

Minutes of the Board of Adjustment  
March 23, 2015

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT  
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PUBLIC MEETING

March 23, 2015

PRESENT: Tom McCaffrey, John Lefkus, Dave Roberts, Wayne Filus, Sharon Stevens, Tom Yager and Arne Olsen.

PROFESSIONALS: Andrea Malcolm, Planner, Donna Holmqvist, Affordable Housing Planner, Jon Drill, Attorney Rebecca D'Alleinne, Administrator and Denise Filardo, Administrative Trainee.

ABSENT: John Matsen and Sharol Lewis

CALL TO ORDER

Chairman McCaffrey called the meeting to order at 7:30PM.

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 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.

NEW BUSINESS

Vouchers

Chairman McCaffrey moved and Dave Roberts seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

RESOLUTIONS

**PLATYPUS ENTERPRISES, Block 13.01, Lot 3**

Resolution No. 2015-01, Application # 2015-01

Jon Drill stated that Version One of the resolution was under consideration. Wayne Filus moved and Dave Roberts seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Stevens, Filus, Roberts and Yager.

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**MEURER DEV./VILLAGE GREEN, Block 49, Lot 25**  
Resolution No. 2015-02, Application #2014-06

Jon Drill reported that Version Three of the resolution was under consideration. Sharon Stevens moved and Wayne Filus seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Stevens, Filus, Lefkus, Roberts and Olsen.

**KULLMAN ASSOCIATES, Block 7, Lot 33,**  
Resolution No. 2015-03, Application #2014-04

Mr. Drill stated that Version Four was under consideration and read an additional typographical correction into the record. He added a Condition 22 and read it into the record. Guliet Hirsch indicated that it was an unusual condition but that her client accepted it. Discussion ensued as to whether to include the condition or not. There was general agreement to include it. Dave Roberts moved and Ton Yager seconded a motion to approve the resolution as corrected and amended. Members in favor: McCaffrey, Stevens, Filus, Roberts and Yager.

**ANNOUNCEMENTS**

Chairman McCaffrey announced that the regularly scheduled May 26, 2015 meeting would be rescheduled to May 11, 2015, due to the holiday. The administrator will draft an Open Public Meetings Act notice.

Chairman McCaffrey noted that John Lefkus had been reappointed and sworn in as a BOA member for a four year term earlier in the evening and that Jon Drill had been appointed as a co-author of the NJ Zoning & Land Use Administration book.

**PUBLIC HEARING**

**PLATYPUS ENTERPRISES, Block 13.01, Lot 3**  
Application # 2015-01

Neil Yoskin, Esq. introduced himself on behalf of the applicant, noting that the hearing was an application for bifurcated use variances. He indicated that there were three "d" variances needed: one for the residential apartments, one for the garage use for storage and maintenance and one for two principal uses on the property. Betsey McKenzie, Applicant's Planner, Steve Parker, Applicant's Engineer, Glen Likus, Managing Member, Ed O'Brian, Applicant's Architect, Andrea Malcolm, Board Planner, and Donna Holmqvist, Board Affordable Housing Planner were sworn.

Glen Likus explained that his business consisted of construction and design projects, noting that they specialized in "green" projects. He discussed LEED projects, stating that he intended to use the building as a maintenance and storage use. The residence would need to be preserved and he proposed adding two affordable housing units to it. Mr. Likus indicated that he had three heavy-duty dump trucks that would be stored in the garage building. There are eight employees and there would usually be only one on site, but on rainy days, 4 or 5 employees would be on site to service the equipment. He noted that there were five trailers that might be parked on the site overnight. There would be no office on the site, as there is an office in his home. Andrea Malcolm asked about the equipment, and Mr. Likus responded that it was all excavation equipment, which would be repaired indoors and would be kept on the work sites.

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Tom Yager asked about whether materials would be stored onsite, and Mr. Likus indicated that there would be none. He stated that there would be limited hours on Saturday, and that normal hours would be 7:00AM-5:00PM. Dave Roberts asked about water use in the wash bay and Mr. Likus indicated that there would be a recycling system for the wash water. The solid material would be pumped and hauled and that there would be no discharge to the environment. Andrea Malcolm asked about the total number of employees on site and Mr. Likus stated that the most would be a total of five.

