



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 Board of Adjustment meeting held on June 27, 2005 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Harrison
Hendricksen
Holt
Lindsay
Querry
Ragozine
Tranquilli
Gallo

Absent:

Walton

Attorney Caldwell, Robert Clerico P.E. from Van Cleef Engineering, and Carolyn Neighbor from Schoor DePalma were present.

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

"Meetings 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. Ragozine, seconded by Mr. Querry, to approve the minutes of May 23, 2005 with the following changes:

- 1). Page 1 – 1st sentence- delete the words **Planning Board** and replace with **Board of Adjustment**.
- 2). Page 3 – 1st paragraph- delete **30'** snow load and insert **30 pound per SF** snow load.
- 3). Page 4- Last sentence- delete the word **is** and replace with the word **if**.

All Ayes. Motion Carried.

Voucher Approval:

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

Van Cleef Engineering	Engineer	Clinton House	\$98.25
Van Cleef Engineering	Engineer	Hans JD LLC	\$114.75

Van Cleef Engineering	Engineer	D&D Enterprise	\$112.75
-----------------------	----------	----------------	----------

All Ayes. Motion Carried.

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

Schoor DePalma	Planner	Clinton Assembly	\$106.50
Schoor DePalma	Planner	Clinton Assembly	\$20.75
Schoor DePalma	Planner	D&D Enterprise	\$461.50

All Ayes. Motion Carried.

Mr. Lindsay made the following statement:

“I am deeply troubled by comments made in the June 23 Hunterdon County Democrat by a certain “Mayoral Candidate”. I want the public to know that as a life long resident of Clinton for 34 years, my voting actions while serving this board have always been and will continue to be made with what I feel is best for the Town of Clinton. At no time regarding any case, have I been coached or required to vote one way or another. The only way that I vote is by applying the law to the facts of a case. I thank you for the opportunity to set the record straight.”

A Motion was made by Mr. Harrison, seconded by Mr. Lindsay, to enter into an Executive Session to discuss personnel issues at 7:40pm.

Roll Call:

Ayes: Hendricksen, Harrison, Holt, Lindsay, Query, Ragozine, Tranquilli, Gallo

Nays:

All Ayes. Motion Carried.

A Motion was made by Mr. Holt, seconded by Mr. Tranquilli, to adjourn the executive session at 8:30pm and enter back into the regular meeting.

All Ayes. Motion Carried.

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

Attorney Walter Wilson and Mr. Charles Didea, applicant were present.

The following item was submitted into evidence:

A10 Location survey dated June 23, 2005

Attorney Wilson advised the board that he had finished all of the testimony at the May meeting and was here to answer any questions the board may have.

Chairperson Hendricksen questioned if the parking lot was going to be resurfaced and Mr. Didea replied “yes”.

Mr. Holt inquired how many tenants would occupy the apartments and the amount of cars that could be on site; Mr. Didea responded a total of 12 tenants would occupy the apartments and that he would impose a lease limitation to allow one vehicle per apartment.

Carolyn Neighbor went through a punch list of items that the board needs to act on:

- 1). Use Variance to allow a fourth apartment and to validate the existing studio apartment.
- 2). FAR Variance to allow a 55.5% Floor Area Ratio.
- 3). Front Yard setback associated with the extension of the canopy.
- 4). Parking Variance.
- 5). Waiver of site plan.

Attorney Wilson testified that if the fourth apartment was approved, the two efficiency apartments will be dedicated as affordable units. In addition, if the board required any modifications to the site he would like this to be a condition of the waiver of site plan approval.

A Motion was made by Mr. Harrison, seconded by Mr. Ragozine, to approve and legitimize the existing studio apartment and to grant approval for a fourth apartment with the following conditions:

- 1). The two studio apartments must be in compliance with COAH.
- 2). Roof access, unless an emergency, will be prohibited, the door will be removed and replaced with a window for maintenance purposes only.
- 3). The owner must be a registered landlord.
- 4). The owner must have paper leases with the tenants.
- 5). The lease must restrict one vehicle per apartment.

Roll Call Vote:

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

Nays:

All Ayes. Motion Passed.

A Motion was made by Mr. Ragozine, seconded by Mr. Harrison, to grant the FAR Variance of 55.5% and to allow the fourth apartment to be a maximum of four bedrooms.

Roll Call Vote:

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

Nays:

All Ayes. Motion Passed.

A Motion was made by Mr. Harrison, seconded by Mr. Querry, to grant the front yard setback with the canopy conditioned on the applicant submitting an updated architectural plan reflecting the dimensions of the canopy extending 5' from the face of the building.

Roll Call Vote:

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

Nays:

All Ayes. Motion Passed.

