



## **TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

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### **Land Use Board Minutes**

Minutes of the Town of Clinton Land Use Board meeting held on June 7, 2022 at 7:00pm. The meeting of the Town of Clinton Land Use Board has changed the format of its regular meeting for the duration of the COVID-19 Public Health Emergency to “virtual” meetings via Zoom

Chairman Sailer called the meeting to order at 7:00pm and read the “Statement of Adequate Notice” and the “Administrative Statement”.

Adequate notice of this meeting has been provided indicating the time and place of the meeting with the proposed agenda, which notice was posted, made available to the newspapers and filed with the clerk of the Town of Clinton in accordance with Section 3(d) of the Public Laws of 1975”.

“Meetings are held on the first Tuesday of each month. Applications must be filed at least 21 days prior to the meeting date. In order to ensure that all applications receive complete and thorough consideration of the board, all meetings will adjourn no later than 10:00pm with all items not concluded to be carried over to the next month’s agenda”.

N.J.S.A 10-4-8(b) authorizes municipalities to conduct public meetings through the use of streaming services and other online meetings. The Town of Clinton is using Zoom video meetings. Please be aware that this meeting is being recorded for the public record. Zoom meetings are imperfect, so if glitches pop-up, please be patient. We will open the meeting to the public during the public comment time, each person will have the opportunity to ask questions and give comments at the appropriate time. If you would like to speak, please use the raise hand feature and I will call on you one at a time, you must provide your name and address to be recognized for comment. Any individual giving sworn testimony, including members of the public making comments, shall appear by video. Members of the public we ask you keep your device muted and your video turned off until called upon by the Chairman, please be advised the board also has the capability of using the mute feature if necessary.

Attorney Razin, Robert Clerico and Jim Kyle were present

#### **ROLL CALL:**

Present: Chairman Sailer, Mr. Devita, Mr. Kelly. Mr. Lubsen, Mr. Snider, Mr. Smith, Mr. Padmos, Mr. Viotto

Absent: Mayor Kovach, Ms. Dineen, Ms. Van Weeren

#### **Approval of Minutes:**

A Motion was made by Mr. Lubsen seconded by Mr. Smith to approve the Minutes of May 17, 2022

**All Ayes.**

**Motion Carried**

**Abstain:**

**DeVita, Kelly, Padmos**

**Continuation of Public Hearing # 2- Ansuva Riverbend LLC Block 17 Lot 2; Block 17.01 lots 2.03; 2.04 & 6-1638 Route 31 North- Amended Preliminary & Final Site Plan for Phase 3 to construct a one story office building and a three story building to be used for 20 room hotel, restaurant/ bar and meeting space and Amended Preliminary & Use Variance approval for Phase 2 to construct a one story building for a fast food restaurant/ coffee shop:**

Attorney Kara Kaczynski, Chris Nusser, PE, Gary Dean Dolan & Dolan, Traffic Engineer, Suchitia Shah Architect and Hemant Desai, applicant were present.

The following items were submitted into evidence:

- A27 Parking evaluation report prepared by Dolan & Dolan dated 5-26-2022
- A28 Site Layout Exhibit prepared by ELP dated 5-12-2022

Attorney Kara Kuczynski advised the board this was a continuation of the public hearing and tonight they would like to address some of the parking and a few issues from last meeting. A parking evaluation was prepared by Gary Dean has been provided, a revised site exhibit which shows the relocation of the dumpster and the one way circulation around the fast food building. In addition, Ms. Kaczynski testified they will address the items in Mr. Daniels report dated 2-21-2022 and will arrange a meeting with the Fire Marshal and Chief to go over the site circulation concerns.

Mr. Hemant Desai advised the board the meeting space is separated into two separate spaces, but can be utilized as one space, the proposed use will be for corporate clients, small wedding, family functions, church uses, and small parties by reservations only. Mr Desai added we will comply with the maximum occupancy requirements.

