



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on November 20, 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".

William Caldwell, Carl Hintz, and Peter McCabe from Van Cleef Engineering were present

Roll Call:

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

Approval of Minutes:

A Motion was made by Mrs. Insel seconded by Mayor Schaumburg, to approve the minutes of October 30, 2007 with the following change:

Page 3- 4th sentence down- add *before private facilities* after public owned facilities.

All Ayes.	Motion Carried.
Oppose:	Hendricksen (opposed to the change)
Abstain:	Schaumburg

Amended Site Plan Application for Block 16 Lot 22.02- Eastern Hill LLC:

Mr. Jeffrey Lehrer, Attorney; Mr. Craig Stires, Engineer from Stires Associates; Mr. Gregory Olson Architect from G.J. Olson Architects, Inc. and Mr. John Fansord, Project Manager were present. The following were submitted into evidence:

- A1 Application Package
- A2 Certified 200 Foot List
- A3 Certified proof of mailings
- A4 Proof of publication
- A5 Tax Certification
- A6 Letter from Mark Titus, Director of HC Library dated 10/19/ 2007
- A7 Letter from G. DeSapio, HC Counsel dated 11/6/ 2007

- A8 Colored rendering of site plan prepared by Stires Assoc. dated 11/20/07
- A9 Front elevation rendering prepared by G.J. Olsen dated 4/20/07
- A10 Right side elevation rendering prepared by G.J. Olsen Dated 4/20/07
- A11 Left side elevation rendering prepared by G.J. Olsen Dated 4/20/07
- A12 Rear elevation rendering prepared by G.J. Olsen Dated 4/20/07
- A13 Sign detail prepared by G.J. Olsen Dated 6/18/07
- A14 Photo array (7 photos) prepared by G.J. Olsen dated 6/18/07
- A15 1st floor plan prepared by G. J. Olson dated 6/18/07
- A16 2nd floor plan prepared by G.J. Olson dated 6/18/07
- A17 Amended Site Plan prepared by Stires Assoc. dated 11/6/07
- B1 Robert Clerico review report dated 11/16/07
- B2 Clarke, Caton & Hintz review report dated 11/14/07
- B3 Shade Tree review report dated 11/6/07
- B4 Jack Daniels review report dated 10/22/07
- B5 Chief of Police review report dated 11/6/07
- B6 John Leonard review report dated 11/6/07
- B7 Environmental Commission review report dated 11/6/07

Mr. Lehrer advised the board that the applicant is here before the board seeking an amended preliminary and final site plan approval, which was previously approved in May 1990. Eastern Hill LLC is the successor from E-Town who was the original applicant. E-Town was granted approvals for two office buildings in 1990; the approvals were extended to 1998. In June 1997 E-Town was granted minor subdivision approval and an amended site plan approval to subdivide Lot 22 into Lot 22.01, library site and Lot 22.02, proposed site. E-Town received final site plan approval to construct one office building on July 6, 1999. Mr. Lehrer advised the board that the new proposal reflects a more visual and functional design, they are requesting no new variances and this application complies with the parking requirements.

Mr. Craig Stires, Engineer was sworn in. Mr. Stires advised the board in the prior approved plan the side of the building faced Halstead Street, the entrances into the building was on the north and southside of the building, and in the proposed plan the building has been turned 90 degrees to create a better visual presence. The storm drainage is consistent with the prior approval; the drainage runs through the property down to the library and then discharges into Spruce Run. The grading is consistent with the prior approval except for some minor changes with the berm.

Mr. Stires advised the board that they have reviewed the landscape comments provided by Mr. Hintz and they have no problem with complying with his suggestions; Mr. Stires stated the revised site plans incorporate Mr. Daniels comments; the review letter from the Environmental Commission request they provide a lighting pool on each fixture, the applicant will comply, the Environmental Commission suggested incorporating the same lighting fixtures as the library, the applicant will comply with whatever the board feels appropriate. Mr. Stires indicated that an EIS statement was submitted as part of the original approval, the applicant hired a wetlands consultant to relook at the property, there was no indication of wetlands on the property therefore no new EIS was submitted.

Mr. Peter McCabe was here tonight on behalf of Robert Clerico from Van Cleef Engineering, he went through his report dated November 16, 2007.

A1 (d)- Variance relief was granted on the prior approval to allow 338ft lot width setback, the setback on the proposed plan has been reduced to 334.86 ft, however the zone requires 350ft, a variance would be required.

A2- The FAR bonus is not an exact match from the prior approval. The berm along Halstead Street was approved between 4-5' high and is now reduced to 1' and the applicant needs to provide 40% of its parking to the public.

