

**MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT
ANNUAL REORGANIZATION MEETING**

JANUARY 27, 2014

PRESENT: John Matsen, Sharon Stevens, Tom McCaffrey, Wayne Filus, Dave Roberts, John Lefkus, Sharol Lewis, Jonathan E. Drill, Attorney; and Rebecca D'Alleinne, Administrator.

ABSENT: None.

CALL TO ORDER

Mrs. D'Alleinne called the meeting to order at 8:06PM.

PUBLIC NOTICE

Mrs. D'Alleinne reported that the meeting was held in conformance with the Open Public Meeting Act.

APPOINTMENTS

Mrs. D'Alleinne announced the following appointments had been made by the Mayor:

Appointed to fill a 4-year term:

Sharol Lewis, Regular member, exp. 12/31/17

Tom McCaffrey, Regular member, exp. 12/31/17

NOMINATIONS AND ELECTIONS

Mrs. D'Alleinne accepted nominations for the position of Chairman.

Nomination of Tom McCaffrey was made by John Matsen and seconded by Sharon Stevens. Members were unanimous in favor of Mr. McCaffrey as Chairman.

Mrs. D'Alleinne presented the gavel to the Chairman.

Chairman McCaffrey accepted nominations for the position of Vice Chairman.

Nomination of John Matsen as Vice Chairman was made by Sharon Stevens and seconded by Wayne Filus. Members were unanimous in favor of Mr. Matsen as Vice Chairman.

Chairman McCaffrey accepted nominations for the position of Vice Chairman Pro Tempore. Nomination of Sharon Stevens was made by John Matsen and seconded by Sharol Lewis. Members were unanimous in favor of Ms. Stevens as Vice Chairman Pro Tempore.

APPOINTMENTS

Chairman McCaffrey moved and Sharon Stevens seconded a motion to approve the following professional appointments and selections. The Board concurred unanimously.

Jonathan E. Drill, Attorney
Rebecca D'Alleinne, Secretary
Joanne Sekella, Certified Shorthand Reporter

PUBLIC HEARINGS

DI PACE, Block 3.01, Lot 7

Application #2013-12

Eusilio Di Pace was sworn as the applicant. He explained that his two teenagers were new drivers and that he would need to construct a garage to protect the additional cars. He explained that if the location of a garage were to be compliant, it would be too close to the chimney. Mr. Di Pace stated that to put the garage behind the house would take up too much of the back yard and would block the only window in the family room. Exhibit A-2 (Rear View of House) and Exhibit A-3 (Back Yard) were marked into evidence. Jon Drill noted that the ordinance required the structure to also be 10 feet from the house, so it was not possible to have it both 10 feet from the property line and 10 feet from the house. Mr. Di Pace stated that the garage would match the siding on the house. He commented that there were other homes in the neighborhood with detached garages close to the property line. He expressed the opinion that the proposal would improve the neighborhood, enhancing the property's value and benefitting his neighbors.

John Matsen pointed out that if the side yard setback to the garage wall was 2 ½ feet, then the roof overhang would be 1 foot from the line, which was the point from which the ordinance measured. Chairman McCaffrey asked about the left side window and Mr. Di Pace indicated that the existing Belgian Blocks would match up with the double door. Mr. McCaffrey asked whether the garage could be reduced by the width of the window area and moved over. John Lefkus commented that the proposed garage was larger than a typical garage. Mr. Di Pace indicated that the extra space would be used for mowers, a workbench and snow blowers. Mr. McCaffrey asked whether they were willing to make the garage narrower. Mrs. Rebecca Di Pace was sworn. She stated that it would be difficult to get their large truck and a car into the building. Jon Drill read ordinance sections concerning side and rear yard setbacks and minimum distances between residential buildings. He asked whether they would consider moving it closer to the house and asking for that variance instead. Mr. Di Pace was concerned about proximity to the chimney and the potential for fire. John Lefkus measured the submitted drawing and discussed the scale, noting that it was inaccurate. Sharon Stevens talked about the Belgian blocks. Chairman McCaffrey discussed fire risk and called a recess at 8:49PM. The meeting was called to order at 8:58PM.

Exhibits A-2 through A-10 were marked into evidence. Mr. Di Pace displayed Exhibit A-9 (Neighbor's House) and Exhibit A-10 (House to West). Exhibit A-8 (View from Porch), Exhibit A-4 and A-5 (Photos from Board packet) were marked into

evidence. Mrs. Di Pace explained the rationale for the garage location. Jon Lefkus discussed branches that overhang the driveway. Mr. Patrick Fanger (67 Deer Hill Road) was sworn. He noted that he lived in the neighborhood and had given permission to cut the overhanging branches from his trees. He noted that his property was 150 feet deep and that he would be unlikely to put up a fence along the property line. He expressed the opinion that Mr. Di Pace would do a good job on the renovation. Mr. Lefkus asked about the height and Mr. DiPace stated that it would be 16 ½ feet with no second story.

