

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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IN-PERSON PUBLIC MEETING

DATE: August 22, 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, Pfeffer, Rohrbach, Stevens, Yager

MEMBERS ABSENT

McTiernan

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Jonathan Drill, Esq., Board Attorney,
- 2) Larry Plevier, Board Engineering Expert,
- 3) Tom Behrens, Board Planning Expert
- 4) Jackie Klapp, Board Stenographer
- 5) Denise Filardo, Board Secretary

MEETING MINUTES

- 1) Meeting Minutes – March 28, 2022

A motion was made by Dr. Lewis and seconded by Ms. Rohrbach to adopt the Meeting Minutes of March 28, 2022. The vote record follows.

Roll Call: Meeting Minutes 2022-03-28						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis	X		X			
Lyte (Alt. 1)			X			

McCaffrey (Chair)			X			
McTiernan						X
Pfeffer (Vice Chair)					X	
Rohrbach		X	X			
Stevens					Abstained	
Yager					X	

RESOLUTIONS

- 1) RYAN AND HARLEY KELSON
 350 Cokesbury Road
 Block 11 Lot 10.01
 Application No. BOA-2022-03
 Resolution No. 2022-03
 “C(1)” Bulk Variances to allow construction of an addition to an existing single-family residence.
 Adoption of this resolution was postponed until the next meeting.

EXTENSION OF TIME

- 1) PLATYPUS ENTERPRISES
 Block 13.01, Lot 3
 1460 Route 22 West
 Application No. 2022-08
 Applicant is requesting a One (1) year Extension of the Time within which to complete construction of the proposed improvements.

The applicant was represented by Scott E. Rekant, Esq.

The following individual was sworn and testified:

- 1. Glenn Likus, (Applicant’s Managing Member)

Mr. Likus explained that he obtained construction permits, made renovations to the existing building, and is operating in the building under a temporary certificate of occupancy. He does not have a permanent certificate of occupancy for the renovated building and due to the Covid 19 pandemic, he has not yet started construction of the 3-bay addition and he is out of time to obtain those permits.

The Board found that good cause exists to extend the time period because the COVID-19 pandemic has severely delayed the construction process and the time extension is necessary to avoid the applicant having to re-apply for approval to construct the entire proposed development and obtain permanent certificates of occupancy.

There were no members of the public with interest in this matter.

A motion was made by Ms. Stevens and seconded by Mr. Pfeffer to grant the requested extension of time. The vote record follows.

Roll Call: <i>Platypus Enterprises Block 13.01, Lot 3 – Extension of Time</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			

PUBLIC HEARINGS

1) 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 single-family dwelling and associated improvements at the above referenced undeveloped lot.

This application commenced on June 27, 2022 and was carried with no need for further notice to August 22, 2022. The applicant requested and the Board agreed to carry this application to September 26, 2022.

2) DONALD BAKER

Block 4.03, Lot 31

1070 Route 22

Application No. 2022-07

Applicant is seeking Amended Preliminary and Final Site Plan and Bulk Variance Approval to install additional fencing and vehicular gates; Two (2) 2,500 gallon and one (1) 500 gallon above ground fuel storage tanks and the relocation of the dumpster enclosure.

The applicant was represented by Michael O’Grodnick, Esq. Attorney O’Grodnick provided a history of the prior application and approvals granted by the Board and then provided a summary of the proposed requested relief.

Board Attorney Drill stated that Mr. McCaffrey recused from the underlying application out of an abundance of caution for appearance of conflict and after consultation with me that appearance of conflict has disappeared and that is why he is not recusing from this application. Attorney Drill also stated that he is satisfied that there is no longer an appearance of conflict.

The following individuals were sworn and testified:

1. Donald Baker (Applicant's Director),
2. Jordan Baker (Applicant's President),
3. Robert Kiser, PE, PP (Applicant's Engineering and Planning Expert),
4. Jim Mazzucco, LLA (Board Landscape Architectural Expert),
5. Larry Plevier, PE (Board Engineering Expert), and
6. Tom Behrens, PP, AICP (Board Planning Expert)

EXHIBITS

- A-1 Aerial photo view of site, and
- A-2 Color rendered Site Plan

There were no members of the public with interest in this application.

Mr. Kiser's qualifications as both an Engineering and Planning Expert were accepted by the Board.

Referencing Exhibits A-1 and A-2 Mr. Kiser's testimony included and was not limited to the following:

- Oriented the Board with the subject site and surrounding properties;
- A detailed overview of the proposed improvements, including installation of chain link fencing making a connection to an existing 7-foot high chain link fence between the subject property and the neighboring car dealership property.
- Proposed relocation of dumpster from the East to the West within parking lot area.
- Proposed addition of three (3) above ground fuel tanks as follows:
 - One (1) 2,500-gallon tank to store "on road" diesel fuel;
 - One (1) 2,500-gallon tank to store "off road" diesel fuel; and
 - One (1) 500-gallon tank to store gasoline.

BOARD FINDINGS AND CONCLUSIONS

- The proposed amended Site Plan does not change any of the previously granted "c" variances;
- The proposed impervious will decrease from 31.09% which was previously approved to 30.66%;
- Granting a "c(2)" Variance to allow a 6-foot-high chain link fence is needed to deter anyone from attempting to trespass on the property;
- Granting a "c(2)" Variance also promotes health and safety of potential intruders since there will be construction equipment and materials stored outside.
- The "c(2)" Variances can be granted without substantially impairing the intent and purpose of the Zoning Ordinance and Master Plan.
- In conclusion, the Board finds that the "c(2)" Variances can and should be granted.

RELIEF GRANTED

All of the following relief was granted conditioned upon the applicant’s compliance with the Board imposed conditions.

“C(1)” Variance from Ordinance Section 165.98.E, which provides that no accessory structure shall be located within any front yard, and from the Schedule, which requires a minimum setback of 100 feet in the front yard setback area, to allow retaining walls along the driveway entrance to the property.

Amended Preliminary and Final Site Plan Approval to allow construction of the proposed development.

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

Roll Call: Baker B3.03, L31 “C(2) Variances and Amended PFSP						
Member	Motion	2nd	Yes	No	Recused	Absent
Lewis			X			
Lyte (Alt. 1)			X			
McCaffrey (Chair)			X			
McTiernan						X
Pfeffer (Vice Chair)	X		X			
Rohrbach			X			
Stevens		X	X			
Yager			X			

VOUCHERS

None.

Chairman McCaffrey informed the Board that he has asked Attorney Drill to explain changes in the law affecting signs.

Attorney Drill stated that in order to explain the changes in the law there should be a Board discussion in Closed Session so that he can render attorney client privileged legal advice. Attorney Drill asked for a motion to enter Closed Session to obtain attorney client legal advice from where confidentiality is required for him to exercise his duties as an attorney. Because this is going to be attorney client privileged advice the Minutes of the meeting shall not be released to the public.

EXECUTIVE SESSION

At 8:47pm a motion was made by Mr. Pfeffer and seconded by Mr. Yager to enter Executive Session. The vote record follows.

Roll Call: Executive Session						
Member	Motion	2nd	Yes	No	Recused	Absent
Lewis			X			
Lyte (Alt. 1)			X			

McCaffrey (Chair)			X			
McTiernan						X
Pfeffer (Vice Chair)	X		X			
Rohrbach			X			
Stevens			X			
Yager		X	X			

At 9:19pm the Executive Session ended and the Regular Open Session continued.

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. Pfeffer and the meeting was adjourned at 9:20pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on April 24, 2023.