Mr. Chris Nusser, from ELP went over the changes on the revised site layout. The changes include parking stalls that were changed to angle parking along the front area by the stormwater basin; the circulation around the restaurant will be one way; east side parking spaces were removed; the drive thru will be marked as a left turn only; modifications to the trash enclosure to the east by the hotel building the container was rotated and the parking spaces were eliminated to allow for trash pickup access; more parking stalls were added to the rear parking area in the bump out location; the sidewalks will now connect to the existing hotel. Mr. Nusser stated the trash enclosure is located in the front yard setback at 71.55 feet, however due to the slope of the land the dumpster will be tucked in and not visible and the trash enclosure to the east of the hotel will be located 23.5 feet off the property line. The parking chart provided is for 3 types of uses the site will have 148 spaces totals

Mr. Clerico inquired if the parking will be assigned spaces, Mr. Nusser responded no they are shared spaces. All of the changes will be incorporated into a revised plan.

Mr. Hedden Fire Chief inquired about the amount of vehicles that can be queued in line at the fast food restaurant/ coffee shop, Mr. Nusser stated this was discussed at the previous meeting we have plenty queuing space this will not be a problem.

Mr. Daniels stated he has not seen the revised plans and stated there may be more comments, Mr. Nusser stated the changes are not substantial the circulation has not changed adjustments were made to the trash enclosure. Mr. Nusser stated they will arrange a meeting to go over the changes and address all Fire related concerns.

Mr. Smith inquired if the impervious coverage has been satisfied, Mr. Kyle responded yes. Mr. Padmos commented about the one way traffic around the fast food restaurant and inquired if it would be a problem with pedestrian traffic, Ms. Kaczynski stated they will keep that in mind when they come back for final site plan.

Mr. Gary Dean, Traffic Engineer from Dolan and Dolan stated he was involved with the application 20 years ago and has prepared a traffic analyses in response to the concerns at the last hearing. The meeting space can hold up to 235 people when at full capacity, they applied several factors when considering the amount of spaces needed on the site. Mr. Dean stated the auditorium use under the towns ordinance yields approximately 79 spaces, Clinton Township ordinance under a conference use yields 84 spaces, and the ITE data under a live theatre use yields 89 spaces using this it is clear the 28 spaces dedicated to the meeting space would not be enough. When analyzing all the uses we came up to 140-149 spaces needed. The site will have 148 shared spaces, the site is not over parked and the impervious coverage is 26% which is under the allowable 50%. Mr. Clerico stated the testimony is a result of my comments from the last meeting and based on Mr. Dean's assessment the 148 spaces are consistent with the use of the property.

Mr. Daniels questioned the height of the building and if a standpipe will be required, Ms. Shah stated the height to the roof is 37 feet, the top of the second floor will be 25.6 and if a standpipe is required by code they will comply.

A Motion was made by Mr. Smith, seconded by Mr. Viotto to grant Preliminary and Final Site Plan for Phase 3; grant the use variance approval and preliminary site plan for Phase 2, the applicant will come back for final approval for phase 2 once a tenant for the fast food component has been secured; variances granted as discussed in the hearings conditioned upon the applicant complying with the agreed upon items in Mr. Clerico' Mr, Kyles and Mr. Daniels report and comments.

**Roll Call Vote:**

Ayes: Chairman Sailer, Mr. Devita, Mr. Lubsen, Mr. Snider, Mr. Smith, Mr. Padmos, Mr. Viotto

Nays:

**All Ayes- Motion passed.**

**Public Hearing – Block 10 lot 1- DJV Holdings LLC- 2-8 Main Street- FAR Variance Extension Request- Block 18 Lot 5- Puleo International LLC.**

Attorney Michael Malloy from Obermayer Rebmann, Chris Nusser, PE, from ELP, Michael Hagherty, designer and JR Vernick applicant were present and sworn in.

