connection to Rt. 31, which will be used for the construction of a boulevard (ingress/egress access) road that would be utilized and owned by the Residential HOA. In addition to the proposed internal access roads, parking areas and various retaining walls, the other site related improvement includes a “portion” of the project’s SWM - BMP (infiltration basin) located in the northwest corner of the parcel with the actual basin extending into an adjoining Commercial parcel. **Lot 32 consists of 5.55 acres with Lot 32.01 comprising 4.19 acres. The subdivision line defines the rear yards of those townhomes fronting on the east side of Stratford Drive and those fronting on the west side of Buckingham Drive. (see comments above seeking clarification as to intent)**

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- **Lot B (Commercial use- currently shown as Lot 32.02):** A 6.82-acre parcel located in the northern part of the tract fronting on Rt.31. **This is intended for the construction of a fast-food chain restaurant, convenience store/gas station, and food market that does not have tenants yet with the exception of the fast-food chain restaurant that is tentatively designated as a Taco Bell.**
- **Lot C (Open Space – currently shown as Lot 32.03):** A 5.16-acre parcel located in the northwest corner of the tract. This parcel has frontage along Rt. 31 and is intended for open space only.
- **Lot D (Open Space – currently shown as Lot 32.04):** A 6.35-acre parcel located in the Southwest corner of the tract running along the South Branch of the Raritan River. This parcel is intended for open space only.

Based upon the comments made in my February 12, 2021 “Completeness Report” the Board deemed the application to be complete at the February 16th meeting and granted various temporary and permanent waivers. The applicant has subsequently made additional submission to certain documents. All documentation to date consist of the following:

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 January 9, 2021 including Land Use Fee Determination Form (**Note – the application has not been revised to depict the change in number of proposed lots**);
3. **Final Plat Application (Note: document is signed by the Owner);**
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 November 13, 2021;
7. **Title Insurance Commitment** prepared by Fidelity National Title Insurance dated March 15, 2017, including noted “Exceptions” listed on Schedule B. (**Note: The document has numerous hand written modification that were added on April 14, 2017 and are not referenced on the Survey item#D-1 below**)
This comment has not been addressed.

B. Communication with Outside Agency 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. (Note: HCSCD response has not been received.)**
2. **Hunterdon County Planning Board Development Review Application**
Note: The 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.)**Note: The HCPB issued a Review Letter dated July 29, 2021 granting Conditional Approval To Construct**

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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. **A Highlands Consistency Determination Report dated May 28, 2021 (copy attached) was provided to my office June 15, 2021.**

Note: the ruling by Highlands contains a number of conditions relating to various design elements that must be followed. As stated in this report it appears that the revised plans do not address most of those requirements and according Testimony must be provided as to how the applicants intends comply with the Highlands Criteria.

C. *Will Serve Letters (Dated December 2, 2020) submitted to the following utilities:*

1. *Town of Clinton Water Department (Note: response not yet provided)*

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

2. *Town of Clinton Public Sewer; (Note: response not yet provided)*

Note: The Applicant must obtain comments back from TC-PS before the Board can vote on any aspect of this application

3. *JCP&L; (Note: response not yet provided)*

4. **Clinton Fire Department (Note: Letter Dated June 11, 2021 issued by Jack Daniels, Fire Official, listing several comments and concerns.) Testimony must be provided to indicate how the issues raised by Jack are being addressed.**

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 August 31, 2021, consisting of 22 sheets. (Note the following:**

1. *Previously addressed*

2. *Sheet #2 is a Plan of Survey based upon the listed Title document (ref: A-7) however, as noted the Title document was further revised on April 14, 2017);*

This comment has not been addressed.

E. **Plans entitled “Tree Preservation Plan” prepared by E&LP (Edward Confair- LA), dated January 15, 2021, last revised September 2, 2021, consisting of 9 sheets;**

F. **Clinton Commons Minor Subdivision and Site Plan – Preliminary & Final**

Subdivision Plat prepared by E&LP (Wayne J. Ingram, P.L.S.), dated December 3, 2020, **last revised August 31, 2021**, consisting of one (1) sheet; (Note; this document

1. *Was apparently intended to be the Final Subdivision Plan (File Map) and should be labeled as such*

Document has been revised and labeled “Final Subdivision Plan.” however; the applicant must remove conflicting reference to “Minor Subdivision” in Project name on the Plat.

