

**MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT**

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**PUBLIC MEETING**

DATE: December 12, 2016

Vice Chairman Matsen called the meeting to order at 7:31pm.

Vice Chairman Matsen led the Flag Salute.

Vice Chairman Matsen 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.

**MEMBERS IN ATTENDANCE**

Filus, Lefkus, Lewis, Matsen, Olsen, Roberts, Stevens

Dr. Lewis arrived at 7:37pm

**MEMBER ABSENT**

McCaffrey

**MEMBER EXCUSED ABSENCE**

Mr. Yager excused due to the following:

- 1) Not eligible to vote on adoption of Resolution No. CTBOA-2016-04
- 2) Need to recuse on Molasses, LLC application.

**PROFESSIONALS/STAFF IN ATTENDANCE:**

- 1) Jonathan Drill, Esq., of Stickel, Koenig, Sullivan and Drill, Board Attorney
- 2) Andrea Malcolm, PP, AICP, of Clarke Caton Hintz, Board Planner
- 3) Denise Filardo, Board Secretary

**VOUCHERS**

A motion was made by Ms. Stevens and seconded by Mr. Roberts to approve the vouchers for payment. The vote record follows.

<b>Roll Call: Payment of Vouchers</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Filus			X			
Lefkus			X			
Lewis			X			
Matsen			X			
McCaffrey						X
Olsen			X			
Roberts		X	X			
Stevens	X		X			
Yager						Excused

**MINUTES**

- 1) Meeting Minutes of September 28, 2015 to be adopted at a later date.

**RESOLUTION**

- 1) AMERICAN BAPTIST CHURCHES OF NEW JERSEY  
 Block 3, Lot 13 and Block 4, Lot 21  
 Application No. 2015-16  
 Preliminary and Final Major Site Plan Approval and two (2) “D(3) Conditional Use Variances for Building Height and Perimeter Setback Requirements to allow construction of a seven (7) bedroom resident facility to its pre-existing camp.  
**Resolution No. 2016-04**  
Eligible Members: Filus, Lefkus, Lewis, Matsen, McCaffrey, Roberts, Stevens

Attorney Drill read a few minor revisions into the record.

A motion was made by Ms. Stevens and seconded by Mr. Roberts to adopt Resolution No. CTBOA-2016-04 with revisions. The vote record follows.

<b>Roll Call: Baptist Church – Resolution No. CTBOA-2016-04</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Filus			X			
Lefkus			X			
Lewis						X
Matsen			X			
McCaffrey						X
Olsen					X	
Roberts		X	X			
Stevens	X		X			
Yager					X	Excused

## **PUBLIC HEARING**

MOLASSES, LLC, Block 25, Lot 13

Application No. BOA-2016-08

Applicant seeks Waiver of Site Plan to install four (4) outside HVAC units.

Anthony Koester, Esq. filling in for George Dilts represented the applicant.

Dr. Lewis arrived at 7:37

Attorney Drill noted that Mr. Koester sent a letter dated December 12, 2016 to the Board at 4:00pm this afternoon. The letter was distributed to the Board and Attorney Drill advised Board members to take a minute to read the letter.

Attorney Koester stated the application for a Waiver of Site Plan.

### **EXHIBIT:**

A-1 Original Approved Site Plan dated signed by Mr. Matsen in June of 1978

The applicant has an approved Site Plan and now proposing the HVAC units to be mounted to the building which will not add to ground coverage on the site and we feel that we qualify for a Waiver of Site Plan based on 165-36.1.A.(1)

The following individuals were sworn and provided testimony during the hearing:

- 1) Sarah Prant Ercolano, President of Molasses LLC
- 2) Andrea Malcolm, Board Planner

Even though the HVAC Units are no longer going to be on the ground, they will now be mounted to the building they will be in the same area as if they were mounted on the ground. They will be located one (1) on each side and two (2) in the rear of the building.

Ms. Ercolano stated that the units are being installed because there has never been enough heat or air conditioning in the building.

### **BOARD FINDINGS:**

- The Board found that the applicant previously secured Site Plan approval and the proposed development will have insignificant impact on the previously approved Site Plan, therefore qualifying for a Waiver of Site Plan under 165-36.1.A.(1)
- Based on the testimony given and documents submitted the found that it can and should grant Waiver of Site Plan.

### **RELIEF GRANTED:**

The Board granted Waiver of Site Plan to install four (4) wall mounted HVAC units, one (1) on each side and two (2) in the rear of the building.

A motion was made by Mr. Roberts and seconded by Ms. Stevens to grant the Waiver of Site Plan. The vote record follows.

<b>Roll Call: Molasses LLC – Waiver of Site Plan</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Filus			X			
Lefkus			X			
Lewis			X			
Matsen			X			
McCaffrey						X
Olsen			X			
Roberts	X		X			
Stevens		X	X			
Yager						Excused

The Board directed the Board Secretary to ask both the Zoning Officer and the Construction Code Official if they will proceed in reviewing permit applications as if the Resolution has been adopted.

Guliet Hirsch, Esq. submitted a letter today dated December 12, 2017 on behalf of her client Planet Fitness. Her letter requested that the Board ask the Zoning and Construction officials to allow Planet Fitness to move ahead with the gable roof as shown on the submitted Construction Plans. The Board was in agreement.

**ADJOURNMENT**

A motion was made by Mr. Roberts and seconded by Ms. Stevens to adjourn. The Board concurred unanimously and the meeting was adjourned at 7:48pm.

Respectfully Submitted,

*Denise Filardo*  
 Planning and Zoning Board Secretary

These minutes were approved on May 22, 2017.