



## **TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

Clinton, N.J. 08809-5194

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### **PLANNING BOARD**

Minutes of the Town of Clinton Planning Board meeting held on August 7, 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".

Attorney William Caldwell, Mr. Robert Clerico, Van Cleef Engineering and Beth McManus from Clarke, Caton & Hintz were present.

#### **Roll Call:**

**Present:** Baka, Gallagher, Harrison, Insel, Maher, McGuire,

**Absent:** Hendricksen, Schaumburg, Tranquilli

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

A Motion was made by Mr. Baka, seconded by Mrs. Insel, to approve the minutes of July 3, 2007.

**All Ayes. Motion Carried.**  
**Abstain: Gallagher, Harrison**

#### **Site Plan Review Report:**

Mr. McGuire advised the board that the committee met with the applicant on July 17, 2007 to review the final site plan application that was submitted by Z&F LLC. The committee went through the checklist and noted the following; the plan should show the width and length; a maintenance area map and calculations should be attached; the lighting specifications should be provided; the town well and easement should be shown on the map, the applicant agreed to supply the missing items. It is the Site Plan Committee's recommendation to deem the application complete

A Motion was made by Mrs. Insel, seconded by Mr. Baka, to deem the Final Site Plan Application complete:

Roll Call Vote: Baka, Gallagher, Harrison, Insel, Maher, McGuire

**All Ayes. Motion Carried.**

**The Public hearing will be scheduled for September 4, 2007.**

**Memorization of Resolution for the Preliminary Subdivision Application**  
**Block 23 Lot 6- 58 Leigh Street- Latino:**

Attorney Walter Wilson was present.

A Motion was made by Mr. Baka, seconded by Mrs. Insel, to approve the Resolution for Block 23 Lot 6:

Roll Call Vote: Baka, Insel, Maher, McGuire

**All Ayes. Motion Carried.**

**Discussion on Steep Slope Ordinance:**

Beth McManus stated the board has been provided with copies of Steep Slope Ordinances from Clinton Township, Lambertville, and Hunterdon County for their review.

Clinton Township's Steep Slope ordinance provides simple standards that only apply to residential development. The Township limits development on areas with slopes that are 15% or greater. Lambertville's Steep Slope Ordinance is more detailed and provides guidelines for development on steep slopes in residential and non-residential, Lambertville prohibits any development on slopes greater than 30%. The third Steep Slope Ordinance is Hunterdon County's Model Ordinance, the ordinance is similar to Lambertville and prohibits development on slopes greater than 25%.

Beth stated that it would be her recommendation to use the language from the Hunterdon County Model ordinance and Lambertville's design guidelines and tweak them to better suit the Town of Clinton.

Chairman Gallagher asked Mr. Clerico if he thought the Town of Clinton needed a steep slope ordinance, Mr. Clerico responded that most of the Town is under 15% but if the town wanted to regulate development on steep slopes than an ordinance is necessary.

Mrs. Insel commented that she thought the ordinance was necessary. Mr. Baka commented that he would like to see the focus on the critical areas yet to be developed. Mrs. Harrison stated that Lambertville and the Hunterdon County model has a 5% difference on prohibiting development and she would like to see what the 5% impact would be in Clinton. Mr. McGuire commented that he didn't think you should differentiate between residential and commercial and that a single standard should apply.

A Motion was made by Mrs. Insel, seconded by Mr. Baka, to open the discussion to the public and there being no comments a Motion was made by Mrs. Insel, seconded by Mrs. Harrison, to close the discussion to the public.

Beth stated that she would put together a draft ordinance and present it to the Master Plan Committee for further review.

**Discussion of Carbonate Rock Ordinance:**

Beth McManus stated the board has been provided with copies of Carbonate Rock Ordinances from Clinton Township, Bethlehem Township and Union Township for their review.

The Town of Clinton has several areas of developable land that carbonate rock could impact, the ordinance would require geological testing and some extensive mapping. Bethlehem and Union Township's ordinance are very similar, Clinton Township's ordinance has the same general requirements but goes one step further by providing objective standards.

Beth advised the board that she is in favor of Clinton Township's Carbonate Rock Ordinance, the language is more straightforward however, Beth advised the board that her office does not have expertise

in this area and would recommend hiring an expert with a Geotechnical background to work with the Environmental Commission.

