

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT
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ANNUAL REORGANIZATION PUBLIC MEETING

DATE: January 22, 2018

Secretary Filardo called the meeting to order at 7:30pm.

Secretary Filardo led the Flag Salute.

Secretary Filardo 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

- Dr. Sharol Lewis was appointed for a four (4) year term expiring December 31, 2021
- Mr. William Glaser, Jr. was appointed for two (2) year term expiring December 31, 2019

MEMBERS IN ATTENDANCE

Filus, Glaser, Lefkus, Lewis, Matsen, Roberts, Yager

MEMBERS ABSENT

McCaffrey, Stevens

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) Jackie Klapp, Board Stenographer
- 4) Denise Filardo, Board Secretary

NOMINATIONS AND ELECTIONS

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

A motion was made by Mr. Roberts and seconded by Mr. Lefkus to nominate Mr. Matsen as Board Vice Chairman. All were in favor.

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

Vice Chairman Matsen took over the meeting.

A motion was made by Mr. Roberts and seconded by Mr. Matsen to nominate Ms. Stevens as Vice Chair Pro Temp. All were in favor.

A motion was made by Mr. Lefkus and seconded by Mr. Filus to appoint Board Professionals (Numbers 1 through 14 listed below). All were in favor.

	AREA OF EXPERTISE	EXPERT	FIRM
1	Attorney	Jonathan Drill, Esq.	Stickel, Koenig, Sullivan & Drill, LLC
2	Conflict Attorney	Jay B. Bohn, Esq.	Schiller & Pittenger, PC
3	Engineering Experts	Cathleen Marcelli, PE, CME Larry Plevier, PE	Mott MacDonald
4	Conflict Engineering Expert	Jason Cline, PE, CME	Remington, Vernick & Vena
5	Traffic Expert	Cathleen Marcelli, PE, CME	Mott MacDonald
6	Lighting Expert	Jason Harkins, LLA, RLA	Mott MacDonald
7	Planning Experts	Joseph Burgis, PP, AICP Tom Behrens, PP, AICP	Burgis Associates, Inc.
8	Conflict Planning Expert	Robert Michaels, PP, AICP	Robert Michaels & Associates
9	Architectural Experts	John Hatch & Michael Hanrahan, AIA	Clarke Caton Hintz
10	Landscape Architect	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	To be determined	
16	Secretary provided by Township	Denise Filardo	Township of Clinton
17	Newspapers for publication of legal notices	Hunterdon County Democrat, The Star Ledger	New Jersey Advance Media

A motion was made by Mr. Matsen and seconded by Mr. Roberts to appoint Ms. Filardo as Board Secretary. All were in favor.

APPROVAL OF 2018 CALENDAR

A motion was made by Mr. Matsen and seconded by Mr. Lefkus to approve the 2018 calendar inclusive of a new meeting start time of 7:00pm effective immediately. All were in favor.

APPROVAL OF 2018 RULES AND REGULATIONS *(distributed via email by Jon Drill)*

A motion was made by Mr. Lefkus and seconded by Mr. Matsen to approve the 2018 Rules and Regulations dated January 22, 2018 with the proposed revisions. All were in favor.

APPROVAL OF 2017 ANNUAL REPORT

A motion was made by Mr. Matsen and seconded by Mr. Roberts to approve the 2017 Annual Report without reference to Air B&B's. All were in favor.

APPROVAL OF VOUCHERS

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

RESOLUTIONS

1) MARILY RHYNE HERR

Block 16, Lot 73

182 Stanton Mountain Road

Application No. CTBOA-2017-04

Resolution No. CTBOA-2017-12

“D(1)” Use Variance to allow use of an apartment above a detached accessory garage as an accessory apartment

At the request of the applicant this will be carried to the February 26th meeting.

Attorney Drill suggested the Board enter into a closed session after hearing the scheduled applications to render legal advice to the Board regarding this matter.

PUBLIC HEARINGS

1) 111 COKESBURY ROAD, LLC

Block 13, Lot 11.01 and Block 1, Lot 3

Safavieh Warehouse

Application No. 2017-09

Applicant is seeking a Waiver of Site Plan to install three (3) egress doors required by Uniform Construction Code.

The applicant's attorney, Daniel Steinhagen gave a brief overview of the application. The applicant has applied for a waiver of site plan review to allow the installation of the proposed improvements, which include three (3) new access doors as well as loading dock seals. The three new access doors were requested by the Township Construction Official and are proposed in the following areas:

This application is being heard by the Board of Adjustment because of the Puleo Case since there was a previous “D(2)” Variance

The following individuals were and testified during the hearing:

- Kevin Rider (applicant's building manager)
- Chris Rudman, AIA (applicant's architectural expert)
- Andrea Malcolm, PP (Board's planning expert)

Mr. Rider stated that the applicant is working with the Township to get Building up to code. Per the Township Construction Code Official, three (3) new access doors are required in the

following areas:

- One (1) access door within the loading dock area on the west side of the building.
- Two (2) access doors at the east side of the building facing Cokesbury Road, one (1) of which requires steps.
- Loading dock seals are proposed at all of the loading docks, which are located on the west, north, and south sides of the building. The seals include foam sides and a seal hood that projects 24" out from the building façade.
- The new doors will be similar to the existing doors

Mr. Rudman's qualifications were accepted by the Board.

Mr. Rudman's testimony included the following:

- The doors will be emergency egress only, they will not be used by the public.
- The only lighting to be installed is emergency lighting.
- There will be no change to landscaping or traffic circulation.
- The Building will not be substantially changed.
- Dock seals are requested for the entire building as they provide protection from the elements and are de minimus.
- The proposed improvements will yield improved fire safety for employees.