The following items were submitted into evidence:

- A1 Application package
- A2 Tax Certification dated 5-27-2022
- A3 Minor Site Plans prepared by ELP dated 3-8-2022
- A4 Highlands Impervious Coverage Plan Prepared by ELP 3-8-2022
- A5 Flood Permit by Rule Plan prepared by ELP dated 3-8-221
- A6 Schematic rendering plan
- A7 Existing Condition rendering plan
- A8 HC Planning Board Letter dated 3-31-2022
- A9 Highlands exemption- May 13, 2022
  
- B1 Robert Clerico, Van Cleef Eng. Report dated June 3, 2022
- B2 Fire Marshal Report dated June 4, 2022

Attorney Michael Malloy advised the board the property is located in the C-1 downtown district at the northwest corner of Main and Leigh Street. The building is a two-story structure with a small portion in the northwest corner is one story. The applicant is proposing to square off the back of the building to accommodate ADA bathrooms and add a second floor for office space and bring the building up to code in regard to accessibility. The existing SF is 5,835SF and has a preexisting FAR of 104.3%, the expansion will increase the SF to 6,217 SF which will result in an increase in the FAR to 111.2%.

Mr. J Vernick principal of DJV holdings advised the board he is a long term resident his offices are currently off Beaver Avenue his telecommunications business currently employs 30 people. When the building came up for sale he was excited about moving into Clinton and having the opportunity to restore the historic character of the building. Mr. Smith inquired about customer traffic and employee parking, Mr. Vernick replied there will be no customer traffic and feels the town has plenty of parking at offsite locations. Mr. Padmos inquired how many employees will be in the building at the same time, Mr. Vernick stated between 20-30 at any given time.

Mr. Michael Haugherty, designer from White Dog Studios advised the board they were able to obtain old pictures of the building and also meet with the Historic Commission regarding bringing the historic character back to the facade of the building, when it is finished we are hoping to bring back what it looked like back in the 1800s. The back corner of the building they will add 50SF to the first floor to square it off the corner which will allow us to add ADA Bathrooms, and a 324 SF second floor will be added to accommodate client needs. The building will also have an ADA compliant lift at the back door which will make the building accessible. The windows will be changed to match the original windows the rear and front will look like the original building from the 1800. Mr. Snider inquired how intrusive the construction will be to pedestrian traffic, Mr. Haughey replied they will need to add scaffolding on the building the sidewalk will be reduced but will still remain open.

Mr. Chris Nusser went through the site plan with the board, the improvements will include an ADA ramp in the northern corner off Leigh Street, a four foot solid vinyl fence will be installed to enclose and screen the trash area; the rear building will be squared off and converted into a two story building adding an additional 324 SF of additional floor area to the building. There will be one parking stall and a one way circulation coming out of the driveway onto Main Street. Mr, Nusser stated Mr. Clerico review suggested we eliminate the driveway and add a parking space on Main Street given the constraints we are not adding a parking area in the driveway but we would like to maintain the driveway access from both points for emergency service and maintenance. Mr. Clerico questioned when the building is squared off if a vehicle could get around the turn and he felt the driveway does not meet any standards. Mr. Nusser stated he is not suggesting we use the driveway other than for emergency access. Mr. Clerico stated he believed it serves no purpose if let open, and suggested they either document the viability of the use or it should be eliminated. Mr. Malloy stated the driveway existed in the prior use, Mr. Clerico stated by adding the ramp and squaring off the building the viability of the driveway will be further diminished of whatever viability had. Mr. Daniels added that the use of the driveway does prevent some movability issues such as for the hoses and ladders a vehicle parked in the area makes it more difficult and he would prefer to see signage that it will not be used as a parking space from a safety and firefighting standpoint.

After a lengthy discussion Attorney Malloy stated we have some issue to work out, the applicant is not in a position to give up the driveway we will need to step back and look at the issue. Mr. Vernick added he would like to keep the space as a formal parking area we would like to come back and show the board we can make the turn and if it shows we cannot we will need to discuss the options of abandoning the driveway or modifying he building.

The board agreed to carry the application to July 5, 2022 without further notice.

**Voucher Approval:**

A Motion was made by Mr. Snider, seconded by Mr. Lubsen, to approve the vouchers:

All Ayes. Motion Carried.

**Adjournment:**

There being no further discussion, a Motion was made by Mr. Padmos, seconded by Mr. Viotto to adjourn the meeting at 9:20pm.

Respectfully submitted.

Allison Witt  
Land Use Board Administrator