Chairman McCaffrey asked the Board members for a straw poll. No one liked the proposed 1 foot setback, expressing the understanding that some kind of relief would be needed. John Lefkus indicated that he was not opposed to a garage, just the size of it. John Matsen suggested making garage narrower and closer to the house. Mr. Lefkus pointed out that there were 39 feet between the house and the property line. Mr. Di Pace expressed the opinion that the detached garage would add to the character of the neighborhood. It was suggested that the garage could be 9 feet from the house, which would move the proposed garage away from the property line. Exhibit A-11 (Brochure of Garage) was marked into evidence. Chairman McCaffrey called a recess at 9:27PM. The meeting was called to order at 9:37PM.

Mr. DiPace discussed moving the garage and expressed the opinion that the expense would be greater to take out the Belgian Blocks. Chairman McCaffrey suggested that they rework the plan. John Lefkus noted that they would have to cut the ground for the footings anyway, which would rip up the driveway and disturb the blocks. He expressed the opinion that if the applicant would be able to keep the edge of gutter 10 feet from the property line, that he would be less concerned about the size of the garage.

Mr. Drill asked whether the applicant would like to continue the hearing, and submit a new drawing. He noted that they would have to re-notice for a new variance for to allow the garage to be closer to the house. A new survey was discussed. Mr. Drill enumerated the requirements needed for the applicant to proceed. The applicant determined to ask for a continuance, discuss the matter and contact the administrator. The application will be carried to the regularly scheduled April meeting of the Board. The applicant agreed to grant the Board an extension of time within which to act until April 28, 2014.

EXECUTIVE SESSION

Chairman McCaffrey read a resolution into the record to enter closed session in order to discuss professional appointments. Sharon Stevens moved and John Matsen seconded a motion to go into closed session. Members in favor: McCaffrey, Matsen, Stevens, Lewis, Filus and Lefkus. The Board entered Executive Session at 9:55PM.

OPEN SESSION

The Board entered open public session at 10:12PM. Sharon Stevens moved and Wayne Filus seconded a motion to appoint the following professionals:

Jay Bohn, Conflict Attorney

Cathleen Marcelli, Larry Plevier, Engineering Expert

Michael Sullivan & Kendra Lelie, Planner

Joseph Burgis, COAH Planner

Joseph Fischer & Jeff Fischer, Geo-technology Experts
Cathleen Marcelli, Traffic Expert
Jeffrey Keller, Environmental Expert
Brian Bosenberg, & Kendra Lelie, Landscape Architects
John M. Thomas, Conflict Landscape Architect
Brian Clemson, Lighting Expert
John Hatch, Michael Hanrahan, Architectural Experts
Matthew Mulhall, Hydrogeology Expert

The members concurred unanimously on all appointments.

Sharon Stevens moved and Wayne Filus seconded a motion to approve the official newspapers: the Hunterdon County Democrat and the Star Ledger. The Board approved unanimously. Sharon Stevens moved and Wayne Filus seconded a motion that the calendar for 2014 as presented be adopted. The Board approved unanimously. Sharon Stevens asked about member absences as defined in the Board Rules. She proposed and John Matsen seconded a motion to change the rule so that the Board Chair may excuse an absence if a member were to email the chair and secretary prior to the meeting. Sharon Stevens moved and John Matsen seconded a motion that the Rules and Regulations for 2014 be adopted, as revised. The Board concurred unanimously.

The 2013 Annual Report was discussed. Chairman McCaffrey moved and Sharon Stevens seconded the motion that the Annual Report for 2013 be adopted as written.

VOUCHERS

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

MINUTES

Sharon Stevens moved and Wayne Filus seconded a motion to approve the minutes of December 9, 2013 as corrected. The Board concurred unanimously.

RESOLUTIONS

SMITS, Block 28, Lot 31.05

Resolution #2013-21, Application #2013-11

The Administrator reported that the applicant's escrow account was in arrears. Jon Drill recommended that the Board direct Mrs. D'Alleinne not to sign or publish the resolution. The Board directed her to send a communication to the zoning officer that she had not signed or published the resolution. John Matsen moved and Wayne Filus seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Matsen, Stevens and Filus.

Chairman McCaffrey and Vice Chairman Matsen recused themselves from the remainder of the meeting.

EXECUTIVE SESSION

Vice Chairman Pro Tempore Sharon Stevens read a resolution into the record authorizing the Board to enter closed session to discuss pending litigation. Wayne Filus moved and Sharon Stevens seconded a motion to adopt the resolution as read. Members in favor: Stevens, Lewis, Filus and Lefkus. The Board entered Executive Session at 10:30PM.

OPEN SESSION

The Board re-entered open public session at 10:58 PM. Jon Drill reported that the attorney for Hensfoot Development had filed suit against the Board and the applicant, Zinn Realty, challenging the grant of Preliminary and Final Site Plan. Sharon Stevens moved and John Lefkus seconded a motion to authorize Mr. Drill to file a statement in lieu of brief on behalf of the Board. Members in favor: Stevens, Lewis, Filus and Lefkus.

ADJOURNMENT

John Lefkus moved and Wayne Filus seconded a motion to adjourn. The Board concurred unanimously and the meeting was adjourned at 11:00PM.

These minutes were approved on March 24, 2014.

Rebecca E. D'Alleinne
Secretary to the Board