

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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ANNUAL REORGANIZATION PUBLIC MEETING

DATE: January 30, 2017

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

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.

SWEARING IN OF MEMBERS

- Mr. Matsen was appointed for four (4) year term expiring December 31, 2020
- Mr. Yager was appointed for two (2) year term expiring December 31, 2018

MEMBERS IN ATTENDANCE

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

MEMBERS ABSENT

None.

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Jonathan Drill, Esq., of Stickel, Koenig, Sullivan and Drill, Board Attorney
- 2) Denise Filardo, Board Secretary

NOMINATIONS AND ELECTIONS

A motion was made by Mr. Matsen to nominate Mr. McCaffrey as Board Chairman.
All were in favor.

A motion was made by Ms. Stevens to nominate Mr. Matsen as Board Vice Chairman.
All were in favor.

A motion was made by Mr. McCaffrey to nominate Ms. Stevens as Vice Chair Pro Tempore.
All were in favor.

BOARD OFFICERS	
1	Chairperson – Tom McCaffrey
2	Vice Chairperson – John Matsen
3	Vice Chairperson Pro Tempore – Sharon Stevens

	AREA OF EXPERTISE	EXPERT	FIRM
1	Attorney	Jonathan Drill, Esq.	Stickel, Koenig, Sullivan & Drill, LLC
2	Conflict Attorney	Lisa A. John-Basta, Esq.	Chiesa, Shahinian & Giantomasi, PC
3	Engineering Expert	Cathleen Marcelli, PE, CME	Mott MacDonald
4	Traffic Expert	Cathleen Marcelli, PE, CME	Mott MacDonald
5	Lighting Expert	Jason Harkins, LLA, RLA	Mott MacDonald
6	Planning Experts	Michael Sullivan, ASLA, AICP Andrea Malcolm, PP, AICP	Clarke, Caton Hintz
7	Architectural Experts	John Hatch, AIA Michael Hanrahan, AIA	Clarke, Caton Hintz
8	Conflict Planning Experts	Joseph Burgis, PP, AICP Tom Behrens, PP, AICP	Burgis Associates, Inc.
9	Affordable Housing Experts	Joseph Burgis, PP, AICP Tom Behrens, PP, AICP	Burgis Associates, Inc.
10	Landscape Architects	Brian Bosenberg, CLA	B.W. Bosenberg & Co. Inc.
11	Conflict Landscape Architect	John Morgan Thomas, ASLA	John Morgan Thomas
12	Environmental Expert	Jeffrey K. Keller, PhD	Habitat by Design
13	Geology & Hydrogeology Expert	Matthew J. Mulhall, PG, MS, ME	M2 Associates, Inc.
14	Wireless Communications Expert	Charles Hecht, RF Engineer	Hecht Associates
15	Board Stenographer	Joanne Sekella	Sekella Reporting Associates, LLC
16	Secretary provided by Township	Denise Filardo	Township of Clinton
17	Newspapers for publication of legal notices	Hunterdon County Democrat, The Star Ledger	NJ Advance Media

APPROVAL OF 2017 CALENDAR

A motion was made by Ms. Stevens and seconded by Mr. Matsen to approve the 2017 calendar. All were in favor.

APPROVAL OF 2017 RULES AND REGULATIONS *(distributed via email by Jon Drill)*

A motion was made by Mr. Matsen and seconded by Mr. Roberts to approve the 2017 Rules and Regulations. All were in favor.

APPROVAL OF 2016 ANNUAL REPORT

A motion was made by Mr. McCaffrey and seconded by Ms. Stevens to approve the 2016 Annual Report. All were in favor.

APPROVAL OF VOUCHERS

A motion was made by Mr. McCaffrey and seconded by Mr. Roberts to approve the vouchers for payment. All were in favor.

RESOLUTIONS

1. PLATYPUS ENTERPRISES, LLC, Block 13.01, Lot 3

1460 ROUTE 22 WEST

Application No. BOA-2015-09

Modification of condition #2 of Resolution No. 2015-15 to extend the time within which the Site Plans must be signed.

Resolution No. 2016-05

Eligible Members: Filus, Lewis, Matsen, McCaffrey, Roberts, Stevens, Yager

A motion was made by Ms. Stevens and seconded by Mr. Filus to adopt Resolution No. 2016-05. The vote record follows.

Roll Call: Platypus Blk 13.01, Lot 3 - Resolution No. 2016-05						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus		X	X			
Lefkus					X	
Lewis			X			
Matsen			X			
McCaffrey			X			
Olsen (Alt. 2)					X	
Roberts			X			
Stevens	X		X			
Yager (Alt. 1)			X			

2. MARK & JESSICA HODKINSON, Block 87.04, Lot 11

2 Cheryle Way

Application No. BOA-2016-03

“C(2)” Variance To Allow Construction of a Front Porch Encroaching into the Front Yard Setback Area

Resolution No. 2016-06

Eligible Members: Filus, Lewis, Matsen, McCaffrey, Roberts, Stevens, Yager

A motion was made by Mr. Matsen and seconded by Mr. Roberts to adopt Resolution No. 2016-06. The vote record follows.

