

**MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT  
VIRTUAL WEBEX MEETING**

DATE: October 26, 2020

7:00PM

THE CLINTON TOWNSHIP BOARD OF ADJUSTMENT HAS CHANGED THE FORMATS OF ITS REGULAR MEETINGS FOR THE DURATION OF THE COVID-19 PUBLIC HEALTH EMERGENCY TO “VIRTUAL” MEETINGS VIA A WEBEX BRIDGE.

THESE CHANGES HAVE BEEN INSTITUTED TO PROTECT HEALTH, SAFETY AND WELFARE OF RESIDENTS, EMPLOYEES, MUNICIPAL OFFICIALS, APPLICANTS AND CONSULTANTS IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

Chairman McCaffrey called the meeting to order at 7:07pm.

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 Township website, on the bulletin board mounted to the front of the Municipal Building, the door of the Public Safety Building 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. The agenda states that the meeting will be held as a virtual meeting via a Webex video bridge.

**MEMBERS IN ATTENDANCE**

Lewis, Matsen, McCaffrey, McTiernan, Pfeffer, Roberts, Rohrbach, Stevens, Yager

**MEMBERS ABSENT**

None.

**PROFESSIONALS/STAFF IN ATTENDANCE**

Jonathan E. Drill, Esq., Board Attorney  
Denise Filardo, Board Secretary

**VOUCHERS**

The vouchers were reviewed by Board Members.

**MEETING MINUTES**

1) Meeting Minutes – September 28, 2020

A motion was made by Dr. Lewis and seconded by Mr. Roberts to adopt the September 28, 2020 Meeting Minutes. The vote record follows.

<b><i>Roll Call: Meeting Minutes of September 28, 2020</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Lewis	X		X			
Matsen (Vice Chair)					X	
McCaffrey (Chair)			X			
McTiernan (Alt. 1)			X			
Pfeffer					X	
Roberts		X	X			
Rohrbach (Alt. 2)			X			
Stevens			X			
Yager			X			

**RESOLUTIONS**

None.

**PUBLIC HEARING**

1) FRANCESCA DIFAZIO

Block 46, Lot 20

11 Round Top Drive

Application No. BOA-2020-08

Applicant is seeking a variance to construct a dwelling on an under size and under width lot.

Bill Glaser was the only member of the public in virtual attendance as an observer.

The applicant was represented by Salvatore Di Fazio, Esq. Attorney DiFazio provided a history of the property and prior relief that had already been granted by the Board of Adjustment. A previous owner Mr. Misiak demolished the prior residence

then applied for and was granted variance relief to construct a 2800sf one-story single-family but never did. At a later date, Mr. Peck purchased the vacant lot, then applied for an Extension of Time for the variance granted to Mr. Misiak. The Board granted the Extension of Time to the variance that was previously granted to Mr. Peck. The prior variance(s) granted have since expired. Francesca DiFazio is currently in contract to purchase the property and is seeking multiple “C” Variances to construct a new approximately 1700sf two-story dwelling.

The following individuals were sworn and testified:

- Ralph L. Finelli, (Applicant’s Architect)
- Salvatore DiFazio, (In the capacity of a fact witness for the applicant)  
Mr. DiFazio provided testimony as a fact witness because he prepared the application and he has knowledge of the features on the property.

Mr. Finelli’s testimony included and was not limited to the following:

- Discussing the square footage of the proposed dwelling vs. that of the prior proposed dwelling
- Positioning and placement of the proposed dwelling on the property with respect to the requested variances.

Mr. DiFazio’s testimony included and was not limited to the following:

Positioning of the proposed dwelling and driveway allows for the preservation of more trees, works with the contour of the road and transitions nicely from the smaller homes to the larger homes up the hill.

## EXHIBITS

A-1        Screen shot of subject property from Google Earth

Discussion ensued as to possible alternate positioning of the proposed dwelling on the property and whether that would eliminate any of the requested variances.

## BOARD FINDINGS AND CONCLUSIONS

- The lawful creation of the property and the prior resolution prior to the ordinance amendments that rendered the property non-conforming constitutes an extraordinary and exceptional situation unique to this property.
- Strict application of the Zoning Ordinances will result in undue hardship on the applicant.
- There have not been any changes in the neighborhood surrounding the property and will not cause any substantial detriment to the public good and

will not impair the intent and purpose of the zoning plan and zoning ordinance.

- The proposed dwelling is in keeping with the size and design of homes in the neighborhood and will serve to compliment and enhance the neighborhood.
- Based on the findings above and conclusions above, the Board found and concluded that it can and should grant the requested variances.

**RELIEF GRANTED**

- “C(1)” Variance for Undersized Lot
- “C(1)” Variance for Lot Width deficiencies at Street
- “C(2)” Variance for Lot Width at Building
- Two “C(2)” Variances for each of the Rear Yard Setback deviations

A motion was made by Mr. Pfeffer and seconded by Mr. Roberts to grant the variance requested relief. The vote record follows.

<b><i>Roll Call: DiFazio Blk 46, Lot 20 – “C(1)” and “C(2)” Variances</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Lewis			X			
Matsen (Vice Chair)			X			
McCaffrey (Chair)			X			
McTiernan (Alt. 1)					X	
Pfeffer	X		X			
Roberts		X	X			
Rohrbach (Alt. 2)					X	
Stevens			X			
Yager			X			

**ADJOURNMENT**

A motion was made by Mr. Yager and seconded by Mr. Pfeffer to adjourn. The meeting was adjourned at 8:04pm.

Respectfully Submitted,

*Denise Filardo*  
 Planning and Zoning Board Secretary

These minutes were approved on December 14, 2020.