Maryanne Emilut, 1464 Rt. 22, asked about what kind of chemicals would be used to clean the equipment. Mr. Likus indicated that it would be a steam cleaner and that there would be no chemicals. She asked about where the equipment had been and whether it would have contaminants. Mr. Likus answered that there were no contaminants and described his trailers. He discussed the driveway and noted that it would have to be widened. Ms. Emilut was sworn.

William Shurts, Esq. stated that he was representing Mr. Kingsley, the owner of Spruce Associates, Block 13.01, Lot 7, and asked about washing and spills. Mr. Likus responded that the wash bay would be enclosed and that the tanks were within the building. He described floor drains and noted that it did not connect to the septic system. He estimated that one piece of equipment would be washed per day. Mr. Shurts asked what the source would be for the water, and Mr. Likus responded that it would be from the well on the property. Mr. Shurts asked about the capacity of the well and Mr. Likus stated that he had not tested the well. Mr. Shurts asked whether the existing building had bays, and Mr. Likus stated that two were drive through bays, noting that he could put 8-9 pieces of equipment in the building. He indicated that on Saturdays the employees would be cleaning equipment and that, other than the trailers, nothing would be stored outside. He discussed motion detector lights over the doors. Jon Drill discussed the outdoor storage for the trailers and expressed the opinion that it would require an additional "d" variance. John Lefkus asked about the existing fuel tank, and Mr. Likus responded that it was in excellent condition, was located on a concrete pad with a reservoir underneath and would be used for diesel fuel.

Steve Parker presented his credentials, which were accepted by the Board. He displayed Sheet 3, which was in the packet. He described the layout of the property and discussed the surrounding properties. He noted that there would be changes made to the driveway. Mr. Parker pointed out the berm to buffer the adjoining residences and indicated that the plantings would be enhanced. He stated that the drawing wasn't a complete site plan, but that it would be revised if the Board were to approve of the variance requests. The residential house would be converted to two affordable housing units. He stated that they would move the driveway, which would require NJDOT approval. Dave Roberts asked about the gravel area and Mr. Parker stated that it would be used for maneuvering room for the vehicles. Mr. Yoskin stated that the area of impervious cover would be reduced to 40%. Tom Yager asked where the easement for the driveways was located and Mr. Yoskin stated that the issue must be resolved. Jon Drill listed the resolutions (#2001-06, #2001-10, #2001-11, #2002-18), which referring to continuing the use of the tank.

Mr. Shurts asked whether there were any underground tanks and Mr. Parker stated that there were none. Mr. Shurts asked about solid waste from the maintenance shop, and Mr. Parker indicated that the oil was mostly recycled. Mr. Shurts asked about noise levels and Mr. Parker indicated that the repairs will be performed inside the building. Jon Drill discussed the state noise code, noting that the requirement was no more than 65 decibels per day and 50 at night at the property line. Steve Parker stated that the applicant would comply with those standards. He

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reiterated that the driveway improvements would require approval from DOT. Traffic projections were discussed and Mr. Parker stated that there would be two residential units and four employees using the site. Mr. Yoskin stated Laidlaw had a discharge and discussed the “no further action” letter from DEP.

John Lefkus asked about what noise levels a truck produced and Mr. Parker did not know. Jon Drill discussed the d variance previously granted for the fuel tank on the property. Chairman McCaffrey called a recess at 8:52PM. The meeting was called to order at 9:00PM.

Edward O’Brien presented his credentials, which were accepted by the Board. Mr. O’Brien displayed his proposed renderings, which were marked into evidence as Exhibit A-1 (Proposed Building Additions, 2/2/15). He pointed out the existing residence and expressed the opinion that it was probably built after the Civil War. He showed the proposed modifications to permit two affordable units. Mr. O’Brien indicated that they had decided to change the way the house was divided, noting that the units would not be exactly the same size. He expressed the opinion that the designs would comply with the COAH design regulations. He stated that the house was worth saving. John Lefkus asked how house was currently served for sewerage and water and Mr. Parker responded that it was on septic and well with separate systems for the residence and the garage.

