

**MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT**

[www.clintontwpnj.com](http://www.clintontwpnj.com)

**PUBLIC MEETING**

DATE: July 27, 2015

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

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 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.

**BOARD MEMBERS IN ATTENDANCE:**

Filus, Lefkus, Matsen, McCaffrey, Olsen, Yager

**BOARD MEMBERS ABSENT:**

Lewis, Roberts, Stevens

**BOARD PROFESSIONALS IN ATTENDANCE:**

Jon Drill, Board Attorney, Denise Filardo, Board Secretary

**APPROVAL OF VOUCHERS**

Mr. McCaffrey moved and Mr. Matsen seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

<b><i>Roll Call: Payment of Vouchers</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
McCaffrey	X		X			
Matsen		X	X			
Filus			X			
Lefkus			X			
Lewis						X
Roberts						X
Stevens						X
Yager					X	
Olsen			X			

**RESOLUTIONS FOR MEMORIALIZATION**

**1) JEREMY KOPE, BLOCK 30, LOT 12.04**

Resolution No. 2015-05, Application No. 2015-06

Dismissal of Application with Prejudice

*Eligible Members: Matsen, Stevens, Lewis, Roberts, Olsen, McCaffrey*

Mr. Matsen moved and Mr. Olsen seconded a motion to adopt Resolution No. 2015-05. The vote record follows.

<b>Roll Call: Jeremy Kope - Resolution No. 2015-05</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
McCaffrey			X			
Matsen	X		X			
Filus					X	
Lefkus					X	
Lewis						X
Roberts						X
Stevens						X
Yager					X	
Olsen		X	X			

**2) CLINTON FUEL, LLC, BLOCK 69, LOT 3**

Resolution No. 2015-06, Application No. 2015-07

Grant and Denial of Completeness Waivers with the Application Remaining Incomplete Until Submission of Required Documentation

*Eligible Members: Matsen, Stevens, Lewis, Roberts, Olsen, McCaffrey*

Mr. Matsen moved and Mr. Olsen seconded a motion to adopt Resolution No. 2015-06. The vote record follows.

<b>Roll Call: Clinton Fuel Completeness Waivers, Resolution No. 2015-06</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
McCaffrey			X			
Matsen	X		X			
Filus					X	
Lefkus					X	
Lewis						X
Roberts						X
Stevens						X
Yager					X	
Olsen		X	X			

**COMPLETENESS HEARING**

**CLINTON WELL NO. 4, Block 1, Lot 20**  
Application # 2015-04, Major Site Plan and Use Variance

Tara St. Angelo, attorney for the applicant introduced herself and Andrew Holt, Engineer for the applicant.

Chairman McCaffrey noted that Cathy Marcelli, Board Engineer, did not have any issues regarding the board granting the requested waivers from the following checklist items: 6, 9, 14, 15, 16, 17, 31, 38, 42, 43, 44, 45a, 45b, 45c, 46, 47, 49, 50, 54, 55, 57, 58, 59, 65

It was noted that the applicant will be prepared to address how and when deliveries will be made when they return for the public hearing.

Attorney Drill stated that since all waiver requests will be granted, there will be no need to prepare a separate resolution for Completeness, it can be rolled into the final resolution.

Attorney St. Angelo stated that they had noticed for an Environmental Review this evening.

Mr. Holt explained that as part of the funding for the project, the NJ Environmental Infrastructure Trust requires the Town of Clinton to conduct a Public Hearing for a Level 2 Environmental Review. The Environmental review will be carried to 8/24/15 and 9/28/15 without need for further notice.

A motion was made by Mr. Lefkus and seconded by Mr. Matsen to grant completeness waivers. The vote record follows.

<b>Roll Call: Clinton Well No. 4 - Completeness</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
McCaffrey			X			
Matsen		X	X			
Filus			X			
Lefkus	X		X			
Lewis						X
Roberts						X
Stevens						X
Yager			X			
Olsen			X			

**PUBLIC HEARING**

**SUSAN WINGFIELD, VARIANCE, Block 12, Lot 13**  
11 McCatharn Road  
Application # 2015-08

Mrs. Susan Wingfield, applicant & John A. Beattie, RA (applicant’s architectural expert); were sworn. Mr. Beattie described the application and gave testimony regarding his evaluation of the dwelling and the garage.

Board Findings:

- Based on the testimony of Mr. Beattie, the applicant’s architectural expert who evaluated the architecture of the dwelling and the garage and opined that both had been built in the 1950’s, the Board found that the dwelling and garage were constructed prior to 1958.
- The Township adopted its first interim zoning ordinance in July of 1959 and its first permanent zoning ordinance in 1962.
- Since the dwelling and garage pre-exist the first zoning ordinance both are “grand-fathered” and are entitled to remain despite the fact that the property is now nonconforming as to lot area and the dwelling and garage are nonconforming as to the front and rear yard setback regulations.
- Granting the variance to allow the rear yard setback encroachment by the sunroom is not merely a benefit to the applicant but also a benefit to the surrounding neighborhood since the closed in space eliminated noise that could be heard had the deck not been enclosed
- The benefits outweigh the detriments

The Board thus concluded that the “C(2)” variance can and should be granted without the imposition of any conditions.

Board Interpretations:

- 1) The garage which is located entirely within the front yard setback area is a lawfully created pre-existing structure which is therefore entitled to remain in the front yard setback area where currently located.
- 2) The barn/shed complies with the zoning ordinance regulations governing setbacks for accessory buildings and structures so is therefore entitled to remain where currently located.

A motion was made by Mr. Lefkus and seconded by Mr. Matsen to grant the variance. The vote record follows.

<b>Roll Call: Wingfield Variance</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
McCaffrey			X			
Matsen		X	X			
Filus			X			
Lefkus	X		X			
Lewis						X
Roberts						X
Stevens						X
Yager			X			
Olsen			X			

**ADJOURNMENT**

A motion was made by Mr. Lefkus and seconded by Mr. Yager to adjourn. The board concurred unanimously and the meeting was adjourned at 8:38pm.

<b><i>Roll Call: Adjourn</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
McCaffrey			X			
Matsen			X			
Filus			X			
Lefkus	X		X			
Lewis						X
Roberts						X
Stevens						X
Yager		X	X			
Olsen			X			

Respectfully submitted,

*Denise Filardo*  
Planning and Zoning Board Secretary

These minutes were approved on November 28, 2016.