

MINUTES
 PLANNING BOARD MEETING
 THURSDAY - OCTOBER 6, 2022 - 7:30 PM
 315 WESTFIELD AVENUE

In compliance with the Open Public Meetings Act (Chapter 231, P.L. 1975), adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger, Union County Local Source, Union County Hawk and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and by the proper filing of said Notice with the Township Clerk. Formal action may be taken at this meeting.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

1. Roll Call

NAME	PRESENT	ABSENT		
Mayor Sal Bonaccorso	X			
James Ulrich	X			
Council Rep James Minniti	X			
Kevin Koch	X			
Michael Triola	X			
Michael Altmann		X		
George Olear		X		
Erik Jacobsen		X		
Lance Steinberg	X			
Michael Silbert, Planning Board Attorney (sub)	X			
Rich O'Connor, Township Engineer	X			
Det. Andrew Medeiros, Police Dept. Rep	X			
Chief Frank Cerasa, Fire Dept. Rep.		X		
Donna Mazzucco, Secretary	X			

2. Pledge of Allegiance

3. Minutes

A motion to approve the minutes of August 4, 2022, was made by Mr. Steinberg and seconded by Mr. Triola. All Ayes.

4. Correspondence

A motion to dispense with the reading of the correspondence was made by Mr. Triola and seconded by Mr. Steinberg. All Ayes.

5. Resolution for Memorialization

Raritan Road Holdings, LLC, (CubeSmart), 1072 Raritan Road, Block 60, Lots 60.01, 61, 62 and 63

Mr. Koch asked the Board members if they had reviewed the Resolution and if there were any questions and/or comments. Seeing none, Mr. Koch asked for a motion to memorialize the Resolution made by Mr. Steinberg and seconded by Mr. Triola. Roll call 4 Ayes, 2 Abstain, 3 Absent, Resolution passed.

7. Preliminary and Final Site Plan Application

Euro-Time, LLC, 221 and 223 Westfield Avenue, Block 77, Lots 11 and 12

Mr. Michael Bonner, of the law firm Javerbaum, Wurgaft gave a brief history and summary of the Application.

The first witness Adnan Khan of the firm AWZ Engineering was sworn in and accepted by the Board. Mr. Khan explained that the site was in the DTV (Downtown Village District) and consisted of two lots 11 & 12 in Block 77). The project as designed meets all bulk requirements but requires a parking variance. (27 required, 16 proposed). The Applicant indicated on its application that it sought variance relief as it relates to the proposed signage on the site, but the Applicant withdrew its request for variance relief as it relates to signage. Mr. Khan described the property location, proposed use as retail with three apartments above, access, landscaping, lighting, etc. He also stated that there is an access point into the CVS parking lot allowing residents and visitors to enter and leave using the traffic light on Westfield Avenue. The agreement has been finalized and will be added to the site plans once the metes and bounds are completed by the Surveyor. Mr. Khan also described the traffic circulation throughout the site which would be limited to passenger vehicles and delivery trucks (i.e., UPS, FedEx, etc.)

Mr. Koch asked about snow removal and recycling. Mr. Khan explained that there will be a recycling container as well as the trash container and that snow removal will be on the heavily landscaped areas. Mr. Steinberg asked about maneuverability of garbage trucks and Mr. Khan said they would be able to maneuver within the site. Mr. Khan ended his testimony and Mr. Koch opened it up to the Public for comments. As there were none, Public comment was closed.

The next witness to testify was Lee Klein who was sworn in and accepted by the Board. Mr. Klein described the site and stated that there will be no left turns out of the site onto Brant Avenue. He stated that the trip generation calculation based on ITE standards would indicate approximately 9 trips during the daytime hours, 11 trips during the evening hours and 12 trips on Saturday. Mr. Klein then explained that the residential and small retail use as well as shared parking with the residential units would provide sufficient parking. Mr. Klein also stated that businesses looking to rent the space would take into consideration the limited parking. Mr. Klein also stated that the trip generation would be very low (25 trips or less) some of which would enter and exit through the CVS parking lot. He then concluded his presentation.