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2. *Does not show any of the proposed cross lot easements (access, drainage, SWM basin, utility etc.) that will be required between/over the various lots to accommodate the proposed improvements depicted on the Site Plan.*
Water, Utility, Access and Open Space Easements have been incorporated into the plan however, not all of the other cross-purpose easements have been identified. Plan appears unchanged in this regard. All easements will eventually need to be defined by metes and bounds on the Plat.
 3. *Has not been prepared to meet Map Recordation Requirements (ref: "D2").*
This comment has not been addressed.
- 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 September 1, 2021;**
Note: this document does not address the condition #2 (ref: B-4) imposed by Highlands requiring Low Impact development/green infrastructure strategies. In general, the layout of the development and the design of the proposed Stormwater Conveyance & Management system have not changed since Highlands issued their assessment. Testimony must be provided to justify the current layout and state how it will meet the Highlands criteria.
 4. **Stormwater Management Maintenance Manual** prepared by E&LP (Wayne J. Ingram, P.E.), dated **May 24, 2021**, along with **Attachment D – major Development Stormwater Summary**
Note: this document does not address the condition #2 (ref: B-4)
 5. Soil Investigation prepared by E&LP (Wayne J. Ingram, P.E.) containing Soil Log Profile data and Soil Permeability classifications (*Note—document not signed or sealed;*
- 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. **WB-62 Semi-Trailer** dated December 3, 2020, last revised May 24, 2021;
 2. **Clinton Fire Department Ladder Truck** dated December 3, 2020, last revised May 24, 2021;
- The Applicant will need to obtain updated comments (ref: C-4) from Jack Daniels.**
- L. **Response Letter** prepared by E&LP, dated May 24, 2021;
- M. **Summary of Revised Plan Submission Letter** prepared by Howard J. Apgar, Esq.
- N. **Updated Comments from Jim Kyle** dated June 14, 2021
- 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.**

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I am repeating the original comments from my May 1, 2021 report (*italic below*) along with my Rpt #2 updated comments (**bold font**) that were issued in response to the applicant's design engineer in the Letter (Ref. L) dated May 24, 2021 and incorporating additional comments (**bold font**) based upon the current submission as follows:

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. 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 Lots B 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 A, convenience store/gas station, and food market in Lots B. The layout of the proposed buildings for Preliminary Site Plan approval as depicted on the site plans consists of the following:

1. **Lots 32 and 32.01 – 56 townhomes** of approximately +/- 1,800 s.f., all containing a two-car garage and a basement.
2. **Lot 32.02 – A +/- 2,000 s.f. proposed fast-food chain restaurant** (tenant to be Taco Bell). Draft architectural plans (ref. J) provided indicate the store to be 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
3. **Lot 32.02 – A 5,694 s.f. gas convenience store** is proposed with a 13'x90' designated loading zone area and a 50'x120' gas station pump area.
4. **Lot 32.02 – A 21,998 s.f. food market** 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:*
 - **Residential/Commercial Boulevard** – allowing ingress/egress access from/to Southbound Rt. 31 that serves the entire development.
 - **A copy of the NJDOT Highway Access Permit has not been provided and applicant has not made a statement regarding status of the permit. The Applicant should update the Board on the status of any NJDOT applications. A Traffic Report was requested at the prior meeting but has not yet been submitted.**
 - **Commercial Driveway** – allowing ingress/egress access from/to Southbound Rt. 31 serving the commercial development on Lots B & C.

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- A copy of the NJDOT Highway Access Permit has not been provided and applicant has not made a statement regarding status of the permit. **The Applicant should update the Board on the status of any NJDOT applications. A Traffic Report was requested at the prior meeting but has not yet been submitted.**
- **Prior Comments are Not Applicable based upon the current plan**
- 2. **Emergency Access.** *The applicant must address the intended design standards, ownership, operation and maintenance of the EA driveway to the property off of 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 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 D) 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. However, the Board should obtain input from the Town Emergency Services and DPW regarding the design of the access as noted in my comment above. **Approval of the EA Driveway by Emergency Services/DPW has not been provided.**
- 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:*
 - **Lot A** – *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 54 off street parking spaces, creating a total of 250-parking spaces.*
 - The summary letter (ref. M) notes that areas of the parking are now designated as bank parking if needed in the future. The parking requirements noted on sheet 3 of the site plans make no note about banked parking. Additionally, sheets 4 and 5 of the site plans note 34 parking spaces as “banked parking” but are not depicted differently than normal parking spaces.
 - **Sheets 4 and 5 no longer identify any parking spaces to be banked however; they have eliminated 15 of the 54 previously proposed off-street parking spaces. Testimony must be provided to support the need for 39 off-street parking and the associated additional impervious cover.**
 - **Lot B (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 24 parking spaces.*
 - 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**

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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.

