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May 1, 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 – Technical Rpt.

#1

Town of Clinton, Hunterdon County, New Jersey

Dear Allison:

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. As currently filed the applicant is seeking:

- ✓ **Major Subdivision (Preliminary and Final)** approval to divide the existing parcel into five (5) individual lots. The applicant (March 3, 2021 letter from Howard Apgar Esq.) states that at some point in time, they intend to file a separate Major Preliminary and Final Subdivision application seeking to create separate parcels for the proposed Townhouse units along with parcels for the private roads and open space parcels within the Residential portion of the project. **This aspect of the application is not before the Board and will not be evaluated as part of the current application.**
- ✓ **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 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 Lot 32):** The 10.10-acre 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.
 - **Note: The site plan submission includes an insufficiently detailed plan depicting how the applicant may intend to subsequently subdivide this parcel. However, since subdivision is not part of the current application, the plan must be removed**

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since the Board cannot evaluate the layout of the proposed buildings and site improvements in relation to any subsequent proposal to subdivide the property until/unless that type of application has been filed.

- **Lot B (Commercial use- currently shown as Lot 32.01):** A 0.82-acre parcel located in the northeast corner of the tract fronting on Rt.31. This is intended for the construction of a fast-food chain restaurant that is tentatively designated as a Taco Bell.
- **Lot C (Commercial use- currently shown as Lot 32.02):** A 1.55-acre parcel located in the center of the tract between Lot B to the east and the boulevard road to the west. This parcel has frontage along Rt. 31 and is intended for the construction of a convenience store and gas station. The plan depicts a 5,694 square foot building with 8 gas pumps and other accompanying site improvements however, a specific tenant for the use has not been identified.
- **Lot D (Commercial use- currently shown as both Lot 32.03 and 32.04):** A 3.68-acre parcel located in the Northwest corner of the tract with frontage along Rt 31 and bounded by the boulevard road to the east. This parcel is intended for construction of a 21,998 square feet food market and other site improvements; however, a specific tenant for the use has not been identified.
- **Lot E (Open Space – currently not shown on the plan):** A 11.94-acres parcel) located on the western side of the tract with the southwest portion of the western line running along the South Branch of the Raritan River and northwest portion of the western line running adjacent to Lot 33 owned by E-Town Water. The northern portion of the parcel fronts along Rt. 31. It is my understanding that this Open Space parcel will be dedicated to the Town of Clinton or some other public entity.

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;
 3. **Final Plat Application** (Note: document not 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)
- B. **Communication with Outside Agency** including:
 1. **Hunterdon County Soil Conservation District** Application for Certification prepared by David Meiskin. (Note: HCSCD response has not been received)

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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.)
 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.
- C. **Will Serve Letters** (Dated December 2, 2020) submitted to the following utilities: (
1. Town of Clinton Water Department (**Note:** response not yet provided)
 2. Town of Clinton Public Sewer; (**Note:** response not yet provided)
 3. JCP&L; (**Note:** response not yet provided)
 4. Clinton Fire Department (**Note:** Letter Dated February 26, 2021 issued by Jack Daniels, Fire Official, listing several comments and concerns.)
 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 January 30, 2021, consisting of 23 sheets. (**Note the following:**
1. Sheet #1- the Owner “Consent Certification” is not included;
 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);
 3. Sheet #3 is the **Preliminary Sub Plat** however,
 - a) It only shows only 4 of the proposed lots with lot “E” (Open Space) missing;
 - b) It depicts a subsequent plan for further subdivision of the Residential parcel (Lot “A”) and as noted above **this depiction must be removed since it is not part of the current application.**
- E. Plans entitled “**Tree Preservation Plan**” prepared by E&LP (Edward Confair- LA), dated January 15, 2021, consisting of 9 sheets;
- F. **Preliminary & Final Major Subdivision Plat** prepared by E&LP (Wayne J. Ingram, P.L.S.), dated December 3, 2020, 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
 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.
 3. Has not been prepared to meet Map Recordation Requirements (ref:“D2)
- G. **Reports** consisting of the following:
1. **Karstic Geology Investigation Report** prepared by E&LP (Wayne J. Ingram, P.E.), dated March 5, 2020, (**Note – document not sealed**);
 2. **Environmental Impact Statement** prepared by E&LP (Wayne J. Ingram, P.E.), dated July 23, 2020, (**Note – document not sealed**);
 3. **Stormwater Management Report** prepared by E&LP (Wayne J. Ingram, P.E.), dated January 30, 2021, with **Supplement To Stormwater Management**

