

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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IN-PERSON PUBLIC MEETING

DATE: June 27, 2022

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

Chairman McCaffrey read the Public Notice.

This was an in-person 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 ATTENDANCE

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

MEMBERS ABSENT

None.

PROFESSIONALS/STAFF IN ATTENDANCE

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

MEETING MINUTES

- 1) Meeting Minutes – February 21, 2022

A motion was made by Ms. Stevens and seconded by Ms. Lyte to adopt the Meeting Minutes of February 21, 2022. The vote record follows.

Roll Call: Meeting Minutes 2022-02-21						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Lyte (Alt. 1)		X	X			
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)					X	

Rohrbach			X			
Stevens	X		X			
Yager			X			

A motion was made by Ms. Stevens and seconded by Ms. Lyte to adopt the Meeting Minutes of April 25, 2022. The vote record follows.

Roll Call: Meeting Minutes 2022-04-25						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis			X			
Lyte (Alt. 1)		X	X			
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)					X	
Rohrbach			X			
Stevens	X		X			
Yager					X	

RESOLUTIONS

None.

PUBLIC HEARINGS

1) RYAN & HARLEY KELSON

Block 11, Lot 10.01
 350 Cokesbury Road
 Application No. BOA-2022-03
 Applicant is seeking “c” variance relief to construct multiple additions to the existing dwelling.

Ms. Stevens recused from this application and exited the meeting room.

Rosalind Westlake Esq. substituting for Nicole Voight summarized the requested relief.

The following individuals were sworn and testified during the hearing:

1. Ryan Kelson (Applicant), and
2. Joseph Modzelewski, PE, PP (Applicant’s engineering and planning expert);

Referencing the architectural plans, Mr. Kelson’s testimony included and was not limited to the following:

- Existing and proposed first and second floor layouts, identifying that currently there is one (1) bedroom on the first floor and two (2) bedrooms on the second floor. The first floor bedroom will be converted to a dining room and there will be a total of three (3) bedrooms, all on the second floor;

- Utilities and storage in the basement which is accessed via stairs inside house. There is no outside access to the basement;
- No proposed changes to the existing septic;
- RV's will be parked next to or behind garage and the camper, ATV's & quads will be stored in garage.

Mr. Modzelewski's qualifications as an engineering and planning expert were accepted by the Board.

EXHIBITS

A-1 Variance plan marked up to show the 52-foot front yard setback of the proposed porch addition from the front property line.

Referencing Exhibit A-1, Mr. Modzelewski's testimony included and was not limited to the following:

- Referencing Variance plan - oriented Board with the layout of the property referencing the C-1 stream and noting that the entire property is in the Riparian zone;
- No proposed changes to the existing driveways, well or septic;
- Both existing driveways exceed the maximum allowable width and one of the driveways does not meet the required ten (10) foot setback.
- No trees other than two (2) ornamental shrubs which are located close to the existing dwelling will be removed;
- Two of the existing accessory structures will be demolished;
- The existing dwelling with proposed improvements will not be unduly closer to the ROA than other homes in the neighborhood;
- Presentation of the positive and negative criteria in support of granting the requested variances.

There was no one from the public with interest in this application

BOARD FINDINGS AND CONCLUSIONS

- The location of the existing septic system precludes locating the proposed living space and garage addition any further to the rear (north) of the property as has been proposed, so the only possible location for the proposed addition is as reflected on the variance plan, which requires a "c" front yard setback variance.
- Because of the lawfully created pre-existing nonconforming location of the existing dwelling, the only location available for the front porch is as reflected on the variance plan, which also requires a "c" front yard setback variance.
- The locations of the existing septic system and the existing dwelling constitute an extraordinary and exceptional situation uniquely affecting the property so that the strict application of the front yard setback regulations will result in exceptional and undue hardship on the applicant in that, unless front yard setback variances are granted to allow the proposed additions, these zoning ordinance regulations will have the effect of inhibiting the extent the property can be used by prohibiting the proposed development which will convert the existing dwelling from one of the smallest in the neighborhood to

one very much in keeping with the other dwellings in the neighborhood. The Board’s ultimate finding and conclusion is that these “c(1)” variances are warranted, but subject to satisfaction of the negative criteria.