- The applicant is now proposing 23 angled parking spaces where 17 are required. They have also changed to onsite aisles to one-way circulation, which raises other issue addressed later in this report.
- **Lot B (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 for this facility.
 - Applicant states the number of parking being proposed is to meet “franchise requirements.” This not an adequate response for the reasons noted above.
 - The Board granted waiver for providing Architectural plans for the reasoning that the applicant did not have tenant for this facility. However, since the applicant apparently now has a known tenant, Architectural plans should be provided at this time.
 - **Comment Not Addressed.** A tenant has not been identified and typical parking criteria for this type of use have not been provided. The 73 spaces shown far exceed the 32 spaces required under the ordinance and while the Board should evaluate the plan based upon an adequate amount of parking, they have to take into consideration the goal of reducing unnecessary impervious coverage especially since this is a requirement (condition #3) of the Highlands (ref:B-4) Consistency Determination.
- **Lot B (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 97 parking spaces.
 - The applicant has decreased the number of proposed parking spaces for the Food Market due to “franchise requirements.”
 - The Board granted waiver for providing Architectural plans for the reasoning that the applicant did not have tenant for this facility. However, since the applicant apparently now has a known tenant, Architectural plans should be provided at this time and additional documentation provided to support to amount of proposed parking.
 - Additionally, the number of proposed parking spaces under note #5 on sheet 3 has not been revised to depict this change in parking spaces.

Comments Not Addressed. A tenant has not been identified and architectural plans have not been provided. The revised plans provide 94 spaces and similar to comments under #3c it will be difficult for the Board to evaluate the adequacy of this parking

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and/or grant any relief from the ordinance standard without having some knowledge regarding the tenant's operation.

- The proposed food market (Lot B) has the refuse enclosure on the loading area. Size for this enclosure is not noted as it is on the other lots.
 - **The size for the refuse enclosure on the Food Market has not been noted as it is on the other refuse enclosures.**

Comments partially addressed. 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.

Given the location of the property within the watershed of a C-1 Stream and considering the provisions of the Town's Stormwater Control 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 the parking spaces, the applicant has suggested changing all residential parking to bank parking. The 34 parking spaces currently to be proposed as banked spaces are not depicted differently and/or noted on note #5 of sheet 3. Sheets 4 and 5 no longer identify any parking spaces to be banked. Testimony to be provided.**

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. Input and response from Fire Marshal is required prior to the Board voting on this application.**
- **As 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.**
 - **Comment not Addressed**
- **The 22 ft. wide "exit driveway" from the fueling area should include some physical impediment that would prevent Rt 31 vehicles entering the site from making a very convenient (but illegal) left turn "entrance" into the fueling area. An extension**

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of the proposed center median island so that it connects with the Rt 31 Island would be an appropriate solution.

- **Comment Addressed- a center median island has been extended all the way to the intersection with Plymouth Drive.**

- **The Taco Bell drive-thru only allows for the stacking of 6 vehicles in the queue and any further demand would back up into the main Rt 31 entrance/exit aisle. This is not an acceptable layout and specific traffic data must be provided and the layout modified to accommodate the amount of vehicles that can reasonably be anticipated using this facility.**

- **The applicant has attempted to address this issue by changing the driveway on the west side of the Taco Bell from two-way to one-way (southbound entrance) circulation and the parking spaces on the west side changed to angular parking. This change raises a number of other questions and issues relating to alteration of the egress movements from the residential portion of the development.**

Although requested by the Board at the last meeting, the applicant has not retained a Traffic Engineer to respond to various site circulation and traffic impact questions. I will defer any further comments on traffic issues until I have heard Testimony and reviewed a Traffic Assessment provided by a Traffic Engineer.