A Motion was made by Mr. Harrison, seconded by Mr. Ragozine, to grant a Parking Variance to allow the site to accommodate 20 parking spaces and 1 handicap space, conditioned upon the applicant submitting an updated architectural plan designating the 20 striped spaces and one striped handicap space.

Roll Call Vote:

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

Nays:

All Ayes. Motion Passed.

A Motion was made by Mr. Harrison, seconded by Mr. Holt, to table the vote on consideration of granting a waiver of site plan until the applicant provides the board with an updated plan reflecting the following items:

- 1). Details on parking spaces
- 2). Proposed signage
- 3). Trash area
- 4). Proposed site lighting.

Attorney Wilson advised the board that he would provide them with an updated plan.

**Use Variance & Subdivision Application for Clinton Assembly of God
Block 22 Lot 5 – 55 & 57 Leigh Street:**

Attorney Al Rylak, Eric Raes from Engineering and Land Planning and Pastor William Kelly were present.

The following items were submitted into evidence:

- A1- Application
- A2 200' Property List & Certified Mailings & Proof of Publication
- A3 Minor Subdivision Plan prepared by James J. Chmielak, dated 1/7/05
- A4 Sheet 3 of Minor Subdivision Plan dated 1/7/05

Pastor William Kelly was sworn in.

Pastor Kelly advised the board that the property was purchased by the Church 6 years ago and included in the purchase was the residential house on 57 Leigh Street. Pastor Kelly stated that in the past the house was used as a residence for the Pastor of the church and then converted into office space. The house is now vacant and the church is looking to subdivide the house creating two lots. If the subdivision is approved the church intends to sell the house and then use the profits from the sale to complete the renovations on the church.

Pastor Kelly stated that the subdivision will not create any reduction in parking and the church will install a fence between the church and the residence to create a privacy barrier. Pastor Kelly stated that a driveway will also be added to the residential home.

Pastor Kelly stated that if the subdivision was granted it would allow the church to complete the renovations and would improve the aesthetics of the building and the residential home would be put back on the town tax roles generating additional tax revenue.

Mr. Eric Raes, Engineer for Engineering and Land Planning was sworn in.

Mr. Raes advised the board that the lot on the residential home is a conforming lot, however because of the pre-existing non-conforming conditions that exist the church would require a use variance and some bulk variances such as:

- 1). The church is located on ½ acre and the ordinance requires 2 acres.
- 2). The steeple height is 51.3' high.
- 3). Required front footage along Leigh Street is 200' and then church building is 90'
- 4). East sideyard setback will be reduced to 9'
- 5). The parking lot does not meet the 10' minimum setback from the adjoining property.

Attorney Rylak stated that this property is unique, that the lot is currently non-conforming and the approval of the application will create a positive benefit to the surrounding residents on Leigh Street.

Carolyn Neighbor stated that the only change in the plan is the addition of the driveway. The use of the residence will be restored and the changes to the neighborhood will be minimal. Carolyn added that the positive impact outweighed the possible negative driveway impact.

Chairperson Hendricksen opened the meeting to the public.

There being no questions a Motion was made by Mr. Ragozine, seconded by Mr. Holt, to grant the Use Variance for the church:

Roll Call Vote:

Ayes: Hendricksen, Harrison, Holt, Lindsay, Querry, Ragozine, Tranquilli

Nays:

All Ayes. Motion Passed.

A Motion was made by Mr. Harrison, seconded by Mr. Tranquilli, to grant the Parking Variance to permit 23 parking spaces:

Roll Call Vote:

Ayes: Hendricksen, Harrison, Holt, Lindsay, Querry, Ragozine, Tranquilli

Nays:

All Ayes. Motion Passed.

A Motion was made by Mr. Harrison, seconded by Mr. Ragozine, to permit the steeple height of 51.3':

Roll Call Vote:

Ayes: Hendricksen, Harrison, Holt, Lindsay, Querry, Ragozine, Tranquilli

Nays:

All Ayes. Motion Passed.

A Motion was made by Chairperson Hendricksen, seconded by Mr. Harrison, to grant the subdivision with the variances as shown of the minor subdivision plan dated 1/7/05 (exhibit A3) and to permit the driveway location on the southside of the house:

Roll Call Vote:

Ayes: Hendricksen, Harrison, Holt, Lindsay, Querry, Ragozine, Tranquilli

Nays:

All Ayes. Motion Passed.

Application for Clinton Assembly of God approved.

There being no further business a Motion was made by Mr. Holt, seconded by Mr. Harrison, to adjourn the meeting at 10:30pm.

Respectfully submitted,
Allison McGinley, Board Secretary