



## **TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

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### **Land Use Board Minutes**

Minutes of the Town of Clinton Planning Board meeting held on February 3, 2015 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Sailer called the meeting to order at 7:00pm and read the "Statement of Adequate Notice and "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 next month's agenda".

Present: Attorney William Caldwell, Robert Clerico, Engineer and David Maski, Planner.

#### **ROLL CALL:**

**Present:** Chairman Sailer, Hetzel, Maher, Mellick, Perez, Smith

**Absent:** Mayor Kovach, Blanco, Carberry, Schaumburg, Feldmann

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

A Motion was made by Mr. Hetzel, seconded by Mr. Blanco, to approve the January 20, 2015 minutes:

**All Ayes. Motion carried.**

**Abstain: Maher, Perez**

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

**No report**

#### **Minor Site Plan Application Block 22 Lot 22- Unity Bank- Carried to March 3, 2015**

#### **Minor Site Plan for H. Craig Stem Block 6 Lot 1 / Use Variance & Site Plan Application- Block 6 Lots 1.01- 82 West Clinton LLC:**

Attorney John Marmora, K&L Gates, Eileen Welsh, K&L Gates, John Palus, Civil Engineer from Dynamic Engineering, Nicholas Verderese, Traffic Engineer from Dynamic Engineering, Michael Tobia, Planning Consultant, Attorney Anthony Koester, Dilts & Koester, Craig Stem and Heather Holmes, Stenographer were present.

The following items were submitted into evidence:

- A41 Absence of wetlands buffer letter prepared by Byron DuBois, Trident Environmental Associates dated November 13, 2012, revised Nov. 27, 2013
- A42 NJ DOT Permit for Block 6 Lot 1.01
- A43 Dynamic Engineering letter dated January 13, 2015
- A44 Drainage Statement prepared by Dynamic Engineering- dated October 2013, revised January 2015
- A45 Preliminary & Final Site Plan revised 1/8/2015
- A46 Colored Site Plan prepared by Dynamic Engineering dated Feb. 3, 2015
- A47 Site & Signage exhibit dated 2/23/2014
- A48 Photo Shot of East side of carwash
  
- B15 Maser Consulting Sewer Will Serve Letter Oct 16, 2014
- B16 Andrea Malcom (Clarke Caton Hintz )Report#4 Nov 14, 2014
- B17 Suburban Consulting Will serve letter Jan 13,2015
- B18 D. Maski, Planner report dated Jan 28, 2015
- B19 Van Cleef Engineering report dated Jan 30, 2015

Attorney Marmora advised the board the applicants last appeared before this board in October 2014 and at that time the board seemed to be concerned with the integration of the two sites and that there was a sense that there was too much going on. Mr. Stem has made some changes to his operation which he will go over with the board.

Mr. Koester, attorney for Mr. Stem introduced himself and asked Mr. Stem to go over the proposed changes. Mr. Stem advised the board that his proposal is to convert the full service car wash to an express car wash, which was outlined at the October 2014 meeting. Mr. Stem stated that some changes to the proposal have been made since the last meeting, which include relocating the vacuum stations to the rear of the building, eliminating the propane filling stations, repositioning the dumpsters to the northeast side, removal of the shed, and the express car wash will reduce the number employees from seven to three. Mr. Stem stated that 80% of his business will now operate in the rear of the building which will open up traffic flow.

Mr. Hetzel inquired where the sentry arm will be placed and if customers can go thru the car wash and return back to the vacuum stations, Mr. Stem replied the sentry arm will be located approximately 60 feet behind the entrance of the car wash on the northwest side, and customers will have the ability to use the bypass lane after exiting the car wash to return back to the vacuum stations.

Mr. Perez inquired how many vehicles use the car wash in Clinton Township, Mr. Stem stated the Township location averages 450-500 vehicles, the Town averages 200-250 vehicles with the new proposal Mr. Stem is hoping for a 10-20% increase which is not a large increase but his expenses will decrease which will increase the cash flow.

Mr. Smith inquired by moving the sentry arm closer to the building did Mr. Stem think it would reduce the chance that traffic would block the Shell cross-easement, Mr. Stem stated the prior design could have caused some backup and he felt this was a better design.

Mr. Maher questioned if there was an attendant by the sentry in case a car wanted to exit before entering the car wash, Mr. Stem responded the attendant is located approximately 40 feet away, there is also a help button on the pay panel so a customer can call for help.

The board opened up the meeting to the public for questions, there were no public questions.

Mr. Verderese, Traffic Engineer gave the board a general overview of the most recent changes to the Shell and Shammy Shine: The Shell/ 7-Eleven site has now added a sidewalk on the east side of the site starting from West Main Street heading towards the 7-Eleven which will give direct pedestrian access;

the generator will be relocated to the west side of the building, the car wash is converting from full service to express service, the connection from the Shell site to the car wash site has been cleaned up, the access will provide two separate lanes, the Shammy Shine will provide an ingress lane and two separate egress lanes with stripping, the ingress and egress lanes will be separated by a small raised island. Mr. Verderese stated we have provided a plan that incorporated both sites together, the circulation works well.

