



**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, 2011 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Gallo 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”.

Attorney William Caldwell and Mr. Robert Clerico were present.

**ROLL CALL:**

**Present:** Berson, Feldmann, Gallo, Smith, Recambe,  
**Absent:** Sailer, Trepkau, Wetherill, Carberry

**Approval of Minutes:**

A Motion was made by Mr. Berson, seconded, by Mr. Smith, to approve the minutes of March 28, 2011:

**All Ayes. Motion Carried.**  
**Abstain: Recambe**

**Voucher Approval:**

A Motion was made by Mr. Smith, seconded by Mr. Feldmann, to approve the following voucher:

Van Cleef Engineering	Moriello	March 2011	\$858.00
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**All Ayes. Motion Carried**

**Completeness Hearing for Block 29 Lot 3.03- Kathleen Moriello**

**Density (D5) Variance Application and Major Subdivision Application:**

A Motion was made by Mr. Berson, seconded by Mr. Smith to deem the application complete for public hearing:

**Roll Call Vote:**

**Ayes:** Berson, Feldmann, Gallo, Smith, Recambe  
**Nays:**

**All Ayes. Motion carried.**

**Public Hearing for Block 29 Lot 3.03- Kathleen Moriello****Density (D5) Variance Application and Major Subdivision Application:**

Attorney Kevin Benbrook, Mr. Terrell M. Essig, NJ Licensed Engineer, Surveyor and Planner, Kathleen Moriello, applicant and Attorney Ken Sauter on behalf of Pond Ridge Condominium Association were present.

The following items were submitted into evidence:

- A1 Application package.
- A2 Certified list of property owners.
- A3 Legal publication.
- A4 Tax certification.
- A5 Subdivision Plat dated July 7, 2008 revised March 31, 2011.
- A6 Metes and Bounds description prepared by Terrell Essig dated March 31, 2011.
- B1 Review Letter prepared by Robert Clerico dated May 12, 2011.
- B2 Environmental Commission Review Report returned with no comments dated April 26, 2011.

Attorney Benbrook gave the board a brief background on the history of the property. The applicant's lot consists of a single-family dwelling, which was lumped in with the subdivision approval for 18 Condominium units at Pond Ridge. The single-family dwelling has not functioned well within the condominium subdivision because it has entirely different maintenance needs. The Condo Association has agreed to allow the applicant to disassociate from being part of the subdivision and association. Ms. Moriello's lot is a fully conforming lot and will create no new variances however relief for a Density Variance will be required for the remaining lots.

Mr. Terrell Essig was sworn in.

Mr. Essig advised the board the entire tract consists of 18 units plus the single-family lot. The total tract of land is 4.427 acres, in the R1A Zone the Town Ordinance requires 4 lots per acre, which would allow for 16 units, since 18 units exist the density variance would be required. The proposed lot exceeds the requirements for a single-family zone; there will be no structural changes to the property or the remaining lots. The applicant is proposing a new driveway off Leigh Street and the curb cut on Pond Ridge where the current driveway is will be restored, the new driveway will require a road-opening permit.

The board thought it helpful to go through. Clerico's report dated May 12, 2011

Paragraph # 2- The applicant agreed to work with Mr. Clerico and provide a turnout on the driveway, the approval would be subject to a conforming road opening permit.

Paragraph #3- The applicant agreed to revise the plan to show the removal of the existing driveway off Pond Ridge.

Paragraph # 4- The applicant and the Condominium association are in agreement the applicant will be obligated and responsible to maintain the catch basin on her property. Attorney Benbrook agreed to provide an easement to the Condo Association to give them the right but not the obligation to access the inlet.

Paragraph # 5- Attorney Benbrook advised the board the buffer is a private agreement between the applicant and the Condo Association, the applicant has agreed to plant three white pine trees on the eight foot buffer on the association's property and the reference to the easement will be eliminated from the plat.

Paragraph # 6- Attorney Benbrook stated he would agree to dedicate the site easement as a condition of approval.

Paragraph # 7- Attorney Benbrook asked the board to grant a conditional preliminary approval this evening and he would file the final major subdivision as an as- built.

Mr. Essig stated the ordinance created for the R1A zone was created specifically for the condominium subdivision not for a single family zone, the proposed subdivided lot conforms to single family zoning requirements, Mr. Essig added the approval can be granted without any substantial detriment to the town.

Ms. Kathleen Moriello, applicant was sworn in. Ms. Morillo advised the board that through the course of time conflicts have arisen with the maintenance work of her home, which has prompted the filing of subdivision request. The single-family dwelling is gingerbread historic home, which is registered on the historic registry and requires different maintenance needs then the condominiums. Ms. Moriello is hoping to restore the porch area and revitalize the historic home if the subdivision application is approved. Ms. Moriello added the subdivision would allow me to maintain my home more efficiently.

Mr. Ken Sauder, Attorney for the Pond Ridge Association advised the board the testimony given tonight has been consistent with what was discussed with the condo association, and the condo association has no objections to the application as presented tonight.

Attorney Benbrook stated the subdivision will be positive for all sides, based on the testimony given he would ask the board to grant approval for the Preliminary Major Subdivision with the Density Variance relief. Attorney Benbrook advised the board the applicant will comply with the agreed upon conditions from Mr. Clerico’s report dated May 12, 2011.

A Motion was made by Mr. Recame, seconded by Mr. Smith, to grant the Preliminary Major Subdivision approval,with the density relief conditioned upon the applicant complying with Mr. Clerico’s report dated May 12, 2011, that there be no further subdivisions of the newly designated lot 3.04, the driveway will be revised to include a turn around driveway, subject to Mr. Clerico’s review and the road opening permit:

**Roll Call Vote:**

Ayes: Berson, Feldmann, Gallo, Smith, Recambe

Nays:

**5-0 Motion Passed.**

**Board Discussion:**

Planning Board Update: Mr. Feldmann advised the board the Planning Board approved a 61 town-home development off Route 173 adjacent to Union Gap.

There being no further business a Motion was made by Mr. Berson, seconded by Mr. Recame, to adjourn the meeting at 9:15pm.

Respectfully submitted,

Allison Witt  
Land Use Administrator