

Minutes of the Town of Clinton Board of Adjustment Meeting held on January 24, 2005 at 8:00pm in the Municipal Building.

Chairperson Hendricksen called the meeting to order at 8:00pm and read the following "Statement of Adequate Notice"

"Adequate Notice of this meeting has been provided indicating the time and place of the meeting and 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".

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 at 10:30pm. Fees are charged on a per meeting basis.

Roll Call

Present:

Harrison
Hendricksen
Lindsay
Querry
Walton
Tranquilli
Gallo

Absent:

Holt
Ragozine

Attorney Caldwell was present.

Oaths of Office:

Attorney Caldwell administered the Oaths of Office to John Harrison and Carol Gallo.

Approval of Minutes:

A Motion was made by Mr. Querry, seconded by Chairperson Hendricksen, to approve the minutes of November 22, 2004 meeting.

All Ayes. Motion Carried.

Voucher Approval:

A motion was made by Mr. Tranquilli, seconded by Mr. Lindsay, to approve the following vouchers:

William Caldwell	Legal (Oct & Nov)	Century 21	\$277.50
William Caldwell	Legal (Oct & Nov)	Clinton House	\$493.00
William Caldwell	Legal (Oct & Nov)	George Lee	\$493.00
All Ayes.			Motion Carried.

A motion was made by Mr. Tranquilli, seconded by Chairperson Hendricksen, to approve the following vouchers:

William Caldwell	Legal (Oct)	Kemprowski	\$130.50
William Caldwell	Legal (Nov& Dec)	Mico Gas	\$246.50
		All Ayes.	Motion Carried.

A motion was made by Mr. Tranquilli, seconded by Chairperson Hendricksen, to approve the following voucher:

James Dodge	Planner (Nov)	Ansuya Ent LLC	\$400.00
		All Ayes.	Motion Carried.

A motion was made by Mr. Tranquilli, seconded by Mr. Lindsay, to approve the following vouchers:

Schoor DePalma	Planner (Nov)	Bohnel	\$278.25
Schoor DePalma	Planner (Nov)	George Lee	\$33.50
Schoor DePalma	Planner (Nov)	Wickham	\$167.50
		All Ayes.	Motion Carried.

A motion was made by Mr. Query, seconded by Mr. Harrison, to approve the following vouchers:

Van Cleef	Engineering (Nov)	Ansuya	\$2,847.22
Van Cleef	Engineering (Nov)	Clinton House	\$252.00
Van Cleef	Engineering (Nov)	Hans JD LLC	\$31.50
Van Cleef	Engineering (Nov)	George Lee	\$189.00
Van Cleef	Engineering (Nov)	Wickham	\$157.50
		All Ayes.	Motion Carried.

Posting of Minutes:

Chairperson Hendricksen advised the board that she had received a letter from the Mayor requesting input from the board members about posting the minutes of the meeting on the Town of Clinton website.

A Motion was made by Mr. Harrison, seconded by Mr. Query, to allow the minutes to be posted on the website with the following stipulations:

- 1). A disclaimer stating that “certified copies of the minutes can be obtained by the board secretary”.
- 2). Posting of minutes after the board has approved them.

All Ayes. Motion Carried.

Memorialization of Resolution for the Clinton House:

The board received a letter from Mr. Benbrook stating that he had not had a chance to go over the resolution with his client and would like the board to postpone adopting the resolution.

A motion was made by Mr. Harrison, seconded by Mr. Tranquilli, to postpone adopting the resolution until February 28, 2005.

All Ayes. Motion Carried.

Memorialization of Resolution for MaryLou Wickham-Block 16 Lot 9:

A Motion was made by Mr. Harrison, seconded by Mr. Querry, to approve the resolution with the following changes:

Page 3- 2nd paragraph last sentence add **obtain** release from the Town

Page 3- 3rd paragraph- correct spelling for Ragozine

All Ayes. Motion Carried.

Memorialization of Resolution for John Bohnel-Block 21 Lot 4.01:

A Motion was made by Mr. Harrison, seconded by Mr. Tranquilli, to approve the resolution with the following change:

Page 3- last paragraph –delete the words **be and the same** and delete the word **hereby**.

All Ayes. Motion Carried.

Completeness Review for D&D Enterprise – Block 1 Lot 33

Attorney Wilson stated that he was in receipt of Mr. Clerico’s letter recommending the applicant file a Site Plan application in conjunction with the Use Variance application. Attorney Wilson stated that his applicant is seeking to add a fourth apartment on the second floor and is not changing the footprint of the building or seeking any site improvements and feels that a site plan application is not required.

A Motion was made by Mr. Harrison, seconded by Mr. Tranquilli, to deem the Use Variance application complete without the applicant being required to submit a full Site Plan application at this time, however, if the board feels in the future that it is necessary that applicant will submit a site plan application.

Roll Call Vote:

Ayes: Harrison, Lindsay, Querry, Tranquilli, Gallo

Nays: Hendricksen, Holt

5-2 Motion Passed.

The applicant will be on the agenda for a public hearing on February 28, 2005.

Update Report for Ansuya Enterprise LLC:

Attorney Wilson advised the board that a lot of progress has been made since the November meeting. The major items that are pending are:

- 1). Two NJDEP Permits
- 2). Final design of the retaining walls which should be forwarded to Mr. Clerico for review in his office by next week.
- 3). Signed sewer and water agreement

Attorney Wilson stated that his letter dated January 24, 2005 outline the outstanding items and at this time he would like to ask for a 90 day extension.

A Motion was made by Mr. Harrison, seconded by Mr. Tranquilli, to grant Ansuya Enterprise LLC a 90 day extension and to appear back before the board on April 25, 2005.

All Ayes. Motion Carried.

Board Discussion:

The board discussed a memo from Attorney Caldwell that recommended adopting a resolution requesting the governing body to modify section 88-61A (5) of the ordinance that pertains to pre-existing, non-conforming uses.

A Motion was made by Mr. Tranquilli, seconded by Mr. Lindsay, to authorize Mr. Harrison to bring the memo to the Planning Board for their recommendation to the Governing Body.

All Ayes. Motion Carried.

A motion was made by Mr. Harrison, seconded by Mr. Lindsay, to go into Executive Session at 9:12pm to discuss litigation and official action.

Roll Call:

Ayes: Hendricksen, Harrison, Lindsay, Querry, Walton, Tranquilli, Gallo

Nays:

A motion was made by Mr. Harrison, seconded by Mr. Lindsay, to adjourn the executive session at 9:20pm and enter back into the regular meeting.

All Ayes. Motion Carried.

A motion was made by Mr. Harrison, seconded by Mr. Tranquilli, to authorize Attorney Caldwell to defend the Board of Adjustment defense against Mico Gas.

Roll Call Vote:

Ayes: Hendricksen, Harrison, Lindsay, Querry, Walton, Tranquilli, Gallo

Nays:

All Ayes. Motion Carried.

There being no further business a motion was made by Mr. Harrison, seconded by Mr. Tranquilli to adjourn the meeting at 9:25pm.

Respectfully submitted,

Allison McGinley
Board Secretary