

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

May 28, 2013

PRESENT: Tom McCaffrey, Wayne Filus, Sharon Stevens, Dave Roberts, John Lefkus, John Matsen and Amy Switlyk.

PROFESSIONALS: Jon Drill, Attorney and Rebecca D'Alleinne, Administrator.

ABSENT: Ira Breines and Sharol Lewis.

CALL TO ORDER

Chairman McCaffrey called the meeting to order at 7:32PM.

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 on the 1st Floor of the building and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, the Star Ledger and the North County Branch of the Hunterdon County Library, no later than the Friday prior to the meeting.

Jon Drill explained that the Village Green application for the retaining walls would be withdrawn, re-noticed and re-scheduled.

NEW BUSINESS

Vouchers

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

MINUTES

Sharon Stevens moved and Wayne Filus seconded a motion to approve the minutes of April 22, 2013 as written. The Board concurred unanimously.

RESOLUTIONS

JEZOREK, Block 16, Lot 64

Resolution #2013-04, application #2013-02

Chairman McCaffrey stated that Draft #2 of the resolution was under consideration. Dave Roberts moved and Sharon Stevens seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Matsen, Stevens, Filus, Lefkus and Roberts.

GIL PETROLEUM, Block 88, Lot 9

Resolution #2013-03, Application #2013-01

Chairman McCaffrey stated that Draft #2 of the resolution was under consideration and Jon Drill noted that he had received no objections from the applicant's attorney. Dave Roberts moved and Sharon Stevens seconded a motion to approve the resolution. Members in favor: McCaffrey, Matsen, Stevens, Filus, Lefkus and Roberts.

PUBLIC HEARINGS

HUDNETT, Block 19, Lot 14

Application #2013-03

Terry Hudnett, applicant and Robert Goodyear, contractor were sworn. Jon Drill noted that the legal notices were in order and that the Board had jurisdiction. Mr. Hudnett explained that he already had a 32' x 32' block building with a flat roof on the property and that he wanted to convert it into a barn, rather than erect a Butler building. He stated that he wanted to store old vehicles in the barn and work on them. The proposal would include a small body shop. Exhibit A-1 (Photo of Subject Building with Shed, taken June 2012), Exhibit A-2 (Photo of Subject Building), Exhibit A-3 (Photo of Subject Building, dated 4/20/13), Exhibit A-4 (Photo of Building, dated 5/27/13) and Exhibit A-5 (Photo of Subject Building, dated 5/27/13) were marked into evidence. The photos were distributed to the Board members for examination.

Mr. Goodyear stated that the applicant wanted to clean up the shed area first and then update the house. Mr. Hudnett noted that the antique cars were currently in the trailers. Mr. Goodyear discussed the topography of the lot, indicating that the roof of the building would not be seen from the road and would not affect the neighbors. He stated that the applicant wished to reuse the building already there and expressed the opinion that the property was unique. He noted that the building was constructed in 1967. Mr. Hudnett discussed the side yard setback.

Chairman McCaffrey asked how tall the building was currently and Mr. Hudnett stated that it was 10 feet now and that he proposed a change to 24 feet high. It was noted that 16 feet was permitted by ordinance. Mr. McCaffrey asked what would the loft be used for and Mr. Hudnett responded that he would use it for storage. He stated that there would be no plumbing, but that there would be electricity in the building. Mr. Hudnett discussed his business, which he stated had been inactive for 7 years. Discussion ensued as to whether the business was active. Power and telephone lines were discussed. Mr.

Hudnett stated that he had several machines and a hobby shop and reported that he would only work on antique cars for his own use.

Chairman McCaffrey commented on the current 9.6 foot side yard setback and the height variance. He asked the applicant to provide the rationale and justification for needing the height variance. Mr. Goodyear expressed the opinion that a pitched roof would look better aesthetically on the building rather than a flat roof. He thought that it would make it look more like a barn than a commercial building. John Lefkus discussed the pitch of the roof and asked whether he planned to demolish the building. Mr. Hudnett responded negatively. Mr. Lefkus asked whether the original block building would support a second story. Mr. Goodyear discussed the structure and the support materials. Jon Drill commented that the structure was an accessory building and read a relevant passage from the ordinance. Mr. Hudnett stated that he would not work for hire, that the building would be used for his hobby. It was noted that the building was a permitted accessory use and that the reason for the height variance was aesthetics.

