



## **TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

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### **PLANNING BOARD**

Minutes of the Town of Clinton Planning Board meeting held on September 4, 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 and Mr. Robert Clerico, Van Cleef Engineering was present.

#### **Roll Call:**

**Present:** Baka, Gallagher, Harrison, Hendricksen, Insel, Maher, McGuire, Schaumburg, Tranquilli

**Absent:**

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

A Motion was made by Mrs. Harrison seconded by Mr. Baka, to approve the minutes of August 7, 2007.

**All Ayes.**

**Motion Carried.**

**Abstain:**

**Hendricksen, Schaumburg, Tranquilli**

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

Site Plan Committee will meet on September 18, 2007 to review an application submitted by Eastern Hill LLC.

#### **Final Site Plan Application – Z&F LLC- Block 18 Lot 5**

Attorney Walter Wilson, James Mantz, Engineer, and Robert Fallone, applicant were present. Mr. Mantz and Mr. Fallone were sworn in.

The following was submitted into evidence:

A1- Site Plan dated 5/7/07 (sheet 1)

A2- NJDEP Aerial photograph

Mr. Mantz gave the board a brief overview. The applicant has received preliminary site plan approval in 2001 to construct 2 office buildings, with 554 parking spaces. The main access to the site will be via

Route 31 and a secondary access off Moebus Place which will only permit a left hand turn exit. The applicant is now seeking a final site plan approval from the board.

Mr. Clerico advised the board that he issued 2 reports. The first report dated August 23, 2007 dealt with the preliminary site plan approval and the conditions of approval and the second report dated August 30, 2007 deals with the Final Site Plan approval and the outstanding conditions of the preliminary approval.

Mr. Clerico went through his report of August 30, 2007.

Page 1 first paragraph- Mr. Clerico stated the preliminary site plans included the construction details and utility plan profiles, which should be incorporated into the final plans. Attorney Wilson agreed.

A1- Retaining wall details need to be submitted to the Construction Code Official for approval. Attorney Wilson agreed.

A2- The details of the railings and fence for the retaining wall needs to be incorporated on the Final Plan. Attorney Wilson Agreed.

A3- Attorney Wilson stated the keystone retaining wall will have a textured appearance and as a condition of approval will agree to provide the board with the appearance details.

A4- The applicant does not have specific tenants at this time therefore he cannot provide sign details. The board agreed if the signs meets the ordinance the applicant can apply for the signs through the zoning office. The applicant does not need to provide the site signage on the final site plan.

B1- Applicant to modify plans and depict the monuments on the final site plan.

C1- Mr. Daniels and the Clinton Fire Chief are in agreement with Mr. Fallone's letter dated August 16, 2007. Mr. Daniels is requesting the applicant update the final site plans to reflect the agreed upon changes. Attorney Wilson Agreed

D1- Mr. Mantz advised the board that part of the cleanup of the drainage system is beyond the applicant's property and assuming there is a record of easement the applicant is willing to adequately cleanup the downstream drainage system. Attorney Caldwell suggested that if there is no record of easement then the applicant should approach the property owners for access. Attorney Wilson stated that he will either confirm if the easement exists or contact the property owners.

D2- The final plan will be updated to reflect the revised trench details throughout the site.

E1- Attorney Wilson received a verbal indication from Mellick & Tully that they have accepted the Phase II Geotechnical report, still waiting for written confirmation.

E2- Mr. Mantz stated the existing cluster of trees consist of a single tree 6" in diameter which is located in the proposed parking lot and will be removed.

E3- Attorney Wilson stated the traffic data was provided by Gary Dean & Associates as part of the preliminary approval. Attorney Wilson agreed to provide the Town of Clinton with Title 39 so that the Town of Clinton Police can enforce the left turn only out of Moebus Place.

F1- The lighting schedule was submitted as part of the preliminary approval and will be incorporated into the updated final plans.

G1- Attorney Wilson advised the board that from a maintenance standpoint his applicant would prefer not to install climbing plantings on the retaining walls. The board agreed.

G2- Attorney Wilson testified that no clearing of trees will be necessary for the off-site utility extension.

G3- Mr. Fallone stated that per the Shade Tree Commission's recommendation they will replace the Eastern White Pine trees with the Prius Peringes. Mr. Hintz reviewed the change and is in agreement.

J1- Condition of Final Site Plan Approval.

J2- Mr. Mantz advised the board the altered drainage pattern was caused by the construction of the new school on the adjacent lot, during construction Clinton Township Board of Ed redirected the storm water runoff away from their site, which has now caused the off-site water to runoff into Z&F's detention basin. Mr. Mantz stated that they have made numerous attempts to contact Clinton Township and the Township Board of Education but have not received any response on fixing the problem. Mr. Mantz commented that this will not be an everyday problem only when there is a heavy downpour and suggested that the berm can be raised a foot and half higher, to alleviate some of the offsite runoff. Attorney Wilson stated there are several engineering issues that do not match the Township's plans and that a meeting should take place between Mr. Mantz, Suburban Engineers, and an Engineer from the Board of Education to come up with some ways to rectify the off-site water runoff. Attorney Wilson requested the board make this a condition of final site plan approval.

J3- Details of the easement for the well and well house will be provided on the Final Site Plans.

