

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

DATE: July 23, 2018

Chairman McCaffrey called the meeting to order at 7:01pm.

Chairman McCaffrey led the Flag Salute.

Chairman McCaffrey read the Public Notice.

This is a public meeting of the Zoning 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 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.

MEMBERS IN ATTENDANCE

Filus, Glaser, Lewis, Matsen, McCaffrey, Roberts, Yager
Ms. Stevens arrived at 7:04pm

MEMBER ABSENT

Lefkus

PROFESSIONALS/STAFF IN ATTENDANCE:

- 1) Jonathan Drill, Esq., of Stickel, Koenig, Sullivan and Drill, Board Attorney
- 2) Tom Behrens, Jr. PP, AICP, of Burgis Associates, Board Planner
- 3) Jackie Klapp, Board Stenographer
- 4) Denise Filardo, Board Secretary

VOUCHERS

A motion was made by Mr. McCaffrey and seconded by Mr. Matsen to approve the vouchers for payment. The vote record follows.

| Roll Call: Payment of Vouchers | | | | | | |
|---------------------------------------|---------------|------------|------------|-----------|---------------------|---------------|
| Member | Motion | 2nd | Yes | No | Not Eligible | Absent |
| Filus | | | X | | | |
| Lefkus | | | | | | X |

| | | | | | | |
|-----------------|---|---|---|--|-----------|--|
| Glaser (Alt. 2) | | | X | | | |
| Lewis | | | X | | | |
| Matsen | | X | X | | | |
| McCaffrey | X | | X | | | |
| Roberts | | | X | | | |
| Stevens | | | | | Abstained | |
| Yager (Alt. 1) | | | | | Abstained | |

MINUTES

CLOSED SESSION MEETING MINUTES - JANUARY 22, 2018

A motion was made by Mr. Matsen and seconded by Mr. Filus to approve the Closed Session Meeting Minutes of 01/22/18. The vote record follows.

| Roll Call: Closed Session Minutes 01/22/18 | | | | | | |
|---|---------------|------------|------------|-----------|---------------------|---------------|
| Member | Motion | 2nd | Yes | No | Not Eligible | Absent |
| Filus | | X | X | | | |
| Lefkus | | | | | | X |
| Glaser (Alt. 2) | | | X | | | |
| Lewis | | | X | | | |
| Matsen | X | | X | | | |
| McCaffrey | | | | | X | |
| Roberts | | | X | | | |
| Stevens | | | | | X | |
| Yager (Alt. 1) | | | | | X | |

MEETING MINUTES - MAY 21, 2018

A motion was made by Ms. Stevens and seconded by Mr. Roberts to approve the Meeting Minutes of 05/21/18. The vote record follows.

| Roll Call: Minutes 05/21/18 | | | | | | |
|------------------------------------|---------------|------------|------------|-----------|---------------------|---------------|
| Member | Motion | 2nd | Yes | No | Not Eligible | Absent |
| Filus | | | | | X | |
| Lefkus | | | | | | X |
| Glaser (Alt. 2) | | | X | | | |
| Lewis | | | | | X | |
| Matsen | | | | | X | |
| McCaffrey | | | X | | | |
| Roberts | | X | X | | | |
| Stevens | X | | X | | | |
| Yager (Alt. 1) | | | X | | | |

A. REQUEST FOR EXTENSION OF TIME

1) ZINN REALTY, LLC

Block 74, Lots 16, 18, 19

Applicant is requesting a further Extension of Time within which to obtain construction permits, expiration dates of Final Site Plan Approval and related “C” Variances and exceptions, and expiration of Final Site Plan extension period.

A motion was made by Dr. Lewis and seconded by Ms. Stevens to grant a One-Year Extension of Time within which to obtain construction permits. The vote record follows.

| Roll Call: Zinn Realty Blk 74, Lots 16, 18, 19 | | | | | | |
|---|---------------|------------|------------|-----------|---------------------|---------------|
| Member | Motion | 2nd | Yes | No | Not Eligible | Absent |
| Filus | | | X | | | |
| Lefkus | | | | | | X |
| Glaser (Alt. 2) | | | | | Recused | |
| Lewis | X | | X | | | |
| Matsen | | | X | | | |
| McCaffrey | | | | | Recused | |
| Roberts | | | X | | | |
| Stevens | | X | X | | | |
| Yager (Alt. 1) | | | | | Recused | |

B. PUBLIC HEARINGS

1) NAGLE CREEK, LLC

Block 61, Lot 3

107 Annandale-High Bridge Road

Applicant is seeking a Use Variance to convert a single-family dwelling, previously used as a two-family dwelling, into a two-family dwelling.