Mr. Verderese advised the board the location of the 7-Eleven building will be a significant improvement from the existing building, presently the building is located on the west corner of the site close to the canopy and there is not a wide area for traffic to pass when all the fueling stations are full, the location of the new building will be on the east side which will allow a 24 foot aisle clearance on the north side of the canopy which will allow vehicles to pass when the fueling stations are full. Mr. Verderese stated per the boards concerns they have added multiple directional signs on both sites which are shown on exhibit A47.

Mr. Mellick inquired about the sign, Attorney Marmora stated he will defer the question to Mr. Palus.

Mr. Smith asked Mr. Verderese to go over the number of cars for build and no build per day, Mr. Verderese responded 930 cars for build and between 650-700 cars per day for no build. Mr. Smith inquired if the earlier testimony was that 60% of traffic leaving the site uses the easterly most exit onto West Main Street to travel south on Pittstown Road or onto Route 173 towards Route 78, Mr. Verderese stated 54% of traffic continue on Pittstown Road, 46% continue on West Main Street and approximately one third turn around and come back.

Mr. Perez stated at rush hour sometimes vehicles back up on the highway coming off Route 78 exit ramp and inquired if there were any concerns that the new proposal would increase the vehicle backup, Mr. Verderese stated that 70% of site traffic for this use is traffic that is already on the road and he did not believe there would be any significant impact. Mr. Perez inquired if NJ DOT had any documentation indicating the intersection was a challenge, Mr. Verderese responded he was not aware of any documentation.

Mr. Maski inquired about site deliveries, Mr. Verderese stated the 7-Eleven will have one tractor trailer delivery a week, the gas will be delivered off peak hours and the applicant is willing to work with the town if they want to stipulate as a condition of approval times of deliveries to the site.

Mr. Maher inquired if there were any concerns with cars coming out of the car wash and going back to use the vacuum area and whether it will conflict with exiting traffic from the Shell site, Mr. Verderese stated he was not concerned with any conflict the traffic volume will be very low, his projections are in the am peak hour 13 additional vehicles per hour will exit out of the 7-Eleven onto the car wash site, in the afternoon approximately 16 vehicles per hour, and on Saturday peak period approximately 13 vehicles per hour. Mr. Verderese stated there will be a clear sight line and is not concerned with traffic flow.

Mr. Perez stated that based on the build and no build numbers there will be a 20-25% increase in traffic flow for the shell, and based on testimony Shammy Shine is expecting approximately 20% increase in traffic flow which increases the overall area to about a 40% increase of traffic to the corner. Mr. Verderese responded that he disagreed with the numbers that 70% of traffic is already driving through the intersection, the 7-Eleven store based on 25% increase is really only about 7% new vehicles which is less than 10 vehicles per hour, and the Shammy Shine based on 25% increase is about 5-7 additional vehicles in the hour which total 15 additional vehicles. Mr. Verderese stated there will not be a significant increase in traffic.

The board opened the meeting to the public for questions, there were no public questions.

Mr. Palus, Engineer was previously sworn in. Mr. Palus went over Exhibit A-27 with the board, the site rendering shows the new canopy, the building is placed further away from the canopy which improves the circulation around the canopy, the building will have gooseneck lighting, a 7-Eleven ID sign, limestone base with a brick façade and pitched roof. Mr. Palus stated the rendering realistically represents what the site will look like. In regards to the HVAC unit it will be placed on the rear of the building roof facing Mr. Stem's property and the residential area beyond that, it will not be visible from West Main Street, the sound wall screening will have asphalt shingles and blend in with the building. The Shell signage that exists today is a 39 square foot ID sign and the canopy signs are 44 square feet, which totals 83 SF of signage, the new proposal will eliminate the canopy signs and the ID sign will be 72 SF. Mr. Palus added it is important to identify the brand and the price points.

Mr. Maski inquired about the buffering on the north and east corner of the site and indicated the plan does not define the rear property line, Mr. Palus stated the plan denotes existing vegetation adjacent to Lot 2 which is a mature evergreen buffer he believes it is suitable and there is no intention to remove this buffer, the applicant is proposing to add an additional evergreen buffer to create an additional barrier along the property line. The 7-Eleven will also install an evergreen buffer on the north side facing Mr. Stem's property, the propane tank will be removed on the northeast corner of Mr. Stem's property. Mr. Palus stated the plantings will be a substantial improvement from what exists today.

Mr. Maski inquired about the proposed fencing, Mr. Palus stated the applicant is proposing a six foot high white PVC fence with a solid barrier, however if the board had a preference the applicant is flexible. The PVC fence will start at the 30 foot setback from West Main Street and extend back to the northwest corner of the property, an additional fence will be installed between Shell and Mr. Stems' property that will be made of decorative aluminum. Mr. Clerico questioned where the PVC fence will run to, Mr. Palus stated the PVC fence extends from the north front yard setback of the Shell property running all the way to the northwest corner of Mr. Stem's property than the fence angles in a westerly direction to the east side of the car wash.

