



## **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 March 26, 2007 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairman Tranquilli 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".

#### **Roll Call:**

**Present:** Tranquilli, Gallo, Hendricksen, Holt, Querry, Trepkau, Berson

**Absent:** Feldmann

Attorney Caldwell, Mr. Robert Clerico, and Mr. Carl Hintz were present

#### **Approval of Minutes:**

A Motion was made by Mr. Querry, seconded by Mrs. Gallo, to approve the minutes of February 26, 2007:

**All Ayes.**

Abstain:

**Motion Carried**

Hendricksen

#### **Voucher Approval:**

A Motion was made by Mrs. Hendricksen, seconded by Mr. Holt, to approve the attached voucher list:

Roll Call Vote: Tranquilli, Gallo, Hendricksen, Holt, Querry, Trepkau, Berson

**All Ayes.**

**Motion Carried.**

A Motion was made Mr. Holt, seconded by Mr. Berson, to suspend the agenda and change the order of the applications that will be heard:

**All Ayes.**

**Motion Carried.**

**Determination of Tolling Period for Ansuya Enterprise LLC :**

Attorney Walter Wilson stated he was here tonight to ask the board for a determination of the tolling period. Attorney Wilson advised the board the application was approved on July 26, 2004 and the NJDEP prevented the Town from utilizing Well # 15 until August 2006, which prevented the Ansuya site from receiving water service. Attorney Wilson stated that his letter dated February 26, 2007 outlines the dates and Mr. Andrew Holt, The Town of Clinton's Water Engineer has confirmed the tolling period in his letter dated March 19, 2007. Attorney Wilson asked the board to determine the tolling period of 23 months.

A Motion was made by Mrs. Gallo, seconded by Mrs. Hendricksen, to accept the 23-month tolling period and confirm the period of protection will run through July 1, 2009:

Roll Call Vote: Tranquilli, Gallo, Hendricksen, Holt, Querry, Trepkau, Berson

**All Ayes. Motion Carried.**

**Minor Site Plan Application for Vincent Tomaro- Block 2 Lot 28**

Attorney James Kinneally from Hoagland, Longo, Moran Dunst & Doukas LLP and Mr. Eric Raes from Engineering and Land Planning Associates were present.

The following was submitted into evidence:

- A10- Minor Site Plan Dated March 9, 2007
- A11- Revised Minor Site Plan dated March 23, 2007
- B2- Memo from Carl Hintz, dated March 22, 2007
- B3- Engineer's report prepared by Robert Clerico, dated March 21, 2007

Attorney Kinneally stated that he was here tonight on behalf of the applicant, Mr. Tomaro to seek approval for a Minor Site Plan. Attorney Kinneally advised the board that he was in receipt of Mr. Clerico's letter dated March 21, 2007 and in agreement with some of the items.

Paragraph # 1- Agree with Mr. Clerico that the variance for a maximum depth of measurement is not required.

Paragraph # 2- Agree with Mr. Clerico that they will pave a 10 foot apron adjacent to the sidewalk at the exit drive by RT 173 and the area that the dumpster will be placed on will be paved with concrete. Attorney Kinneally requested that the board allow the main portion of the lot to remain unpaved. Mr. Clerico commented that he does not believe that it has to be paved but would leave that to the board's discretion.

Paragraph # 3- Agreed to incorporate a sight triangle easement by the exit drive onto RT 173 and the entrance from Lingert Avenue.

Paragraph # 4- Mr. Raes will comment.

Paragraph # 5 - The applicant would like to keep the existing sign location.

Mr. Eric Raes from Engineering and Land Planning was sworn in. Mr. Raes advised the board that exhibit A-11 shows the revised site triangle off Lingert Avenue and the egress onto Route 173. Per Mr. Hintz's

request, exhibit A-11 now reflects the updated shrubs that provide a screen for the residents off Lingert Avenue. The plan is updated to reflect the site circulation it shows the ingress to the site from Lingert Avenue and the egress onto Route 173. The parking stalls have been designated and stoppers have been added to the stalls. The location area of the dumpster is on the revised site plan. Mr. Raes stated that it is the applicant's preference to keep the sign in its existing location. Mr. Raes added that Mr. Hintz suggested curbing by the parking stall at the exit and it is the applicant's preference not to install the curbing. Mr. Hintz advised the board that curbing is not critical.

