



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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PLANNING BOARD

Minutes of the Town of Clinton Planning Board meeting held on December 7, 2010, 2010 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, Robert Clerico, and Carl Hintz were present.

ROLL CALL:

Present: Gallagher, Hetzel, Insel, Maher, McGuire,

Absent: Hendricksen, Insel, Rogan, Trepkau

Approval of Minutes:

A Motion was made by Mr. McGuire, seconded by Mr. Hetzel, to approve the November 16, 2010 Minutes:

All Ayes.

Motion Carried.

Abstain: Perez

Motion Carried

Preliminary & Final Site Plan Application- Block 1 Lot 60 & 60.01- Country View Builders Inc.

Public Hearing carried until January 4, 2010.

Informal Hearing – Block 31 Lot 24 Hunterdon Capital

Attorney William Robertson, from Miller, Robertson and Rodgers was present on behalf of Hunterdon Capital LLC.

Attorney Robertson advised the board Hunterdon Capital received final major subdivision approval back in May 2006 for a four- lot subdivision. The application involved four new lots plus one existing lot that has been sold and a new cul-de-sac. The applicant is proposing to re-file a new application to consolidate the four lots down to two lots and eliminate the cul-de-sac. The applicant is looking for procedural guidance from the board on how to file, it is the applicant's position they should file a minor subdivision.

The board discussed several issues; should this be considered an amended major subdivision application, the dedication of the roadway, notice procedures, if the road was eliminated would lot 25 be landlocked, access to Olsen lane, if the new proposal would need some bulk variances and if so this would eliminate the minor subdivision filing.

Attorney Caldwell stated it was his opinion the proposed change should be filed as an amended major subdivision and the first step is to start with the Governing Body to seek determination on vacating the road. Attorney Robertson commented that tonight was helpful and he will look into the issues and will get in touch with Town Council.

Informal Hearing – Block 16 Lot 22.02 Eastern Hill LLC:

Mr. John Kerwin was present on behalf of Eastern Hill LLC.

Mr. Kerwin advised the board this property was approved two years ago for a professional office building. Earlier in the year Eastern Hill presented an informal hearing to propose changing the office building to a four story residential building and at that time the board was concerned with the height of the four-story building. Mr. Kerwin stated he is here tonight to present a new conceptual plan to the board for consideration. The new proposal will be a three-story residential rental building, with an affordable housing component. Mr. Kerwin stated the new proposal will be architecturally compatible with the library and the surrounding area. Mr. Kerwin advised the board the applicant is building a residential rental project in Lebanon and out of the 100 units available, fifty have been rented which only produced three school age children.

Mr. Hintz advised the board the proposed use is not consistent with the master plan and the applicant has two choices; request a zone change from the Governing Body or file an application for a Use Variance with the Board of Adjustment.

Attorney Caldwell advised the board the residential proposal is not a permitted use in the zone and the Planning Board should not be looking at a conceptual plan for a non-permitted use. Mr. Caldwell advised the applicant to either file an application to the Board of Adjustment or request a zone change.

Mr. Kerwin stated he would make application to the Town Council.

Exemption from Site Plan- Block 10 Lot 9 Nick Villa:

Mr. Villa stated he was here tonight per the board's direction to seek approval to allow a coffee shop to occupy the third space available in his building. Mr. Villa stated he spoke with Mr. Peter Ball the Construction Subcode official regarding the space and was advised the Use would be in conformance with the plans already submitted and would meet code. Mr. McGuire inquired about the unisex bathroom and if the County Board of health would approve one bathroom, Mr. Villa stated the space will hold under 50 people and he believed only one bathroom would be required however, if it was necessary to provide two bathrooms he would comply. Mr. McGuire inquired how many people the space would accommodate; Mr. Villa stated the tenant is proposing 7 tables which would hold approximately 28 people seated. Mr. McGuire commented on the one entrance and wondered if this was adequate in case of a fire, Mr. Villa responded there will be no cooking on site and the space conforms to code.

A Motion was made by Mr. McGuire, seconded by Mr. Hetzel to approve the waiver of site plan and allow the coffee shop to occupy the space.

Roll Call Vote:

Ayes: Gallagher, Hetzel, Insel, Maher, McGuire
Nays

All Ayes.

Motion Carried.

Mr. Villa inquired if the lease didn't work out with the coffee shop would the board tonight entertain a second Use such as a salon. Chairman Gallagher stated he was not comfortable discussing the second use tonight, the salon may require more consideration, may be more of an intensification of use in regard to parking. Mr. Villa was advised he would have to file a separate application for another use.

Executive Session:

A Motion was made by Mr. Maher, seconded by Mr. McGuire to enter into Executive Session at 8:30pm to discuss personal matters, no action to be taken:

Roll Call Vote:

Ayes: Gallagher, Hetzel, Insel, Maher, McGuire
Nays

All Ayes. Motion Carried

The Board reconvened the regular meeting at 9:00pm

Voucher Approval:

A Motion was made by Mr. Hetzel, seconded by Mr. Maher to approve the attached voucher list:

All Ayes. Motion Carried

There being no further business a Motion was made by Mr. Maher, seconded by Mrs. Insel to adjourn the meeting at 9:05pm.

All Ayes. Motion Carried.

Respectfully submitted,

Allison Witt
Land Use Administrator