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 using recommended 2% max grade within the intersection areas. Item not addressed - the grading plans remain inadequate to assess compliance with ADA regulations.**
- **As previously requested the applicant must provide separate details of the individual curb ramps and handicap spaces to ensure compliance with ADA Item not addressed - the grading plans remain inadequate to assess compliance with ADA regulations.**

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- All proposed road profiles must be updated to show all centerline design grades. **Partially Addressed- design grades shown but vertical curves not incorporated into the design.**
- All profiles must match the plan view (ref: Stratford drawn incorrect) and must include the profiles of all utilities (ref: Buckingham missing sanitary) **Partially Addressed – Buckingham Sewer still missing**
- All missing information must provide to allow us to complete a thorough review of the current proposal. **Not Addressed- 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 identify any deviations from RSIS requirements and offer justification for any requested relief.*

- No response from the applicant for this comment. The plans have not been revised to show a RSIS criteria chart. **Item not addressed- the plans do not include a RSIS Compliance Chart.**
- The applicant will have to either show compliance with all RSIS requirements or request waivers from it. As noted above this applies to design slopes of all roadways at intersections where ADA compliance cannot be waived. **Item not addressed- the plans do not include a RSIS Compliance Chart and the proposed roads slopes may not be RSIS compliant.**

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.
 - Cut/Fill balance calculations have not been provided and the applicant request that it be deferred until they return for final approval since “the designs may change throughout the preliminary approval”. **That is not an acceptable proposal since earthwork balance needs to be taken into consideration as part of the current evaluation of the project.** As currently filed, the applicant is seeking both Preliminary and Final Subdivision approval.
 - **Item not addressed – the applicant is stating that Cut/Fill balance calculation have not been provided for the reasoning that designs may change throughout the preliminary approval. Applicant states calculations will be provided prior to final approval. Again this not acceptable for the reasons stated above.**

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2. Item Previously Addressed.

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.*

- **Submission letter to HCSCD dated January 11, 2021 has been provided, but input from the District has not been received. It is very unusual for the SCD to delay its response so the applicant should verify if it was ever received. The Board should not act on the application without input from the SCD.**
- **Item not addressed- applicant has not provided an explanation as to why (after 9 months) they have not received a response from the 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**
- **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.**
- **I will defer any additional comments until the requested details have been provided.**

Although the submission of “structural design” plans can be deferred, the previously requested detail of specific installations (necessary to insure that the type of wall proposed can in fact be accommodated under the current layout) have not been provided.

D. Phase 1 Carbonate Area District – *The applicant submitted a Karstic Geology Investigation Report dated March 5, 2020, which served as their Phase 1 Checklist report. The Document was in part based E&LP’s review of their previous soil boring investigation completed in 2009 and test pit investigation completed in 2020. The boring logs contain USDA soil descriptions, but do contain the blow counts from the split spoon samples. Additionally, no rock coring was performed. After receiving comments, E&LP resubmitted their report with a last revised date of May 24, 2021. Some items were addressed in E&LP’s Major Preliminary Subdivision & Variance*

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Application comment response letter dated May 24, 2021. In regards the addressing the specific Phase 1 Checklist requirements I note the following:

- *The boring logs contain USDA soil descriptions, but do contain the blow counts from the split spoon samples.*
- *The required rock coring was not performed.*
- In regards the addressing the specific Phase 1 Checklist requirements I note the following:

1. **Previously Addressed.**

2. **Previously Addressed.**

3. **Previously Addressed.**

4. **Previously Addressed.**

5. **Previously Addressed.**

6. **Previously Addressed.**

7. *A project sketch plat at a minimum scale of 1" = 200' with existing surface water bodies location of any existing water production wells, faults, outcrops, springs, sinkholes, disappearing streams, and surface water flows. Incomplete- Not Addressed. Required documentation not included in report. Project sketches showing proposed site development with structure locations were not provided. Karstic Feature Map is missing several key elements (water bodies, water wells, and proposed structures and proposed site grading).*

- **A project sketch plat (site plan) must be provided showing proposed site improvements (buildings, roads, basin, etc. – as shown in the Overall Site Plan (Sheet 3 of 22) with the locations of the geologic and hydrologic features identified (existing surface water bodies existing water production wells, geologic contacts, faults, outcrops, sinkholes, closed depressions, and surface water flows) on the same drawing. **Item Addressed****
- **The Project Engineer previously included a Karstic Feature Map that was missing several key elements and was not revised. A Karstic Supplementary Map (Sheet 9) was added, but is missing several key items. **Item Addressed- Karstic Supplementary Map, Drawing No.9 provided in report****
- **This site has almost all of the geologic features mentioned and presents them individually on several different drawings, but the report has no drawing that ties everything together with the proposed site layout. This is what required is and typically what is essentially provided as a Project Sketch Plat. **Item Addressed- Karstic Supplementary Map, Drawing No.9 provided in report****