The applicant’s attorney Guliet Hirsch, Esq. provided the following summary of the applicant’s request. The requested Use Variance is justified because the property is particularly suitable for a two-family dwelling due to its large area of 3.539 acres, where 1.5 acres are required in the SR Zone and the physical features of the house which reflect a previous two-family use and the surrounding uses which include the Clinton Township Department of Public Works garage and the NJ Transit/Conrail line behind the property. The applicant’s architectural, engineering and planning experts will provide testimony demonstrating that parking, sewage, and water infrastructure can be readily provided for a two-family use and the use will not have a detrimental impact on the neighborhood or the zone plan or zoning ordinance.

The following individuals were sworn and testified:

1. Kenneth Schapiro (managing member and 100% owner of Nagle Creek, LLC)
2. Robert Longo, AIA (applicant's architectural expert)
3. Jim Hill, PE (applicant's engineering expert)
4. Daniel Bloch, PP (applicant's planning expert)
5. Tom Behrens, AICP, PP (Board's planning expert)

EXHIBITS

A-1 "Aerial Site Map Graphic Presentation" exhibit prepared by Jim Hill, dated 7/2018.

A-2 Four photos taped onto sheet C-1 dated 5/22/2018.

The applicant's first witness was Robert Longo of Cornerstone Architectural Group. Mr. Longo's qualifications were accepted by the Board as an Architectural Expert.

Referencing drawing EA-100 (which depicts existing conditions) submitted with the application, Mr. Longo's testimony included and was not limited to the following:

- The interior living space is a very symmetrical layout
- The center is a very large kitchen, which was once two kitchens.
- The kitchen has two doors.
- There is a patch in the center of the floor believed to be the previous wall which separated the two separate dwelling units.
- If the requested relief is granted, one possible scenario would be to provide one side attic storage which would include space for a third bedroom, and the other unit would have the basement space. The unit with the attic would consist of three bedrooms and the unit with the basement would consist of two bedrooms.

The applicant's second witness was Jim Hill, PE of Frey Engineering. Mr. Hill's qualifications as an engineering expert were accepted by the Board.

Referencing Exhibits, A-1 and A-2, Mr. Hill's testimony included and was not limited to the following:

- Orientation of the site and surrounding properties.
- The Township Ordinance requires a four hour well test. The duration of the well test performed by the applicant was in excess of two hours. Although the duration was less than the ordinance requirement, the test yielded an excess of what was needed.
- There is sufficient parking without further ground disturbance.
- The building coverage is compliant with the C-1 Zoning requirements.
- The building is currently unoccupied.
- Wetlands on the property are considered critical areas and are not sub-dividable.

The applicant’s third witness was Daniel Bloch of Mazur Consulting. Mr. Bloch’s qualifications were accepted by the Board as a Planning Expert.

Mr. Bloch’s testimony included and was not limited to the following:

- A review of the existing conditions on the property.
- Per the tax records the structure was built in 1930.
- There is evidence that this dwelling was previously a two-family dwelling.
- There are no adjacent properties that will be impacted. The Township Public Works at 500 feet away is the closest neighbor.
- The lot size is more than twice that required in the zone.
- There are two accessory garages on the property.
- Discussion of the positive criteria in support of the requested “D(1)” Variance:
 1. The property is well suited for a two-family dwelling, it fits within the character of the neighborhood.
 2. It satisfies Purpose E. of the MLUL establishing population density.
 3. It also satisfies Purpose M of the MLUL as it makes more efficient use of the land than two separate dwellings.
 4. There is no substantial detriment to the public good.

BOARD FINDINGS AND CONCLUSIONS

- The Board found that the property is particularly suited for the proposed two-family dwelling provided that the imposed conditions are complied with.
- The Board found that the “D(1)” variance can be granted in this particular case without substantial detriment to the public good and without substantial impairment of the intent and purpose of the master plan and zoning ordinance provided that the imposed conditions are complied with.
- the Board concluded that the requested “D(1)” variance can and should be granted subject to the conditions set forth below.

RELIEF GRANTED

“D(1)” Use Variance to Allow Conversion of One-Family Dwelling to Two-Family Dwelling. Subject to the applicant’s compliance with the imposed conditions, a “D(1)” use variance is granted from ordinance section 165-134, which does not permit two-family dwellings in the SR zone, and from ordinance section 165-93, which prohibits two-family dwellings in all residential zones other than the VR zone, to allow the one-family dwelling to be converted to the proposed two-family dwelling.