Mr. Koch asked about the left turn in and stated that the Police report had suggested right turn in and out only from the property driveway. Mr. Klein indicated that the applicant would agree to this request if necessary. Mr. Koch then asked about the parking and possibly reducing the number of apartments and size of the building and Mr. Klein stated that that this is what they are proposing at this time. Mr. Lance asked about shared parking with CVS and Mr. Bonner said that CVS was not interested. Mr. Triola also expressed his concerns with the parking.

Seeing no more comments from the Board, the testimony was opened to the Public. Mr. Robert Small, 44 King Street came up and said he was concerned that overflow parking would happen on the surrounding streets. Mr. Klein reiterated that the market would dictate the parking. Seeing no more comments, the Public session was closed.

The next witness to testify was Migel Martin, RA of the firm Anadal Architecture & Design was sworn in and approved by the Board. Mr. Martin addressed numbers 14, 15 and 16 in the Planner's report and agreed to label all required areas. Mr. Martin then described the site as three apartments with two retail spaces underneath with the ability to become one larger space if required. He further described the location of the entrance, utilities, and description of the residential apartments. Mr. Martin provided a rendering of the structure and explained the architectural features. Mr. Martin explained that the sign will be on the canopy in front of the building. Sign size to be determined by the tenant. Mr. Martin addressed several other comments made in the Planner's report (see below numbers 2, 3, 13, and 18) and completed his presentation.

As there were no comments from the Board, Mr. Martin's testimony was opened to the public. Ms. Jean Small, 44 King Street came forward and asked about the balconies on the apartments (facing CVS and approximately 13" in height). Seeing no one else come forward, Public portions closed.

The next witness to come forward was the applicant representative, Jose Cordoso. He was sworn in. Mr. Bonner questioned Mr. Cordoso about the affordable unit (1 bedroom) and the type of retail tenants and parking issues. Mr. Cordoso discussed the various plans they had for the site including ten apartments with parking underneath which would not have required a variance however believing that the current plans were

better for the site and the Township. Mr. Koch asked about less apartments and a smaller building. Mr. Cordoso stated that with the affordable housing requirement it would not be feasible. Discussion ensued. Mayor Bonaccoro suggested eliminating a food establishment as a retail option and asked if applicant would agree to restrict that option which would lessen the parking problem. More discussion ensued and applicant agreed to this restriction. Right turn in and out of the site was also discussed and agreed to by the applicant.

The last witness Mr. James Watson, Planner, EKA Associates was sworn in and approved by the Board. Mr. Watson stated that they would use the C2 criteria for the parking as the only variance requested as the applicant no longer sought variance relief relating to signage. Mr. Watson stated that this is a specific parcel, in a designated area of redevelopment and a gateway into town. He discussed positive criteria, negative criteria, permitted use, access with CVS, raised values of surrounding areas, site improvements, affordable unit, etc. No substantial detriment to the Master Plan or the Township.

As the Board had not questions for Mr. Watson, his testimony was opened to the Public and closed as no one came forward.

Mr. Koch opened the application up for Public comment. Jean Small, 44 King Street came forward and was sworn in. Ms. Small stated that she thinks the building is beautiful and they were only concerned with a few things that were addressed. Seeing no one come forward, the Public comments were closed.

Township Engineer 's Comments:

1. Planning and Zoning

- a. The Applicant should consolidate Lots 11 and 12 into one lot. The deed of consolidation and legal descriptions shall be provided to our Office for review. **Will be completed.**

2. Site Plan

- a. The Applicant shall provide testimony from a Traffic Engineer on site circulation, adequacy of parking, and ingress and egress into the site. **Traffic engineer addressed all items in his testimony.**
- b. The Plan shows cross access from the parking lot of subject property and the adjacent CVS site. A copy of the cross-access agreement shall be provided. **Agreement provided and will be added to plans.**
- c. The Applicant shall provide testimony as to how snow removal will be handled with limited room on site. Addressed in testimony (**will be pushed to landscaped areas**).

