

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

DATE: September 27, 2021

7:00PM

IN-PERSON PUBLIC MEETING AT:

The Clinton Township Public Safety Building
1370 Route 31 North – 3rd Floor Council Chambers
Annandale, NJ 08801

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, Lyte, McCaffrey, McTiernan, Pfeffer, Rohrbach, Stevens, Yager

MEMBERS ABSENT

None.

PROFESSIONALS/STAFF IN ATTENDANCE

Kathryn R. Razin, Esq., Board Attorney (Substituting for Jon Drill)
Thomas Behrens, Jr., PP, AICP, Board Planner
Larry Plevier, PE, CME, Board Engineer
Jackie Klapp, Board Stenographer
Denise Filardo, Board Secretary

MEETING MINUTES

1) Meeting Minutes – April 26, 2021

Adoption of these Minutes was held until the next meeting.

RESOLUTIONS

1) MARILYN HERR

APPEAL OF ZONING OFFICER’S ACTIONS / INACTIONS RELATED TO BLOCK 16, LOT 70 OWNED BY JOSEPH SERRANI

Application No. BOA-2021-03

Resolution No. 2021-05

Resolution memorializing the dismissal of the Herr appeal Application No. BOA-2021-03 as moot.

A motion was made by Ms. Stevens and seconded by Dr. Lewis to adopt Resolution No. 2021-05. The vote record follows.

Roll Call: Dismissal of Herr Appeal - Resolution No. 2021-05						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis						
Lyte (Alt. 1)			X			
McCaffrey (Chair)			X			
McTiernan	X		X			
Pfeffer (Vice Chair)						
Rohrbach					X	
Stevens		X	X			
Yager			X		X	

2) BEAVER AVENUE DEVELOPMENT

Block 59, Lot 3

79 Beaver Avenue

Application No. 2021-05

Applicant sought 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.

On July 19, 2021, the Board granted Waiver of Site Plan Approval to install a second automatic standby generator on the premises and to replace the existing back stairs on the two-story office building with new steel stairs. The aforementioned approval was conditioned upon the Zoning Officer’s inspection of the site to verify if the existing site conditions are in compliance with the previously approved Site Plan granted in 1997. The Zoning Officer’s site inspection on August 2, 2021 revealed that the existing conditions are not compliant with the previously approved Site Plan and in fact numerous zoning violations were discovered.

The applicant’s attorney requested that adoption of this resolution to be postponed until the October 25, 2021 meeting to allow the applicant additional time to complete the necessary improvements.

VOUCHERS

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

PUBLIC HEARINGS

1) JOSEPH AND MARY ANN VOLTURO

Block 16.01, Lot 34.01

1148 Stanton-Lebanon Road

Application No. BOA-2021-02

Applicant is seeking variance relief to construct a dwelling on a lot that does not abut a fully improved public street.

The case was not opened, however there was a procedural discussion initiated by the applicant's attorney John W. Thatcher and Wayne Ingram, the applicants Engineering and Planning expert. They explained that there is an encroachment on the applicant's lot which may require an additional variance and potentially a "D" variance. Since the neighbor with the encroachment is on vacation, the applicant requested that the application be carried to October 25, 2021 without the need for further notice, unless the requested relief changes.

The Board agreed to carry the application to October 25, 2021.

2) CAMP DILL FOUNDATION

Block 41, Lot 4

511 Cokesbury Road

Application No. BOA-2021-06

Applicant is seeking variance relief to construct comfort stations, septic system and a retaining wall at existing Boy Scout Camp.

The applicant was represented by Michael Selvaggi, Esq.

The property is an irregularly shaped parcel consisting of 7.87 acres, which is commonly known as Camp Dill and historically, has been used as a Boy Scout camp. The property is mostly wooded and undeveloped with a small cabin located in the westerly area of the property. Access to the site is provided via a driveway shared with Lot 3.01 that connects to Cokesbury Road and an unpaved parking area centrally located on Lot 4, with the deed for Lot 3.01 referencing an access easement through the tract for purposes of ingress and egress to Lot 4. The camp is bound by a rail corridor to the north with single-family development to the north, the south branch of the Raritan River to the east, and open space to the south, east and west.