Mr. Goodyear discussed the attic area and the size of it. John Lefkus noted that the existing building was 10 feet tall now, that there was a difference of 14 feet and wondered why the attic was not considered usable. Jon Drill discussed the ordinance concerning building height and read it aloud. Dave Roberts discussed the height of the attic rooms, asking about the siding and Mr. Hudnett stated that it would be wood batten board. Mr. Goodyear stated that the cinder block would be on the inside only and that there would be a stone veneer around the base. Chairman McCaffrey discussed the permitted side yard setback of 20 feet. Dave Roberts asked about the rear view and Mr. Goodyear stated that it would be covered with siding. Sharon Stevens discussed the window. Jon Drill noted that the lot was preexisting and nonconforming. Mr. Hudnett indicated that the utility company had an easement. He noted that he intended to paint the building a "faded" barn red with a metal roof. John Lefkus discussed primary versus accessory uses, as to whether they were dependent on size. Jon Drill read from the accessory use ordinance, commenting that there were no qualifiers listed for a private garage.

Mr. Hudnett stated that the dwelling on the lot was 22' x 40' ranch house. Jon Drill pointed out that the ordinance limited an accessory structure to 16 feet high and discussed the side yard setbacks. John Lefkus explained to the applicant that the variance would continue with the land to future owners. Jon Drill discussed potential conditions such as siding, removal of the trailers and that no commercial usage would be permitted. Dave Roberts discussed the existing metal shed, but Mr. Hudnett stated that it was already gone. Sharon Stevens commented on the shed by the house, suggesting that the Board consider moving it. Mr. Hudnett indicated that he could move it with a backhoe. John Lefkus discussed definitions. Discussion ensued as to the lack of limitation on the residential garage and recommending a change to the ordinance. Mr. Lefkus expressed the opinion that a condition should be imposed to limit the garage to private use only. The colors of the house and roof were discussed. There were no questions from the public.

Chairman McCaffrey stated that the applicant was seeking a c(1) side yard and a c(2) height variance. John Lefkus noted that the structure was a preexisting building which will have no impact on neighbors and will not be visible from the road. Dave Roberts discussed the small side yard setback, noting that rather than stepping back the

wall to conform, the straight wall would be more aesthetically pleasing. It was noted that the removal of trailers would improve aesthetics and that the rationale for height variance by the applicant was aesthetics. It was determined that the trailers were to be removed before the CO can be issued. Jon Drill was directed to contact the building and zoning officers and include the conditions in the email.

John Matsen moved and Dave Roberts seconded a motion to approve the application as discussed. Members in favor: McCaffrey, Matsen, Stevens, Filus, Lefkus, Roberts and Switlyk. Chairman McCaffrey called a recess at 9:12PM. The meeting was called to order at 9:17.

RESOLUTION

VILLAGE GREEN, Block 49, Lot 25

Resolution #2012-07, Application #2011-07

Jon Drill stated that no one had noticed an error on page 37 of Resolution #2012-07, Condition 9b, but noted that Building Official Michael Wright had discovered the error. Chairman McCaffrey noted for the record that it would be a corrected resolution. Sharon Stevens moved and Amy Switlyk seconded a motion to approve the corrected resolution as discussed. Members in favor: McCaffrey, Matsen, Stevens, Filus, Lefkus, Roberts and Switlyk.

EXTENSION OF TIME

HIDDEN MEADOWS, Block 90, Lot 2

Resolution #2011-09, Application #2007-03

Sharon Stevens recused herself from the following discussion and left the meeting. Jon Drill discussed the Permit Extension Act. He noted that all environmentally sensitive lands, including all property in the Highlands, had originally been excluded from the 2008 Permit Extension Act. He noted that in the latest revision to the Act in 2012, the definition was changed to include the Preservation Area of the Highlands. He pointed out that the Township had not yet opted in. Jon Drill advised that the applicant's attorney Mr. Dilts was correct that the Permit Extension Act applied. He discussed the two different dates listed and expressed the opinion that the approval should be extended to December 31, 2014. Mr. Drill advised that it was mandatory that the Board grant the extension. John Matsen moved and Wayne Filus seconded a motion to grant the extension to December 31, 2014. Members in favor: McCaffrey, Matsen, Filus, Lefkus, Roberts and Switlyk.

ADJOURNMENT

John Lefkus moved and Dave Roberts seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 9:32PM.

These minutes were approved on June 24, 2013.

Rebecca E. D'Alleinne, Administrator