

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

DATE: July 19, 2021

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.

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

Vice Chairman Pfeffer led the Flag Salute.

Vice Chairman Pfeffer 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, McTiernan, Pfeffer, Stevens, Yager

Ms. Rohrbach joined the virtual meeting at 7:13pm

MEMBERS ABSENT

McCaffrey

PROFESSIONALS/STAFF IN VIRTUAL ATTENDANCE

Kathryn R. Razin, Esq., Board Attorney (Substituting for Jonathan Drill)

Thomas Behrens, Jr., PP, AICP, Board Planner

Denise Filardo, Board Secretary

MEETING MINUTES

None.

RESOLUTIONS

None.

VOUCHERS

The Board reviewed the vouchers and there were no comments or questions.

PUBLIC HEARINGS

1) CLINTON AGRICULTURAL ASSOCIATES

1015 Route 22 East

Block 14, Lots 6 and 7

Application No. 2020-07

Applicant is seeking approval of a bifurcated D(1) Use Variance to permit a proposed 30,000sf flex-space building, five (5) individual self-storage buildings containing a total of 41,000sf of self-storage area and a 1,000sf office building, two (2) 8,000sf each office/retail buildings. Applicant is also seeking a D(6) height Variance and C(1) and C(2) Variances for minimum lot width at building and side yard setback.

Application is continued from March 22, 2021 and April 26, 2021. This application was not heard as the applicant needed to re-notice due to the expiration of the 200 foot list, prior to the continuation of the application. The applicant's attorney, Anthony Koester, Esq. gave the Board until September 30th to act on the application.

2) BEAVER AVENUE DEVELOPMENT

Block 59, Lot 3

79 Beaver Avenue

Application No. 2021-05

Applicant is seeking a Waiver of Site Plan Review to relocate an existing automatic standby generator located on the premises and to replace the existing back stairs on the two-story office building with new steel stairs

The applicant's attorney, Anthony Koester, Esq. provided an overview of the application.

The following individuals were sworn and testified during the hearing:

1. Tom Mallery (applicant's principal),
2. Carol Oldford (tenant's office manager),
3. Daniel Spanton, RA (applicant's architectural expert), and

4. Tom Behrens, PP, AICP (Board's planning expert).

EXHIBITS

None.

Mr. Spanton's qualifications as an architectural expert were accepted by the Board.

Mr. Spanton's testimony included and was not limited to the following:

- Parking
- Proposed generator
- Proposed replacement of outdoor staircase.

Discussion ensued regarding the proposed generator and it was concluded that there is already an existing generator and the proposed generator is a second generator.

Ms. Oldford clarified the location of the existing generator.

Mr. Mallery discussed bollards.

BOARD FINDINGS AND CONCLUSIONS

- Installation of a second generator is necessary to provide back-up electrical power for certain areas of the existing building that are not currently served by the existing generator, namely the upper-level occupants.
- The property was previously subject to the 1997 site plan approval and, provided that the Zoning Officer makes a site visit to confirm that the existing site improvements are as set forth on the previously approved 1997 site plan (and this is a condition of approval of the waiver of site plan approval) the Board would find that the generator installation will not have a significant impact on the previously approved site plan due to the location of same, which is proposed on a paved area which should be shielded from view. This aspect of the proposed improvements would meet the site plan waiver criteria set forth in ordinance section 165-36.1.A(1).
- The Board finds that replacement of the existing staircase is a typical replacement contemplated by ordinance section 165-36.1.A(2). In fact, the Board notes and finds that, in this case, the replacement constitutes an upgrade (to replace wood with steel) to allow for a safer and more sturdy means of ingress and egress. The Board finds that this aspect of the proposed improvements meets the site plan waiver criteria set forth in ordinance section 165-36.1.A(2).
- The Board's ultimate finding and conclusion is that it can and should waive site plan review and approval to allow the proposed improvements to be installed and constructed but subject to the Zoning Officer making a site visit to confirm that the existing site improvements are as set forth on the previously approved 1997 site plan.

RELIEF GRANTED

Waiver of Site Plan Approval in accordance with Ordinance Sections 165-36.1.A(1) and A(2) subject to the applicant’s compliance with Board imposed conditions. As a condition precedent to the site plan waiver taking effect, the Zoning Officer shall make a site visit to confirm that the existing site improvements are as set forth on the previously approved 1997 site plan. If the Zoning Officer finds that the existing site conditions do not conform to the previously approved 1997 site plan, the site plan waiver granted herein shall automatically become null and void.

A motion was made by Ms. Stevens and seconded by Dr. Lewis to grant Waiver of Site Plan Approval. The vote record follows.

Roll Call: Beaver Avenue Development – Waiver of Site Plan Approval						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis		X	X			
McCaffrey (Chair)						X
McTiernan			X			
Pfeffer (Vice Chair)			X			
Rohrbach (Alt. 1)			X			
Stevens	X		X			
Yager			X			

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. Yager to adjourn. The meeting was adjourned at 8:41pm.

Respectfully Submitted,

Denise Filardo
 Planning and Zoning Board Secretary

These minutes were approved on December 13, 2021.