

MINUTES OF CLINTON TOWNSHIP PLANNING BOARD
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PUBLIC MEETING

DATE: November 4, 2013

PRESENT: John Higgins, Chris D'Alleinne, Kevin Cimei, Michael Brady (7:35PM), Richard Scheick, Peter Marra, Sam Mardini and Suzanne Kleinhaus.

PROFESSIONALS: Cathy Marcelli, Engineer, Michael Sullivan, Planner, Brian Bosenberg, Landscape Architect, Jon Drill, Attorney and Rebecca D'Alleinne, Administrator.

ABSENT: Brian Mullay.

CALL TO ORDER

Chairman Higgins called the meeting to order at 7:30P.M.

PUBLIC NOTICE

This is a public meeting of the Planning Board of the Township of Clinton, County of Hunterdon and State of New Jersey. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that an Annual Notice was published in the Hunterdon County Democrat and the notice of and agenda for this meeting was posted on the bulletin boards in the Municipal Building and outside the Planning and Zoning Office on the 1st Floor of the building and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review and the Star Ledger, no later than the Friday prior to the meeting.

MINUTES

Chris D'Alleinne moved and John Higgins seconded a motion to approve the minutes of October 21, 2013, as corrected. The Board concurred unanimously. Brady, Scheick, Cimei and Marra abstained.

RESOLUTIONS

CLINTON AGRICULTURAL ASSOC./OLD MTN. FARM, Block 7, Lot 3
Resolution #2013-19, Application #2013-14

Jon Drill stated that Version #1 was under consideration and that no comments had been received from the applicant's attorney. Corrections were offered for the record. Sam Mardini moved and Chris D'Alleinne seconded a motion to approve the resolution as corrected. Members in favor: Higgins, D'Alleinne, Kleinhaus and Mardini.

T-MOBILE, BLOCK 13.01, Lot 1

Resolution #2013-20, Application #2013-13

Mr. Drill noted that the applicant's attorney had responded that the resolution was acceptable. Chris D'Alleinne moved and Suzanne Kleinhans seconded a motion to approve the resolution as amended. Members in favor: Higgins, D'Alleinne, Kleinhans and Mardini.

Chairman John Higgins recused himself from the following application. Vice Chairman D'Alleinne accepted the gavel.

PUBLIC HEARING

RUTLAND PLAZA/BOURBON STREET, Block 70, Lot 2

Michael Wade, Esq. introduced himself on behalf of the applicant. He stated that the property was located in the C-1 zone and discussed the history of the project. He pointed out that the applicant was not starting with an empty lot, but an existing building and that he wished to bring it in line with current zoning. He indicated that he planned to start with the architect. Kevin Smith, Engineer & Planner, Ed Neighbour, Architect, Michael Livingston, Owner (Rutland Home Center, Inc.), Michael Wade, Principal (Bourbon Street Land Co., LLC), Brian Bosenberg, Board Landscape Architect, Michael Sullivan, Board Planner and Cathy Marcelli, Board Engineer were sworn. Exhibit A-1 (Proposed Floor Plan, 11/4/04), Exhibit A-2 (Proposed North and West Elevations, 11/4/13), Exhibit A-3 (Proposed South and East Elevations, 11/4/13) and Exhibit A-4 (Renderings, 11/4/13) were marked into evidence. Mr. Neighbour indicated that the proposal was to divide the building into four sections for leasing purposes. Mr. Wade stated that there would be at least two and possibly four tenants and that there would be no office or medical uses. Mr. Neighbour discussed the façade, noting that they were working with an existing building and were breaking up the frontage units to a residential scale with a stone base and clapboard siding in a neutral tone. Mr. Wade noted that there would be less glass than in the building in Lebanon Borough. Mr. Neighbour stated that the AC and heating units were on the roof, which would be screened by a partial roof façade. He pointed out the view from the back of the building on Exhibit A-3.

Exhibit A-5 (Rendering for Rutland Plaza, 11/4/13) was marked into evidence. Kevin Smith indicated that the parcel consisted of 3.9 acres in the township's Route 31 Highway Corridor District. He pointed out the location of the building on the lot, noting that it was 10,700 square feet and located the parking areas on the plan. He noted that there was currently a great deal of impervious surface on the site. He indicated that the S. Branch of the Raritan River was behind the building and that the parcel had steep slopes. Mr. Smith stated that the adjoining vacant lot belonged to the state. He pointed out the pedestrian access stairs between the two properties on the northerly side of the lot and discussed the amount of "taking" that had occurred when Route 31 was widened. He displayed Exhibit A-5 and stated that they would be replacing the gravel with a meadow area. He stated that the current parking in front encroached on the front yard setback, which they had moved back. Mr. Smith reported that in the building area impervious

coverage was currently at 89% and after the revisions would be 59%, resulting in less stormwater runoff. He expressed the opinion that the side and rear parking area should not be curbed to allow sheet flow to the river. Jon Drill asked about the access easement to the adjoining southerly lot and was told that it was to the favor of the state. Mr. Smith discussed the curbing along Route 31, pointing out the handicapped parking, the sidewalks and the lighting fixtures. He discussed the highway corridor district, stating that he understood that the township was interested in cross access between properties. He pointed out the existing wooden stairway, noting that there was a steep slope at that point. Mr. Smith stated that they were asking for relief to not provide vehicular access. Mr. Bosenberg commented on the temperature of the proposed LED lighting fixtures, and expressed concern that it could be very hot. Cathy Marcelli asked about the handicapped area in the rear, and Mr. Smith stated that a handicapped person could get in the back of the building. Mr. Wade commented on the different internal variations that several tenants could create, depending on who the lessees would be. The need for rear doors was discussed. Michael Sullivan expressed the opinion that the site plan and building plans should match up. Kevin Smith commented that there would be sidewalks as appropriate.

