



**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 April 23, 2012 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 Caldwell was present**

### **ROLL CALL:**

**Present:** Carberry, Feldmann, Gallo, Sailer, Smith, Recame, Wetherill

**Absent:** Berson, Trepkau

### **Approval of Minutes:**

A Motion was made by Mr. Recame, seconded by Mr. Carberry, to approve the minutes of January 23, 2012:

**All Ayes. Motion Carried**

### **Completeness hearing for Block 6 Lot 27- Clinton House:**

A Motion was made by Ms. Wetherill, seconded by Mr. Recame, based upon Mr. Clerico’s review letter dated February 24, 2012 the application for variance & site plan as submitted for Block 6 lot 27 be deemed incomplete:

**All Ayes. Motion carried.**

### **Appointment of Alternate Engineer:**

A Motion was made by Mr. Carberry, seconded by Mr. Smith to appoint Andrew Holt from Suburban Consulting Engineers as the Board of Adjustment’s alternate Engineer for 2012:

**All Ayes. Motion Carried.**

A Motion was made by Mr. Smith, seconded by Mr. Feldman, to adopt the resolution authorizing Mayor & Council to execute an agreement with Suburban Consulting (attached)

**All Ayes. Motion Carried.**

**Sign Variance Application for Block 3 Lot 2- Holiday Inn:**

Attorney Carlton Hansen, Mr. Gulshan Chhabra, owner were present.

Mr. Carl Hintz, planner was delayed but was placed on speaker-phone.

Attorney Caldwell questioned why the applicant was before the board tonight; Attorney Hansen stated the applicant is looking to replace the signs with the new Holiday Inn logo, all the signs will stay within the 1994 variance relief granted and tonight they are looking for relief for the internal illumination. Attorney Caldwell advised the board the signs are pre-existing, non-conforming signs that should be allowed to remain and do not require variance relief for the internal illumination. Attorney Caldwell advised the board they should not consider an application where there is no legal basis to do so. Mr. Hintz via speaker phone agreed.

Attorney Caldwell inquired if the applicant would like to amend the variance application to an appeal of the Zoning officer's interpretation. Attorney Hansen agreed to amend the application to an appeal.

A Motion was made by Ms. Wetherill, seconded by Mr. Carberry, to approve the appeal and consider the change of signs as pre-existing-non conforming signs that do not need variance relief:

**Roll Call Vote:**

Ayes: Carberry, Feldmann, Gallo, Sailer, Smith, Recame, Wetherill

**All Ayes. Motion carried.**

**Board discussion:**

Mr. Feldmann questioned if there was a section in the ordinance that was based upon the Zoning Officer's decision that needs to be revised.

Zoning Officer, Allison Witt, stated that there is a section in the sign ordinance that refers to any replacement and or resurfacing of a sign shall be considered a new sign. The thinking behind sending the Holiday Inn for an illumination sign variance was even though the applicant did receive relief for the size, number and location they did not receive relief for the internally lit signs since in 1994 the internally illuminated signs were allowed per the ordinance.

Attorney Caldwell stated you cannot legislate a pre-existing non-conforming status out of existence, variances run with the land.

There being no further business a Motion was made by Ms. Wetherill, seconded by Mr. Feldmann to adjourn the meeting at 8:20 pm.

**All Ayes. Motion Carried.**

Respectfully submitted,  
Allison Witt Land Use Administrator