Sinkhole formation in this type of geologic setting frequently occurs along faults and geologic contacts, both of which are present on this site. This item is critical for determining the locations of the subsurface test (borings, test pits, etc.) locations associated with the Geotechnical and/or Phase II investigation. Accordingly, the Applicant shall complete the Phase I report and present a Phase II plan and obtain our approval for same prior to the Board voting on a Preliminary Site Plan. This will

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allow the required and essential Phase II field-testing to be undertaken and presented as a condition of Preliminary Approval and prior to any subsequent application for Final Site Plan. See comments below regarding Phase II Assessment.

8. **Previously Addressed.**
9. **Previously addressed in letter dated May 24, 2021.**
10. **Previously Addressed.**

As noted, we can now accept the Phase 1 submission to be complete. Based upon my review of that documentation I offer following general comments and related concerns that will require further assessment as part of the Phase II investigation as follows:

- **The previous site investigations did not include coring bedrock. Borings (required as part of a Geotechnical/Phase 2 Carbonate investigation) shall include 10-foot rock cores as described in the Ordinance in order to properly assess the condition of the underlying site bedrock.**
- **All identified sinkhole locations shall be investigated, since all eight (8) of potential areas are either within the footprints of the proposed structures or within close proximity of the proposed stormwater basin.**
- **The northeast corner of the proposed Food Market where two (2) fracture traces and the fault intersect will require further assessment**
- **The plan proposes several deep cuts (18 ft. +/-) for sewer utility installation near the proposed northern site entrance. The soil and bedrock conditions along those alignments need to be investigated to assess the potential impact of the installation.**
- **A major area of concern is near the single SWM Recharge Basin that is proposed for this project. The Phase I study identified possible sinkholes on three (3) sides the proposed stormwater basin and as such, the bedrock condition underlying the proposed stormwater basin requires a thorough investigation to assess any potential impacts. This area is of high concern given its proximity to residential structures and lack of any explorations into the bedrock. Consideration must be given to the fact that more than one SWM Basin may be required (ref: G-3) to meet the Highlands requirements.**

In accordance with the Carbonate Ordinance, the applicant shall prepare a plan identifying the proposed test locations and method(s) for review and coordinate with the office prior to performing additional subsurface investigations. That plan needs to take into consideration any potential modification in the layout that may be needed to address Highlands's requirements. Once the scope of additional assessment has been agreed upon then the additional fieldwork and evaluation under the Phase II Assessment will need to be completed and presented. Typically, this type

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of assessment would be made available prior to the Board granting any approvals for the proposed project.

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. All sanitary sewer systems. **Not addressed: Buckingham Drive profile is still missing sanitary sewer.**
 - b. Existing and proposed centerline grades on all profile views with required vertical curves **(ex. Lancaster @ Stratford intersection) not provided.**
 - c. Text on some plan views is upside down making it difficult to read. **North Arrows must be included on each sheet in order to orient view and relate to other sheets.**
 - d. Alignment direction is reversed on the plan view and the profile view making the slopes seem backward. **Item 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.**
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.**
3. **Stormwater Management** – *It should be noted that this submission and analysis is based upon the Town's prior Stormwater Control Ordinance (SCO). The Town of Clinton's updated SCO was approved by the Hunterdon County Planning Board on February 4, 2021. Under the provision of N.J.A.C. 7:8-1.6, any application submitted to the municipality for approval of the Board shall comply with the Stormwater regulations that are **effective at the time of filing** with the stipulation that the submission included an Application Form (Subdivision or Site Plan) with all of its accompanying documents required by the Ordinance. Additionally, the same provision, N.J.A.C. 7:8-1.6, states that any application which requires permits from NJDEP (Flood Hazard Area and Wetlands in this specific application) must have provided a technically complete permit application to the Department prior to March 2, 2021. The applicant has provided documentation of applying with DEP prior to March 2, 2021, therefore, it can be concluded that the requirements from N.J.A.C. 7:8-1.6 have been satisfied and the analysis used for the Stormwater Management Report from the Town's old SCO is appropriate.*

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As previously noted the Town is now in receipt of a Consistency Determination from the Highlands Council dated May 28, 2021 which imposed a condition that the proposed development must incorporate “green infrastructure” BMPs to the maximum extent practicable. The current plans do not address this although they have attempted to taken a step in that direction by moving certain catch basins into vegetated areas and providing either curb cuts or flush curb to allow water to drain from the pavement areas. The applicant must provide a written assessment on what they are proposing and state how that will address Condition #2 imposed by the Highlands Council (small-scale bioretention/infiltration BMP design, additional soil testing, etc.). Until we understand the intent of the applicant’s SWM design moving forward, further detail commentary on the current design will be withheld.