Mr. Hendricksen commented that the table on the plan needs to be updated to reflect the correct lot depth measurement under item A1(b).

A5 (a) A three foot paved return will be added at the dead end area of the entrance drive to the north.

A5 (d) The plan provides 4 handicap parking spaces; the ADA standards require 5 spaces. The applicant agreed to add the additional space. Mr. McCabe advised the board that per Mr. Leonard' review report that if any medical use was to be allowed the ADA requirements would intensify.

A7 – Mr. Stires confirmed that this plan also includes the 4' offset between the street curb and the proposed sidewalk.

A9- Mr. Stires agreed to correct the graphic scale on sheet 3 of 8.

B1- The plan will be updated to provide the sight easement on sheet 3.

B2- Mr. Stires suggested that the dumpster can be relocated to the area by the loading dock, the applicant will comply with the board's suggestions.

B4- The board agreed that the 1 to 2 foot berm is acceptable and the applicant will add landscaping trees. The applicant will meet with Mr. Hintz to discuss types of landscaping.

B5- The applicant will provide pedestrian access to the site from the rear door.

C2- The applicant is using stormceptors in lieu of sumps, which is the most up to date technology.

C3- Mr. McCabe stated the board would have to decide if the applicant's plan is considered a minor amendment and if the applicant would then be exempt from the Town of Clinton's stormwater regulations. Attorney Caldwell suggested that the applicant's period of protection has expired and therefore the applicant would have to comply with the local and state regulations. Mr. McCabe advised the board he had not received a stormwater management report and at this time was not sure they complied. Mr. Stires testified they are providing water quality with the stormceptors and that Spruce Run Reservoir acts as a detention basin in itself. Mr. Hendricksen suggested the applicant provide testimony based on their prior approvals and the geology of the area on why they should be exempt from the new stormwater regulations.

C5- The Fire Official should approve the revised location of the fire hydrants.

D- Landscaping & Lighting- The applicant will meet with Mr. Hintz to go over the landscaping and lighting plan.

Mr. Stires stated that based on the revisions he is asking the board to waive the applicant from meeting the new stormwater regulations. The applicant is providing water quality under the revised plan. The geology of the site, which has limestone, does not promote recharge. Spruce Run acts as a regional retention basin and to put a detention basin onsite would create a greater chance of flooding. Mr. Stires stated it is better to have the water runoff quickly from the site into Spruce Run instead of holding back the water. Mr. Stires stated that the burden of complying with the new regulations would outweigh the benefit to the community. Mr. McGuire inquired if Spruce Run was already full would the site have a problem with the volume of discharge, Mr. Stires responded no that the discharge will take some time, the runoff will take place within 10 minutes and the stormceptors can handle a one year storm. The board questioned whether the one-year storm was adequate; Mr. Stires responded that under the water quality guidelines they only require the stormceptors to handle a one-year storm. Mr. Stires also suggested that this application be considered an amendment because some improvements have been installed such as:

the swales, one behind the library and one behind the rear of the property; rip rap; manholes; head walls in the rear of property; and inlets in the parking lot.

Mr. Gallagher and Mr. Tranquilli questioned if the board has the ability to waive the stormwater requirements. Attorney Caldwell will get in touch with Attorney Cushing to determine if the stormwater regulations can be waived.

Attorney Caldwell commented that an easement should be drafted to the town designating the use of 42 parking spaces to the public during off peak hours. Attorney Lehrer stated they will comply however he was concerned with the liability of allowing the public to park in a private lot, Attorney Caldwell suggested Mr. Lehrer consult with Attorney Cushing when drafting the easement.

Mayor Schaumburg questioned the handicap parking spaces and what would happen in the future if the applicant has a medical use in the building, Attorney Caldwell suggested that the applicant be required to install handicapped spaces in accordance with the most intensive use and if medical use requires more ADA parking then perhaps the applicant should comply. Attorney Lehrer stated that he would agree that no medical uses will occupy the building. Mr. Tranquilli was concerned with the board placing limits on what type of business will go in. Mr. Gallagher questioned if medical uses were permitted in the OB-2 zone after review Mr. Hintz advised the board that no medical uses are permitted in the OB-2 zone.

Mr. Stires responded to a few comments under Mr. Clerico's report:

A1 (I) - The height of the building is 34' high.

A3- The driveway has been shifted further north then the original plan, the applicant feels this is a better separator between the library and the site driveway, and makes this area safer.

A5 (a) Mr. Stires stated that a three foot paved return will be added at the dead end so vehicles can turn around.

