

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

DATE: December 14, 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 7:01pm.

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

Kathryn Razin, Esq., substituting for Jon Drill, Esq., Board Attorney

Thomas Behrens, Jr., PP, AICP, Board Planner

Denise Filardo, Board Secretary

Chairman McCaffrey conveyed to the Board that John Matsen’s term is up at the end of

2020. John has been on the Board of Adjustment since 1991. Mr. McCaffrey read the resolution passed by Township Council honoring John’s service of 45 years to the Township (attached herewith). John has had an unbelievable run and reached a significant milestone. We are very thankful to all of John’s contributions and after Covid-19 we will set up a more formal face-to-face get together to recognize and celebrate John’s service and contributions.

MEETING MINUTES

1) Meeting Minutes – October 26, 2020

A motion was made by Mr. Pfeffer and seconded by Mr. McCaffrey to adopt the October 26, 2020 Meeting Minutes. The vote record follows.

| Roll Call: Meeting Minutes of October 26, 2020 | | | | | | |
|---|---------------|------------|------------|-----------|---------------------|---------------|
| Member | Motion | 2nd | Yes | No | Not Eligible | Absent |
| Lewis | | | X | | | |
| Matsen (Vice Chair) | | | X | | | |
| McCaffrey (Chair) | | X | X | | | |
| McTiernan (Alt. 1) | | | | | X | |
| Pfeffer | X | | X | | | |
| Roberts | | | X | | | |
| Rohrbach (Alt. 2) | | | | | X | |
| Stevens | | | X | | | |
| Yager | | | X | | | |

RESOLUTIONS

1) FRANCESCA DIFAZIO

Block 46, Lot 20
 11 Round Top Drive
 Application No. BOA-2020-08

Resolution No. 2020-07

“C(1)” and “C(2)” Variances to permit a dwelling to be constructed on an undersized and under width lot with rear yard setback deviations.

A motion was made by Mr. Matsen and seconded by Mr. Pfeffer to adopt Resolution No. 2020-07. The vote record follows.

| Roll Call: Francesca DiFazio – Resolution No. 2020-07 | | | | | | |
|--|---------------|------------|------------|-----------|---------------------|---------------|
| Member | Motion | 2nd | Yes | No | Not Eligible | Absent |
| Lewis | | | X | | | |
| Matsen (Vice Chair) | X | | X | | | |

| | | | | | | |
|--------------------|--|---|---|--|---|--|
| McCaffrey (Chair) | | | X | | | |
| McTiernan (Alt. 1) | | | | | X | |
| Pfeffer | | X | X | | | |
| Roberts | | | X | | | |
| Rohrbach (Alt. 2) | | | | | X | |
| Stevens | | | X | | | |
| Yager | | | X | | | |

2) RESOLUTION ADOPTING EMERGENCY REMOTE MEETING PROTOCOLS, PROCEDURES AND REQUIREMENTS FOR PUBLIC PARTICIPATION AT REMOTE MEETINGS

A motion was made by Mr. Pfeffer and seconded by Dr. Lewis to adopt the Resolution Emergency Remote Meeting Protocols, Procedures and Requirements for Public Participation at Remote Meetings. The vote record follows.

| <i>Roll Call: Emergency Remote Meeting Protocols, Procedures and Requirements for Public Participation at Remote Meetings</i> | | | | | | |
|---|--------|-----|-----|----|--------------|--------|
| Member | Motion | 2nd | Yes | No | Not Eligible | Absent |
| Lewis | | X | X | | | |
| Matsen (Vice Chair) | | | X | | | |
| McCaffrey (Chair) | | | X | | | |
| McTiernan (Alt. 1) | | | | | X | |
| Pfeffer | X | | X | | | |
| Roberts | | | X | | | |
| Rohrbach (Alt. 2) | | | | | X | |
| Stevens | | | X | | | |
| Yager | | | X | | | |

There was no one from the public in virtual attendance.