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Report prepared by E&LP (Wayne J. Ingram, P.E.), and dated January 30, 2021. (Note: **Low Impact Development Checklist** was not included with the revised SWM Report, therefore, the checklist dated December 9, 2020 was used for the review);

4. **Stormwater Management Maintenance Manual** prepared by E&LP (Wayne J. Ingram, P.E.), dated December 18, 2020, (**Note - document not signed or sealed**) along with **Surface Infiltration Basin Field Manual** prepared by E&LP (**Note – preparer of document not listed and document not signed or sealed**);
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.

I have completed a technical review of the above listed documents and offer the Board the following comments:

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 & C will have direct egress/ingress access to/from southbound Rt. 31. The proposed commercial building on Lot C will have restricted access to the boulevard that also provides egress/ingress access to/from southbound Rt. 31 for the residential townhomes (Lot A). 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 Lots A, C, and D. The layout of the proposed buildings for Preliminary Site Plan approval as depicted on the site plans consists of the following:
 1. Lot A – **56 townhomes** of approximately +/- 1,800 s.f., all containing a two-car garage and a basement.
 2. Lot B – **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 C – **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 D – **A 21,998 s.f. food market** containing a 105’x25’ loading area at the back of the building.

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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
 - b) **Commercial Driveway** – allowing ingress/egress access from/to Southbound Rt. 31 serving the commercial development on Lots B & C.
 - c) **Phase 2 Highway modifications** noted as subject to NJDOT approval and easement acquisition from Block 18, Lot 2.03. The Phase 2 improvements consist of a
 1. A separate ingress (jug-handle) access from Southbound Rt 31 to the Boulevard. This would require dedication of additional ROW from Lot D (Food market) thereby reducing the size of that parcel
 2. Removal of the Rt 31 center barrier and installation of traffic lights allowing for Boulevard egress to Northbound Rt. 31. This would also line up with the Marriott/Ansuya access drive on the opposite side of Rt 31 (Bk 18 Lot 2.03) allowing for that property's egress/ingress access to/from Southbound Rt. 31
 3. Easement acquisition from the Marriott/Ansuya property on the opposite side of Rt 31 (Bk18, Lot 2.03) which would provide the Moebus project with ingress from Northbound Rt. 31

Since the proposed Phase 2 element of highway access requires acquisition of easements from other properties on the east side of Rt 31 and since detail plans depicting impact on those properties have not been submitted the Board cannot evaluate or consider that aspect of the proposal as part of the current application.

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 E) for Rescue and/or Property Maintenance vehicles.
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 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.
 - b) **Lot B** – 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

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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.

- c) **Lot C** – 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 on Lot C.
- d) **Lot D** – Food market is a retail store, therefore, the same requirements are Lot C apply. The required amount of parking is 122 spaces where the applicant is proposing 129 parking spaces.
- e) The proposed food market (Lot D) has the refuse enclosure on the loading area. Size for this enclosure is not noted as it is on the other lots.

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)

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.
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.

- 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 RISI requirements and offer justification for any requested relief.

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.
 2. The applicant is proposing two Grading Easements that will encumber the designated Open Space Parcel (Lot E). These result from an unnecessary extension of proposed filling from commercial Lot D (Food Market) and the positioning of the proposed earthen embankment from the projects SWM

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basin. The project needs to be redesigned so that these elements of the developed portion of the project do not intrude into the open space parcel.

- 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.
- 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.**
- D. Phase 1 Carbonate Area District** – The applicant has submitted (ref: G-1) a Phase 1 Geology Review of the underlying conditions prepared by E&LP. 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 documentation provided does not address the requirements of the Town's Ordinance in regards to 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. US Geological Survey 7 1/2-minute topographic quadrangle maps with the parcel identified. **Addressed**
 2. USDA Soil Conservation Service soil survey map indicating soils present on parcel. **Addressed**
 3. Information from any special reports completed by NJ State Geological Survey, US Geological Survey, or NJ Department of Environmental Protection. **Addressed**
 4. Site plan map at a scale of 1" = 1,000' identifying proposed development site and boundaries of site that are within the CRA and/or CDA as designated on the municipal CAD map. **Addressed**
 5. Aerial photograph print for the proposed site and surrounding area (taken at a minimum scale of 1" = 1,000' obtained during periods of little or no foliage cover). **Addressed**
 6. Location of all known water production wells and well log information within one-half mile of the project. Information sources shall include, at a minimum, the County Health Department and the New Jersey Department of Environmental Protection. **Incomplete- Not Addressed. Locations of surrounding wells and well logs not provided and not addressed in the report.**

