



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on May 1, 2007 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Gallagher called the meeting to order at 7:30pm and read the "Administrative Statement" and the "Statement of Adequate Notice":

"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 10:30pm with all items not concluded to be carried over to next month's agenda".

"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".

Roll Call:

Present: Baka, Gallagher, Harrison, Insel, McGuire, Schaumburg, Tranquilli

Absent: Hendricksen,

Approval of Minutes:

A Motion was made by Mrs. Insel, seconded by Mr. Baka, to approve the minutes of April 3, 2007 with the following change: change the spelling of Beda to Beder

All Ayes. Motion Carried.

Site Plan Review Report:

Mr. McGuire advised the board that the Committee met to review the Major Subdivision application for Sal Latino, Block 23 Lot 6 and the application for the most part was substantially complete except for the following items:

- 1). Question arose regarding the proper lot designation
- 2). Missing post office lot layout for house numbering
- 3). Incomplete owner certification
- 4). No location of trees on plan
- 5). No indication of pipe calculations on plan
- 6). Applicant is requesting a waiver from submitting an Environment Impact Statement (EIS).

Attorney Wilson was present on behalf of the applicant and addressed the site committee questions: The applicant followed the lot numbering that was handed out with the subdivision package; they will provide the post office letter; the owner will sign the plan; the site has existing street trees and the applicant is not proposing any additional trees; the details on the storm drain calculations will be added to the plan and the applicant is not making any public improvements, except for the two drainpipes, no further street improvements will be constructed and therefore Mr. Latino is asking for a waiver for the submission of an EIS. Attorney Wilson asked the board to deem the application complete.

A Motion was made by Mr. McGuire, seconded by Mayor Schaumburg, to deem the application complete conditioned upon the submission of the pipe calculations:

Roll Call Vote: Baka, Gallagher, Harrison, Insel, McGuire, Schaumburg, Tranquilli

All Ayes. Motion Carried.

The application for Mr. Latino will be heard on June 5, 2007.

Informal Discussion for Meyer Jabara Hotels LLC Block 3 Lot 2:

Attorney Al Rylak advised the board that his client is presently before the Board of Adjustment seeking a 3-acre subdivision and as part of the review process Mr. Clerico wanted the applicant to provide a conceptual plan of the development. The reason he is here tonight is he would like to see if the board would authorize the applicant's planner Mr. John Madden, to meet with the town's planner Mr. Hintz, to see if there is a use that would be compatible with the hotel use and Attorney Rylak suggested a small assisted living facility might be one option.

A Motion was made by Mayor Schaumburg, seconded by Mrs. Harrison, to authorize Mr. Carl Hintz to meet with Mr. Madden:

Attorney Caldwell suggested the applicant should post an escrow before meeting with Mr. Hintz and after the board consulted with Mr. Hintz it was determined that a \$1,200.00 escrow should be posted.

Mayor Schaumburg amended the motion, seconded by Mr. McGuire, after the applicant posts a \$1,200.00 escrow account, Mr. Carl Hintz is authorized to work with Mr. Madden:

Roll Call Vote: Baka, Gallagher, Harrison, Insel, McGuire, Schaumburg, Tranquilli

All Ayes. Motion Carried.

Public Hearing on the 2007 Master Plan Reexamination Report:

A Motion was made by Mayor Schaumburg, seconded by Mr. Tranquilli, to open the meeting to the public:

All Ayes. Motion Carried.

Whitney Wetherill, West Main Street, was sworn in. Ms. Wetherill stated the last reexamination report was done three years ago and why was there a need to change the report. Mr. Hintz responded that we reviewed the last report and the current ordinances and some adjustments were made. The Town has some on going issues such as senior housing, which have not been implemented, the two large parcels of vacant land need to be reexamined and the need for historic preservation in the Town. The report is a guide for the Planning Board to re-look at some of the open issues.