B2- A proposed block wall will be added to screen the dumpsters per Mr. Hintz's recommendation.

D- Landscaping will be addressed under Mr. Hintz' report.

Mr. Gregory Olson, Landscape Architect, was sworn in. Mr. Olson advised the board that the office building took various elements of the architecture in Clinton which they incorporated into the exterior of the office building. The exterior will have box bay windows, fish scale trim, victorian brackets, porch details, crown moldings, molding panels, the building colors will be a mix of tan and red, which are reflected in exhibits A9- A12. The signage (exhibit A13) will be a wooden sign with carved gold leaf lettering, the sign will have victorian columns which will be low to the ground. The sign setback is proposed at 5' which, was previously approved. The size of the sign will comply with the ordinance. Mr. Hintz suggested low voltage ground lighting and Mr. Hendricksen suggested the lighting be screened with plantings. The applicant agreed to comply.

Mr. McGuire inquired if they had a spec on the glazing for the windows and Mr. Olson replied not yet. Mr. McGuire suggested that they consider using something that would allow the least amount of light out from inside the building, which would reduce the glare of the building.

Mr. Maher inquired about the "Welcome to Clinton Sign" and whether the site sign would block the view of the town sign. Mr. Hintz stated the town sign is just north of the property line and the applicant may want to consider shifting their sign to the south. Attorney Lehrer stated that the applicant had no problem with allowing the town to place their sign on their property and shifting their sign down by the driveway.

A Motion was made by Mayor Schaumburg, seconded by Mr. Tranquilli, to open the meeting to the public for any questions for the architect: **All Ayes. Motion Carried.**

Mr. Walter Hetzel, Main Street, commented that he thought the building would be an attractive addition to the street.

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

All Ayes. Motion Carried.

Mr. Hintz went through his report dated November 14, 2007:

Section 2.2- Mr. Hintz recommends low voltage lighting around the sign which should be hidden by landscaping and he sees no problem with the 5-foot setback of the sign.

Section 2.3- No longer valid

Section 3.1- delete comment

Section 3.4- Applicant agreed to install a gate around the dumpster enclosure.

Section 3.5- Applicant agreed to submit samples of the building materials and color samples to Mr. Hintz's office for review

Mr. John Fansord, Project Manager was sworn in.

Section 3.6- Mr. Fansord testified that there will be no building mounted signs; all other signs will be interior signs.

Section 4.7- Applicant agreed to work out the detail of the shade tree plantings in relation to the parking with Mr. Hintz and the applicant's Engineer.

Section 4.14- Mr. Hintz stated the light fixtures do not fit in with the character of the town, Mr. Olsen and Mr. Hintz will work on alternate light fixtures.

Section 5.1- Attorney Lehrer stated that the applicant already complied with COAH under the prior approval and he does not believe the town can impose any additional obligations. Attorney Caldwell and Attorney Cushing will discuss whether the applicant has to comply with the new growth share ordinance and will advise the applicant and the board at the next meeting.

Attorney Lehrer stated that other than the COAH issue the applicant agrees and will comply with Mr. Hintz's comments and requests.

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

There being no further testimony, A Motion was made by Mayor Schaumburg, seconded by Mr. Hendricksen, to carry the meeting to January 2, 2008:

All Ayes. Motion Carried.

Attorney Caldwell will discuss the stormwater and the COAH obligations with Attorney Cushing and advise the board and the applicant before the next meeting.

Workshop Discussion on the 2007 Draft Master Plan

Discussion carried to the December 4, 2007 meeting.

Board of Adjustment Update:

Mr. Tranquilli advised the board the Margaret Hendricksen has resigned. Chairman Gallagher brought up the question regarding combining the Planning Board and the Board of Adjustment and due to the time the board agreed to carry the discussion on combining the boards to the next meeting.

Smart Growth Update:

Mrs. Insel advised the board that the Highlands Committee will be giving a presentation to the Smart Growth Committee on November 29, 2007 at 7:30pm and encouraged everyone from the Board of Adjustment and the Planning Board to attend. The board secretary will send out emails to both boards inviting them to attend.

Voucher Approval:

A Motion was made by Mr. Hendricksen, seconded by Mayor Schaumburg, to approve the attached voucher list: All Ayes. Motion Carried.

Board Discussion:

The Board agreed to move the January meeting to Wednesday January 2, 2007.

There being no further business a Motion was made by Mr. Maher, seconded by Mr. Tranquilli, to adjourn the meeting at 10:50pm.

All Ayes. Motion Carried.

Respectfully submitted,

Allison McGinley
Land Use Administrator