



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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Land Use Board Minutes

Minutes of the Town of Clinton Land Use Board meeting held on May 19, 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 “Administrative Statement” and the “Statement of Adequate Notice”:

“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”.

Attorney William Caldwell, Mr. Robert Clerico and Mr. David Maski were present.

ROLL CALL:

Present: Sailer, Blanco, Hetzel, Maher, Mellick, Perez, Smith
Absent: Mayor Kovach, Carberry, Feldmann, Schaumburg

Approval of Minutes:

A Motion was made by Mr. Hetzel, seconded by Mr. Maher, to approve the April 5, 2015 minutes:

All Ayes. Motion Carried
Abstain: Maher, Perez

Site Plan Report:

Mr. Maher advised the board the Site Plan Committee reviewed a Use Variance application for Mr. Dominick Tomaro Block 22 Lot 18.02. The applicant has chosen to bifurcate the application and only apply for the Use Variance at this time. The applicant has submitted the application, appropriate fees, 2nd floor architectural rendering and a copy of an approved site plan of the site, the applicant was advised to provide information regarding the first floor, the Committee’s recommendation is the board deem the application complete.

A Motion was made by Mr. Smith, seconded by Mr. Hetzel, to deem the application complete:

All Ayes. Motion Carried.

The applicant will be scheduled for a public hearing on July 7, 2015.

Use Variance & Site Plan Application for Block 6 Lot 1 – Shammy Shine and Block 6 lot 1.01- 82 West Clinton LLC:

Attorney Marmora, Attorney George Dilts, and stenographer Heather Holmes were present.

Attorney Caldwell stated that the meeting is closed to the public and tonight the board is here to deliberate and render a decision. The board decided to start with the D2 Variance for Shammy Shine.

Block 6 Lot 1- Shammy Shine:

A Motion was made by Mr. Hetzel, seconded by Mr. Maher, to approve the D2 Variance for the expansion of a non-conforming use to allow for the alteration of the car wash operation from a full service station to a self- service, including the driveway connection allowing for cross access and an increase in the asphalt area:

Mr. Maher commented he felt there is a benefit to convert from a full service car wash to an express car wash and pointed out the Chief of Police is in favor of the cross easement, Mr. Maher stated he felt the cross easement is positive for traffic flow and he is in favor of the variance; Mr. Hetzel concurs with Mr. Maher and commented the Master Plan has an element that refers to cross connections between lots to ease traffic; Mr. Blanco stated the change in operation will help ameliorate some traffic concerns, the proposed expansion is a significant improvement in terms of traffic flow and he is in support of the variance; Mr. Smith stated the elimination of the volume of cars that are backed up with the manual operation and the disappearance of the propane refill area are positive changes; Mr. Sailer stated the cross easement will be good for traffic flow and felt it would ease some traffic issues; Mr. Blanco stated it is important to note if the Shammy Shine is changed to an express car wash there will be less employees and the board needs to be mindful of any type of security or safety conditions that can be created with less supervision on site and the potential for more traffic flow on the lot with the new improvements; Mr. Perez stated he agrees that there will be an improvement between the two lots by creating the cross easement but with the increase of traffic he is concerned with pedestrian traffic along the sidewalk and would like to ensure the appropriate signage and stripping is in place at the access points of Shammy Shine and Shell. Mr. Perez asked for a specific condition be set in place with the approval that there is a review of the signage at the three entrances, one at the Shammy Shine and two at the Shell and that all the signs work in connection with each other so that pedestrians and cars understand the right of way at the entrances and exits of both lot; Mr. Smith suggested adding colorization to the pavement; Mr. Clerico advised the board the plan calls for a concrete apron so the pedestrian area is clearly marked, installing additional signage for exiting vehicles such as yield to pedestrians could be added; Mr. Hetzel stated he would like to see the colorization he feels this would slow people down which is important; Mr. Clerico stated there is the ability to add colorization and signage; Mr. Perez stated he had no problem with changing the car wash from full service to self-service but would like a condition imposed that the board has input on additional signage. Mr. Perez stated if the 7-Eleven is denied he is concerned with the cross easement; Attorney Caldwell responded the cross- easement will only happen if the Shell application is approved.

