



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 October 23, 2006 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

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".

Present:

- Hendricksen
- Feldmann
- Gallo
- Holt
- Querry
- Tranquilli
- Trepkau
- Penyak
- Berson

Absent:

Oath of Office:

Mr. Bill Berson was sworn in as the Alternate 2 Board of Adjustment member.

Approval of Minutes:

A Motion was made by Mr. Querry, seconded by Mr. Holt, to approve the minutes of July 24, 2006:

All Ayes. Motion Passed.

Voucher Approval:

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

William Caldwell	Oct 2006	Ansuya	\$130.50
William Caldwell	Oct 2006	D&D Enterprise	\$522.00
Van Cleef Engineering	August 2006	D&D Enterprise	\$102.00
Van Cleef Engineering	August 2006	Ansuya	\$1,364.00

All Ayes. Motion passed.

Completeness Review for Block 6 Lot 27 & 28- The Clinton House:

Mr. Jack Holt excused himself, as he is an interested party as defined in the MLUL.

Attorney Caldwell spoke with the applicant's attorney, Mr. Benbrook before the meeting regarding jurisdiction of the application. It was determined that since the applicant is applying for a boundary line adjustment and a Use Variance which would lead to an amendment of the prior site plan approval that the Board of Adjustment has jurisdiction over the application. The application the board received is for a boundary line adjustment and does not include the amended site plan application.

Chairperson Hendricksen stated that Lot 27 is owned by 4 individuals and the other owners have not signed the application. Attorney Caldwell stated that all owners have to give their consent by signing the application. Chairperson Hendricksen stated she was concerned that all of the owners had not signed. Mr. Querry questioned whether it was appropriate to deem the application incomplete for that reason only when reviewing Mr. Clerico's letter there may be multiple reasons. Mr. Tranquilli commented that there are numerous issues and when the applicant refiles he would like to make it clear that the items in Mr. Clerico's letter should be addressed.

Chairperson Hendricksen inquired when the applicant refiles would the board have jurisdiction on the boundary line adjustment. Attorney Caldwell stated that the applicant is not moving the zone line just a "small sliver" of the property line. There are two properties involved, lot 27 is in the commercial zone and Lot 28 is in the residential zone. First you would have to hear a Use Variance application for the residential property allowing the improvements on the residential lot that were restricted to the commercial property. Then if the Use Variance was approved you would hear an amended site plan and a minor subdivision application that would place the improvements on the commercial lot. The board can hear the subdivision in conjunction with the use variance.

Chairperson Hendricksen inquired if a time limit could be set for submitting a new application since there is an outstanding violation. Attorney Caldwell stated there was no harm in setting a time limit and advising the applicant if they have not filed by a certain date the board will turn the matter over to the Governing Body for enforcement. Chairperson Hendricksen suggested setting a time limit of January which seems fair.

A Motion was made by Mr. Tranquilli, seconded by Mr. Feldmann, to deem the application incomplete due to the lack of owner signatures on the application and that no site plan application was filed.

Roll Call Vote:

Ayes: Hendricksen, Gallo, Feldmann, Querry, Tranquilli, Trepkau, Penyak

Nays:

All Ayes. Motion Passed.

Chairperson Hendricksen inquired about setting a time limit on when the applicant would have to refile. Mr. Querry stated he was hesitant on setting a time limit because after reviewing Mr. Clerico's letter there seems to be a lot of items the board still needs to discuss, such as whether the board will grant waivers of certain items. Chairperson Hendricksen commented that the applicant has asked for two waivers but has not provided any supporting documentation on why they are requesting waivers and the applicant could still ask the board for waivers when they refile. Mr. Querry stated that he doesn't remember ever setting time limits in the past. Chairperson Hendricksen responded that she is requesting a time limit for filing the application because of the past history of the site.

A Motion was made by Chairperson Hendricksen, seconded by Mr. Trepkau, that the applicant must submit a new application to the Board of Adjustment before the January 22, 2006 meeting that covers the deficient items and or waivers of the deficient items or the violation will be turned over to the Governing Body for further enforcement.

Roll Call Vote:

Ayes: Hendricksen, Gallo, Feldmann, Querry, Tranquilli, Trepkau, Penyak

Nays:

All Ayes. Motion Passed.

The board welcomes the applicant to come to the November meeting if they have any questions. Attorney Caldwell advised the board that he would notify Attorney Benbrook of the outcome.

Board Discussion:

Mr. Tranquilli advised the board that the Sign Committee's letter was sent out to all the merchants regarding illegal signs in the town. The Sign Committee met last week with two applicants. The first applicant was from the Booster Club he would like to install a scoreboard at Gebhardt Field, which is in the residential zone, the applicant was referred to the Board of adjustment. The second applicant was Nino's restaurant who wanted to put signage on his existing awning. Nino's will be taking down his placard sign and replacing it with the lettering on the awning. Mr. Tranquilli advised the board that the committee expects to be busy in the near future. Mr. Querry commented that he has not seen a copy of the letter that was sent to the merchants. Mr. Tranquilli stated that the letter went out to the business owners and states if you have a non-conforming sign you can remove the sign or apply to the sign committee. The goal is to get all the signs conforming. The sandwich signs are the big issue and by sending out the letter the merchants get to know what is permitted by ordinance. If a merchant wants to proceed forward with their sign that is not permitted they can apply to the sign committee, which is in place to save the merchant money and time.

There being no further business, a Motion was made by Mr. Tranquilli, seconded by Mr. Trepkau to adjourn the meeting at 8:15pm.

Respectfully submitted,

Allison McGinley
Land Use Administrator