

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

DATE: December 13, 2021

7:00PM

IN-PERSON PUBLIC MEETING AT:

The Clinton Township Public Safety Building
1370 Route 31 North – 3rd Floor Council Chambers
Annandale, NJ 08801

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 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.

MEMBERS IN ATTENDANCE

Lyte, McCaffrey, McTiernan, Pfeffer, Rohrbach, Stevens, Yager

MEMBERS ABSENT

Lewis

PROFESSIONALS/STAFF IN ATTENDANCE

Kathryn Razin, Esq., Board Attorney substituting for Jonathan Drill
Tom Behrens, Jr., Board Planning Expert
Larry Plevier, Board Engineering Expert
Denise Filardo, Board Secretary

MEETING MINUTES

- 1) Meeting Minutes – June 28, 2021

A motion was made by Mr. Pfeffer and seconded by Ms. Stevens to adopt the Meeting Minutes of June 28, 2021. The vote record follows.

Roll Call: Meeting Minutes June 28, 2021						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis					X	X
Lyte (Alt. 1)					X	
McCaffrey (Chair)					X	
McTiernan			X			
Pfeffer (Vice Chair)	X		X			
Rohrbach					X	
Stevens		X	X			
Yager					X	

2) Meeting Minutes – July 19, 2021

A motion was made by Ms. Stevens and seconded by Mr. Pfeffer to adopt the Meeting Minutes of July 19, 2021. The vote record follows.

Roll Call: Meeting Minutes July 19, 2021						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis						X
Lyte (Alt. 1)					X	
McCaffrey (Chair)					X	
McTiernan			X			
Pfeffer (Vice Chair)		X	X			
Rohrbach			X			
Stevens	X		X			
Yager			X			

1) Meeting Minutes – September 27, 2021

A motion was made by Ms. Stevens and seconded by Mr. Pfeffer to adopt the Meeting Minutes of September 27, 2021. The vote record follows.

Roll Call: Meeting Minutes September 27, 2021						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis						X
Lyte (Alt. 1)					X	
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)		X	X			
Rohrbach			X			
Stevens	X		X			
Yager			X			

RESOLUTIONS

- 1) **CAMP DILL FOUNDATION**
 Block 41, Lot 4
 511 Cokesbury Road
 Application No. BOA-2021-06
 Resolution No. 2021-07
 Resolution memorializing “D(3)” Conditional Use, “C(1)” and “C(2)” Variances to allow the construction of comfort stations, a septic system and a retaining wall at existing Boy Scout Camp.

A motion was made by Ms. Stevens and seconded by Mr. Pfeffer to adopt Resolution No. 2021-07. The vote record follows.

Roll Call: Camp Dill - Adoption of Resolution No. 2021-07						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis						X
Lyte (Alt. 1)					X	
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)		X	X			
Rohrbach			X			
Stevens	X		X			
Yager			X			

VOUCHERS

The Board reviewed the vouchers and there were no comments or questions.

PUBLIC HEARINGS

- 1) **NICHOLAS GARCIANO**
 Block 46.01, Lot 20
 144 Annandale High Bridge Road
 Application No. BOA-2021-07
 Applicant is seeking a Bulk variance to construct an in-ground swimming pool which will encroach into the rear yard setback.

There was no one from the public with interest in this case.

The following individuals were sworn and testified during the hearing:

- 1. Nicholas Garciano, (Applicant and property owner)
- 2. Johanna Garciano, (property owner)
- 3. Tom Behrens, PP, AICP, (Board Planning Expert)
- 4. Larry Plevier, (Board Engineering Expert)

Mr. Garciano described the property as an irregular pentagon shaped lot. The house is situated at the rear of the lot. The driveway is located on the southerly side. There are steep slopes, as well as both drainage and conservation easements on the northerly side of the property. The well is also located on the northerly side of the house. The only area in which to install a pool is in the rear yard. Installation of the pool requires a setback variance.

BOARD FINDINGS AND CONCLUSIONS

- The irregular shape of the property, the steep slopes and existing easements create an extraordinary and exceptional situation uniquely affecting the property.
- Strict application of the ordinance regulation will result in exceptional and undue hardship upon the applicant by reason of an extraordinary and exceptional situation uniquely affecting the property and the lawfully existing dwelling thereon.
- The “c(1)” variance could and should be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the master plan and zoning ordinance.

Discussion ensued regarding the installation of a landscape buffer and pool code fence.

RELIEF GRANTED

“C(1)” Hardship Variance to allow pool to encroach into the rear yard setback contingent upon the applicant’s compliance with the Board imposed conditions.

A motion was made by Mr. Pfeffer and seconded by Ms. Stevens to grant the requested bulk variance The vote record follows.

<i>Roll Call: Nicholas Garciano – Bulk Variance</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis						X
Lyte (Alt. 1)			X			
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)	X		X			
Rohrbach			X			
Stevens		X	X			
Yager			X			

The Board asked Board Secretary Filardo to ask the Zoning and Construction Officials to proceed with permits as if the resolution has been adopted.

- 2) NEW JERSEY AMERICAN WATER COMPANY INC.
 GLEN MEADOW WATER TREATMENT PLANT UPGRADES
 Block 87, Lot 13
 19 Walden Drive

Applicant is seeking Preliminary and Final Major Site Plan Approval with Variances for the proposed two-phase construction of improvements to the existing Glen Meadows Wastewater Treatment Plant.

The applicant was represented by Niall O'Brien, Esq. Attorney O'Brien provided a brief summary of the application and requested relief.

