



**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 May 23, 2005 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

**Present:**

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

**Absent:**

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":

"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. Ragozine, seconded by Mr. Lindsay, to approve the minutes of April 25, 2005.

**All Ayes. Motion Carried.**

**Voucher Approval:**

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

Van Cleef Engineering	Engineer	Ansuya Ent LLC	\$1,471.27
Van Cleef Engineering	Engineer	Hans JD LLC	\$131.00
Van Cleef Engineering	Engineer	Clinton Assembly	\$32.75
Van Cleef Engineering	Engineer	D&D Enterprise	\$163.75

**All Ayes. Motion Carried.**

A Motion was made by Mr. Harrison, seconded by Mr. Walton, to approve the following voucher:

Schoor DePalma	Planner	Clinton House	\$310.00
		<b>All Ayes.</b>	<b>Motion Carried.</b>

A Motion was made by Mr. Ragozine, seconded by Mr. Lindsay, to approve the following voucher:

Lucille Grozinski	Stenographer	D&D Enterprise	\$200.00
		<b>All Ayes.</b>	<b>Motion Carried.</b>

**Memorilization of Resolution for Hans JD LLC- Block 22 Lot 18- Sign Variance:**

A Motion was made by Mr. Holt, seconded by Mr. Walton, to approve the resolution for Hans JD LLC

Roll Call:

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

Nays: **All Ayes. Motion Carried.**

**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 June 27, 2005.

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

Attorney Walter Wilson, Mr. Jacques Duvoisin, Architect, Mr. John Madden, Planner and Mr. Charles Didea, applicant were present.

The following items were submitted into evidence:

A7 Parking Count Chart dated 4/19/05

A8 Parking Count Chart dated 4/21/05

A9 Parking Count Chart dated 4/23/05

Attorney Wilson stated that his client is here tonight to seek approval to add a fourth apartment on the second floor and to legitimize one efficiency apartment that exists now. The applicant is not changing the footprint of the building or modifying the site and is requesting a waiver of site plan approval.

Mr. Jacques Duvoisin gave the board an overview of the applicant's proposal.

Mr. Duvoisin stated the building presently has two commercial uses on the first floor and three apartments on the second floor, which include two efficiency apartments and one four bedroom apartment. The applicant is proposing to add a second floor over the open space in the beauty salon and create a new four-bedroom apartment. Mr. Duvoisin stated that if the expansion of the floor on the second story was not permitted, the proposed apartment could be modified to a three bedroom. In addition to the interior modifications, the applicant is also proposing to upgrade the exterior of the building by refacing the exterior with artificial stucco, extending the canopy, and adding windows. The interior of the building will be upgraded to comply with all building codes.

Mr. Duvoisin stated that the Beauty Salon is 1,473SF, the cleaners is 3,015 SF and the four apartments combined will total 3,885 SF.

Mrs. Gallo inquired about fire safety and Mr. Duvoisin stated that in addition to upgrading the windows to egress windows the building will also have two fire escapes.

Mr. Clerico inquired about the canopy and whether the overhang would add to the non conforming setback and Attorney Wilson stated that the canopy would not further violate what exists now, that the canopy was not being extended out but further along the building and it was his opinion no relief was needed. Mr. Duvoisin advised the board that the setback to the edge of the canopy is approximately 22' and the building setback is 23.51'. Mr. Harrison inquired what the canopy will be made of and Mr. Duvoisin stated that the canopy will be made out of light steel and will hold a 30 pound per SF snow load. The canopy will extend out approximately 3' and will drop down about 9".

Mr. Clerico inquired about the rear of the property and Mr. Duvoisin stated the rear of the building was partial blacktop and grass and the applicant would like to relocate the dumpster to the rear. Mr. Lindsay inquired how accessible the building is in the rear and whether the fire department would have access if the dumpster was relocated and Mr. Duvoisin stated the rear of the building is open and would be very accessible.

Mr. Clerico questioned the parking layout. Mr. Duvoisin stated that the parking layout has been superimposed on page 2 of exhibit A5. The parking space sizes vary, in front the spaces are 10' and on the side of the building some of the spaces are oversized and some are undersized.

Attorney Caldwell asked if the applicant would classify the apartments as multi-family and Mr. Duvoisin responded "yes". Attorney Caldwell inquired if the tenants would have storage space of 500', Mr. Duvoisin replied "yes". Attorney Caldwell inquired in total how many habitable rooms will there be and Mr. Duvoisin stated the four bedroom apartments will have 6 rooms each and the efficiency apartments have one for a total of 14 rooms.

Mr. Charles Didea, applicant was sworn in.

Mr. Didea advised the board that he is the owner of the building and also operates the drycleaners. Mr. Didea stated that in addition to the second floor modifications he is looking to reorganize and remodel the cleaners to better serve the customers.

Mr. Didea stated that he did a parking count on three different days of the week, which is reflected in exhibits A7-A9. The count was taken hourly from 7:00am to 11:00am, then every half hour from 11:00am to 2:00pm, then hourly from 2:00pm-7:00pm. The study generated the following results:

Exhibit A7- was taken on Tuesday April 19, 2005 and the highest amount of cars generated at one time were 18 cars at 7:00pm.

Exhibit A8- was taken Thursday April 21, 2005 and that the highest amount of cars generated were 19 cars at 6:00pm.

