

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

DATE: September 24, 2018

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.

MEMBERS IN ATTENDANCE

Filus, Glaser, Matsen, McCaffrey, Stevens, Roberts

MEMBER ABSENT

Lefkus, Lewis, Yager

PROFESSIONALS/STAFF IN ATTENDANCE:

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

VOUCHERS

A motion was made by Mr. McCaffrey and seconded by Mr. Roberts to approve the vouchers for payment. The vote record follows.

Roll Call: Payment of Vouchers						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus			X			
Lefkus						X
Glaser (Alt. 2)			X			

Lewis						X
Matsen			X			
McCaffrey	X		X			
Roberts		X	X			
Stevens			X			
Yager (Alt. 1)						X

DISMISSAL OF APPLICATION

1) MANDELL

Block 34, Lots 10.02

Application No. BOA-2018-03

The Board granted height Variance relief to the applicant on August 27, 2018 to construct a 960sf accessory garage building. Subsequently via letter dated September 4th, the applicant requested the application be withdrawn and terminated.

A motion was made by Ms. Stevens and seconded by Mr. Roberts to dismiss Application No. 2018-03 without prejudice. The vote record follows.

<i>Roll Call: Mandell Block 34, Lot 10.02 - Dismissal without prejudice</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus					Not Eligible	
Lefkus					Not Eligible	X
Glaser (Alt. 2)			X			
Lewis						X
Matsen			X			
McCaffrey			X			
Roberts		X	X			
Stevens	X		X			
Yager (Alt. 1)						X

PUBLIC HEARING

1) MCGRATH / DEJULIO

Block 80, Lot 5

14 Cedar Grove Road

Application No. BOA-2018-04

Applicant is seeking Front and Side-yard Bulk Variances to construct an attached garage, deck and second floor Master Bedroom.

The following individuals were sworn and testified during the hearing:

1. Kathleen McGrath – Applicant and homeowner
2. Richard DeJulio – Applicant and homeowner
3. Cindy Boerner-Lay, AIA – Applicant’s Architect
4. Carl Moebis – residing at 16 Cedar Grove Road

Ms. McGrath and Mr. DeJulio’s testimonies included and were not limited to the following:

- A brief narrative consisting of the reasons they chose to live in Clinton Township, their fondness of the charm and modest nature of the neighborhood, hence their desire to expand the current home to meet their need for additional living space and a garage.
- They opened their house to neighbors to view their proposed plans and received favorable input.
- Their home is one of only a few in the neighborhood without a garage.
- Attached garage is more in keeping with surrounding homes in the neighborhood.
- The low ceiling height of the existing basement is not conducive to finishing to acquire additional living space.
- Details regarding the size of the addition.
- Landscape screening will be done around the Air Conditioning and Generator.
- The non-conforming shed will be removed from the property.

Ms. Boerner-Lay’s qualifications were accepted by the Board.

EXHIBITS

A-2 Board consisting of 12 color photos of neighboring homes

Note: Exhibit A-1 was not used as it consisted of the same architectural plans previously distributed to the Board.

Referencing the Architectural Plans and Exhibit A-2, Ms. Boerner Lay’s testimony included and was not limited to the following:

- Orienting the Board with the plans of the proposed addition consisting of an attached 2-car garage, breakfast area, mudroom and deck on the first-floor.
- The second-floor addition will consist of a new master bedroom and a play-room/study located over the garage.
- New Air Conditioning unit, new Generator and enlargement of the existing septic system.
- De minimis nature of the two front-yard Variances and the side-yard Variance. The opposite side-yard has excessive distance from the required setback.
- The property line is not square to the house, therefore resulting in varied front-yard setbacks. The variances requested justify hardship based on the placement of the home on the property.

- The proposed location of the addition allows for saving a large oak tree. One old evergreen will be removed. Hardship based on the placement
- The additions are located in the rear of the existing dwelling.
- Building coverage is under the allowed.
- Siding and roofing materials will match the existing house.

The following member of the Public was sworn and testified:

1. Carl Moebis – residing at 16 Cedar Grove Road.
Mr. Moebis stated that he viewed and likes the applicant’s proposed plans and he is in favor of the application.

BOARD FINDINGS AND CONCLUSIONS

- The Board finds that the lawful creation of the dwelling prior to the adoption of the ordinance(s) that made the property and dwelling nonconforming constitutes an extraordinary and exceptional situation uniquely affecting the property and the dwelling which lawfully exists on the property, as the dwelling is one of just a few remaining homes in the neighborhood that have not been enlarged and/or does not contain a garage.
- The Board finds that a “C(1)” Variance is warranted to formally permit the existing nonconforming dwelling.
- The Board finds that the dwelling, after construction of the addition and deck, will be aesthetically pleasing to neighboring residential homeowners as well as passersby on the road so will not result in substantial detriment to the public good.
- The Board finds that the strict application of the 75-foot minimum front yard setback requirement and the 40-foot minimum side-yard setback in this application will result in peculiar and exceptional practical difficulties or exceptional and undue hardship in terms of impacting the extent to which the property may be used.
- Board finds that the “C(1)” Variances from Front yard and side yard setback requirements can and should be granted provided the applicant complies with the Board imposed conditions.

RELIEF GRANTED

All of the following relief is granted provided that applicant complies with the Board imposed conditions.

- “C(1)” Variance granted from the special reduced front yard setback requirement of 75-feet as established in ordinance section 165-91.B to allow the addition to be constructed encroaching into the required 75-foot minimum front setback area.

- “C(1)” Variance granted from the special reduced side yard setback requirement of 40-feet as established in ordinance section 165-91.B to allow the addition to be constructed encroaching into the required 40-foot minimum front setback area.
- “C(1)” Variance granted from the special reduced front yard setback requirement of 75-feet as established in ordinance section 165-91.B to allow the dwelling’s existing non-conforming encroachment into the required 75-foot minimum front setback area.

A motion was made by Ms. Stevens and seconded by Mr. Filus to grant front and side yard variances. The vote record follows.

Roll Call: McGrath/DeJulio Block 80, Lot 5 - Bulk Variances						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus		X	X			
Lefkus						X
Glaser (Alt. 2)			X			
Lewis						X
Matsen			X			
McCaffrey			X			
Roberts			X			
Stevens	X		X			
Yager (Alt. 1)						X

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. Roberts to adjourn. The Board concurred unanimously and the meeting was adjourned at 7:49pm.

Respectfully Submitted,

Denise Filardo
 Planning and Zoning Board Secretary

These minutes were approved on October 22, 2018.