Betsey McKenzie presented her credentials, which were accepted by the Board. She presented an aerial photo, which was marked into evidence as Exhibit A-2. She noted that there were 7 acres with steep slopes in the front of the lot. Ms. McKenzie pointed out the three adjoining residential lots and the YMCA complex. She noted that there were existing homes in the area and discussed the Master Plan “turnpike district”. She noted that the house on the property had been compromised internally, expressing the opinion that the house was important to retain. Ms. McKenzie indicated that the application was an adaptive reuse of the house and garage. She discussed the landscaping berm, noting that it should be extended.

Ms. McKenzie commented that the property was in the C2 zone and listed the “d” variances that would be required. Firstly, for the proposed use, secondly for the residential use, thirdly, for two separate uses on the property, fourth for the fuel tank use and lastly to store the trailers outside. She noted that the applicant did not claim an entitlement from the previous bus depot use. She referred to the Master Plan and noted that the Planning Board intent was to preserve the area for local businesses, expressing the opinion that the area was currently not ready for development as it had no sewer or water. Ms. McKenzie stated that the applicant felt that the property was a good investment and that it might be used in a conforming use in the future.

Ms. McKenzie expressed the opinion that the proposal was a good adaptive reuse of the existing buildings. She discussed the accessory residential building and the proposed ten-year affordability controls. She noted that the township affordable housing planner had advised in her report that the township should request 30 year affordability controls, so as to receive the additional bonus rental credits. She discussed the definition of accessory buildings. Ms. McKenzie stated that the reason that the applicant was proposing a shorter time period was because he didn’t want to tie up the property from future development.

Jon Drill suggested that under that scenario, the Board might consider a time limit of 10 years for the variance, noting that the applicant could request an extension of the variance after 10 years. Ms. McKenzie indicated that the client was not interested in that option. Mr. Yoskin pointed out that the applicant was not obligated to offer affordable housing units. Ms. McKenzie noted that the proposed use of the property did not commit the land for any long period of time

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and expressed the opinion that it was an efficient and limited use of the land until the conditions were right for a permitted use on the property. She noted that the proposed residential use would maintain the status quo, as it had been originally designed as a residential use. Ms. McKenzie stated that there had been approvals of affordable accessory apartments in a Tewksbury Township bank.

Donna Holmqvist stated was the site was a light industrial use, and was not the same as a bank. Ms. McKenzie expressed the opinion that the courts would have flexibility to make determination on how towns were to meet their affordable housing obligations. Ms. Holmqvist commented that the issue was that the property was not subdivided, and that both uses were on the same site with shared access. She expressed the opinion that the proposal might not be deemed appropriate by the courts. Jon Drill read from the Supreme Court decision, noting that the courts would have flexibility.

Mr. Yoskin stated that the essence of the application was to make use of an abandoned property, to preserve the built landscape and preserve the historic house. Ms. McKenzie stated that she would not like to see it torn down, and that it should be preserved as an attractive, low intensity use. She expressed the opinion that there were a number of purposes in the Land Use Law that would be promoted. Mr. Yoskin discussed the previous use by the bus depot. Ms. McKenzie indicated that the trailers would have a low profile and visibility. Discussion ensued concerning parking and motor vehicles. Ms. McKenzie stated that she would like to return on another evening to finish her testimony.

Sharon Stevens asked about the screening between the house and the garage, and Ms. McKenzie commented that subject would be a good issue for site plan review. Mr. Parker indicated that there was a note for a fence and hedge on the current plans. Tom Yager asked whether the proposal was similar to any permitted use and Ms. McKenzie did not think so. John Lefkus asked for a data comparison of the proposal to a permitted C-2 use. Dave Roberts asked about whether the tank was in the buffer. Donna Holmqvist asked about turning radius and information concerning the Tewksbury COAH approved affordable housing unit. There were no further questions from the Board. Ms. McKenzie will submit an outline of her testimony prior to the continued hearing. The hearing was determined to be carried to April 20, 2015 and April 27, 2015 without the need for further notice.

#### ADJOURNMENT

John Matsen moved and Sharol Lewis seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 10:40PM.

These minutes were approved on April 20, 2015.

Rebecca E. D'Alleinne, Administrator