



TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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BOARD OF ADJUSTMENT

Minutes of the Town of Clinton Board of Adjustment meeting held on September 26, 2005 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Present:

Harrison
Hendricksen
Holt
Lindsay
Querry
Ragozine
Walton
Gallo

Absent:

Tranquilli

Attorney William Caldwell, Robert Clerico P.E. from Van Cleef Engineering, James Dodge, Planner and Lucille Grozinski, stenographer 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. Querry, seconded by Mr. Harrison, to approve the minutes of August 22, 2005.

All Ayes. Motion Carried.

Voucher Approval:

A Motion was made by Mr. Harrison, seconded by Mr. Lindsay, to approve the attached voucher list:

All Ayes. Motion Carried.

Update Report for Ansuva Enterprise LLC:

Attorney Wilson advised the board that his applicant is requesting an extension of time until January 23, 2006 to address the outstanding issues, which are outlined in his report, dated September 22, 2005.

Attorney Wilson stated that the three items pending approval are the Water and Sewer Agreement with the town and DEP approval for the amendment to the Stream Encroachment Permit.

A Motion was made by Mr. Harrison, seconded by Mr. Querry, to grant the extension until January 23, 2006: **All Ayes. Motion Carried.**

Completeness Review for Block 31 Lot 32.01- J. Colagnato:

A Motion was made by Mr. Ragozine, seconded by Mr. Querry, to deem the application complete conditioned on the applicant submitting a copy of the deed of record and a signed and sealed site layout.

All Ayes. Motion Carried.

A Public hearing will be scheduled for October 24, 2005.

Memorialization of Resolution for Amendment to Site Plan Approval-Clinton House-Block 6 Lot 24

Mr. Jack Holt excused himself.

A Motion was made by Mr. Querry, seconded by Mr. Ragozine, to approve the resolution for The Clinton House:

Ayes: Harrison, Hendricksen, Querry, Ragozine, Gallo

Nays:

All Ayes. Motion Carried.

Use Variance & Site Plan Application for Block 6 Lot 1- H. Craig Stem:

Attorney George Dilts; William Hall, Engineer from Bohren & Bohren; Francis J. Banisch, Professional Planner from Banisch Associates; and H. Craig Stem, applicant were present.

The following items were submitted into evidence:

A13 Revised colored site plan sheet 1 of 4 dated 9/2/05

A14 Revised site plan

Attorney Dilts stated the revised plan is a result of the changes discussed at the August meeting and that tonight Mr. Hall the applicant's engineer is here to go over the revised changes and the requested waivers.

Mr. Hall stated that the applicant is requesting a waiver for the height of the site lighting. The ordinance permits a 15' high pole and the applicant has two pre-existing lights at the entrance which measure 15' - 2" high.

The second waiver requested is for the light intensity on the site, the ordinance requires a minimum fc of 0.3 and there are two areas on site near the side and the rear property line that the fc is slightly less then 0.3 fc.

The third waiver requested is to permit the lighting at the entranceway to exceed the maximum 0.5 fc limits.

Mr. Hall testified that the lighting conditions on site are pre-existing conditions that the applicant is requesting to keep.

Mr. Hall stated that the applicant had relocated the handicap parking space near the rear door between the building and the landscape planter and added two extra spaces, increasing the total site parking to 9 spaces.

The applicant is requesting waiver 4 because the handicap space will now be 3' off the building and the ordinance states that a parking space must be a minimum of 10' away from a building.

The 5th waiver requested is to allow 2 of the employee parking spaces to be located 2' off the property line, the ordinance doesn't permit a space to be closer than 5' from a property line.

Mr. Hall stated waiver 6 is to permit the southerly access drive to remain 1' off the property line, which is a pre-existing non-conforming condition.

Mr. Hall advised the board that as a result of last month's meeting the ground sign has been relocated to 3.5' from the right-of-way and 11' off the property line. The applicant is requesting a 7th waiver for the ground sign.

Mr. Hall advised the board the new plans have incorporated a 6' solid board fence around the vacuum unit, the location of the shed has been flipped with the dumpster so that the shed will meet the 25' setback requirement from the propane refilling area and a hatch area and sign that states "no running vehicles within 15' of the propane refilling area" have been added.

Mr. Lindsay inquired if the signage was going to prevent vehicles within 15' of the refilling area and inquired about putting in another deterrent such as arched curbing. Mr. Stem advised the board that the new plans reflect a 15' striped area and a sign to deter cars. The state has approved the plan and as an added measure the state will perform spot checks throughout the year to make sure the employees are following proper procedures.

Mr. Clerico inquired why the applicant had added another parking space to the revised plan. Mr. Clerico stated that if one space was eliminated by the handicap space it would give the applicant an opportunity to move the handicap space further away from the building and there may be a possibility of eliminating one of the waivers. Attorney Dilts responded that his engineer believes they can meet the 10' criteria, which would eliminate the need for waiver 4.

Mr. Stem advised the board that the sign has been revised to reflect a wood engraved externally illuminated sign, which will be updated on the plan.

Mr. Clerico suggested a curb be installed 3' off the building by the indented planter area along the southside of the building which would accommodate more landscaping and offer a better chanelizing of traffic. Mr. Stem responded that they would accommodate.

Mr. Clerico suggested that the Island that separated the entrance would be more suitable if it was a "tear drop" island and Attorney Dilts stated they had no problem modifying the plan to reflect Mr. Clerico's suggestion.

Chairperson Hendricksen opened the meeting to the public for questions and or testimony. There being no questions Mr. Clerico stated the next step was for the board to vote on the Use Variance, then the Waivers and then the Site Plan. Attorney Dilts added that they had no problem with a conditional site plan approval.

A Motion was made by Mr. Ragozine, seconded by Mr. Lindsay, to grant approval for a Use Variance to allow a full service car wash as the primary use of the site and allow a propane-refilling center as an accessory use.

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

All Ayes. Motion Carried.

A Motion was made by Ragozine, seconded by Mr. Harrison, to grant Waivers 1, 2, 3, 5, 6 and 7 from Mr. Hall's report dated September 2, 2005 (report attached):

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

All Ayes. Motion Carried.

A Motion was made by Mr. Ragozine, seconded by Mr. Harrison, to grant site plan approval conditioned on the applicant submitting a revised site plan incorporating the suggestions of Mr. Clerico's into the final site plan:

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

All Ayes. Motion Carried.

Discussion- Sign Committee Update:

Mr. Ragozine updated the board on the Sign Committee Meeting that was held with the merchants on September 19, 2005. Mr. Ragozine stated that three different merchants attended the meeting to voice their concerns. The feedback from the merchants on East Main Street was that they needed temporary signs in order to draw customers. Mr. Ragozine stated that the merchants also expressed that they thought that applying for a permanent sign that was not permitted by ordinance was a lengthy and expensive procedure and the merchants felt the board was difficult to deal with. Mr. Ragozine stated that one of the options the committee has discussed is creating another category of signs within the ordinance to permit the merchants to display signs that can be removed daily. Another issue the committee has discussed is how to streamline the process of applying for a sign and whether the sign committee can get more involved in approving the signs. Mr. Ragozine summarized by advising the board that the sign committee will meet again to discuss their options and then a report with their recommendations will be submitted to the council.

There being no further business a motion was made by Mr. Harrison, seconded by Mr. Ragozine, to adjourn the meeting at 9:15pm.

Respectfully submitted,

Allison McGinley, Board of Adjustment