Mr. Maher questioned the difference between the existing shell sign and the proposed sign, Mr. Palus stated A-26 shows the existing site signage the existing free standing sign has three price points, a blank price point it does not have the branding, the Shell branding is on the canopy the entire box is internally illuminated, the new proposal eliminates the canopy signs and the freestanding sign will consist of the shell branding, the 7-Eleven sign and the price points. The top of the existing sign height is just under 15 SF, the top of the proposed sign is 17 ½ feet in height with a 3 foot clearance on the bottom, the Shell scallop and the 7-Eleven sign are internally illuminated and the price points will be lit by LED lighting.

Mr. Sailer asked Mr. Palus to clarify if they are intend to install a fence between Shell and Shammy Shine, Mr. Palus stated yes a six foot decorative aluminum fence with additional evergreen plantings is proposed which will create a physical barrier between the two properties.

Attorney Caldwell inquired about snow stacking, Mr. Palus stated the snow stacking will take place on the west end of the site where there is a large grass area adjacent to Mr. Stems' property and Mr. Stem's property has an area by the entrance to the car wash just east of the vacuum area. Mr. Palus stated the site is adequate to stack snow without impacting visibility.

The board opened the meeting to the public, there were no questions from the public.

Attorney Marmora stated at this time he would like to come back to the board when a full board is present, Attorney Caldwell asked the applicant to provide the board with a breakdown of variance relief and identify the "C" and "D" Variances requested, Attorney Marmora stated he would provide the breakdown.

Mr. Clerico thought it may be helpful to go over the outstanding items of his reports for Shammy Shine

& Shell dated January 30, 2015:

**Shammy Shine report**

Item 2 (b) Board to decide on type of fencing.

Item 3 (a) Applicant to submit details of the proposed retaining wall as a condition of approval.

Item 3 (e) Applicant to define the Easements.

Item 3 (e) Applicant agrees to install the depressed curb.

Item 6 – Condition of approval.

**Shell report:**

Item 1.7- Condition of approval,

Item 1.8- Language for sign to direct vehicles into town needs to be drafted, applicant will comply with board's wishes.

Item 2.1.1- Variance relief needed.

Item 2.1.3- Condition of approval.

Item 2.1.5- Board needs to decide if they want the two southerly spaces along the East curb line restricted for employee parking or eliminated.

Item 2.2- Variance relief needed.

Item 2.4- Condition of Approval.

Item 3.2- Condition of Approval.

Item 3.3- Condition of Approval.

Item 3.4- Variance relief needed.

Item 3.5- Mr. Palus indicated there will be no underground tanks.

Item 4.6- Design waiver relief needed.

Item 4.7- Condition of Approval.

Mr. Maski commented that in the Clarke Caton Hintz report there were some concerns with lighting, Mr. Palus stated the lighting will meet code with the exception of the height of the canopy lighting and because of the proximity of the canopy to West Main Street there will be a little overflow of light spillage.

Mr. Maski inquired about the details of the retaining wall on Mr. Stem's property, Mr. Palus responded the wall will resemble the stone façade that is on Mr. Stem's building now.

Mr. Maski inquired about the Shell dumpster gate, Mr. Palus stated the dumpster will have a solid gate so you cannot see inside the enclosure and it will be a bronze color.

Mr. Maski advised the board the new location for the dumpster on the Shammy Shine property will need a rear yard setback variance.

Mr. Maher stated he was concerned whether the sign fits into the "Master Plan Goals and Developments". Mr. Maher stated the sign reminds him of a scoreboard type sign and he feels it does not meet the Master Plan Standard. Mr. Palus stated the sign will have a black background, the price point panels will be 18" the LED lighting will be red for gas and green for diesel, the sign will be placed at an angle for visibility of cars coming westbound, the sign is dimmable and there will be no scroll type lighting. Mr. Maski commented this type of signage is not unusual, it is up to the board on their preference. Mr. Hetzel commented that he did not see the sign as a problem in the commercial area, the removal of the canopy signs is a big step forward and he does not see an issue with the sign.

Attorney Marmora stated he would provide the board with a list of requested variances but it was his opinion that Mr. Hintz was very conservative in his approach when outlining the variances, and he believed the gas station and the convenience store should be considered one retail use and only one D-1

Variance should be needed. Attorney Marmora asked the board for an interpretation. Mr. Maski

responded that he didn't disagree with Attorney Marmora in that the model of service stations has changed, however the ordinance is clear and it doesn't remove the need for the variances outlined in Mr. Hintz report. Attorney Marmora asked the board to consider

A Motion was made by Mr. Hetzel, seconded by Mr. Smith, to carry the Public Meeting to March 3, 2015:

**All Ayes: Motion Carried.**

**Voucher Approval:**

A Motion was made by Mr. Hetzel, seconded by Mr. Perez, to approve the vouchers presented at the February 3, 2015 meeting:

**All Ayes. Motion Carried**

There being no further business A Motion was made by Mr. Hetzel, seconded by Mr. Maher, to adjourn the meeting at 9:35pm:

**All Ayes. Motion Carried**

Respectfully submitted,

Allison Witt  
Land Use Administrator