Page 8 Item 1(b)- Attorney Wilson will provide the letter from the HCPB once the applicant receives it.

Page 8 item 3- Attorney Wilson stated that a letter was sent to Attorney Cushing requesting a draft of the Developers Agreement on July 23, 2007 awaiting a response.

Mr. Clerico advised the board that he held a pre-construction conference with the applicant and a lot of the issues have been cleared up.

A Motion was made by Mr. Hendricksen, seconded by Mrs. Insel, to open the meeting to the public for questions and comments and there being no questions a Motion was made by Mayor Schaumburg seconded by Mr. Tranquilli, to close the meeting to the public:

**All Ayes. Motion Carried.**

Attorney Wilson asked the board to grant Final Site Plan approval this evening conditioned on the submission of a revised final site plan to Mr. Clerico that incorporates all of the agreed upon items of Mr. Clerico's letter dated August 30, 2007.

A Motion was made by Mayor Schaumburg, seconded by Mr. Hendricksen, to grant Final Site Plan approval conditioned upon the applicant meeting the conditions outlined in Mr. Clerico's letter dated August 30, 2007 and the applicant granting Title 39 to the Town.

Mr. Hendricksen stated that he would like to amend the motion to also include the following conditions:

- 1). Site signage does not need to be shown on the plan if it meets the ordinance.
- 2). The plan will be updated to show the three monuments on the Easterly property line.
- 3). The applicant will update plans per Mr. Daniel's request.
- 4). The applicant will confirm whether they have an easement for the offsite cleaning of the drainage system.
- 5). Revised trench details to be provided on the Final Site Plan.
- 6). The Applicant to give Title 39 to the Town of Clinton Police.
- 7). Applicant to incorporate the lighting control on the Final Site Plan.
- 8). Applicant to revise plans to incorporate the Shade Tree suggestions on letter dated 8/16/2007.

- 9). Items G1 & G2 of Mr. Clerico's review letter dated 8/30/07 are not required.
- 10) Applicant to comply with item J1 & J2 of Mr. Clerico's letter dated 8/30/07.

**Roll Call Vote:**

Ayes: Baka, Gallagher, Harrison, Hendricksen, Insel, Maher, McGuire, Schaumburg, Tranquilli

Nays:

**All Ayes. Motion passed.**

**Master Plan Committee Update Report:**

Mr. Gallagher advised the board that the committee discussed the Wargo Tract at their last meeting. The committee asked Beth McManus to give an indication on what can be done with the tract based on the current conditions of the site. The Wargo Tract was designated as an area in need of redevelopment in 2005. One suggestion given to the committee was a 20,000 SF two-story building with underneath parking. Mr. Gallagher stated that given the need for additional parking for downtown and the economic benefit it would give to the downtown the piece of land has possibilities for development. The next step would be for the board to request the Town Planner provide us with a text analysis of what can be put on the site.

Mayor Schaumburg advised the board that after speaking with Beth McManus it might be a good idea to wait for the new DEP regulations which should be out in November and at this stage perhaps we can ask the planner to provide the board with an estimate of what it would cost to provide the board with different options. Mr. McGuire commented that when deciding on options to take into consideration the traffic flow and if vehicles will make a left hand turn into the property to consider what it will do to the traffic backup by the bridge traffic light. Mr. Tranquilli inquired if the A&P was willing to sell the land and if doing the study would drive up the purchase price of the property. Mayor Schaumburg stated that the A&P worked with the town on the Vision Study and if you work with the owners on developing a plan they will be much more willing to work with us.

Mr. Hendricksen questioned if the town puts a 20,000 SF building on the property how much parking spaces will the town gain. Mr. Hendricksen and Mayor Schaumburg were concerned that utilizing the lot for downtown parking would create a pedestrian hazard when crossing the street. Mr. Baka stated that the town is in need of a parking analysis and Mrs. Insel replied the NJ DOT will provide us with a parking analysis as part of the Vision Study that will be presented on Thursday night.

A Motion was made by Mr. Baka, seconded by Mrs. Harrison, to authorize Clarke Caton & Hintz to provide the board with a cost estimate of a text analysis of what can be developed on the Wargo Tract.

**All Ayes. Motion Carried.**

Mr. Gallagher stated that the new proposed sign ordinance will be presented to council and one issue is the new ordinance permits neon signs in the historic district and he would like to know if the board is in agreement to send a letter to council to recommend that neon signs be prohibited in the historic district. The board was in favor of sending a memo to council letting them know they are not in favor of allowing neon signs in the historic district.

**All Ayes. Motion Carried.**

**Smart Growth Committee Update:**

Mrs. Insel advised the board that the public hearing for the Vision Study results has been changed to Thursday September 6, 2007 at 7:30pm.

**Voucher Approval:**

A Motion was made by Mrs. Insel, seconded by Mayor Schaumburg to approve the attached voucher list:

**All Ayes. Motion Carried.**

**Board Discussion:**

Chairman Gallagher appointed Mr. Matt Maher to serve on the Master Plan Committee.

There being no further business a Motion was made by Mr. Baka, seconded by Mrs. Insel to adjourn the meeting at 9:30pm:

**All Ayes. Motion Carried.**

Respectfully submitted,

Allison McGinley  
Land Use Administrator