Mr. Clerico commented that developing an ordinance would be in the town's best interest and he would recommend the board seek input from the Environmental Commission who could advise the board if there was a need to hire an expert.

Chairman Gallagher advised the board that this will be forwarded to the Environmental Commission for their input and recommendations.

**State Planning Changes:**

Beth advised the board that she will be meeting with the county regarding potential planning changes to the states planning designations in the Town of Clinton.

The first area is the northern part of town by the Moebus Tract and the Ansuya property. The area has been designated by the state as planning area 2. In 2004 the state denied the county and the town's request to re-designate this area to planning area 5. The State has come to a compromise and has recommended changing this area to a planning area 3, which would allow a moderate area of development. This redesignation would be considered a compromise with the state and at this time the county is looking for the town's endorsement of the change so they can move forward.

Mr. McGuire inquired how it will affect the town's zoning? Beth responded that it does not directly affect the town's zoning, the town has the power and jurisdiction over zoning, however, the town at some point will have to go through plan endorsement with the Office of Smart Growth. Beth added that the Town's COAH plan is contingent upon plan endorsement.

Beth stated the next area that the county is looking for the town's endorsement on is the undeveloped land on the southside of Route 78 by the Industrial tract and the municipal owned property, which is presently a planning area 2. The State rejected the request to change this area to Planning Area 5 and the County and State are negotiating re-designating the area to a Planning area 3 and a small area Planning area 5. Planning Area 5 is considered an environmentally sensitive area which is a small piece of land on the Industrial Tract and a small piece of land by the sewer plant, the remaining area is proposed to be Planning area 3. Beth stated that the biggest impact is potential development on the Industrial Tract and it is the State's position that during plan endorsement, which will provide a greater analysis, the town will have the ability to change the planning area.

Mrs. Insel commented that she was concerned with the planning designation if the sewer plant wanted to expand in the future. Beth recommended the town move forward with plan endorsement and at that time they will be working with outside agencies who can come together to work on any future changes. Another option is to recommend any area to the west of the South Branch be placed in a fringe area but to do so you would lose the benefit of the Planning Area 5 on the small piece of land by the sewer plant and the small piece of land on the industrial tract.

Beth concluded that she has to report to the County and the State whether the town wishes to endorse the changes.

A Motion was made by Mrs. Insel, seconded by Mr. Baka, to accept the Planning Area 3 designation for the northern part of town by the Moebus Tract, the redesignation of Planning Area 3 and 5 for the southside of Route 78 conditioned upon advising the State of our concerns regarding the sewer plant and to request the amendment of boundary lines to match lot lines on the northern side.

Roll Call Vote: Baka, Gallagher, Harrison, Insel, Maher, McGuire

**All Ayes.**

**Motion Carried.**

**Affordable Housing Update:**

Beth McManus advised the board that COAH is hoping to finish developing the new standards and regulations by the end of this year. Marcia Karrow has asked for each municipality for input on COAH'S rules, Beth inquired if the board would like her to provide some general comment, the board was in favor.

**Master Plan Update:**

Mrs. Insel stated there was no meeting in July, the next meeting is scheduled for August 21, 2007.

**Smart Growth Committee Update:**

Mrs. Insel advised the board the Vision Study results will be discussed at their next meeting on August 23, 2007 and she thought it would be good to have members of the Planning Board present. The public presentation is scheduled for September 13, 2007. Attorney Caldwell recommended the Committee advertise that a quorum of the Planning Board and Board of Adjustment may be present.

A Motion was made by Mrs. Insel, seconded by Mr. Baka, authorizing legal notice be placed in the official newspaper stating that a quorum of the Planning Board and Board of Adjustment may be present at the August 23, 2007 committee meeting and the September 13, 2007 public presentation, no action to be taken by the Planning Board of Board of Adjustment:

Roll Call Vote: Baka, Gallagher, Harrison, Insel, Maher, McGuire

**All Ayes. Motion Carried.**

**Voucher Approval:**

A Motion was made by Mr. Baka, seconded by Mrs. Harrison, to approve the following voucher:

Clarke, Caton & Hintz	Latino	\$812.32
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**All Ayes. Motion Carried.**

There being no further business, a Motion was made by Mr. Baka, seconded by Mrs. Insel, to adjourn the meeting at 9:15pm.

Sincerely submitted

Allison McGinley  
Land Use Administrator