A motion was made by Mr. Matsen and seconded by Mr. Roberts to grant a “D(1)” variance to allow conversion of one-family dwelling to a two-family dwelling. The vote record follows.

| <i>Roll Call: Nagle Creek, LLC, Block 61, Lot 3</i> | | | | | | |
|--|---------------|------------|------------|-----------|---------------------|---------------|
| Member | Motion | 2nd | Yes | No | Not Eligible | Absent |
| Filus | | | X | | | |
| Lefkus | | | | | | X |

| | | | | | | |
|-----------------|---|---|---|--|---|--|
| Glaser (Alt. 2) | | | | | X | |
| Lewis | | | X | | | |
| Matsen | X | | X | | | |
| McCaffrey | | | X | | | |
| Roberts | | X | X | | | |
| Stevens | | | X | | | |
| Yager (Alt. 1) | | | X | | | |

1) MARK C. H. MANDELL

Block 34, Lot 10.02

42 Herman Thau Road

Applicant is requesting a Side Yard setback Variance and a Height Variance to construct a 960sf accessory building with a height of 18’8”.

Mr. Mark Mandell, the property owner and applicant was sworn and provided testimony regarding his application. He is proposing to construct a 960 square foot accessory structure for his hobby of furniture making. A pole barn is best suited to his needs. The proposed building will look like the house as far as color, materials and roof line. The requested relief is as follows:

- A Height Variance to permit a roof height of 18’8” where the ordinance permits a maximum height of 16’.
- Side yard Setback Variance from the ordinance requirement of a 20’ minimum.

EXHIBITS

- A-1 Photo of the SE corner of the residence taken 2 months ago.
- A-2 Photo panning to the right view going passed house toward the back cleared area of the property.
- A-3 Photo panning further to the other side of the property where the building will be placed.
- A-4 Representation of building taken from online images of vertical siding stained to match the house siding and roof.

There was significant discussion between Board members and Mr. Mandell regarding the basis of the accuracy of his measurement calculations specific to the encroachment of the proposed structure within the side-yard setback. It was suggested by the Board that the structure be rotated 90 degrees to eliminate the need for the Side yard setback variance. Mr. Mandell stated that too many trees would have to be cut down and if it were moved further back he would have to install a driveway to reach it.

Other topics discussed were as follows:

- Mr. Mandell gives away the furniture he makes to his children.
- The length of time it takes to make different pieces of furniture.

The Board conducted a Straw Poll to take the Board’s temperature regarding granting the requested relief. The outcome was that the applicant should come back with accurate documents, accurate calculations and substantial evidence as to why the proposed structure can not be shifted to comply with the side-yard setback.

The Board also requested that the applicant request accurate drawings and a floor plan from the Pole Barn Company, the applicant agreed.

This application was carried to the next meeting with the applicant providing new notice.

RESOLUTION

- 1) PLATYPUS ENTERPRISES, LLC
 BLOCK 13.01, LOT 3
 1460 Route 22 West
 Application No. BOA-2015-09

Resolution No. 2018-04

Resolution memorializing: third modification of conditions #1 and #2 of Resolution No. 2015-15 to extend the time within which to revise the documents and obtain signatures on the site plans, Vacation of the use variance memorialized in Resolution No. 2015-09 which allowed residential use on the property, and amendment of the site plan approvals memorialized in Resolution No. 2015-15 to eliminate and provide for demolition of the residential building.

Attorney Drill read the redlined changes, then the orange lined changes into the record.

A motion was made by Mr. Filus and seconded by Mr. Matsen to adopt Resolution No. 2018-04. The vote record follows.

| Roll Call: Resolution No. 2018-04 Platypus, Blk 13.01, Lot 3 | | | | | | |
|---|---------------|------------|------------|-----------|---------------------|---------------|
| Member | Motion | 2nd | Yes | No | Not Eligible | Absent |
| Filus | X | | X | | | |
| Lefkus | | | | | X | X |
| Glaser (Alt. 2) | | | X | | | |
| Lewis | | | X | | | |
| Matsen | | X | X | | | |
| McCaffrey | | | X | | | |
| Roberts | | | | | X | |
| Stevens | | | | | X | |
| Yager (Alt. 1) | | | | | X | |

ADJOURNMENT

A motion was made by Mr. Roberts and seconded by Ms. Stevens to adjourn. The Board concurred unanimously and the meeting was adjourned at 10:27pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on September 24, 2018.