



TOWN OF CLINTON
INCORPORATED APRIL 5, 1865
43 Leigh St., P.O. Box 5194
Clinton, N.J. 08809-5194
(908) 735-8616 FAX (908) 735-8082

Board of Adjustment

Minutes of the Town of Clinton Board of Adjustment reorganization meeting and regular meeting held on January 28, 2008 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Secretary Allison McGinley called the Reorganization 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".

Oaths of Office:

Mr. Tranquilli, Mr. Berson, Mr. Feldmann, and Ms. Wetherill were sworn in.

ROLL CALL:

Present: Berson, Feldmann, Gallo, Query, Tranquilli, Trepkau, Wetherill

Absent: Bohnel, Holt

Election of Chairman:

A Motion was made by Mr. Feldmann, seconded by Mrs. Gallo, to nominate Mr. Tranquilli as Chairman:

All Ayes. Motion Carried.

Chairman Tranquilli proceeded to run the meeting.

Election of Vice Chairman:

A Motion was made by Mr. Berson, seconded by Mr. Trepkau, to nominate Mrs. Gallo as Vice Chairman:

All Ayes. Motion Carried.

Appointment of Board Attorney:

A Motion was made by Mr. Tranquilli, seconded by Mrs. Gallo, to appoint William Caldwell as the Board's Attorney for the 2008 calendar year

All Ayes. Motion Carried

Be it Resolved that William Caldwell, Esq. is hereby appointed to serve as the Board of Adjustment Attorney for the Town of Clinton and;

Whereas there exists a need for the performance of the statutory legal services for the year 2008 for the Town of Clinton Board of Adjustment and;

Whereas funds are or will be made available for this purpose to be certified by the local finance officer and;

Whereas the contract for Professional Services was awarded pursuant to the Fair and Open Process.

Now Therefore, Be Resolved by the Town of Clinton Board of Adjustment as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with William Caldwell, Attorney for 2008.

Notice of this action shall be printed once in the Hunterdon Review.

Appointment of Board Planner:

A Motion was made by Mr. Tranquilli, seconded by Mr. Querry, to appoint Carl Hintz and Elizabeth McManus from Clarke, Caton and Hintz as the Board Planners for the 2008 Calendar Year:

All Ayes. Motion Carried.

Be it Resolved that Carl Hintz and Elizabeth McManus are hereby appointed to serve as the Board of Adjustment Planners for the Town of Clinton and;

Whereas there exists a need for the performance of the statutory Planner services for the year 2008 for the Town of Clinton Board of Adjustment and;

Whereas funds are or will be made available for this purpose to be certified by the local finance officer and;

Whereas the contract for Professional Services was awarded pursuant to the Fair and Open Process.

Now Therefore, Be Resolved by the Town of Clinton Board of Adjustment as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with Carl Hintz and Elizabeth McManus Planners for 2008.

Notice of this action shall be printed once in the Hunterdon Review.

Appointment of Board Engineer:

A Motion was made by Mr. Tranquilli, seconded by Mr. Trepkau, to appoint Robert Clerico from Van Cleef Engineering as the Board Engineer for the 2008 Calendar Year:

All Ayes. Motion Carried.

Be it Resolved that Robert Clerico is hereby appointed to serve as the Board of Adjustment Engineer for the Town of Clinton and;

Whereas there exists a need for the performance of the statutory Engineering services for the year 2008 for the Town of Clinton Board of Adjustment and;

Whereas funds are or will be made available for this purpose to be certified by the local finance officer and;

Whereas the contract for Professional Services was awarded pursuant to the Fair and Open Process.

Now Therefore, Be Resolved by the Town of Clinton Board of Adjustment as follows:

The Mayor and Council are hereby authorized and directed to execute an agreement with Robert Clerico, Engineer for 2008.

Notice of this action shall be printed once in the Hunterdon Review.

Appointment of Board Secretary:

A Motion was made by Mr. Tranquilli, seconded by Mrs. Gallo, to nominate Allison McGinley as the board secretary for 2008:

All Ayes. Motion Carried.

Committee Appointments:

Sign Committee:

Mr. Tranquilli to serve as Chairman, Mr. Feldmann, Mrs. Gallo to serve on the committee and Mr. Trepkau to serve as an alternate. Chairman Tranquilli commented that he would prefer to step down and anyone wishing to serve on the Sign Committee should contact him.

Designation of Meeting Nights:

A Motion was made by Mr. Querry, seconded by Mr. Berson, to adopt the 2008 annual schedule: (schedule attached)

All Ayes. Motion Carried.

Meeting Notice Policy:

The board will meet in the Municipal Building at 43 Leigh Street Clinton NJ. The board secretary shall notify the board members of the meeting dates and will post the notice of the meetings on the bulletin board and notify one of the official newspapers of any scheduled meeting. The Chairman of the board can schedule a special meeting at any time he or she wishes and it shall be advertised.

