

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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ANNUAL REORGANIZATION PUBLIC MEETING

DATE: January 28, 2019

Secretary Filardo called the meeting to order at 8:00pm.

Secretary Filardo led the Flag Salute.

Secretary Filardo 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.

SWEARING IN OF MEMBERS

- Tom Yager was appointed for a four (4) year term expiring December 31, 2022.
- Sharon Stevens was appointed for two (4) year term expiring December 31, 2022.
- David Pfeffer was appointed as Alternate 1 for a two (2) year term expiring December 31, 2020.
- Dan McTiernan was appointed as Alternate 2 for a one (1) year term expiring December 31, 2019.

MEMBERS IN ATTENDANCE

Lewis, Matsen, McCaffrey, McTiernan, Pfeffer, Roberts, Stevens, Yager

MEMBERS ABSENT

Filus

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Jonathan Drill, Esq., Board Attorney
- 2) Denise Filardo, Board Secretary

NOMINATIONS AND ELECTIONS

A motion was made by Mr. Matsen and seconded by Mr. Roberts to nominate Mr. McCaffrey as Board Chairman. All were in favor.

Chairman McCaffrey took over the meeting.

A motion was made by Ms. Stevens and seconded by Mr. Roberts to nominate Mr. Matsen as Board Vice Chairman. All were in favor.

Chairman McCaffrey read through the Agenda.

It was noted that there was one individual from the public in attendance for the DeSapio application. Chairman McCaffrey stated that the DeSapio application would not be heard this evening.

PUBLIC HEARING

1) DESAPIO REAL ESTATE DEVELOPMENT, LLC

Block 70, Lot 12

Bifurcated Application requesting a “D(1)” Use Variance to construct a commercial building intended to be used for tire service and minor automobile repairs. If the use is approved, the applicant will then apply for Preliminary and Final Site Plan along with any associated relief.

This application was carried to a date certain of March 25, 2019 with no need for further notice unless the Highlands Consistency Review determines that additional relief is needed.

Board Attorney Drill explained that the application would not be heard tonight there are two issues;

1. The Application needs a Highlands Consistency Review which needs to be resolved before the application can be heard.
2. The application says that sewer would be accommodated by Sewer Capacity from CTSA, but they do not have a “Will Serve Letter” from CTSA. The existing use on the property is served by a septic field which would need to be made larger and therefore make their building smaller. It was explained to the applicant that sewer is a negative criterion issue, so even if the applicant proves the positive criterion special reasons for the use variance and they don’t have the sewer issue resolved it would be difficult for the Board to be in a position to grant the application.

For the two reasons stated above, the applicant has requested that the application be carried. The applicant has also agreed to give the Board a time extension of 120 days from the time of the Highlands Consistency Review.

This application was adjourned to a date certain of March 25, 2019 with no need for further notice unless the Highlands Consistency Review determines that additional relief is needed.

A motion was made by Mr. Pfeffer and seconded by Ms. Stevens to appoint Board Professionals (Numbers 1 through 13 listed below). All were in favor.

	AREA OF EXPERTISE	EXPERT	FIRM
1	Attorney	Jonathan Drill, Esq. and Kathryn Razin, Esq.	Stickel, Koenig, Sullivan & Drill, LLC
2	Conflict Attorney	Jay B. Bohn, Esq.	Schiller & Pittenger, PC
3	Engineering Experts	Cathleen Marcelli, PE, CME and Larry Plevier, PE	Mott MacDonald
4	Traffic Expert	Cathleen Marcelli, PE, CME	Mott MacDonald
5	Lighting Expert	Jason Harkins, LLA, RLA	Mott MacDonald
6	Planning Experts	Joseph Burgis, PP, AICP Tom Behrens, PP, AICP	Burgis Associates, Inc.
7	Landscape Architect	Brian Bosenberg, CLA	B.W. Bosenberg & Co., Inc.
8	Conflict Landscape Architect	John Morgan Thomas, ASLA	John Morgan Thomas
9	Environmental Expert	Jeffrey K. Keller, PhD	Habitat by Design
10	Geology & Hydrogeology Expert	Matthew J. Mulhall, PG, MS, ME	M2 Associates, Inc.
11	Board Stenographer	Jackie Klapp	
12	Secretary provided by Township	Denise Filardo	Township of Clinton
13	Newspapers for publication of legal notices	Hunterdon County Democrat, The Star Ledger	New Jersey Advance Media

APPROVAL OF 2019 CALENDAR

The Annual Re-organization Meeting will be held on January 27, 2020

A motion was made by Mr. Matsen and seconded by Mr. Pfeffer to approve the 2019 calendar noting the date of the 2020 Annual Re-organization Meeting. All were in favor.

APPROVAL OF 2019 RULES AND REGULATIONS

A motion was made by Mr. Matsen and seconded by Mr. Roberts to approve the 2019 Rules and Regulations dated January 28, 2019 with the proposed revisions. All were in favor.

If any Board Members have any proposed changes, they will email to Attorney Drill so that he may redline and prepare for adoption either in February or March.

APPROVAL OF VOUCHERS

A motion was made by Mr. McCaffrey and seconded by Ms. Stevens to approve the vouchers for payment. Mr. Pfeffer abstained and remaining members were all in favor.

