

**MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT
VIRTUAL WEBEX MEETING**

DATE: July 27, 2020

7:00PM

THE CLINTON TOWNSHIP BOARD OF ADJUSTMENT HAS CHANGED THE FORMATS OF ITS REGULAR MEETINGS FOR THE DURATION OF THE COVID-19 PUBLIC HEALTH EMERGENCY TO “VIRTUAL” MEETINGS VIA A WEBEX BRIDGE.

THESE CHANGES HAVE BEEN INSTITUTED TO PROTECT HEALTH, SAFETY AND WELFARE OF RESIDENTS, EMPLOYEES, MUNICIPAL OFFICIALS, APPLICANTS AND CONSULTANTS IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

Chairman McCaffrey called the meeting to order at 7:00pm.

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 Township website, on the bulletin board mounted to the front of the Municipal Building, the door of the Public Safety 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. The agenda states that the meeting will be held as a virtual meeting via a Webex video bridge.

MEMBERS IN ATTENDANCE

Lewis, Matsen, McCaffrey, McTiernan, Rohrbach, Stevens, Yager

MEMBERS ABSENT

Pfeffer, Roberts

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Kathryn Razin, Esq., substituting for Board Attorney Jonathan E. Drill, Esq.
- 2) Denise Filardo, Board Secretary

VOUCHERS

The Vouchers were reviewed by Board Members.

MEETING MINUTES

1) Meeting Minutes – May 11, 2020

A motion was made by Mr. Matsen and seconded by Ms. Stevens to adopt the May 11, 2020 Meeting Minutes. The vote record follows.

Roll Call: Meeting Minutes of May 11, 2020						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Matsen (Vice Chair)	X		X			
McCaffrey (Chair)			X			
McTiernan (Alt. 1)					X	
Pfeffer						X
Roberts					X	X
Rohrbach (Alt. 2)					X	
Stevens		X	X			
Yager			X			

2) Meeting Minutes – June 22, 2020

A motion was made by Mr. McCaffrey and seconded by Ms. Stevens to adopt the June 22, 2020 Meeting Minutes. The vote record follows.

Roll Call: Meeting Minutes of June 22, 2020						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Matsen (Vice Chair)			X			
McCaffrey (Chair)	X		X			
McTiernan (Alt. 1)					X	
Pfeffer						X
Roberts					X	X
Rohrbach (Alt. 2)					X	
Stevens		X	X			
Yager			X			

RESOLUTIONS

1) **JOSEPH SERRANI**

Block 16, Lot 70
186 Stanton Mountain Road

Application No. BOA-2019-02
 Resolution No. BOA-2020-04
 Resolution dismissing Application No. BOA-2019-02 without prejudice to allow the applicant to proceed with new Application No. BOA-2020-05.

A motion was made by Mr. Matsen and seconded by Ms. Stevens to adopt Resolution No. BOA-2020-04. The vote record follows.

Roll Call: Joseph Serrani, Resolution No. BOA-2020-04						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Matsen (Vice Chair)	X		X			
McCaffrey (Chair)			X			
McTiernan (Alt. 1)					X	
Pfeffer						X
Roberts						X
Rohrbach (Alt. 2)					X	
Stevens		X	X			
Yager					X	

REQUEST FOR EXTENSION OF TIME

- 1) AMERICAN BAPTIST CHURCHES OF NEW JERSEY
 Proposed Baptist Camp and Conference Center
 Block 3, Lot 13 and Block 4, Lot 21
 73 Blossom Hill Road
 Application No. BOA-2016-01
 Resolution No. 2018-10 and 2016-04
 Applicant is requesting an Extension of Time for the various approvals.

The applicant’s Attorney Stephen E. Slaven, Esq. explained that the applicant has had unforeseen difficulties with the contractor which have delayed the project. As a result, the applicant has terminated the contractor and retained a new contractor.

The following individual was sworn and testified during the hearing:

- 1) Michael Jackson, Applicant’s representative

Mr. Jackson provided testimony as to the status of the project, the desire for a timely completion of the project and the timeframe for the requested extension.

