



**TOWN OF CLINTON**

INCORPORATED APRIL 5, 1865

43 Leigh St., P.O. Box 5194

Clinton, N.J. 08809-5194

(908) 735-8616 FAX (908) 735-8082

**BOARD OF ADJUSTMENT**

Minutes of the Town of Clinton Planning Board meeting held on April 25, 2005 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

**Present:**

- Harrison
- Hendricksen
- Holt
- Lindsay
- Ragozine
- Walton
- Tranquilli
- Gallo

**Absent:**

- Querry

Attorney Caldwell and Robert Clerico P.E. from Van Cleef Engineering were present.

Chairperson Hendricksen called the meeting to order at 7:30pm and read the “Administrative Statement” and the “Statement of Adequate Notice”:

“Meeting are held on the fourth Monday of each month when an application is pending before the board. The application must be filed at least 21 days prior to the meeting date. Meetings begin at 7:30pm and are adjourned no later than 10:30pm. Fees are charged on a per meeting basis”.

“Adequate notice of this meeting has been provided indicating the time and place of the meeting with the proposed agenda, which notice was posted, made available to the newspapers and filed with the clerk of the Town of Clinton in accordance with Section 3(d) of the Public Laws of 1975”.

**Approval of Minutes:**

A Motion was made by Mr. Harrison, seconded by Mr. Ragozine, to approve the minutes of March 28, 2005.

**All Ayes. Motion Carried.**

**Voucher Approval:**

A Motion was made by Mr. Harrison, seconded by Mr. Tranquilli, to approve the following vouchers:

William Caldwell	Legal	Bd of Adjustment	\$333.50
William Caldwell	Legal	D&D Enterprise	\$565.50
William Caldwell	Legal	Bohnel	\$174.00
William Caldwell	Legal	Wickham	\$188.50
William Caldwell	Legal	Clinton House	\$623.50
William Caldwell	Legal	Mico Litigation	\$1,000.50
William Caldwell	Legal	Assembly of God	\$87.00
William Caldwell	Legal	Ansuya Enterprise	\$333.50

William Caldwell	Legal	Century 21	\$319.00
------------------	-------	------------	----------

**All Ayes. Motion Carried.**

A Motion was made by Mr. Tranquilli, seconded by Mr. Ragozine to approve the following vouchers:

Schoor DePalma	Planner	D&D Enterprise	\$248.50
Schoor DePalma	Planner	Hans JD LLC	\$177.50

**All Ayes. Motion Carried.**

**Use Variance Application for D&D Enterprise-Block 1 Lot 33 (102 W. Main Street):**

At the applicants request the application for D&D Enterprise LLC will be carried to the Board of Adjustment Meeting on May 23, 2005.

**Use Variance & Subdivision Application for Clinton Assembly of God-Block 22 Lot 5:**

The application for Clinton Assembly of God will be carried to the Board of Adjustment meeting on May 23, 2005.

**Update Report for Ansuya Enterprise LLC:**

Attorney Wilson advised the board that his applicant is requesting a 90-day extension to address the outstanding issues which are outlined in his report dated April 25, 2005. Attorney Wilson stated the major issues that are pending approval from the DEP is the detention basin walls and the dam permit. In addition to the DEP approvals, the applicant is also waiting for the signed water and sewer agreement from the Town of Clinton.

A motion was made by Mr. Harrison, seconded by Mr. Walton, to grant Ansuya Enterprise LLC a 90-day extension and to appear back before the board on July 25, 2005.

**Sign Variance Application for Hans JD LLC-Block 22 Lot 18 –46 Route 22:**

Attorney Gregory Watts, Mr. Kevin Smith, Engineer from Studer & McEldowney, and Mr. Randall Dahme, applicant were present.

The following items were submitted into evidence:

- A7 Revised Plat titled "Revised Proposed Sign" –sheet one of one-dated 4/12/05.
- A8 Line of Site rendering consisting of 4 sheets dated 4/12/05.

Mr. Smith stated that as a result of last month's meeting the plan had been revised to incorporate the board's concerns and comments. Mr. Smith stated that the proposed sign has been changed from a 15' freestanding sign to an 8' ground sign. The applicant is proposing to replace a portion of the front parking aisle and install the ground sign in a grass island with bull nose curbing. The proposed ground sign will require a setback variance of 8.2' from the highway right of line.

Mr. Ragozine stated that the new proposal was certainly an improvement from the original freestanding sign however, he was concerned that the lighting had not been addressed. Mr. Ragozine stated that he would like to see the sign lit by ground lighting rather than internally lit. Mr. Smith stated that if the board would prefer they would light the sign with ground lighting. Mr. Dahme, the applicant, added that he would like to install the lights on the posts for maintenance reasons.

Chairperson Hendricksen opened the meeting to the public.

Mr. Patrick McGuire, 94 Center Street, inquired if the line of sight issue had been addressed. Mr. Smith stated that according to AASHTO guidelines the line of sight is 15' from the curb line and the proposed sign will be 22' from the curb line. Mr. Smith stated that in his opinion the line of sight has been addressed and will not be an issue.

Mr. Harrison stated that the applicant has demonstrated a need for the sign, and the new proposal has taken into consideration the board's concerns.

A Motion was made by Mr. Harrison, seconded by Mr. Holt, to approve the 8' ground sign with a setback of 8.2' from the right of way as shown on exhibit A-7 with the following conditions:

- 1). The sign will be externally lit by ground lighting and the lights will be turned off by 10:00pm.
- 2). The sign will be built on brick pedestals

**Roll Call:**

Ayes: Harrison, Hendricksen, Holt, Ragozine, Walton, Gallo

Nays:

**All Ayes. Motion carried.**

**Board Discussion:**

Attorney Caldwell advised the board that the appeal for Mico Gas has been withdrawn. Attorney Caldwell cautioned the board that the new trend is to allow gas stations to incorporate convenience stores as an accessory use. Attorney Caldwell suggested that the board might want to bring this to the Planning Board's attention so that they can recommend to the Governing Body some zoning ordinance modifications. Attorney Caldwell stated that one way is to limit gas stations in the Town of Clinton as a stand alone business only due to the site size limitations. Mr. Harrison advised the board that he would bring this to the Planning Board's attention.

Chairperson Hendricksen asked the board if they had any input in regard to the letter from Mayor Holt regarding overcrowding. Attorney Caldwell stated that some issues are in defining what constitutes a family, the intensity of use and how many people should be living in one house. Attorney Caldwell added the Board of Adjustment is not a policy making board and any recommendations regarding an overcrowding ordinance should come from the Planning Board.

Mr. Ragozine stated that he is on the committee that is looking at addressing the overcrowding issues in the Town. The committee met tonight to go over some general guidelines and to determine the criteria on what is overcrowding. Attorney Cushing is looking into the issue and will provide the committee with some feedback.

There being no further business a motion was made by Mr. Holt, seconded by Mr. Harrison, to adjourn the meeting at 8:35pm.

**All Ayes. Motion Carried.**

Respectfully submitted,

Allison McGinley, Board of Adjustment