3. Drainage Plan, Calculations & Report

- a. A Soil Erosion Plan has been prepared and submitted. The applicant shall obtain Somerset-Union Soil Conservation District Plan Certification. **Applicant will obtain certification.**

4. Utilities

- a. A copy of a "Will Serve" documentation from New Jersey American Water Company should be provided to our Office separately. **Will be provided.**
- b. The applicant shall be prepared to purchase sanitary sewer flow rights, as necessary. **Will be obtained.**

5. Landscaping & Lighting

- a. The Applicant shall provide testimony regarding the need for any decorative street lighting along the Westfield Avenue frontage. **Applicant will install a decorative light pole.**

6. COAH Obligation

- a. The DTV (Downtown Village Zone) has a 15% affordable housing set-aside requirement. The Applicant shall provide testimony relating to compliance. **Applicant will provide a one-bedroom affordable unit.**

Township Planner 's Comments:

1. 27 parking spaces are required and 16 are provided. No parking is allowed on Westfield Avenue in this area. Adjoining lots are privately owned which will not allow parking from another property. The applicant should address how they will accommodate the parking shortage of 11 spaces? **Addressed by Engineer and Traffic Engineer using ITE calculations.**
2. A 60 SF facade sign on the front of the building is proposed where a 48 SF sign is allowed. What is the justification for such a large sign for two small retail spaces of 3,100 SF? No sign details were provided. Will it be lit? If so, how? Details should be provided. Are any other signs proposed? **The Applicant rescinded its request for variance relief as it relates to the proposed signage on site. Accordingly, all signage on the property must comply with the Township 's requirements/standards as articulated in the Township's Ordinance.**
3. The west side of the building is proposed at .64 feet from the property line. Sheet C-02 labels it "0' front setback line." This is a side setback. How will the applicant maintain the building if there is no access to it? There is a fence along the adjoining property line limiting access. **Offset required to enable sloped roof so there needs to be a gutter for runoff. There is no fence on that side of the building.**
4. A 6' x 8' trash enclosure is proposed in a landscaped area on the east side of the property. How close is this enclosure to the adjoining funeral home side entrance? If it is close to the entry another location should be considered. The proposed enclosure is located entirely within a landscaped area with no truck access. How will the trash be picked up? Will there be a separate recycling area as required in Section 195-93 of the Ordinance? No detail has been provided showing the enclosure. What will it look like? How will it be accessed? **Trash enclosure moved closer to entrance for easier truck access and will include a recycling container.**
5. A 6' fence is shown on the east property line. What will it be made of? It is not clear on Sheet C-02 exactly where the fence will be placed. Please show the entire length and location of the proposed fence on the entire property. Please also show any fences on adjoining properties. **Fence material will be 6' solid wood or vinyl fence running from the southern side of the building to the Eastern side up to the building. in addition to a lot of landscaping. In addition to non-spillage type of lighting, these two measures should prevent spillage onto neighboring properties**
6. An access easement is proposed to the property on the west side. Proof of that should be submitted prior to the Board hearing. **The agreement has been finalized and will be added to the site plans once the metes and bounds are completed by the Surveyor.**
7. The access from Westfield Avenue is at an awkward location. It is east of the Brant Avenue intersection. Directly across Westfield Avenue are the double lanes for westbound through and right turn traffic. It will be difficult to make a left turn from this location during busy times, and more difficult to make the turn onto Brant Avenue from this driveway. The applicant may wish to consider prohibiting left turns from the Westfield Avenue driveway and direct those vehicles to the access easement and exit via the light at the Brant Avenue intersection. **Right turn only both in an out of driveway is acceptable to applicant.**
8. The landscaped area along Westfield Avenue appears to be a great place for a flagpole, like the one proposed at the property to the west. **To be discussed in good faith during compliance.**