The Board discussed providing additional time to obtain permits and a final CO due to the current state of affairs with the Covid-19 pandemic. The Board concluded that providing the applicant with additional time will lessen the chance they will need to come back to the Board for an additional time extension.

The Board granted an Extension of the Time within which to obtain construction permits to December 12, 2021 and an Extension of the Time within which to obtain a final CO to one (1) year from the issuance of construction permits.

A motion was made by Ms. Stevens and seconded by Mr. Matsen to grant the requested Extensions of Time to obtain Permits and obtain a Final CO. The vote record follows.

Roll Call: American Baptist Church, Blk 3, Lots 4 & 21 – Extension of Time						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Matsen (Vice Chair)		X	X			
McCaffrey (Chair)			X			
McTiernan (Alt. 1)			X			
Pfeffer						X
Roberts						X
Rohrbach (Alt. 2)			X			
Stevens	X		X			
Yager			X			

PUBLIC HEARING

- 1) RICHARD AND RENEE PERST
 Block 3, Lot 4.04
 9 Burlinghoff Lane
 Application No. BOA-2020-02
 Applicant is seeking a “C(1)” Non-use Variance to construct an accessory building closer to a street than the principal dwelling.

The following individuals were sworn and testified during the hearing:

- 1) Wayne Ingram
- 2) Richard Perst, Applicant
- 3) Renee Perst, Applicant
- 4) Kenny Lange, Applicants Construction Contractor
- 5) Bonnie Westbrook, Applicant’s neighbor residing at 7 Burlinghoff Lane
- 6) Virginia Howard, Applicant’s neighbor residing at 4 Burlinghoff Lane

The Board accepted the qualifications of the applicant’s engineer and planner Wayne Ingram, PE, PLS, PP, CME.

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

- The applicant is seeking a “C(2)” Benefits vs. Detriments Variance to construct a 360sf Accessory Structure with a maximum height of 16 feet to be used for storage as well as the applicant’s hobbies of woodworking and gardening.

- Unique nature of property, corner lot and situated on a public road and a private roadway that bisects the 5-acre property. The house faces the private roadway and is located all the way to the building envelope on the rear yard setback.
- The proposed accessory structure could be constructed in a compliant location but would then visually appear to be in the adjacent neighbor's front yard. This compliant location is not located behind the principal structure and would not be harmonious with the community.
- The only utility the applicant is seeking is electric.

Discussion ensued regarding whether to grant a "C(1)" or "C(2)" Variance. Most Board members were in favor of the "C(2)" Variance.

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

- The structure will not be used as living quarters and the electric is the only utility requested.
- The structure will be a "Salt Box" type grey in color to match the house.

There were the following members of the Public in attendance and spoke in favor of the application, specifically in favor of the proposed location of the accessory structure:

- Bonnie Westbrook of 7 Burlinghoff Lane
- Virginia Howard of 4 Burlinghoff lane

BOARD FINDINGS AND CONCLUSIONS

- The application relates to a "specific" piece of property for purposes of the positive criteria of the "C(2)" variance because of the unique nature of the property and the location of the existing dwelling.
- The aesthetic purposes of the MLUL would be advanced by a deviation of constructing an accessory structure closer to the road than the principal structure and that the zoning benefits would be for the neighborhood and community (not just the applicant) would substantially outweigh any detriment, provided that the Board imposed conditions are complied with.
- The "C(2)" Variance can be granted 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 Board imposed conditions are complied with.

RELIEF GRANTED

The Board granted a "C(2)" Variance to allow construction of an accessory structure closer to the road than the principal structure, provided that the applicant complies with the Board imposed conditions.

A motion was made by Mr. Matsen and seconded by Ms. Stevens to grant a "C(2)" Variance. The vote record follows.

Roll Call: Richard and Renee Perst, Blk 4, Lot 4.04 – “C(2)” Variance						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Matsen (Vice Chair)	X		X			
McCaffrey (Chair)			X			
McTiernan (Alt. 1)			X			
Pfeffer						X
Roberts						X
Rohrbach (Alt. 2)			X			
Stevens		X	X			

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. McTiernan to adjourn. The vote record follows and the meeting was adjourned at 8:10pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on August 24, 2020.