The proposed development consists of the installation of two comfort stations, concrete septic tanks, pump tanks, disposal beds and modular retaining walls at the camp.

The following individuals were sworn and testified during the hearing:

- 1) Paul Ferriero, PE (applicant's professional engineering expert),
- 2) James Brown, PhD (trustee of Camp Dill), and
- 3) Tom Behrens, PP, AICP (Board planning expert)

EXHIBITS

None.

It was noted that there was no one from the public in attendance.

Mr. Ferriero's qualifications were accepted by the Board.

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

- An overview of existing conditions.
- Proposed improvements.
- Access Easement.
- Relief requested.
- Justification for relief.

BOARD FINDINGS AND CONCLUSIONS

- the camp use involves minimal building and structure use so the undersized lot can still accommodate the use as a whole since the nature of the use is primarily for conservation and nature-related purposes.
- the camp maintains access to the site for vehicles and visitors through Lot 3.01.
- the existing deviations are lawfully created pre-existing nonconformities which have existed for years and the proposed improvements will only enable a more efficient and comfortable use of the property and the property can still accommodate the use with the proposed improvements in place.
- the addition of the comfort stations will make the property more suitable for the camp use since it will enable visitors to have a proper and safe wash area while keeping with the natural environment
- the property can accommodate the camp as it is to be improved without neighbors discerning any setback deviations, particularly in light of the fact that the structures are surrounded by woodlands.
- allowing the steep slope disturbance is necessary to allow installation of the proposed improvements and to relieve the hardship to the applicant which could otherwise prevent construction of the proposed improvements.
- the additional disturbance will not create any negative impacts relating to stormwater runoff, soil erosion, or aesthetics.
- the proposed comfort stations will benefit the site from a health and wellness standpoint by providing safe, efficient and upgraded wash stations for users of the camp. This zoning benefit is a public benefit for the users of the camp, not merely a private benefit for the applicant.
- there is physically no room to locate additional trees as the property is fully forested except for the existing development, and there is not enough space to replace the number of trees required by the ordinance.
- granting the tree replacement exception is reasonable under the circumstances because the property is sufficiently forested such that the lack of replacement trees will not negatively impact the property from an aesthetic view or otherwise.
- the unique nature of the property in conjunction with the nature, size and scope of the proposed improvement would result in undue hardship if the applicant was required to comply with the literal terms of the ordinance requirements at issue as

same would inhibit the extent to which the property can be used in an efficient, safe and clean manner.

- provided that the Board imposed conditions are complied with, the Board finds that the variances 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 because the proposed improvements will have no impact on the pre-existing deviations.
- with the exception of the variances and exception that have been requested, the Board finds that the proposed site plans will comply with all other applicable zoning ordinance regulations and site plan ordinance requirements, provided that the Board imposed conditions are complied with.
- matters vital to the public health will be adequately provided for and appropriately designed as part of the proposed development.

It was again noted that there was no one from the public in attendance.

RELIEF GRANTED

The following relief was granted based upon the applicant’s compliance with the Board imposed conditions.

- 1) “D(3)” Variance – Lot Frontage.
- 2) “D(3)” Variance – Lot Area.
- 3) “D(3)” Variances – Setbacks.
- 4) “C(1)” Variances – Max Depth of Measurement and Minimum Lot Width at Street.
- 5) “C(1)” Variance – Steep Slope.
- 6) “C(2)” Variance – Lot Width at Building.
- 7) Exception – Tree Replacement.
- 8) Preliminary and Final Site Plan Approval.

A motion was made by Mr. Pfeffer and seconded by Ms. Stevens to grant the “D(3)”, “C(1)”, “C(2)” Variances, Exception and Preliminary and Final Site Plan approval. The vote record follows.

<i>Roll Call: Camp Dill Blk 41, Lot 4 Granting of “D(3)”, “C(1)”and “C(2)” Variances, Exception and PFSP approval</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Lyte (Alt. 1)					X	
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)	X		X			
Rohrbach			X			
Stevens		X	X			
Yager			X			

ADJOURNMENT

A motion was made by Mr. Pfeffer and seconded by Mr. Yager to adjourn. The meeting was adjourned at 8:15pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on December 13, 2021.