Mr. Query commented that he did not see a problem with the location of the sign because most of the signs in the area have the same setback. Mrs. Hendricksen inquired where the sign would be located if they were to meet the ordinance and Mr. Raes replied that it would be closer to Lingert Avenue in front of the parking stalls. Mr. Tranquilli suggested that the base of the sign be no more than 3 feet high and to landscape around the base of the sign, Mr. Raes testified the applicant will comply.

Attorney Kinneally advised the board that their testimony has concluded.

A Motion was made by Mrs. Gallo, seconded by Mrs. Hendricksen, to open the meeting for questions and comments to the public and there being no questions or comments a Motion was made by Mrs. Hendricksen, seconded by Mrs. Gallo, to close the meeting to the public.

**All Ayes. Motion Carried.**

A Motion was made by Mr. Trepkau, seconded by Mr. Query, to grant approval for the Minor Site Plan dated 3/23/ 2007 for Block 2 Lot 28:

**Roll Call Vote:** Tranquilli, Gallo, Hendricksen, Holt, Query, Trepkau, Berson

**All Ayes. Motion Carried.**

Chairman Tranquilli advised the applicant that a copy of the approved site plan must be submitted to Mr. Clerico and Mr. Hintz for their verification.

**Completeness Review for Meyer Jabara Hotels LLC- Block 3 Lot 2:**

Mrs. Gallo excused herself, as she is an interested party as defined in the MLUL.

Attorney Albert Rylak was here on behalf of the applicant. Attorney Rylak advised the board that this application involves the Holiday Inn. He has received Mr. Clerico's completeness review letter dated March 21, 2007 and if the board agrees with Mr. Clerico and considers this application a major subdivision than the applicant will have to submit a new application. Attorney Rylak commented if the board sees fit to grant approval for the application he would ask for some help to figure out what to do with the subdivided property and perhaps a small assisted living facility that would tie into the hotel use. The subdivision would create the hotel use to be on 5.80 acres and the newly subdivided property would be on 3 acres. Mr. Clerico inquired what is the purpose of applying for the subdivision without site plan approval? Attorney Rylak responded that it is a piece of land that the applicant does not need and would like to sell. Attorney Caldwell inquired why the applicant was before the Board of Adjustment and Mr. Clerico responded that the hotel use is a non-conforming use in the zone and there is an issue of prior approval that was associated with an FAR Variance being granted. Mr. Clerico stated that he understands the applicant is looking to create a 3 acre conforming parcel the applicant has to prove to the board that the granting of the subdivision is an appropriate action and in doing so the applicant has to provide proof that the lot can be accessible because it fronts on a existing stream and has to provide proof that the lot will be able to have water and sewer access. Mr. Clerico stated that per his reasons outlined in his letter dated March 21, 2007 the applicant should have applied for a major subdivision and since the applicant applied for a minor subdivision the board should deem the application incomplete.

Chairman Tranquilli inquired if the purpose of the application was to create a sellable lot and Attorney Rylak responded yes. Mr. Clerico suggested the applicant should be talking to the Master Plan Committee or the Planning Board on suggestions of what to do with the property.

A Motion was made by Mrs. Hendricksen, seconded by Mr. Trepkau, to consider this application a Major Subdivision and therefore deeming the Minor Subdivision Application incomplete.

**Roll Call Vote:** Tranquilli, Hendricksen, Holt, Querry, Trepkau, Berson

**All Ayes. Motion Carried.**

Attorney Rylak advised the board that he will be submitting a new application for a Major Subdivision shortly.

**Public Comment:**

A Motion was made by Mrs. Hendricksen, seconded by Mr. Berson, to open the meeting for public comment and there being no public comment a Motion was made by Mrs. Hendricksen, seconded by Mr. Holt to close the meeting to public:

**All Ayes. Motion Carried.**

**Board Discussion:**

Chairman Tranquilli advised the board that they are almost complete with the new sign ordinance and the committee is working on some last issues regarding standing signs.

There being no further business a Motion was made by Mr. Trepkau, seconded by Mrs. Hendricksen, to adjourn the meeting at 8:45pm.

Respectfully submitted,

Allison McGinley  
Land Use Administrator.