

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

DATE: August 27, 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

Glaser, Matsen, McCaffrey, Stevens, Roberts, Yager
Dr. Lewis arrived at 7:09pm

MEMBER ABSENT

Filus, Lefkus

PROFESSIONALS/STAFF IN ATTENDANCE:

- 1) Jonathan Drill, Esq., of Stickel, Koenig, Sullivan and Drill, Board Attorney
- 2) Jackie Klapp, Board Stenographer
- 3) Denise Filardo, Board Secretary

VOUCHERS

A motion was made by Mr. McCaffrey and seconded by Mr. Roberts 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			
McCaffrey	X		X			
Roberts		X	X			
Stevens			X			
Yager (Alt. 1)			X			

RESOLUTIONS

1) ZINN REALTY, LLC

Block 74, Lots 16, 18, 19

Application No. BOA-2012-07

Resolution No. 2018-05

Extension of Time within which to obtain Construction Permits from August 21, 2018 to August 21, 2019.

Chariman McCaffrey, Mr. Glaser and Mr. Yager all recused themselves and left the room.

Vice Chairman Matsen facilitated the discussion and adoption of this resolution.

A motion was made by Ms. Stevens and seconded by Mr. Roberts to adopt Resolution No. 2018-05. The vote record follows.

Roll Call: Resolution No. 2018-05 Zinn Realty, Blk 74, Lots 16, 18, 19						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lefkus					Not Eligible	X
Glaser (Alt. 2)					Not Eligible	
Lewis						X
Matsen			X			
McCaffrey					Not Eligible	
Roberts		X				
Stevens	X					
Yager (Alt. 1)					Not Eligible	

2) NAGLE CREEK, LLC

Block 61, Lot 3

107 Annandale-High Bridge Road

Application No. BOA-2018-02

Resolution No. 2018-06

Resolution Memorializing Grant of “D(1)” Variance to allow Conversion of Single-Family Dwelling to a Two-Family Dwelling.
 Chairman McCaffrey returned to the meeting and resumed as Chair for the remainder of the meeting.

A motion was made by Mr. Matsen and seconded by Mr. Yager to adopt Resolution No. 2018-06. The vote record follows.

Roll Call: Resolution No. 2018-06 Zinn Realty, Blk 61, Lot 3						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lefkus					Not Eligible	X
Glaser (Alt. 2)					Not Eligible	
Lewis						X
Matsen	X		X			
McCaffrey			X			
Roberts			X			
Stevens			X			
Yager (Alt. 1)		X	X			

PUBLIC HEARING

1) MARK C. H. MANDELL

Block 34, Lot 10.02

42 Herman Thau Road

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

This application was carried from July 23, 2018 with the applicant publishing new notice.

Board Member Lewis arrived at 7:09 at the start of this application hearing.

Board Attorney Drill stated that this application was carried from July 23, 2018 with new notice. Attorney Drill reported that he reviewed the Notice which is perfect. Attorney Drill noted that the Height Variance being sought is a “C(2)” Variance.

Mr. Mandell was sworn in during the July 23rd meeting and remains under oath.

EXHIBITS

A-5 Photos taken by Mr. Mandell on August 26, 2018 depicting the view from his house to the driveway.

The following individuals were sworn and testified during the hearing in support of the application:

1. Steven Silberman residing at 40 Herman Thau Road.
2. Robert Kaufman residing at 9 White Tail Way.
3. Dave Pfeffer residing at 43 Herman Thau Road.

Mr. Mandell's testimony included and was limited to the following:

- Since the last meeting, the property has been marked and flagged by a surveyor.
- The proposed location of the building on the new plan eliminates the need for the side-yard variance as the accessory building has been relocated to conform.
- The property is wooded and the proposed accessory building will barely be visible to neighbors, if at all.
- Roof shingles will match the house as best as practicable.
- Size and number of window casements will be chestnut brown to match the house.
- 6" tongue and groove cedar siding stained to match house color of chestnut brown. Material and color of siding will match the house.
- The garage door will be four segment overhead door, painted brown to match the house. The walk through door will also be brown to match all else.
- Upgraded electric service in the house to provide electricity for the accessory building.
- Ventilation system in a small room in back dust collector cyclone and two 24" box fans with four-stage filters operated on timer which will circulate air within the space. All equipment will be contained within the building. Sawdust is then used for mulch.
- Use of the garage/Accessory building will be for the applicant's wood-working hobby.
- The applicant prefers to proceed with the 5/12 roof pitch because it will look better aesthetically.

Discussion ensued regarding the following:

- Deciding on a 5/12 or 8/12 roof pitch with either an 18'4" or 18'8" height.
- Roofline of the existing house versus the roofline of the proposed accessory structure.
- Relative elevation of the first floor of the applicant's house in relation to the neighbor's first floor.
- There will be no commercial sales and no commercial use of the building.
- The applicant providing an "As Built Plan" prior to receiving a final CO.

Attorney Drill suggested to that the Board give the applicant one year to obtain permits and two years complete construction and the applicant agreed.

BOARD FINDINGS AND CONCLUSIONS

- The Board found that granting 18’8” Height Variance would advance the purposes of the MLUL provided that the Board imposed conditions are complied with.
- The Board further found that the benefits of this deviation would substantially outweigh any detriment.
- The deviations result in zoning benefits to the community as the pitch of the garage roof equaling the pitch of the house will be aesthetically pleasing.
- The granting of this variance would not result in substantial detriment to the public good or substantial impairment of the intent or purpose of the master plan or zoning ordinance provided the Board imposed conditions are complied with.
- The Board concludes that it can and should grant the “C(2)” Variance at issue subject to the applicant’s compliance with the Board imposed conditions.

RELIEF GRANTED

"C(2)" Variance is granted from the zoning ordinance maximum height of accessory buildings in the RC Zone, to permit construction of a 960sf accessory building with a roof pitch of 5/12 and a maximum height of 18’8”. This relief is granted subject to the applicant’s compliance with the Board imposed conditions.

A motion was made by Ms. Stevens and seconded by Dr. Lewis to grant the “C(2)” Height Variance with conditions. The vote record follows.

Roll Call: Mandell Blk 61, Lot 3 - Grant of “C(2)” Height Variance						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lefkus						X
Glaser (Alt. 2)			X			
Lewis		X	X			
Matsen			X			
McCaffrey			X			
Roberts			X			
Stevens	X		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 7:46pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on September 24, 2018.