PUBLIC HEARING

1) MICHAEL CURCI

12 Kiceniuk Road
Block 87, Lot 23.01

Application No. 2020-04

Applicant is seeking a “D” and “C” Variance relief to construct a new one-story garage/barn as an accessory structure to the existing two-family dwelling in the approximate location of the existing two-story barn which is to be demolished. Chairman McCaffrey suggested that the applicant begin with the “C” variance.

Chairman McCaffrey explained that the applicant should provide the following information:

1. Describe what you physically intend to build

2. State the relief requested
3. Give the Board some justification by providing reasons:
 - a) Hardship – perhaps it is an unusual lot, or;
 - b) Benefits vs. Detriments – show some public good, show that the positive outweighs the negative

The following individuals were sworn and testified during the hearing:

1. Michael Curci, Applicant
2. James A. Koppenhaver, PE, Applicant's engineer
3. Tom Behrens, Jr., PP, AICP, Board Planning Expert

Mr. Curci described the property consisting of a two-family dwelling and a two-story 24-foot tall, 100-year old barn (in disrepair) which is situated 3-feet from the rear property line. The application is to demolish the existing barn and construct a new one-story 16-foot tall barn with a rear yard setback of 3 feet, which is the same rear yard setback as the existing barn. The new barn will be used for the applicant's car as well as storage space for the applicant and the applicant's tenant.

EXHIBITS

- A-1 Series of five (5) photos of the applicant's existing barn & three (3) barns on neighboring properties, taken by the applicant in the Spring of 2020
- A-2 Photo of the four (4) barns in a row taken from rear of property lines

The only benefits the applicant was able to present were as follows:

- granting the rear yard setback variance would keep his barn and the three neighboring barns lined up along the back side of the properties, but not the front, street facing side.
- fewer cars would be parked in his driveway; however no evidence was presented to substantiate this claim.

Chairman McCaffrey noted that it would be more beneficial if the Board could see pictures showing what people would see from the road side of the property.

Chairman McCaffrey referenced the memo dated 10-5-2020 prepared by Katie Razin & Jon Drill regarding the Impact of Removal of Nonconforming Structure on Variance Application for New Structure, noting that once the existing barn is torn down, it carries zero weight with respect to protecting the right to maintain a pre-existing non-conforming lawfully created structure.

Discussions ensued regarding:

- total and partial destruction as related to reconstruction
- the proposed structure is a reduction of the height non-conformity
- the proposed structure doesn't encroach any further than the existing non-conformity.

The Board conducted a straw poll (inclusive of the Alternate members) regarding the “C(2)” variance. Results as follows:

- 5 members leaning towards “no”
- 1 member with a strong “yes”
- 2 members leaning towards “yes” without much conviction
- 1 possible “yes” for a “C”(1) variance

Chairman McCaffrey stated that there is not enough support for the 3-foot setback and offered the applicant the option of coming back with additional photos from the street and continuing the hearing on another date or asking for a formal vote now.

Mr. Curci asked to continue the hearing on another date.

Tom Behrens explained the “D(2)” variance as outlined in his memo.

It was suggested by the Board that the “D” Variance (since it is more complicated) also be put off until the next hearing. The Board also noted that this is a complicated case for a homeowner and the applicant may be better served with an attorney, an engineer and/or planner.

This application will be carried until January 25, 2021.

Chairman McCaffrey noted the following:

- The 2021 Annual Reorg Meeting is scheduled for January 25, 2021.
- Cathy Marcelli, PE, CME of Mott MacDonald has taken on additional responsibilities at Mott MacDonald and it has been recommended that Larry Plevier, PE, CME be appointed as the Board Engineer for 2021.

Although these Minutes accurately reflect what Mr. McCaffrey stated regarding Cathy Marcelli taking on additional responsibilities, it was later noted and corrected that Cathy Marcelli is retiring from Mott MacDonald.

Chairman McCaffrey will be working on the 2020 Annual Report.

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. Roberts to adjourn. The meeting was adjourned at 9:11pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on February 22, 2021.