9. The Downtown Village District (Section 195-131.G) calls for benches, trees and planters along the street frontage. Recently approved properties along Westfield Avenue have provided this type of streetscape. What can be provided along the 135' of frontage? **Continued landscaping as in front of CVS and benches if desired.**
10. How will deliveries be made to the retail stores? Where will a delivery vehicle park? What type of vehicles are expected? The traffic circulation plan on Sheet C-06 shows that a passenger car can make the right turn in and the right turn out. No left turn is shown. Larger vehicles, such as SUV's, trucks and commercial vehicles do not appear to be able to make the turn. Applicant should discuss. **Delivery trucks and garbage trucks can make K-turns in the lot and larger vehicles (i.e., fire trucks) will access through CVS and exit onto Brant Ave or vise-a-versa.**
11. Significant light spillage of more than .5 footcandles is shown on both sides of the property on Sheet C-04. The west side adjoins a retail property. The east side faces a funeral home with limited business hours and a quite unique business, which does not call for overlighting. The back part of this property is adjacent to residences. Overlighting will affect their quality of life. Applicant to address how to lower the lighting impact and eliminate overlighting. **Lighting will be a minimum spillage design along with fencing and landscaping to prevent spillage to neighboring businesses and homes.**
12. Is security lighting proposed? If so, which lights will be illuminated and at what time? What will the security light levels be? **Applicant shall work in good faith with Township Planner and Township Engineer to ensure appropriate site security during compliance .**
13. Where are the mechanicals for the building? **Condensers on roof hidden by parapet and gables.**
14. The Architectural Plan, Sheet A-01, shows two rooms in each apartment that are not labeled. They appear to be a utility room and possibly a washer/dryer room. Please label. Sheet A-02 shows two doors on the left side elevation. The right one appears to be for the utility room. What is the left one for? It does not show up on the site plan. **Both rooms will be labeled.**
15. Sheet A-02 shows large areas of unlabeled exterior walls. What materials and colors are proposed? Please label. **All areas will be labeled .**
16. The rear elevation does not show the exit door depicted on the site plan. Please explain. Two tall rectangles are shown on the right side of the rear elevation. What are they? **Applicant shall work in good faith with Township Planner and Township Engineer to ensure site plan consistency during compliance .**
17. As we have seen over the last year, the trend away from retail stores is accelerating. Stores most likely to succeed are those that cater to daily needs and specialty stores that cannot be replicated on the internet. What type of retail does the applicant think will locate here? The Township does not want to see new, vacant storefronts in such a prominent location. **Professional offices or specialty retail .**
18. Are any Green elements proposed? **LED Light fixtures and a roof design which will accommodate solar panels if desired.**
19. The Landscaping Plans will require approval by the Township Shade Tree Commission. **This will be completed.**
20. How will the plantings along Westfield Avenue be irrigated? **Applicant shall work in good faith with Township Planner during compliance to ensure adequate and appropriate irrigation of plantings.**
21. The Ordinance requires a screening and planting strip to adjacent residences (Section 195-131.I) The proposed plan does not appear to meet those requirements. **Applicant will revise plans to meet this requirement.**
22. How will snow removal be handled? **Pushed into ample landscaping which will be dormant in winter.**
23. The Environmental Impact Statement reports that there will be no increases in local vehicular traffic (Item 12) and no increase in present light levels (Item 14). The applicant should justify these

statements. Since the land is currently vacant, It appears to be a given that any new development will increase traffic and lighting. **Addressed by Engineer and Traffic Engineer.**

Mr. Bonner came forward and summarized the application. He stated that it is a beautiful building and a gateway site. The conditions and restrictions are acceptable to the applicant.

Mr. Silbert asked for confirmation of a solid fence and asked whether the proposed spaces will utilize a “shared-parking” approach, being open for anyone at all hours and applicant confirmed. Mr. Silbert also asked about the affordable unit being “very low”. After discussion between the Applicant and Mr. Ricci, the Applicant agreed, as a condition of approval, to deed restrict a one 1-bedroom unit as a low income affordable unit subject to approval by the Township of Clark Council. If the Township Council does not concur with the affordable unit being a low income unit prior to the issuance of a Certificate of Occupancy for the first residential unit, then the one bedroom unit shall be a very-low unit without further approval of the Planning Board.

Mr. Koch asked for comments and Mayor Bonaccorso stated his preference to approve this application with the restrictions agreed to (right turn in and right turn out only and no food establishments for the retail space). Based on acceptance of these restrictions, Mayor Bonaccorso made a motion to approve the application seconded by Councilman Minniti. Roll Call, 5 Ayes, 1 Nay, 3 Absent. Application Approved.

7. Public Session

A motion was made by Mr. Triola to open the meeting to the Public and seconded by Mr. Steinberg. All Ayes.

Seeing no one else come forward, a motion to close the Public Session was made by Mr. Triola and seconded by Mr. Steinberg, All Ayes.

9. New Business

None

10. Next Meeting

November 3
December 1

11. Adjournment

Mr. Koch asked for a motion to adjourn the meeting made by Mr. Triola and seconded by Mr. Steinberg. All Ayes. Meeting Adjourned.