Roll Call Vote:

Ayes: Sailer, Blanco, Hetzel, Maher, Mellick, Perez, Smith

Nays:

7-0 Motion passed.

A Motion was made by Mr. Maher, seconded by Mr. Mellick, to approve the D1 Use Variance to permit a convenience store with gas service on Block 6 Lot 1.01:

Mr. Smith stated he is concerned with traffic this is a bad intersection in town and the increase of traffic will make it worse something that enhances the public good should make things better not worse he is not in favor of the Variance; Mr. Maher stated over the course of the hearing the applicant listened to the board made changes accordingly of which some where positive however this is a tough intersection, there is a new development on the end of town being built that will increase traffic a lot more, there are safety concerns with pedestrians and children walking past the site and he is not in favor of the Variance; Mr.

Blanco stated he was concerned with the safety and traffic flow there is already a bad situation that exists and this will not impact the public good in a positive manner, he cannot support this variance; Mr. Hetzel stated the traffic is difficult it doesn't work now and by adding more vehicles the town will have more problems, he believes adding more traffic will be too much of a hazard; Mr. Perez stated 8 years ago NJ DOT tried to improve this intersection and I don't believe they would of come up with the same plan if they knew a convenience store would be located at the intersection, The Town of Clinton was recently voted one of the top 10 Towns in New Jersey and part of the reason is the Town follows their Master Plan, with that in mind when you look at the total amount of variances the applicant is seeking he is not in favor of the Variance; Mr. Mellick stated he was not in favor of the Variance; Mr. Smith stated the Master Plan was adopted in 2008 and no changes to the zone were made the board should recognize the Council and the Town Planners wisdom this area is next to a residential area and I believe there is a reason the town left it zoned this way; Mr. Perez stated the town should gave the same consideration to the edges of our community as they do to our downtown community.

Roll Call Vote:

Ayes:

Nays: Sailer, Blanco, Hetzel, Maher, Mellick, Perez, Smith

0-7 Motion Failed.

A Motion was made by Mr. Hetzel, seconded by Mr. Maher, to grant a D1 variance to permit a connector driveway on Block 6 Lot 1.01 to Lot 1, contingent upon an amended site plan approval:

Mr. Hetzel stated the connector driveway fits into the Town's Master Plan; Mr. Perez inquired if the connector driveway opens up other issues and the catalyst behind the connector driveway was the 7-Eleven and inquired if by allowing the connector driveway we are causing more problems; Mr. Maher stated he goes back to the comments provided by the Chief of Police and he believes it would be a benefit to the site but believes it would be important for the applicant to submit an amended site plan if they proceed forward with the cross easement; Mr. Blanco stated if we approve the cross easement conditioned upon site plan approval then he would support the motion.

Roll Call Vote:

Ayes: Sailer, Blanco, Hetzel, Maher, Mellick, Perez, Smith

Nays:

7-0 Motion passed.

Attorney Dilts and Attorney Marmora both agreed there was no reason to act on the C Variances since the Use Variance was denied.

Mr. Clerico asked for clarification on Mr. Stems approval for the Shammy Shine, the board agreed that if Mr. Stem wanted to proceed forward with the self-service gas station he would need to apply for an amended site plan.

Attorney Marmora thanked the board for their time.

Voucher Approval:

A Motion was made by Mr. Hetzel, seconded by Mr. Blanco, to approve the vouchers:

All Ayes. Motion carried.

There being no further business a Motion was made by Mr. Blanco, seconded by Mr. Perez to adjourn the meeting at 8:30pm:

All Ayes. Motion carried.

Respectfully submitted,

Allison Witt
Land Use Administrator.