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 proposing 34 parking spaces to be “banked spaces” but if built in the future the impervious coverage would not have been minimized.

- **As previously, noted (1B-3) all of the issues associated with onside parking and impervious coverage must be addressed.**

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.*

- 34-parking spaces have been designated to be “banked spaces” the applicant states if needed they will be constructed, which will not solve this issue.

- **As previously noted (1B-3) all of the issues associated with onside parking and impervious coverage must be addressed**

- **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*

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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. *Both the Town's SCO and NJAC 7:8 state that the following should not be recharged, "Stormwater runoff from areas of high pollutant loading. High pollutant loading areas are: 1) areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied." NJDEP's Annual Groundwater Recharge spreadsheet that was provided for the calculation of the deficit produced from the post-development improvements does not exclude the area of proposed Lot B that will be used for the gas station and will produce high pollutant loading.*
 - **The stormwater management plan has been revised to incorporate a sand filter. The runoff from the gas station pump area flows into the sand filter and from there it is directed to the outlet control structure of the infiltration basin, therefore, this runoff is not being recharged into the soil.**
 - **Sheet 8 of the site plans has double Trench Drain and Sand Filter Notes with different grate and invert elevations. Plans should be revised to note only the correct elevations.**
 - **The plans note the sand filter to be "Outlet Str #2" but in the Stormwater Management Report, the hydrographs for this area are noted to be "Outlet Str #1." All documents should be consistent.**
5. *Under Section 2.1 of the Stormwater Management Report, the applicant makes the following statement, "The site has Karst formation where infiltration is not advisable." Since the applicant is using an Infiltration Basin (IB) for groundwater recharge and quality control, the SWM Report must be coordinated with the Phase 1 Geology Review 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 current submission is incomplete in that this aspect of the assessment has not been provided. The Board should not vote on the application until this documentation has been submitted and evaluated as part of hearing process.*
 - **Location of basin has not been shown in any of the Karstic Geology Investigation Report drawing and we are unable to determine potential impact. Refer to comments under 2D (Carbonate Area District) which must be addressed before this aspect of the SWM report can be evaluated. This aspect of the SWM remains incomplete. Item Addressed under Phase 1 Study & subject to additional assessment under Phase II.**
 - **Also, note that the limited soil log data provided (SL-13) confirms that the entire south end of the SWM basin will be in conflict with underlying bedrock conditions and not in compliance with the SCO.**
 - **See comments above (2D) regarding the need to prepare a Phase II Assessment**

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- **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) *The proposed drainage areas for PDA #1 do not sum to the number total listed on the Stormwater Management Report. Additionally, the PDA #2 is noted to be 13.89 acres in the report but on the Post-Development Drainage Plan is shown to be 13.75 acres. The Project Engineer must reassess and check the accuracy of all defined drainage areas and the corresponding incorporation of that information into the SWM Report. Other noted changes to the layout will also require the submission of an updated Report.*

- **The drainage areas for post-development have been revised.**
- **Existing drainage area “Disturbed to Stream” on the Pre-Development Drainage Area Plan is noted to be 14.27 acres. The Runoff Curve Number calculation for the disturbed area to stream in the Stormwater Management Report totals to 14.22 acres. All areas must be consistent throughout all documents.**

b) *The Runoff Curve Number calculations for the pre-development conditions were calculated using TR-55 method for each of the drainage areas: 1) to stream and 2) disturbed area. The runoff curve numbers ended up being 62 to the drainage area to stream and 61 for the disturbed drainage area. However, the hydrograph report for the 2-, 10-, 25-, and 100-year storms only utilize the runoff curve number calculated for the disturbed area – 61.*

- **The weighted runoff curve number for pre-development drainage areas have been calculated properly. They have not been incorporated into the hydrographs properly. Ex. Hydrograph No. 1 Pre-Dev to Stream should be using the CN calculated, which is 62.**

c) Previously Corrected

The Board should not vote on this application until revised SWM documentation has been provided that correctly assess the impact and management of the runoff.