- The “c(1)” front yard setback 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.
- After construction of the proposed additions, will be quite aesthetically pleasing.
- The proposed additions will convert the existing dwelling from one of the smallest in the neighborhood to one very much in keeping with the other dwellings in the neighborhood.
- The neighboring lots adjacent to and across the street from the property are setback from the road approximately 50 to 60 feet, which is in keeping with the proposed 52- and 63-foot setbacks for the proposed additions.
- The “c(1)” variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance and master plan provided the Board imposed conditions are complied with.
- The Board notes that the Township Engineer, who is also the Board engineering expert, did not express any concern to the Board about the width of the driveway.
- The driveway configuration has been in place for many years and has not caused any operational problems nor resulted in any aesthetic detriment.
- The Board finds and concludes that good cause exists to modify the 16-foot maximum width requirement to allow the existing driveway to remain in its current configuration.

RELIEF GRANTED

“C(1)” Front Yard Setback Variances to allow construction of the proposed additions which include construction of the proposed front porch as close as 52-feet to the front property line and the proposed attached garage and interior living space additions as close as 63-feet to the front property line.

Driveway Width Modification to allow the existing driveway (which is wider than 16-feet) to remain as is in its existing configuration.

The above relief was granted subject to the applicant’s compliance with the Board imposed conditions.

A motion was made by Mr. Pfeffer and seconded by Ms. Lyte to grant the requested variance relief. The vote record follows.

Roll Call: Meeting Minutes 2022-04-25						
Member	Motion	2nd	Yes	No	Recused	Absent
Lewis			X			
Lyte (Alt. 1)		X	X			
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)	X		X			
Rohrbach			X			
Stevens					X	

Yager			X			
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The Board took a brief recess at 7:55pm and resumed the meeting at 8:00pm.

2) JOSEPH & MARY ANN VOLTURO

Block 16.01, Lot 34.01

1148 Stanton Lebanon Road

Application No. BOA-2022-04

Applicant is seeking “d(1) and “c” variance relief as well as relief from N.J.S.A 40:44D-35 requiring building lots to abut approved streets to accommodate the development of a new dingle-family dwelling and associated improvements at the above referenced undeveloped lot.

Dr. Lewis recused prior to the start of the hearing and exited the meeting.

John W. Thatcher, Esq. represented the applicant. Attorney Thatcher provided a history of the property and summarized the requested relief.

Attorney Thatcher submitted the following exhibits into evidence explaining that the applicant’s intention is simply to build a house.

EXHIBITS

- A-1 Clinton Township Zoning Permit No. ZP-14-0049 issued by Zoning Officer Joseph Rossi on April 22, 2014 to construct a single family 30’ x 60’ two-story single family dwelling;
- A-2 Clinton Township Zoning Permit No. ZP-14-0049 with “Revoked/Hold” handwritten on the permit;
- A-3 Photo taken by Jay Thatcher taken in Spring 2022 showing the area of the subject property with the neighbor’s encroaching improvements which are subject of the access easement.

The Board conducted a straw poll and determined that the issuance and rescission of the Zoning Permit was irrelevant as it has nothing to do with the positive or negative criteria.

Mr. McCaffrey explained Depth of Measurement and that the intent is to prevent pencil lots and that the applicant does not need relief from depth of measurement.

The Board took a brief recess at 8:48pm to research the definition for “vacant lot”. The Board resumed the hearing at 8:54pm.

The following individuals were sworn and testified during the hearing:

- 1. Wayne Ingram, PE, PP; and
- 2. Joseph Volturo, applicant

Mr. Ingram's qualifications as an engineering and planning expert were accepted by the Board.

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

- An overview of the existing conditions and proposed improvements;
- An overview of the representative concept structure home design;
- Testimony in support of granting the "d(1)" variance to allow the encroaching improvements to remain;
- Testimony in support of granting relief from N.J.S.A 40:44D-35 requiring building lots to abut approved streets;
- Testimony in support of granting "c" variance relief for setbacks & lot size;

David Chippendale, owner neighboring property 1146 Stanton Mountain had questions regarding:

- Steep slopes;
- Total number of trees proposed to be taken down.

Roy Nuzzo, owner neighboring property 1150 Stanton Mountain Road had questions regarding:

- Steep slopes;
- Impact of tree removal.

The Board conducted a non-binding straw poll on granting of the "d(1)" variance to allow two (2) principal uses on the subject lot, which resulted in the following:

- Three (3) members in favor of granting;
- Two (2) members leaning towards granting; and
- Two (2) members not in favor of granting.

At 9:30pm Mr. McCaffrey stated we can continue this hearing tonight until 10:30pm.

The Board asked the applicant to provide the following for the next hearing:

- Architectural plan with elevations for the proposed dwelling;
- Grading plan identifying steep slopes to be disturbed; and
- Documentation regarding ownership of the access road.

The Board continued the hearing on this application to August 22nd with no need for further notice.

VOUCHERS

None.

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. McTiernan and the meeting was adjourned at 9:43pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on January 23, 2023.