Roll Call: Hodkinson Blk 87.04, Lot 11 – Resolution No. 2016-06						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus					X	
Lewis			X			
Matsen	X		X			
McCaffrey			X			
Olsen (Alt. 2)					X	
Roberts		X	X			
Stevens			X			
Yager (Alt. 1)			X			

3. **DENNIS AND DOMENICA DARROW, Block 13, Lot 30.07**

61 Haytown Road

Application No. BOA-2016-03

“C(1)” Variances to allow construction of a new dwelling on an undersized lot and at a greater density than permitted and also encroaching into the side yard setback area, And “C(2)” Variances to allow the dwelling to encroach into the front yard setback area and to exceed the maximum permitted height.

Resolution No. 2016-07

Eligible Members: Filus, Lewis, Matsen, McCaffrey, Roberts, Stevens, Yager

A motion was made by Mr. Roberts and seconded by Mr. Matsen to adopt Resolution No. 2016-07. The vote record follows.

Roll Call: Darrow, Blk 13, Lot 30.07 – Resolution No. 2016-07						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus					X	
Lewis			X			
Matsen		X	X			
McCaffrey			X			
Olsen (Alt. 2)					X	
Roberts	X		X			
Stevens			X			
Yager (Alt. 1)			X			

4. **EDWARD AND GAYLE DENNE, Block 30, Lot 4**

22 Valley Crest Road

Application No. BOA-2016-04

“C(1)” and “C(2)” Variance To Allow Construction of a Second Floor Bedroom Addition Over an Existing Attached Garage Encroaching into the Side Yard Setback Area. **Resolution No. 2016-08**

Eligible Members: Filus, Lewis, Matsen, McCaffrey, Roberts, Stevens, Yager

A motion was made by Mr. Roberts and seconded by Ms. Stevens to adopt Resolution No. 2016-08. The vote record follows.

Roll Call: Denne, Blk 30, Lot 4 – Resolution No. 2016-08						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus					X	
Lewis			X			
Matsen			X			
McCaffrey			X			
Olsen (Alt. 2)					X	

Roberts	X		X			
Stevens		X	X			
Yager (Alt. 1)			X			

5. RBC FIT, LLC D/B/A PLANET FITNESS, Block 70, Lot 3

ARROW MILL PLAZA

1712 State Route 31

Application No. BOA-2014-01

Minor Site Plan Approval to allow increase in height of a portion of a gable roof and “C(2)” variance to allow installation of two Planet Fitness wall signs on the westerly front building façade.

Resolution No. 2016-09

Eligible Members: Filus, Lefkus, Matsen, McCaffrey, Olsen, Yager

A motion was made by Mr. Lefkus and seconded by Mr. Matsen to adopt Resolution No. 2016-09. The vote record follows.

Roll Call: RBC Fit/Planet Fitness Blk 70, Lot 3 – Resolution No. 2016-09						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus	X		X			
Lewis					X	
Matsen		X	X			
McCaffrey			X			
Olsen (Alt. 2)			X			
Roberts					X	
Stevens					X	
Yager (Alt. 1)			X			

REQUEST FOR EXTENSION OF TIME

PRAVEEN SHARMA, Block 80, Lot 6

12 Cedar Grove Road

Application No. 2011-08

Applicant requests a Modification of Condition No. 1 of Resolution No. 2014-03 which memorialized the modification of Condition Numbers 3.B, 6.A and 8 of Resolution No. 2011-20R to extend by two (2) years the time within which the applicant must obtain construction permits, expand the septic system, and install landscaping, all related to the proposed development.

Mr. Praveen Sharma, homeowner was sworn and testified on his own behalf. Mr. Sharma summarized his letter to the Board dated January 19, 2017 requesting this second Extension of Time.

BOARD FINDINGS AND CONCLUSIONS

- the applicant requested and the Board granted a modification of Resolution No. 2011-20R to extend the time limitations contained in the Resolution conditions by two (2) years as memorialized in Resolution No. 2014-13.
- based on the testimony of Mr. Sharma the Board finds that the applicant could not begin the proposed development after obtaining the first modification because he had to move to India to take care of his ailing father who passed away on October 25, 2016. Upon Mr. Sharma’s return from India, he determined to proceed with the proposed development but requires extensions in the applicable time limitation periods due to his absence from the country.
- there have been no intervening zone changes and no zone changes are pending, and this is a factor weighing in favor of extending the time within which the applicant must obtain construction permits.
- the applicant’s inability to begin construction due to circumstances beyond his control is another factor that weighs in favor of extending the time within which the applicant must obtain construction permits.
- neither the Board nor the public will be harmed by extending the time so that there are no factors present that would prevent extending the time. In fact, if the extension is not granted, the applicant could submit a new application with the same plans and seek the variance again. It seems to the Board to be likely that such an application would be granted since the Board previously granted it and there has been no intervening zone change, and none is pending.
- the Board concludes that the particular circumstances of this case do not warrant terminating the proposed development and, in fact, the circumstances warrant extending the time within which the applicant must obtain construction permits by two (2) years.

RELIEF GRANTED

Modification of Conditions #3.b, #6.a and #8 of Resolution No. 2011-20R to Extend all Time Limitations by a Second Two (2) Year Period.

A motion was made by Mr. McCaffrey and seconded by Mr. Filus to grant the Extension of Time. The vote record follows.

<i>Roll Call: Sharma, Blk 80, Lot 6 – Extension of Time</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus		X	X			
Lefkus			X			
Lewis			X			
Matsen			X			
McCaffrey	X		X			
Olsen (Alt. 2)					X	
Roberts			X			
Stevens			X			
Yager (Alt. 1)					X	

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. Roberts to adjourn. All were in favor and the meeting was adjourned at 7:36pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on July 24, 2017.