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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).
8. **Written narrative of proposed activity. Incomplete-Not Addressed.** The narrative contains numerous inaccurate statements that conflict with the documentation shown on the plans. The submission does not adequately address the proposed activity including the significant changes in grade, depths of proposed excavations and impacts of proposed infiltration basin on underlying karst formations
9. Does the proposed project include the use, storage or manufacturing of toxic or hazardous materials? _no _yes. If yes, attach and explanation of the type of activity. **Incomplete – Not Addressed- Obvious issues with proposed Gas Storage not mentioned.**
10. Other published geologic information which applicant deems pertinent. (Information from other geologic investigation programs is on file with the municipal clerk.) Please specify: **Addressed previous on-site investigations discussed.**

Based upon the above I find that the Phase 1 submission is incomplete and that the required documentation must be filed before we can determine if a Phase II is warranted. If warranted, the Phase 2 field testing and assessment must be completed prior to the Board acting on the application.

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.
 - 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

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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).**

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.**

- **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. 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 C that will be used for the gas station and will produce high pollutant loading.

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.**

- **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.

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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.**
 - 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.
 - c) The Runoff Curve Number calculation sheet labels the “Area” column to be a percentage, however, it appears that the numbers they are using are acres not percentages.

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 E) parcel. This will require a redesign of the entire basin
 - 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 E) Ultimately the dam must be classified and designed in accordance with the NJDEP criteria.
 - c) The safety aspects of the basin impoundment must be addressed. A protective fencing with gated vehicular access must be documented on the plan
 - d) The basin as designed is intended to service the entire project including the 3 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 maintenance responsibilities for the basin. The applicant has not yet identified how the overall maintenance 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 maintenance 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.**
- **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

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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 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.
- 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.
- 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 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

• **Plan Details**

1. The Up-Flo Filters to be utilized as part of the quality control should be incorporated into the Site Plan details.
2. The grate elevation for the outlet control structure differs in sheet 9 and 21.
3. The detail of the OCS on sheet 21 is not in agreement with the plan element on sheet 21

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

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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 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 D.

2. An alternate suggestion that should be considered is the creation two (2) separate basins to independently accommodate the runoff from the commercial properties (Lots B, C & D) and the Residential Property (Lot A)

• The following required components must be added to the manual:

3. The maintenance and inspection logs for both Up-Flo Filters must be incorporated into the Operations and Maintenance Manual.

4. Complete Permit Attachment D – Major Development Stormwater Summary form completed for the facilities.

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.

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).

4. Utilities

A. Public Water

1. The proposed water service is shown to connect to the existing utilities on NJSH Route 31 and Center Street. I assume this is intended to become a public water line owned by the Town. If so then easements will need to be dedicated to allow for this line to existing within the privately held properties.

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

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

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B. Sanitary Sewer

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 E) 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 (Lots B, C & D).
2. The applicant needs to provide copies of communication with the Town of Clinton Sewer Department regarding this installation.
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

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.
5. **Landscape** – I will defer to Jim Kyle's report for his comments regarding the proposed landscaping and lighting improvements.
6. **Lighting** –
- A. §88-44B(g-2) requires a maximum height of 15 feet for lights. The applicant is proposing 36 lights at a height of 25 feet.
 - B. §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.
 - C. Details of the lights must be shown on the plans to ensure compliance with §88-44B(g-1,3,8).
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.
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:
- A. **Hunterdon County Planning Board**
 - 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.

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- 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.i).
- 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
 - 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**

The above represent my initial technical comments on the application. I will issue additional comments once the applicant has submitted revised plans and documentation to address the noted incomplete items

Please contact me if you have any questions.

Very Truly Yours,



Robert J. Clerico, P.E.
Board Engineer
RJC: L-5548.054-210501-Technical Rpt 1.docx

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