Exhibit A9 was taken on Saturday April 23, 2005 and the highest amount of cars generated were 14 cars at 1:30pm.

Mr. Didea advised the board that currently he has eight tenants and that only two of the tenants have cars and if the board wishes he would stipulate in the lease that only one car per apartment is allowed. Mr. Ragozine inquired if the current tenants all had leases and Mr. Didea responded "no" that due to the physical appearance of the building it was very hard to expect someone to enter into a lease. Mr. Lindsay questioned Mr. Didea how he could put in a lease restriction of one car if he does not make his tenants sign a lease and Mr. Didea responded that after the improvements were made to the building each tenant would have to sign a lease. Mr. Lindsay inquired if the board denied the apartment would Mr. Didea still

have plans to fix up the building, Mr. Didea replied no that he would not have the additional income to

offset the improvements.

Mr. Lindsay inquired about handicap access to the second floor and Mr. Duvoisin responded that an elevator was not required by code. Mr. Clerico inquired about handicap parking and Mr. Duvoisin stated that one handicap space could be created in the southwest corner, which would reduce the 24 spaces to 23 total parking spaces.

Chairperson Hendricksen opened the meeting to the public for questions.

Mr. Walter Hetzel, Main Street, inquired if the first floor was ADA accessible and Mr. Didea responded "yes".

Mr. Frank Gallagher, 31 Center Street, inquired how the restriction on the affordable apartments would work and who would monitor the restrictions. Attorney Wilson stated that Mr. John Madden will be able to answer that question.

Mr. John A. Madden, Jr., New Jersey Licensed Professional Planner was sworn in.

Mr. Madden advised the board that the Mt. Laurel units would have to meet specific income qualifications, which the town would oversee.

Mr. Madden advised the board that from a parking standpoint the ordinance requires 1 space per 180SF of retail which would breakdown to 24 spaces for retail and 10 spaces for residential. Mr. Madden stated that this site would be able to take advantage of shared parking because the commercial parking would mainly be in the day and the residential in the evening. Mr. Madden stated that he believed that there was more than enough parking on site.

Mr. Madden testified that there are several positive aspects to the application. The application promotes smart growth by combining retail with residential. The application will promote the municipal land use law by offering two affordable housing apartments, the exterior of the building will be renovated to provide a more visual pleasing environment, the apartments will meet local needs by housing local employees that will be able to walk to work. Mr. Madden concluded that from a planning standpoint the applicant's proposal will be an efficient use of the building.

Mr. Holt inquired how many undersized parking spaces were on site and Mr. Madden stated that he only saw 1 space that was undersized. Mr. Ragozine inquired about the legal size of parking spaces and Mr. Clerico stated that for long term use the ordinance requires the spaces to be 9 x 18 and for all other spaces 9 ½ x 20 with a 25' wide aisle. Mr. Clerico added that it is impossible for the applicant to create a conforming lot on this site.

Attorney Caldwell asked Mr. Madden if he thought the canopy would require a variance and Mr. Madden responded "yes". Mr. Madden stated that the canopy will not encroach any further out but will increase in length, which will add to the nonconformity that exists now. Mr. Madden added that if the canopy were not extended it would leave an open gap, which would not be attractive; the canopy was part of the architectural theme and would add to the visual appearance of the building.

Attorney Caldwell asked Mr. Madden if he thought the site parking needed a variance and Mr. Madden responded that the shortage of parking would require a variance and that he would like the board to take into consideration the shared parking.

Attorney Caldwell asked Mr. Madden if he saw any other items that would require relief and Mr.

Madden stated the fourth apartment would require a FAR relief. Mr. Madden stated that if the fourth apartment was approved the FAR would be 55% and the ordinance allows 30%.

Mr. Clerico stated that in addition to the parking requirements, the expansion of the floor area, and the extension of the canopy, the board should look at the site conditions and consider having the applicant resurface the parking lot. Mr. Clerico also stated that the board has not heard any testimony on landscaping or lighting.

Attorney Caldwell stated that first the board needs to decide if they want the applicant to submit a full site plan application. Attorney Wilson stated that he has asked the board to grant his applicant a waiver from site plan. Attorney Wilson stated that if the board desires as part of the site improvements they can restripe the parking lot and provide a new stockade fence on site, but would prefer not to submit a site plan application because they believe the NJ DOT access permit would result in the loss of parking spaces in front of the building.

Mr. Clerico stated that the board needs to break the application into two different components the first is the Use Variance and the second if the FAR Variance. Then the board needs to look at the canopy variance and then beyond that is the parking and site plan issues.

Chairperson opened the meeting to the public

Mr. Gallagher, 31 Center Street, inquired if the applicant is proposing to blacktop and stripe the parking spaces and Mr. Madden stated "yes the applicant is planning to blacktop and stripe".

Mr. Caldwell advised the board that the first item the board needs to decide is the Use Variance to allow a fourth apartment to be created and to legitimize one of the efficiency apartments that exist now.

Due to the timeframe the application for D&D Enterprise will be carried to June 27, 2005.

There being no further business a motion was made by Mr. Querry, seconded by Mr. Harrison, to adjourn the meeting at 10:35pm.

Respectfully submitted

Allison McGinley  
Board of Adjustment