A Motion was made by Mrs. Gallo, seconded by Mr. Feldmann to adopt the meeting notification policy.

All Ayes. Motion Carried.

Designation of the Official Newspaper:

A Motion was made by Mr. Querry, seconded by Mr. Berson, to designate the Hunterdon Review, the Hunterdon Democrat, and the Courier News as the official newspapers:

All Ayes. Motion Carried.

Administrative Policy Statement:

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. If the meeting must be canceled by the applicant after Friday noon for a Monday meeting and or less then 72 hours before a special meeting, the applicant will forfeit the application fee.

A Motion was made by Mr. Berson, seconded by Mr. Trepkau, to adopt the Administrative Policy Statement:

All Ayes. Motion Carried.

Public Meeting Resolution:

A Motion was made by Mr. Berson, seconded by Mr. Feldmann, to adopt the 2008 Public Meeting Resolution (resolution attached):

All Ayes. Motion Carried.

A Motion was made by Mr. Feldmann, seconded by Mr. Trepkau, to adjourn the reorganization meeting at 7:45pm:

All Ayes. Motion Carried.

Regular Meeting:

Chairman Tranquilli called the meeting to order at 7:45pm and read the “Administrative Statement” and the “Statement of Adequate Notice”:

“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”.

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

Attorney William Caldwell, Mr. Peter McCabe, Van Cleef Engineering and Mr. Carl Hintz were present.

ROLL CALL:

Present: Berson, Feldmann, Gallo, Querry, Tranquilli, Trepkau, Wetherill

Absent: Bohnel, Holt

Approval of Minutes:

A Motion was made by Mrs. Gallo, seconded by Mr. Berson, to approve the minutes of October 29, 2007:

All Ayes. Motion Carried
Abstain: Wetherill

A Motion was made by Mr. Querry, seconded by Mr. Trepkau, to approve the minutes of November 26, 2007:

All Ayes. Motion Carried
Abstain: Wetherill

Voucher Approval:

A Motion was made by Mr. Trepkau, seconded by Mrs. Gallo, to approve the Voucher list (list attached)

All Ayes. Motion Carried

Memorialization of The Clinton House Subdivision & Site Plan Resolution for Block 6 Lot 27 &28:

A Motion was made by Mr. Querry, seconded by Mr. Trepkau, to approve the Resolution for the Subdivision approval for Block 6 Lots 27 & 28:

Roll Call Vote: Berson, Gallo, Querry, Tranquilli, Trepkau **All Ayes. Motion Carried**

A Motion was made by Mr. Querry, seconded by Mr. Berson, to approve the Resolution for the Site Plan approval for Block 6 Lots 27 & 28:

Roll Call Vote: Berson, Gallo, Querry, Tranquilli, Trepkau **All Ayes.** **Motion Carried**

Application for an Amended Site Plan Approval- Ansuva Enterprise LLC of Clinton- Block 17 Lot 2, Block 18 Lots 2.03, 2.04 & 6:

Attorney Howard Apgar, Mr. David Stires, Engineer and Mr. Desai, applicant were present.

The following items were submitted into evidence:

- A1- Application
- A2 Certified 200 foot list
- A3 Proof of certified mailings
- A4 Legal notice
- A5 Site Plan prepared by David Stires Assoc. LLC dated 12/17/07
- A6a Architectural rendering prepared by Tylman Moon & Assoc. dated 12/17/07
- A6b Architectural rendering prepared by Tylman Moon & Assoc. dated Sept. 17, 2002 revised 1/6/03
- B1 Memo from Jack Daniels dated 12/17/07
- B2 Report by Carl Hintz, Clarke Caton & Hintz dated January 9, 2008
- B3 Report by Robert Clerico & Peter McCabe, Van Cleef Engineering dated January 25, 2008
- IP1 Subsection of exhibit A5

Interested party Judith Kemprowski was also present. Attorney Caldwell advised the board that Mrs. Kemprowski is a member of the bar, Mrs. Kemprowski stated she was here tonight as a resident of Clinton Township and not in an attorney capacity.

Attorney Apgar stated that his applicant was here tonight for a minor amendment to the existing site plan approval. Mr. Desai has been looking at different hotel chains and the higher end chains prefer a larger meeting facility, the applicant proposes to increase the first floor hotel space by 1,069 SF, which increases the footprint by 984 SF.

Mr. David Stires, Licensed NJ Engineer and Planner was sworn in. Mr. Stires stated that this board previously approved the project, which is on RT 31 North, in 2004. In attempt to find a user for the hotel the applicant proposes an amendment to the approval by adding a 984SF bump out on the first floor on the north side of the hotel to accommodate a larger meeting space. The additional increase will require no new variances. Mr. Stires stated that other site modifications have been incorporated onto the plan per Mr. Clerico's request, the modifications include a realignment of the sewer line easement to the northeast of the property; Sprinkler System will be installed in the northeast corner of the hotel; a chain link fence will replace the aluminum fence along the retaining wall; a stone gravel emergency access driveway will replace a paved and curbed emergency access driveway.