There being no further questions, a Motion was made by Mayor Schaumburg, seconded by Mrs. Insel, to close the meeting to the public:

All Ayes. Motion Carried.

A Motion was made by Mayor Schaumburg, seconded by Mr. McGuire, to adopt the 2007 Master Plan Reexamination Report:

Roll Call Vote: Baka, Gallagher, Harrison, Insel, McGuire, Schaumburg, Tranquilli

All Ayes. Motion Carried.

Mayor Schaumburg commented that the report was very well done and she is excited to be able to work

on the goals outlined in the plan, Mr. Tranquilli agreed.

Sign Ordinance:

Chairman Gallagher advised the board that under the MLUL the Sign Ordinance should be generated from the Planning Board and then referred to the Council for approval. Chairman Gallagher advised the board that the board can choose to vote on whether the proposed sign ordinance is consistent with the Master Plan and then refer the ordinance to council for adoption or we can give the draft to a subcommittee of the Planning Board to review the draft ordinance more thoroughly.

Attorney Caldwell suggested that a motion be made so that further discussion can take place.

A Motion was made by Mayor Schaumburg, seconded by Mr. Baka, to deem the Sign Ordinance #07-09 consistent with the Town of Clinton Master Plan:

Mr. McGuire commented that the ordinance is 34 pages in length and it would be difficult to go thru it in this venue and perhaps it would be better procedurally to put together a small group to go through the ordinance and then give their recommendations to the Planning Board.

Attorney Caldwell commented that any procedure the board wants to take is acceptable but keep in mind that the board planner has spent a lot of time on putting the ordinance together, which should reflect the town's policy.

Mayor Schaumburg advised the board that the town had received a lot of complaints that the ordinance was not being enforced so the Council hired a Code Enforcement Officer. When trying to enforce the current ordinance it was determined that the ordinance was outdated which made it very difficult to enforce. The Sign Committee was asked to work with the planner on updating the Sign Ordinance, which they have spent a lot of time on and tonight the Chairman of the Sign Committee and the Planner are here to answer any questions. If this Planning Board deems the ordinance consistent it will be forwarded to the Council who will hold a public meeting so the public will have more opportunity to comment. Mayor Schaumburg commented that she would like to see the board tonight make its recommendations on whether the ordinance is consistent or inconsistent with the Master Plan so that the merchants and the Code Enforcement officer can move on.

Mrs. Insel commented that she had an opportunity to go to the Sign Committee meetings and she was impressed. The Committee went through the old ordinance line by line; Mr. Leonard, Mr. Barczyk, and the Planner were all present at the meetings. Mrs. Insel commented that she was not sure that a subcommittee was necessary.

Mr. Baka commented that he felt our professionals were diligent and at this stage he would like to have public input to see if anything was overlooked and then move forward from there.

Mr. Tranquilli stated that the committee was very thorough when drafting the ordinance, it was discussed at length, the committee listened to a lot of input and he felt the ordinance was a very fair enforceable ordinance which would be beneficial to the business owners and the residents of Clinton.

Chairman Gallagher commented that he looked at the old and new ordinance and he has questions and tonight the board should go through the document and get feedback from our audience. If the board determines the ordinance is consistent with the Master Plan then move it along and if not they should go through one more step before finalizing.

Attorney Caldwell advised the board that the issue tonight is whether the ordinance is consistent with the master plan and the actual terms and conditions should be taken up with council during the public hearing process.

A Motion was made by Mayor Schaumburg, seconded by Mrs. Insel, to open the meeting for public comments on whether they felt the ordinance is consistent with the Master Plan:

All Ayes. Motion Carried.

