

**MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT**

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**PUBLIC MEETING**

DATE: November 26, 2018

Chairman McCaffrey called the meeting to order at 7:03pm.

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, Lewis, Matsen, McCaffrey, Stevens, Yager

**MEMBER ABSENT**

Lefkus, Roberts

**PROFESSIONALS/STAFF IN ATTENDANCE:**

- 1) Jonathan E. Drill, Esq., Board Attorney
- 2) Tom Behrens, Jr, PP, AICP, Board Planner
- 3) Denise Filardo, Board Secretary

**VOUCHERS**

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

<b>Roll Call: Payment of Vouchers</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Filus			X			
Lefkus						X

Glaser (Alt. 2)			X			
Lewis			X			
Matsen		X	X			
McCaffrey	X		X			
Roberts						X
Stevens			X			
Yager (Alt. 1)			X			

## RESOLUTIONS

### 1) PRAVEEN SHARMA

Block 80, Lot 6

Application No. BOA-2017-01

Resolution No. 2018-09

Modification of condition #8 of Resolution No. 2011-20R to Extend the Time within which the applicant must obtain a permanent certificate of occupancy.

A motion was made by Ms. Stevens and seconded by Mr. Filus to adopt Resolution No. 2018-09. The vote record follows.

<b>Roll Call: Sharma, Blk 80, Lot 6 Resolution No. 2018-09</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Filus		X	X			
Lefkus					X	X
Glaser (Alt. 2)			X			
Lewis			X			
Matsen			X			
McCaffrey			X			
Roberts					X	X
Stevens	X		X			
Yager (Alt. 1)			X			

## REQUEST FOR EXTENSION OF TIME

### 1) AMERICAN BAPTIST CHURCH

Block 3, Lot 14 and Block 4, Lot 21

79 Blossom Hill Road

Application No. 2016-01

Applicant is seeking a Modification of Condition D.9. of Resolution No. 2016-04 to Extend the Time within which to obtain construction permits, commence and complete construction and obtain certificate of occupancy.

The applicant was represented by David Coates, Esq. Attorney Coates explained that the applicants' requested extension of time. Entered into a Developer's Agreement last Spring, and recently attended a Preconstruction meeting, however they are unsure as to when construction will begin.

Michael Textores, PE, the applicant's engineering expert was sworn by Attorney Drill.

Mr. Textores updated the Board on the following progress the applicant has made to date:

- Last Tuesday, the applicant attended a Preconstruction meeting with the Board Engineer.
- A Performance Bond has been posted
- A Zoning Permit has been obtained
- There is currently one (1) outstanding issue with Fire Suppression, The Construction Code Official has agreed to review the Construction Plans and issue a Partial Permit to construct the building.

A motion was made by Mr. Matsen and seconded by Ms. Stevens to grant an Extension of Time until June 12, 2019. The vote record follows.

<b>Roll Call: Baptist Church, Blk 3, Lot 14 and Blk 4, Lot 21</b>						
<b>Extension of Time</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Filus			X			
Lefkus						X
Glaser (Alt. 2)			X			
Lewis			X			
Matsen	X		X			
McCaffrey			X			
Roberts						X
Stevens		X	X			
Yager (Alt. 1)			X			

**PUBLIC HEARING**

- 1) JAMIO JUNIO  
 Block 13, Lot 7.09  
 36 Chalfonte Drive  
 Application No. BOA-2018-01  
 Applicant is seeking height and bulk variance relief to construct a detached three car garage. This application is continued from October 22, 2018.

Jamie Junio, applicant, Robert E. Coleman, RA, AIA the applicant's Architectural Expert and Tom Behrens Jr., PP, AICP, Board Planner were sworn by Jon Drill.

Chairman McCaffrey noted that there was No one in the audience, for, against or to ask questions.

Mr. Junio referenced the following documents:

- His (Mr. Junio's) letter to the Board dated November 12, 2018 attached herewith, addressing suggestions made by the Board during the October 22, 2018 hearing and identifying the recent changes he has made to the proposed plan.
- A proposal dated November 9, 2018 from Richard Pfauth, Jr. to construct the proposed garage.
- Plot Plan prepared by Robert E. Coleman, AIA, last revised on November 11, 2018.
- Additional photographs of the new proposed location of the garage.
- Updated Report from Tom Behrens, Board Planner dated 11-21-18.

### EXHIBIT

- A-1 Plot Plan prepared by Robert E. Coleman, AIA, last revised on November 11, 2018 with Hand Markings made by Mr. Junio during the hearing, identifying the locations of the existing carport (intended to be removed), child playhouse, child swing-set and distance from the closest corner of deck to the property line.

The Board took a recess at 7:29 pm and resumed the hearing at 7:30 pm.

Mr. Coleman's testimony included and was not limited to the following:

- The Applicant will rotate the proposed building so that it complies with the setback, eliminating the need for the bulk variance. The eaves extend about three (3) feet and are aesthetically pleasing. Ordinance section 165-98-D.6. references eaves, so a "C(2)" Variance will be needed for the eaves.

Board Attorney Drill referenced the following:

- Section 165-100 noting that the Township recognized exceptions to the height requirements do not include accessory structures/garages.
- Section 165-75 Design Standards discuss Non-residential, Agricultural, but not Residential.

Mr. Behrens explained the Township's rationale with regard to agricultural vs. residential properties.

The Board concluded that the applicant has not provided a reasonable argument for granting the requested variances as there has been no proof of either of the two (2) required tests. The applicant has not identified any public benefit of the height of the garage nor has the applicant demonstrated any legally recognized hardship. The Board's final recommendation was that the applicant either build a complying structure (with the desired eaves), or attach the garage to the

house which would eliminate the height issue as it would no longer be considered an accessory structure.

Mr. Junio noted that he cannot give any reason that this proposed application provides any public benefit. As such, Mr. Junio asked the Board for time to think about it further. The application will be carried to the January 28, 2019 meeting with no need for further notice. The applicant will either submit additional information providing the Board with reasonable rationale for granting the requested Variance(s) or send a letter of request to withdraw the application prior to January 28, 2019.

## **BOARD DISCUSSION REGARDING 2019 REURGANIZATION MEETING**

The following Board Members will be up for re-appointment:

- Stevens, Lefkus and Yager

Suggested items to include in the 2018 Annual Report:

- Signs for Interconnecting Lots
- Use of Air B&B's
- Limitation on how many accessory structures can be on a lot, consider defining a total maximum square footage of accessory structures permitted on a lot.

## **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 8:24 pm.

Respectfully Submitted,

*Denise Filardo*

Planning and Zoning Board Secretary

These minutes were approved on January 28, 2019.