

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

DATE: November 28, 2016

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

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, Lewis, Matsen, McCaffrey, Olsen, Stevens, Yager

BOARD MEMBERS ABSENT:

Lefkus, Roberts

BOARD PROFESSIONALS IN ATTENDANCE:

Jonathan Drill, Esq., 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.

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

MINUTES

Mr. Matsen moved and Mr. Filus seconded a motion to approve the meeting Minutes of May 11, 2015. The vote record follows.

Roll Call: Minutes of May 11, 2015						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen	X		X			
Filus		X	X			
Lefkus						X
Lewis			X			
Roberts						X
Stevens					Not Eligible	
Yager			X			
Olsen			X			

Mr. Matsen moved and Mr. Yager seconded a motion to approve the meeting Minutes of July 27, 2015. The vote record follows.

Roll Call: Minutes of July 27, 2015						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen	X		X			
Filus			X			
Lefkus						X
Lewis			X			
Roberts						X
Stevens					Not Eligible	
Yager		X	X			
Olsen			X			

RESOLUTIONS

1) TOWN OF CLINTON WATER PRODUCTION WELL #4 FACILITY

BLOCK 1, LOT 20 – 28 DEER HILL ROAD

Application No. 2015-04

“D(2)” Variance To Allow Expansion Of Lawfully Created Pre-Existing Nonconforming Water Production Well #4 Facility With “C(1)” Setback Variances and Preliminary and Final Site Plan Approval to allow Construction of an Above Ground Well House With Emergency Generator

Resolution No. 2015-19

Eligible Members: Matsen, Stevens, Filus, Lefkus, Lewis, McCaffrey, Olsen

Mr. Matsen moved and Ms. Stevens seconded a motion to adopt Resolution No. 2015-19.
The vote record follows.

Roll Call: Town of Clinton Well # 4 Resolution No. 2015-19						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen	X		X			
Filus			X			
Lefkus						X
Lewis			X			
Roberts					Not Eligible	X
Stevens					Not Eligible	
Yager		X	X			
Olsen			X			

2) 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. 2015-20

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

Adoption of this Resolution was postponed until December, 12, 2016.

PUBLIC HEARING

1) JEANNINE PODESTA

Application No. BOA-2016-05

Block 82.13, Lot 62

Applicant seeks “C” Variances to construct an attached garage to their residence.

Chairman McCaffrey noted that no one from the Public was in attendance.

The applicant, Jeannine Podesta was sworn and testified on behalf of her application.

Ms. Podesta reviewed the exhibits while explaining the application seeking variances to allow construction of drive-thru garage addition within the rear yard setback area. The lot was created prior to the Township’s first zoning ordinance.

Ms. Podesta discussed the following reasons the proposed garage:

- 1) Multi car family
- 2) Storage of antique car restoration and a Triumph motorcycle
- 3) Missing amenity, other homes in the neighborhood have garages
- 4) To allow lawn & garden tool storage
- 5) Garage will provide screening

There was discussion regarding the necessity of the extended width of the proposed garage addition.

The Board conducted a non-binding straw poll regarding the width of the garage.

Only three (3) members were in favor of granting the relief as proposed in the application. A minimum vote of four (4) members would be needed to grant the variances.

Seven (7) members were in favor of granting relief with a reduction of the width of garage to achieve a 15ft setback, reduce side yard setback & reduce the impervious coverage to below 15%.

EXHIBITS

- A-1 Clinton Township Tax Map sheet 14, last revised January 1, 1998
- A-2 Clinton Township Tax Map sheet 14.02, last revised January 1, 1998
- A-3 Google aerial image of property and surrounding neighborhood (undated)

BOARD FINDINGS AND CONCLUSIONS

- The lawful construction of the existing dwelling on the pre-existing property in the location at issue prior to the ordinance amendment that made the property's size and the location of the dwelling nonconforming constitutes an extraordinary and exceptional situation uniquely affecting the property and the dwelling which lawfully exists on the property.
- The strict application of the bulk regulations at issue in this particular case will result in exceptional and undue hardship in terms of impacting the extent to which the property may be used (but will not result in the property being zoned into inutility) and that "c(1)" variances to allow the proposed development would relieve the hardship.
- "C(1)" variances can and should be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the master plan and zoning ordinance provided that the imposed conditions are complied with.

RELIEF GRANTED

The following "C(1)" Variances were granted to allow the garage addition:

- 1) Variance from the minimum lot area regulation of 174,240 square feet to allow the garage addition on a 22,008 square foot lot.
- 2) Variance from the 150-foot lot width at street regulation to allow the garage addition on property having 0 lot width at the street.
- 3) Variance from the 250-foot lot width at building regulation to allow the garage addition on property having 141 feet of width at the building.

- 4) Variance from the 250-foot rear yard setback regulation to allow the garage addition to be located entirely within the rear yard setback, as close as 6.85-feet to the northerly rear property line.
- 5) Variance from the 50-foot side yard setback regulation to allow the garage addition to be located as close as 15-feet to the westerly side property line, encroaching into the 50-foot side yard setback area.
- 6) Variance from the 10% building coverage regulation to allow 15% building coverage.

A motion was made by Ms. Stevens and seconded by Mr. Filus to grant “C(1)” Variances. The vote record follows.

Roll Call: Podesta - Block 82.13, Lot 62 “C(1)” Variances						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen			X			
Filus		X	X			
Lefkus						X
Lewis			X			
Roberts						X
Stevens	X		X			
Yager			X			
Olsen			X			

Chairman McCaffrey discussed the interviewing of Matt Mulhall and appointing him as Geologist for 2017. Mr. Mulhall would be both the Board Geologist and Geotechnical Consultant.

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. Filus to adjourn. The Board concurred unanimously and the meeting was adjourned at 9:24pm.

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

Minutes of the Board of Adjustment
November 28, 2016

Respectfully submitted,

Denise Filardo
Planning and Zoning Board Secretary

These minutes were approved on October 23, 2017.