8. *The proposed SWM- Infiltration Basin has numerous design issues that must be addressed:*

a) *The west side of the basin must be relocated so that it does not encroach on the open space (Lot C) parcel. This will require a redesign of the entire basin.*

- **Encroachments into the open space lot have been eliminated.**

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*

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Parcel (Lot D) Ultimately the dam must be classified and designed in accordance with the NJDEP criteria.

- **The location and design of the earthen embankment (dam) must also be taken in to consideration as part of the Phase II Assessment.**
- **A detail of the embankment design (core material, slope stabilization etc.) must be 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.*
 - **A safety fence with a gate has been incorporated into the plans. However, the fence detail is not what was requested under item 2C.**
- 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 D (Food Market) and the northwest corner of the residential project. Input needs to be provide as to the “entity” that will end up with the ownership and maintence responsibilities for the basin. The applicant has not yet identified how the overall maintence responsibilities of the various shared elements (access, utilities, storm drainage conveyance etc.) are being handled for this project. While addressing the noted elements are important, the maintence of the SWM aspects of the project under the provisions of the Town SCO and MS-4 Permit are critical and need to be identified prior to the Board voting on the application.
 - **An easement to Lot A for the portion of the SWM basin located on Lot B has been added to the Final Subdivision Plan. Applicant states there will be an agreement between HOA and owner of Lot B for the HOA to maintain the SWM basin. The particular details of the arraignment 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.**
 - **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 SOC. 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.**
- **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) *Sheet 9 on the Site Plans have a label stating, “Soil to be removed and replaced with permeable soil of K4 permeability to elevation 216.79.” Sheet 23 includes an Infiltration Basin Detail, which shows the basin to have a K5 soil layer at the bottom. The infiltration basin detail shall be revised to show*

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the proposed K4 soil replacement from the bottom of the 6" thick K5 sand layer to the SHWT @ elevation 216.79. The detail shall also be revised to show the minimum 2 feet separation to the SHWT from the bottom of the K5 layer, rather than from the top.

- **The infiltration basin detail does not note K4 soil replacement.**
 - **The limited (and conflicting) soil permeability testing provided indicates that the underlying soil may not have sufficient permeability to accommodate this basin.**
- b) *Along with the infiltration basin, two (2) Up-Flo Filters will be utilized for quality control with a TSS Removal Rate of 80%. Filter #1 to be located at the gas station parking area is proposed to be 8'x10' precast concrete vault with 31 filter cartridges. Filter #2 will be located at the basin outlet and it is sized according to the drainage area. The size for filter #2 is proposed to be 8'x15', which is adequate for a max drainage area of 6.7 acres, as shown in Table 2: Up-Flo Filter EMC Typical Vault Arrangements of the letter prepared by NJDEP (Gabriel Mahon) dated February 10, 2020 (ref. G-3 – Supplement to Stormwater Management Report). However, it is not clear how this 6.7-acre drainage area was determined. The total pervious area from the hydrographs report to the basin is 10.67-acres and the impervious area to the basin is 8.81-acres, both of these numbers exceed the maximum drainage area of 6.7-acres for the 8'x15' filter. The project engineer must provide calculations for the drainage area of filter #2, to determine the adequacy of the size of the filter.*
- **The drainage plan and stormwater management report has been revised to eliminate Filter #1 and has been replaced with a Sand Filter North of the Food Market that will take runoff from the gas station area. Up-flo filter utilized at the infiltration basin has been revised to the appropriate drainage area and has been incorporated into the SWM Report and O&M Manual.**
- c) *Document titled "Supplement to Stormwater Management Report" contains information regarding the Up-Flo Filters, however, the Stormwater Management Report does not mention these filters to be used for water quality.*
- **The SWM Report has been revised to incorporate the Up-Flo Filter.**

The Board should not vote on this application until revised SWM documentation has been provided that correctly assess the water quality aspect of the project.

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. *The Up-Flo Filters to be utilized as part of the quality control should be incorporated into the Site Plan details.*
 - **Up-Flo Filter have been added to the plans.**
2. *The grate elevation for the outlet control structure differs in sheet 9 and 21.*

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- Elevations have been corrected. Outlet control structure #2 has a note “15” ADS Inv. In=239.10” but the sheet 8 shows a 15” RCP.
- 3. The detail of the OCS on sheet 21 is not in agreement with the plan element on sheet 21.
- 4. Report does not discuss the soil investigation or associated permeability testing.
- 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.**
- 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.
- 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.
- 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.**

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 A and D. 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

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management facility to such person under an applicable ordinance or regulation.”