BOARD FINDINGS AND CONCLUSIONS

- The proposed improvements will satisfy the grounds for waiver of site plan review and approval under Township ordinance section 165-36.1.A(1) and (3), provided that the imposed conditions are complied with.
- The applicant previously obtained site plan approval, and the Board finds that the proposed installation of the access doors and loading dock seals will not significantly alter or impact the previously approved site plan, as the modifications are de minimus in nature in regard to the overall plan.
- The proposed improvements will not affect existing circulation, parking, drainage, landscaping, buffering, grading, sloping, or other considerations of site plan review.
- The proposed improvements will impact the existing warehouse building in a positive way, with the access doors contributing to fire safety, and the loading dock seals constituting an environmental and noise reducing benefit.
- As such, the Board finds and concludes that it can and should grant the Site Plan Waiver subject to the applicant's compliance with the Board imposed conditions.

RELIEF GRANTED

The Board hereby grants a Waiver Of Site Plan Review and approval in accordance with ordinance section 165-36.1.A(1) and (3) to allow the proposed improvements to be constructed subject to the applicant's compliance with the Board imposed conditions.

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

Roll Call: 111 Cokesbury Road, Blk 13, Lot 11.01						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus			X			
Lewis			X			
Matsen	X		X			
McCaffrey						X
Glaser (Alt. 2)			X			
Roberts		X	X			
Stevens						X
Yager (Alt. 1)			X			

2) MULLAY, BRIAN AND AMY

Block 21, Lot 7

9 Old Clinton Road

Application No. 2017-10

Applicant is seeking a “C(1)” Variance from the front yard setback to construct a second floor addition to the existing single-story dwelling.

Amy Mullay, the applicant and homeowner was sworn.

Ms. Mullay provided testimony which included the following:

- The family has a strong need to expand the home as they have two (2) daughters sharing a 9’ x 9’ bedroom, that they are outgrowing.
- They have a hardship as they cannot change the fact that the existing house is in the setback. The only way they can create more space is to build up.
- The 2nd floor addition will be flush with the structure of the house so there will be no change in the impervious coverage.
- The current square footage of the dwelling is just under 1100sf, adding the proposed 2nd floor will yield a total square footage just under 1800sf.
- The septic on the property replaced in 2012 to support three (3) bedrooms.
- Hoping to start construction by March 1st of this year.

BOARD FINDINGS AND CONCLUSIONS

- The property is an approximately 1.43-acre lot situated in the RC zone. The property is developed with the existing dwelling which is 1,100 square feet in size and is a principally permitted use in the zone.
- The property is a lawfully created pre-existing nonconforming undersized lot as, when it was created its 1.43-acre size complied with the minimum lot size then in existence, whereas the current minimum lot size for the RC zone is 9-acres.
- The existing dwelling presently maintains a nonconforming condition as it is setback 70 feet from the front yard property line whereas the Schedule requires a front yard

setback of 180 feet. Because the property size and the existing dwelling setback are lawfully created pre-existing nonconformities, they are “grandfathered,” meaning they are entitled to remain.

- Because the front yard setback for the proposed addition, even though it is not encroaching further into the front yard setback as the existing dwelling, does not comply with the special reduced front yard setback requirement of 75-feet, the applicant requires and has requested a “C” setback variance to vertically extend into the front yard setback of 70 feet, where a 180-foot setback is required.
- The Board deemed the application to also request a “C” variance to allow the addition on the pre-existing nonconforming undersized lot.
- The lawful construction of the existing dwelling on the property in the location at issue 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)” variance relief to allow the proposed addition would relieve the hardship.
- The “C(1)” variance relief could 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 Board imposed conditions are complied with.

RELIEF GRANTED

“C(1)” Variances to allow the proposed addition on the 1.43-acre property where 9-acres is the minimum lot size required, and with a front yard setback of 70-feet where the required minimum front yard setback is 180-feet.

The applicant requested and the Board directed Ms. Filardo to ask the Construction & Zoning Officials to issue permits prior to adoption of the resolution.

A motion was made by Mr. Matsen and seconded by Mr. Filus to grant the requested “C(1)” variances. The vote record follows.

Roll Call: Mullay, Block 21, Lot 7 - “C(1)” Variances						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus		X	X			
Lefkus			X			
Lewis			X			
Matsen	X		X			
McCaffrey						X
Glaser (Alt. 2)			X			
Roberts			X			
Stevens						X
Yager (Alt. 1)			X			

EXECUTIVE CLOSED SESSION

Mr. Yager recused himself from the matter to be discussed during closed session and exited the meeting at 9:05pm.

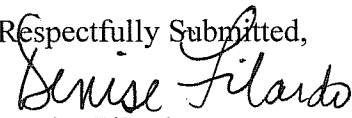
A motion was made by Mr. Matsen and seconded by Mr. Roberts at 9:05pm to enter into Executive Closed Session. The vote record follows.

Roll Call: Enter Executive Closed Session						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus			X			
Lewis			X			
Matsen	X		X			
McCaffrey						X
Glaser (Alt. 2)			X			
Roberts		X	X			
Stevens						X
Yager (Alt. 1)					Recused	

The Board returned from Closed Session to resume the meeting at 9:43pm.

ADJOURNMENT

A motion was made by Mr. Roberts and seconded by Mr. Matsen to adjourn. All were in favor and the meeting was adjourned at 9:43pm.

Respectfully Submitted,

 Denise Filardo
 Planning and Zoning Board Secretary

These minutes were approved on May 21, 2018.