Mr. Ron Williams, 8 East Main Street, stated he was not 100% familiar with the Master Plan but would like to give his comments in regard to the terms and conditions as they pertain to merchants in the C1-zone. Mr. Williams stated that every merchant would be in violation of the proposed ordinance if it were adopted. Tonight he would like to address 5 areas of the ordinance. Awning signs place numerous merchants in violation; there is no in-between fee between a permanent or temporary sign; why is a fee necessary for a standing sign when a standing sign is considered a temporary sign and why is it necessary for the merchant to name the town as an insured party on the insurance policy for a standing sign; window signs in the C-1 Zone cannot consist of more than 20% of the window area which defeats the purpose of having window signs; and lastly the ordinance is silent on whether the old signs will be grand fathered in. Mr. Williams stated the impact and costs associated with removing the signs and applying for variances could be huge. Mr. Williams stated he did not feel this was consistent with the Master Plan.

Mr. Peter Joseph, 49-51 Main Street, asked the board to take into consideration that some buildings have multiple tenants and are also at a distance from the main corridor. He asked the board to look at the ordinance to make sure it does not impact the business owner and to keep in mind the goal is to keep the merchants in business.

Chairman Gallagher stated that 80% of the new ordinance is consistent with the old ordinance, the old ordinance did not permit neon signs, A-frame signs, no public right-of-way signs, and the main issue is with enforcement.

Debbie Riddleman, Payless Jewelers, stated she was concerned with businesses which are not in the main stream of downtown and do not get as much pedestrian traffic and that a need exists for additional signage to let people know what the stores have to offer, such as advertising a sale. Mr. Tranquilli commented that the ordinance allows two signs that name the business and subject to section B-2 additional signs are permitted.

Whitney Wetherill, West Main Street, advised the board that she went around the town and took pictures of every sign in town and felt the board should be careful in distinguishing signs on Hwy 22 and RT 173 versus the signs in downtown. The vision going forward should take into account the benefits of the commercial districts.

Chris Pollaco, owner of Picture Perfect, inquired if no parking signs were allowed and Mr. Tranquilli replied that it would be considered a sign. Mrs. Insel stated that under section B no parking signs would be allowed in addition to the permitted signs as long as the sign does not contain any advertising space.

There being no further questions, a Motion was made by Mayor Schaumburg, seconded by Mrs. Harrison, to close the meeting to the public:

All Ayes. Motion Carried.

Mrs. Insel stated that if the public has concerns with the content of the ordinance then they should come to the Council meeting to express them.

Chairman Gallagher reminded the board that a Motion was on the table to deem Ordinance #07-07 consistent with the Master Plan and recommend the ordinance to council.

Roll Call Vote: Baka, Gallagher, Harrison, Insel, McGuire, Schaumburg, Tranquilli

All Ayes. Motion Carried.

Chairman Gallagher suggested setting up a subcommittee to review the ordinance so any comments can be made at the June 12 council meeting when the Sign Ordinance will be on the agenda for a Public hearing. Mr. McGuire and Mr. Baka volunteered to go thru the ordinance and bring back their comments at the next Planning Board meeting, Mr. Tranquilli offered his services to the subcommittee and the board if any one had questions or what the thoughts where behind the new ordinance.

Master Plan Committee Update report:

Next meeting is scheduled for May 15, 2007

Board of Adjustment Report:

No report

Smart Growth Update Report:

Mrs. Insel advised the board that they held their first preliminary charette meeting for the vision study. There were four planners present from the NJ DOT; they are looking at safety issues by Clinton Public School such as no fencing by the highway overpass, no concrete barriers on the overpass by the walkway. They looked at the Route 173 corridor as far as traffic calming measures and beautification and what percentage of vehicles cut through town as a shortcut. They also looked at the economical value of what different types of developments can offer. The next preliminary meeting will be held on May 30, 2007 and the main meeting is scheduled for June 16, 2007.

Voucher Approval:

A Motion was made by Mrs. Insel, seconded by Mr. Baka, the following voucher be approved:

Mr. Caldwell General Planning January- April \$1,596.50

All Ayes. Motion Carried.

There being no further business a Motion was made by Mr. Tranquilli, seconded by Mrs. Insel to adjourn the meeting at 9:45pm.

Respectfully submitted,

Allison McGinley
Land Use Administrator

