



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 June 24, 2013 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Sailer called the meeting to order at 7:00pm 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 7:00pm and are adjourned no later than 10:00pm. 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 Shurts and Mr. Robert Clerico were present.

ROLL CALL:

Present: Blanco, Feldmann, Layding, Sailer, Smith,

Absent: Berson, Cohen, Recame, Wetherill

Approval of Minutes:

A Motion was made by Ms. Blanco seconded by Mr. Layding, to approve the minutes of May 20, 2013:

All Ayes. Motion Carried

Voucher Approval:

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

All Ayes. Motion Carried.

Final Major Subdivision- Block 29 Lot 3.03- Kathleen Morriello:

Attorney Walter Wilson, Mr. Terry Essig, PE, Kathleen Morriello, applicant and Jackie Klapp Stenographer were present.

The following items were submitted into evidence:

- A1 Application package
- A2 Tax Certification
- A3 Final Plat prepared by Terrell M. Essig dated 9/14/2013
- A4 Driveway Overlay
- B1 Van Cleef Engineering report dated 6/20/2013

Attorney Walter Wilson stated he was in receipt of Mr. Clerico's report dated June 20, 2013 and takes no exceptions with anything contained in the report, the stipulations outlined are all appropriate conditions of final approval, the applicant will comply.

Mr. Clerico referred to item # 5 of his report and inquired if there was an agreement between the applicant and the homeowners association to provide a landscape buffer, Mr. Essig responded the agreement is in the disassociation agreement between the homeowner and the Pond Ridge Association. Mr. Clerico stated the buffer area is described as an 8-foot wide buffer, and questioned if it was an obligation on behalf of the applicant or the homeowners association, Mr. Essig responded that it is not an obligation, but the association wants to know that they can plant additional plantings if necessary.

Mr. Clerico inquired if the turn out on the driveway area is adequate and advised the board to get testimony from the applicant, Mr. Essig stated yes it is adequate and submitted a driveway overlay (exhibit A-4) for the board's review.

Mr. Clerico questioned the plantings in the sight easement, Mr. Essig responded that Ms. Morriello planted in the sight easement and I spoke with her about removing the tree which she indicated the tree would grow straight up and out, I did advise her that was not acceptable. Mr. Clerico stated one of the conditions of approval is the actual dedication of the sight easement to the Town, those easements typically have restrictions. Mr. Clerico added what is out there now is new plantings and at this time he is not able to determine what it would look like at maturity. Mr. Essig stated when he sets the monuments he will mark out the area to make sure the sight triangle is defined, the tree may need to be removed or it may fall outside the triangle. Mr. Clerico stated you normally don't plant in a sight easement but ultimately it will be the Town Council that will have to determine if the easement meets the Town Standards.

Mr. Clerico stated the rest of the items on his report are just notes to update the plan, the setting of the monuments, and easement dedications, all of these items must be submitted and approved before the final map can be recorded.

Ms. Kathleen Peterman Morriello was sworn in. Ms. Morriello testified that she is using the driveway and finds the driveway turnaround is adequate, presently two cars are parked in the driveway and there is no difficulty using the turnaround on her driveway.

Mr. Feldmann inquired about the plantings in the sight easement, Ms. Morriello testified she measured the plantings and they are 22" wide, she stated she purposely planted low and slow growing plants that are airy so they do not pose a blockage problem. Ms. Morriello stated she planted three blue spruce mini bulbs and some annual plantings that are 22" wide and approximately 12" tall. The saliva that was planted can be cut down if it exceeds what is allowed. Ms. Morriello testified she understands the purpose of the sight easement is not to block a driver's vision. Mr. Clerico inquired if Ms. Morriello understands there will be a restriction on the height of the plantings in the sight easement, Ms. Morriello responded "yes". Mr. Sailer advised Ms. Morriello under the Town of Clinton Ordinance 88-60(S) no plantings in a sight easement should exceed 24 inches in height. Mr. Clerico suggested the easement should reflect whatever the Town standard is. Ms. Morriello stated she is trying to improve the appearance of the corner and will certainly abide by the regulations.

Kathleen Mikalains, Pond Ridge Homeowners Association representative stated she wanted to clarify an issue Mr. Clerico raised in regard to the landscape buffer area; the buffer area is part of an agreement between Ms. Morriello and the homeowners association as part of the disassociation agreement. Mr. Essig stated the agreement was to relocate the driveway and plant 3 trees, as far as any other plantings there is no agreement. Mr. Clerico stated the question was raised in his report because the notation was on the final map and this was not an obligation that the Board imposed and felt in order to avoid issues or confusion in the future the notation should be removed from the final map. Attorney Wilson agreed to remove the notation from the final map.

Susan Nanni, Pond Ridge Homeowners Association Trustee stated the association was anxious to come to a close and after approval tonight how much longer should the recording of the map take? After some

discussion, Attorney Wilson stated that everything under the applicant's control such as the submission of

Easements, setting the monuments and the final map revisions could be submitted to the town within 30 days.

A Motion was made by Mr. Smith, seconded by Mr. Layding, to approve the final subdivision with the conditions set forth in Mr. Clerico's letter and the documents within the applicants control submitted within 30 days:

Roll Call Vote:

Ayes: Blanco, Feldmann, Layding, Sailer, Smith,

Nays:

All Ayes. Motion Carried.

There being no further business a Motion was made by Mr. Feldmann, seconded by Mr. Blanco, to adjourn the meeting at 7:30pm

All Ayes. Motion Carried.

Respectfully submitted,

Allison Witt
Land Use Administrator