- 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.*
- 2. *An alternate suggestion that should be considered is the creation two (2) separate basins to independently accommodate the runoff from the commercial properties (Lot B) and the Residential Property (Lot A)*
 - **Applicant has acknowledged these concerns but has not altered the design. Testimony should be presented by the applicant and discussed with the Board. As previously stated the currently proposed basin is not in compliance with the SCO.**
- **The following required components must be added to the manual:**
 - 3. Previously Addressed**
 - 4. Previously Addressed**
 - 5. *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.*
 - **To be completed prior to final approval.**
 - 6. *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).*
 - **Drain time calculations were not incorporated into the report provided to my office. Status unchanged.**

4. Utilities

A. Public Water

- 1. **Previously Addressed – all water lines to be owned by the Town Water Department and will be in dedicated easements depicted on the File Map.**
- 2. *The applicant needs to provide copies of communication with the Town of Clinton Water Department determining how the Town will serve the project.*
 - **No response from the Town Water Department to date. Status unchanged.**
- 3. *Comments from Jack Daniels, Fire Official, (ref. C-4) in regard to the water service must be addressed.*
 - **Jack Daniels issued an updated letter dated June 11, 2021 listing various outstanding issues that must be addressed. Status unchanged.**

B. Sanitary Sewer

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1. *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).*
2. *The applicant needs to provide copies of communication with the Town of Clinton Sewer Department regarding this installation.*

- **No response from the Town's Sewer Department to date. 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**

- **Status unchanged.**

3. *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*

- **Applicant request that they be allowed to provide details prior to final approval. That is not an acceptable proposal. 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**

- **Status unchanged.**

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.*

- **No response from the Gas & Electric companies to date. Status unchanged.**

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

6. Lighting –

- B.** §88-44B(g-2) requires a maximum height of 15 feet for lights. **Current Plan is in compliance**

- C.** §88-44B(g-5) requires a light intensity not to exceed 0.5 fc along any property line or 0.3 fc if a residential property line. The south portion of the property near existing lot 22 and lot 34 (R-2 Zone), the foot-candles on the edge of Clinton Commons Drive and Lancaster Drive are very high 4.4+ fc. The applicant should depict the average foot-candles near existing lot 22 and lot 34 to ensure that it does not exceed 0.3 fc as required by the ordinance.

- **This issue has not been addressed. The foot-candles shown near lot 22 currently are between 1.7-2.5 and near lot 34, they are 1.4-3.6.**

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- The Lighting plan does not show the location of the proposed 32 “C” type lights shown on the lighting schedule.
 - Some of the “A” type lights on the proposed roads are shown to be in the middle of the pavement.
- D. 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. **Construction Details & File Map** – I am reserving comments on this aspect of the application until the design items noted above have been addressed.
- 9. **Outside Agency Approvals** – The applicant must obtain approvals from the following:
 - B. **Hunterdon County Planning Board- Ref: B-2 for current status**
 - C. **Hunterdon County Soil Conservation District.** The Board should withhold a vote on the site plan until the applicant has obtained input/approval from HCSCD.
 - D. **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).
 - E. **Town of Clinton Water & Sewer Department Approval with NJDEP TWA permit for Water and Sewer Extensions**
 - F. **NJDOT Access Permits**
 - G. **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
 - 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.
 - H. **NJDEP- Dam Classification** and approval of SWM – Infiltration Basin Embankment
 - I. **Highlands Municipal Referral Application- Must address Conditions cited by Highlands and obtain Certification for the project.**

The above represent my additional comments to my updated technical comments on the application. If additional recommendations from the Board at the September 21, 2021

September 20, 2021

Ref: Clinton Moebus 34, LLC

Clinton Commons – Block 14, Lot 32

Preliminary / Final Major Subdivision and Preliminary Site Plan – Technical Rpt. #3

Town of Clinton, Hunterdon County, New Jersey

hearing arise, I will, issue supplementary comments once the applicant has submitted revised plans and documentation to address any concerns/incomplete items.

Please contact me if you have any questions.

Very Truly Yours,



Robert J. Clerico, P.E.

Board Engineer

RJC: L-5548.083-210920-Technical Rpt 3.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)