Mr. Smith discussed the existing sign and whether it was conforming. Mr. Drill discussed the time of application law and expressed the opinion that the sign could be moved to a compliant location. He asked them to determine whether it worked better where it was currently located. The sign should be set back 15 feet and Mr. Smith stated that it could be moved and that he would look into the necessary variance. The size of the sign was discussed. Mr. Drill expressed the opinion that the sign should be considered as not grandfathered. Vice Chairman D'Alleinne asked if the applicant didn't know the number of tenants, how the sign would function. Mr. Wade responded that they would change what is on the placard. Mr. Livingston stated that the sign was installed in the late 80's or early 90's. Further discussion ensued as to how the time of application law applied in the case. Jon Drill suggested that the applicant obtain a building permit for the existing sign.

Kevin Smith stated that the size of the existing building probably wouldn't be allowed under the current ordinance, noting that the parking requirements were for 84 parking spaces and that they had proposed 79 spaces. He noted that "sit-down" restaurants require more spaces. He pointed out the stream corridor buffer and noted that they were attempting to avoid the buffer area. Mr. Smith reported that they may need either a variance or to bank spaces. He pointed out the proposed location of the septic area and indicated that the applicant had already conducted soil testing. Cathy Marcelli asked about the amount of usage for the septic system and Mr. Smith stated that he had used the conservative DEP numbers for calculations. Ms. Marcelli stated that they would need to provide the anticipated discharge calculations to her.

Michael Sullivan discussed the internal and external illumination of the sign. Mr. Drill explained about luminance and reflection, making the suggestion that the applicant should check the ordinance. Discussion ensued concerning the fire department memo and fire hydrants. Mr. Smith commented that they were not adding any square feet of building construction, and stated that he would check with the Town of Clinton water department.

Mr. Wade stated that the applicant was trying to make the building more attractive. He commented that the landscaping requirements were too restrictive, would make the building invisible and that the business would fail. He expressed the opinion that the requirements were onerous, noting that he could possibly change the sign. Mr. Wade stated that he was asking the Board for relief.

Mr. Sullivan discussed the parking deficit and Mr. Smith indicated that they had not figured the patio in the parking calculations. He stated that under the ordinance, fast food was conditionally permitted, so the applicant would have to go to BOA for an approval. Mr. Wade stated that his proposal was for a "sit-down" restaurant, and Mr. Sullivan noted that the ordinance didn't make clear whether outdoor dining was permitted. Mr. Sullivan wondered whether there were any other township cases that had dealt with outdoor dining. Jon Drill discussed whether the outdoor dining was an accessory or principal use and commented that the parking variance would become larger with the increased number of dining tables. Discussion ensued concerning accessory uses permitted in the zone. Mr. Drill suggested that the seats should be added to the parking calculations and that the Board should determine whether the outdoor dining was a principal or accessory use. Sam Mardini expressed the opinion that outdoor eating was part of on-premises consumption. The Board was in general agreement with that statement. Mr. Wade commented that it was an existing site and that the proposal would bring the impervious cover back to 59%. The parking calculations without the patio required 84 spaces and when the patio was added, that would require 25 additional spaces. The applicant would need a variance from a requirement of 109 spaces to 79 proposed spaces. Vice Chairman D'Alleinne asked whether relocating the septic would free up space for banked parking. Mr. Smith commented on the stream corridor and the constraints on the lot. Michael Sullivan discussed public health and safety concerns. Cathy Marcelli asked about the need to eliminate some of the parking spaces to accommodate truck traffic flow on the site. Mr. Smith noted that most of the drivers would use the spaces in the front of the building. Ms. Marcelli discussed a sufficient loading area for deliveries.

Mr. Sullivan discussed curbs and sheet flow, expressing concern about people parking on the grass and suggested gapped curbs or wheel stops. He commented on the wooden stairway and expressed the opinion that it may not conform to code. Vice Chairman D'Alleinne asked about an easement for future vehicular access between the lots. Mr. Wade reported that the adjoining property had recently been purchased by Job Lots. It was determined to leave the staircase until that future applicant appeared before the Board and an easement will be created. Mr. Sullivan commented on pedestrians potentially crossing the drive aisle and Mr. Smith discussed site circulation.

Brian Bosenberg stated that the plan meets none of the landscape ordinance requirements. He reported that there had been other sites that the Board had worked with applicants to make the site both visible and attractive. He indicated that he would be more than happy to work with the applicant and discussed the trees in the parking lot. Mr. Bosenberg stated that the existing trees would need to be replaced.

Vice Chairman D'Alleinne commented that the Board was generally in favor of the plan, and recommended that the applicant work with the Board professionals. The matter was continued to December 16, 2013, without the need for further notice. Jon Drill suggested that the applicant renotice for a parking variance. Mr. Smith discussed

the difference between variances or exceptions. Vice Chairman D'Alleinne discussed banked parking. Cathy Marcelli agreed that she would support banked parking if they didn't include the patio dining. The Board generally agreed with her, if the applicant was banking only 5 to 10 spaces.

ADJOURNMENT

Rich Scheick moved and Peter Marra seconded a motion to adjourn. The motion passed unanimously, and the meeting was adjourned at 9:51PM.

These minutes were approved on December 16, 2013.

Rebecca E. D'Alleinne
Administrator