Mr. Stires went through Mr. Clerico's report:

Comments starting on Page 1 & 2:

- Item # 1 & 2 Applicant agrees with
- Item # 3- Architectural plans will be modified to reflect 28 rooms on the second floor for a total of 100 rooms.
- Item 4, 5 & 6 Applicant agree with
- Item # 7 Fitness center & Day spa will be for hotel guests only
- Item # 8 The staff locker rooms are located in the basement
- Item # 9 & 10 Applicant agrees with
- Item # 11 & 12 Will address in the hearing

Comments starting on Page 3 & 4:

- Item # 1 If the easements do not have to be conveyed to the town they will revise the plans to reflect private easements, will work out with Mr. Clerico's office.

Item # 2 Agree, will accept as a condition of approval that Mr. Daniels review and approve the changes to the water and fire service to the hotel

Item # 3 The applicant is proposing the chain link fence due to elevation changes on the north and west side of the hotel.

Item # 4 The emergency access driveway was changed to gravel because of the rock that they encountered and per Mr. Daniel’s concern the gravel driveway will support an 80,000-pound emergency access vehicle.

Judy Kemprowski, interested party inquired if the gravel driveway will still be designated as an emergency access only, Mr. Stires responded “yes” the driveway will have bollards, barricade chains per Mr. Daniel’s recommendations. Mr. McCabe inquired why the change from a paved driveway to stone, Mr. Stires responded that during the course of construction the entire area was rock so the switch was made to gravel, it will discourage use of the driveway by non-emergency vehicles and the underlayment of rock will be adequate to support emergency vehicles. Mr. Tranquilli inquired if the access road will still be curbed and if the gravel will be able to retain its width, Mr. Stires responded that it will not be curbed and since the road will not be used frequently it will retain its width. Mr. Hintz commented that the driveway will have trees along the side of it and he believed gravel was sufficient. Mr. Feldmann inquired if the gravel driveway will be cleared in the winter, Mr. Stires responded yes different blades on the snowplow are used when plowing gravel. IP, Judy Kemprowski commented that she agreed with gravel it will make the road less desirable and will prevent traffic from going into the residential neighborhood.

Mr. Tranquilli inquired why the change on the fence, Mr. Stires responded aluminum was more costly. Ms. Wetherill was concerned with trash getting caught up in the chain link fence, Attorney Apgar responded the building manager will maintain the site.

Mr. Stires commented that they had no problem with Carl Hint’s report and will comply; Mr. Apgar added that since they did not have a franchise, the signs will come back to the board at the time of final approval.

IP, Judy Kemprowski stated there were other changes that have been made that she has objections to and at this time is requesting a private session with the applicant and the board. Mrs. Kemprowski stated she signed a confidential agreement and is entitled to a private session. Attorney Caldwell was concerned with entering into an executive session and asked if Mrs. Kemprowski would waive her right to confidentiality and discuss her concerns in public. Mrs. Kemprowski responded that she will have to check with her husband, since he also signed the agreement. Attorney Caldwell suggested that he did not believe the board can exclude the public from a board’s decision and if Mr. Kemprowski does not waive his right to confidentiality then Attorney Caldwell will go back to court to seek the Judge’s opinion. Attorney Caldwell suggested that Mr. Kemprowski be present at the next meeting.

Attorney Apgar asked the board to carry the meeting until the February 25, 2008. A Motion was made by Mr. Feldmann, seconded by Mr. Trepkau, to carry the application to February 25, 2008, no further notice required:

Roll Call Vote:

Ayes: Berson, Feldmann, Gallo, Querry, Tranquilli, Trepkau, Wetherill

Nays: **All Ayes. Motion Carried.**

Board Discussion:

Mr. Tranquilli advised the board that the Sign Committee met with an applicant tonight requesting an awning sign. The awning sign meets the new proposed sign ordinance requirements and the committee is giving their recommendation that the board approve the awning sign. The board approved the sign permit.

Mr. Tranquilli advised the board that the proposed sign ordinance is being sent back to the Planning Board for their review and comments at the February meeting.

Mr. Tranquilli asked if anyone on the board is interested in taking his place as the liaison to the Planning Board they should contact him, so he can recommend them to the Mayor. Mr. Trepkau stated he would be interested.

There being no further business, A Motion was made by Mr. Trepkau, seconded by Mr. Feldmann, to adjourn the meeting at 9:20pm.

Respectfully submitted,

Allison McGinley
Land Use Administrator