MEETING MINUTES

- 1) OCTOBER 22, 2018

A motion was made by Ms. Stevens and seconded by Mr. Yager to adopt the Meeting Minutes of October 22, 2018. The vote record follows.

Roll Call: October 22, 2018 Minutes						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lewis					Abstained	
Matsen			X			
McCaffrey			X			
McTiernan (Alt. 2)					Not Eligible	
Pfeffer (Alt. 1)					Not Eligible	
Roberts					Not Eligible	
Stevens	X		X			
Yager		X	X			

2) NOVEMBER 26, 2018

A motion was made by Ms. Stevens and seconded by Mr. Yager to adopt the Meeting Minutes of November 26, 2018. The vote record follows.

Roll Call: November 26, 2018 Minutes						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lewis			X			
Matsen			X			
McCaffrey			X			
McTiernan (Alt. 2)					Not Eligible	
Pfeffer (Alt. 1)					Not Eligible	
Roberts					Not Eligible	
Stevens	X		X			
Yager		X	X			

RESOLUTIONS

- 1) AMERICAN BAPTIST CHURCHES OF NEW JERSEY
 BAPTIST CAMP AND CONFERENCE CENTER
 Block 3, Lot 13 and Block 4, Lot 21
 79 Blossom Hill Road
 Application No. BOA-2016-01
 Resolution No. 2018-10
 Resolution Memorializing Modification of Condition #9 of Resolution No. 2016-04 to grant a second extension of time within which to obtain construction permits.

Attorney Drill noted that there would be one small change as Mr. Glaser is no longer a member of this Board.

A motion was made by Mr. Matsen and seconded by Ms. Stevens to adopt Resolution No. 2018-10. The vote record follows.

Roll Call: Baptist Church – Resolution No. 2018-10						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lewis			X			
Matsen	X		X			
McCaffrey			X			
McTiernan (Alt. 2)					Not Eligible	
Pfeffer (Alt. 1)					Not Eligible	
Roberts					Not Eligible	
Stevens		X	X			
Yager			X			

2) KATHLEEN MCGRATH

Block 80, Lot 5

14 Cedar Grove Road

Application No. BOA-5518-04

Resolution No. 2018-11

“C(1)” Variances to allow construction of a Two Story Addition including Attached Garage encroaching into the Front and Side Yard setback areas.

It was noted that there are currently insufficient funds in the applicant’s escrow account. As such, the Board directed Secretary Filardo to hold off on publishing and providing the applicant with a signed copy of the resolution until the escrow has been sufficiently replenished.

A motion was made by Mr. Roberts and seconded by Mr. Matsen to adopt Resolution No. 2018-11. The vote record follows.

Roll Call: McGrath – Resolution No. 2018-11						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lewis					Not Eligible	
Matsen		X	X			
McCaffrey			X			
McTiernan (Alt. 2)					Not Eligible	
Pfeffer (Alt. 1)					Not Eligible	
Roberts	X		X			
Stevens			X			
Yager					Not Eligible	

REQUEST TO DISMISS APPLICATION

1) JUNIO

Block 13, Lot 7.09

36 Chalfonte Drive

Application No. BOA-2018-01

Applicant is seeking height and bulk variance relief to construct a detached three car garage. Application has been carried from November 26, 2018.

Applicant has made request to dismiss this application.

Currently there are insufficient funds in the escrow account. The applicant has stated that they will be mailing replenishment check. The Board decided that they would Dismiss the application Without Prejudice if the escrow is replenished by February 25, 2019. If the escrow is not replenished by February 25th, the dismissal will automatically convert to a Dismissal With Prejudice which would prevent the applicant from presenting any similar application to the Board in the future.

A motion was made by Mr. Pfeffer and seconded by Ms. Stevens to Dismiss Application No. 2018-01 with the conditions stated above. The vote record follows.

Roll Call: Junio – Dismissal Without Prejudice						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lewis			X			
Matsen			X			
McCaffrey			X			
McTiernan (Alt. 2)					Not Eligible	
Pfeffer (Alt. 1)	X		X			
Roberts			X			
Stevens		X	X			
Yager			X			

DISCUSSION AND APPROVAL OF 2018 ANNUAL REPORT

Discussions ensued regarding the following topics:

- Clarity or lack thereof in the Township Ordinance with respect to setbacks and the vertical plane of the building. The discussion included and was limited to roofs, eaves, cornices, bays, railings, stairs, stovepipes, greenhouse windows, window boxes and underground structures. Several Board

Interpretation Resolutions were referenced. Methods and point of measurements were also discussed.

- Recommendation of and pros and cons of a Checklist to be completed by applicants when requesting Extensions of Time. The checklist would specify the applicant's progress to date inclusive of applications for and granting of permits and the reason(s) for the request.
- A question was raised regarding Air B&B's and since they are not currently permitted or prohibited the ambiguity regarding this use in the Ordinances. If we were to change the Ordinance to prohibit them, would all those homes currently doing this fall under a pre-existing non-conforming use? Attorney Drill noted this was a very interesting and great question which he was not prepared to answer this evening.

A motion was made by Mr. Matsen and seconded by Mr. Pfeffer to approve the 2018 Annual Report. All were in favor.

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by all members and the meeting was adjourned at 9:34pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on February 25, 2019.