The following individuals were sworn and testified during the hearing:

1. Bryan Slota, (Engineering Project Manager at NJ Amer Water),
2. Michael McAloon, PE (Applicant's Engineering Expert),
3. Andrew Holt, PE, PP (acting as Applicant's Planning Expert),
4. Tom Behrens, PP, AICP (Board planning expert),
5. Larry Plevier, PE (Board Engineering Expert),
6. Jeff Belli, residing at 9 Twin Oaks Lane,
7. Dave Palmer, Twin Oaks HOA president, residing at 4 Pendleton Court, and
8. Joseph DiMino, residing at 6 Pendleton Court

EXHIBITS

- A-1 Site Plan Rendering Scale 1:40,
- A-2 Site Plan Rendering Scale 1:20,
- A-3 Site Plan Rendering Scale 1:10, and
- A-4 Architectural Rendering.

Mr. McAloon's qualifications were accepted by the Board. Referencing Exhibits A-1, A-2 and A-3, Mr. McAloon's testimony included and was not limited to the following:

- An orientation of the existing facility including a condition assessment;
- An overview of the proposed project identifying improvements to be constructed during Phases 1 and 2; and
- Fencing, lighting, alarming, parking, roofing and landscaping.

Mr. Belli commented that he would like to see additional landscaping.

Mr. Palmer question the cost to the public for the proposed upgrades.

Mr. Slota explained that the cists get spread throughout the service area and will not be a specific assessment to the two subdivisions. Mr. Slota also had questions on lighting.

Mr. DiMino provided his opinion as to the start times.

Mr. Holt's qualifications were accepted by the Board. Mr. Holt's testimony included and was limited to the following:

- A description of the requested "d(2)", "c(1)" and "c(2)" variances; and
- Demonstrated that the WTP should be deemed an inherently beneficial use as it is of value to the community because it serves the public good and promotes the general welfare and was installed exclusively to serve the surrounding subdivisions.
- Positive and negative criteria in support of granting the "c" variances.

Discussion ensued regarding the hours of the proposed construction.

BOARD FINDINGS AND CONCLUSIONS

- The Glen Meadows WTP should be deemed an inherently beneficial as it is of value to the community because it serves the public good and promotes the general welfare.
 - The facility is an essential component of a Public Utility Use and the proposed waste-water treatment improvements will modernize and enhance the waste-water treatment capabilities of the facility and bring the treatment facilities into compliance with pending NJDEP/NJPDES Regulations.
 - Will promote the general welfare in that the Property is particularly suited for the location of the proposed upgrades to the Public Utility facilities already existing (since 1994 to 1995) on the property and which were installed exclusively to serve the surrounding subdivisions.
- There will be no detriment to the public good because the continued treatment of waste-water promotes the public good.
- There will be no impairment to the Clinton Township Zone Plan or Zoning Ordinance as the facilities were approved to serve the two subdivisions and that approval would also need to be obtained for any new similar facilities.

“C” Variances

- The existing facilities are located within the 250-foot rear yard setback which represent topographic conditions or physical features uniquely affecting the property causing the need for Bulk Variances.
- Relocating the facility or proposed facilities closer to the residences would create negative impacts for the neighboring properties and strict compliance with the Rear Yard Setback requirements would result in a hardship.
- Granting of the “c” Variances will provide significant benefits to the surrounding community and to the Applicant’s Public Water Utility service area, which will further several purposes of Zoning, particularly allowing for improvements that will enhance the waste-water treatment process and improve NJAW’s ability to maintain the local wastewater treatment system which will promote the public health, safety, morals and general welfare.
- The facility improvements will generate little or no permanent traffic and limited, if any, impact in terms of lighting, noise, vibrations, dust, odors, or other similar effects upon the completion of the replacement of the facility.
- The variances can and should be granted without substantial impairment to the Township Zoning Plan and Zoning Ordinance because they are for a principal use that is intended to serve the permitted residential properties that already exist, or are permitted within the RR-4 Zoning District and in the vicinity of the Property.
- The variances will help to effectuate the intent and purpose of the Zoning Ordinance and Zone Plan by improving necessary waste-water utility services to the principal uses that are permitted within the area by Ordinance.

Site Plan

Aside from the Variances and Exceptions sought by the applicant, the Board found that the Site Plans will comply with all other applicable zoning ordinance regulations and site

plan ordinance requirements. As such, the Board concluded that Preliminary and Final Site Plan approval can and should be granted provided that the Board imposed conditions are complied with.

RELIEF GRANTED

The following relief was granted subject to the applicant’s compliance with the Board imposed conditions:

“D(2)” Variance to Allow Expansion of the Existing Wastewater Facility;

“C(1)” Variance to Allow Rear Yard Setback Deviation for Accessory Structure;

“C(2)” Fence Height Variance ;

Exception as to Buffer Requirements – West; and

Preliminary and Final Site Plan Approval

A motion was made by Ms. Lyte and seconded by Mr. Pfeffer to grant Preliminary & Final Site Plan, “d(2)”, “c(1)” and “c(2)” variances. The vote record follows.

<i>Roll Call:</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Lewis						X
Lyte (Alt. 1)	X		X			
McCaffrey (Chair)			X			
McTiernan			X			
Pfeffer (Vice Chair)		X	X			
Rohrbach			X			
Stevens			X			
Yager			X			

ADJOURNMENT

A motion was made by Mr. Pfeffer and seconded by Ms. Stevens to adjourn. The meeting was adjourned at 9:45pm.

Respectfully Submitted,

Denise Filardo
 Planning and Zoning Board Secretary

These minutes were approved on March 28, 2022.