

Minutes of the Town of Clinton Board of Adjustment Meeting held on March 28, 2005 at 7:30pm in the Municipal Building.

Chairperson Hendricksen called the meeting to order at 7:30pm and read the following "Statement of Adequate Notice" and "Administrative Statement"

"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 no later than 10:30pm. Fees are charged on a per meeting basis.

Roll Call:

Present:

Harrison
Hendricksen
Holt
Querry
Ragozine
Walton
Gallo

Absent:

Lindsay
Tranquilli

Attorney Caldwell, Robert Clerico from Van Cleef Engineering, Carolyn Neighbor from Schoor DePalma were present.

Approval of Minutes:

A Motion was made by Mr. Querry, seconded by Chairperson Hendricksen, to approve the minutes of January 24, 2005 meeting.

All Ayes. Motion Carried.

Voucher approval:

A Motion was made by Mr. Harrison, seconded by Mr. Holt, to approve the following vouchers:

Van Cleef Engineering	Bohnel	\$199.11
Van Cleef Engineering	Clinton Assembly of God	\$581.50
Van Cleef Engineering	Clinton House	\$150.75

Van Cleef Engineering D & D Enterprise \$694.45

All Ayes. Motion Carried.

Memorialization of Resolution for The Clinton House-Block 6 Lot 27:

A Motion was made by Mr. Querry, seconded by Mr. Harrison, to approve the Resolution for the Clinton House:

Ayes: Querry, Harrison
(all other members unable to vote)

Motion carried.

Completeness Review for Clinton Assembly of God-Block 22 Lot 5:

A Motion was made by Mr. Querry, seconded by Mr. Walton, to grant the following waivers:

- 1). Waiver from Ordinance 88-41 A (2) which shows existing structures and topographical features within 200'.
- 2). Waiver from Ordinance 88-41 A (5) which shows existing streets and streams within 500'.
- 3). Design waiver from Ordinance 88-42 C (6) which requires screening between the parking area and the residential area..

All Ayes. Motion carried.

A Motion was made by Mr. Querry, seconded by Mr. Harrison, to deem the application for the Clinton Assembly of God complete.

Roll Call: Hendricksen, Harrison, Holt, Querry, Ragozine, Walton, Gallo

All Ayes. Motion carried.

Sign Variance Application for Hans JD LLC- Block 22 Lot 18 (46 Rt 22)

Attorney Gregory Watts; Mr. Kevin Smith, Engineer from Studer & McEldowney; and Mr. Randall Dahme, applicant were present.

Mr. Querry advised the board that he was a property owner within 200' of this applicant and excused himself from this application.

The following items were presented into evidence:

- A1 Application
- A2 200' Property list
- A3 Certified Proofs of Mailing
- A4 Proof of Publication
- A5 Plat prepared by Studer & McEldowney dated Oct 29, 2004 revised Feb 16, 2005
- A6 Line of Sight Photographs consisting of 5 pages

Attorney Watts stated that his applicant was here before the board to request a sign variance.

Mr. Kevin Smith, Engineer from Studer & McEldowney was sworn in.

Mr. Smith stated that the applicant is seeking to install a 15' high freestanding sign which meets the ordinance in size but does not meet the required 300 feet of street frontage and therefore, would require a variance. Mr. Smith stated that the freestanding sign will enhance the visibility of the site, the line of sight will be maintained, and the sign would be similar to the signs in the area.

Mr. Holt inquired if the sign would be lit and Mr. Smith stated the sign would be internally illuminated.

Mr. Clerico inquired if the applicant could install a conforming ground sign and Mr. Smith replied yes but they would lose some parking spaces and he felt that a ground sign would also interfere with the line of sight. Mr. Ragozine stated that the surrounding buildings have ground signs which do not interfere with the line of sight and Mr. Smith stated that it was his opinion that a ground sign should not be installed that close to a right of way.

Ms. Neighbor stated that her concern was the sign would be at the same height as the light pole which is located next to the proposed sign and suggested the applicant drop the sign down 2-3 feet. Attorney Watts responded that they would have no objection to lowering the sign.

Mr. Clerico inquired if instead of installing a freestanding sign could they install a ground sign along the railing to the East of the property and then seek relief from the setback line. Mr. Smith stated that conceivably that could work. Mr. Ragozine added that a ground sign would be preferred.

Chairperson Hendricksen opened the meeting to the public and there being no questions a motion was made by Mr. Holt, seconded by Mrs. Gallo, to close the meeting to the public.

All Ayes.

Motion passed.

Chairperson Hendricksen advised the board that in the future the Planning Board is considering approving the installation of sidewalks along the area of the proposed sign. Mr. Clerico stated that the proposed sidewalks would be within the highway right of way and the sign pole will be several feet from the proposed sidewalk area.

The board discussed several different locations that a ground or freestanding sign could be installed within the site. Attorney Watts stated that his applicant will modify his application to show a smaller freestanding sign. Mr. Ragozine stated that he would prefer to see a ground sign and Attorney Watts stated that he would modify his proposal to reflect a ground sign if that was what the board prefers.

Chairperson Hendricksen announced that the application will be carried to the next meeting of April 25, 2005 so the applicant can come back to the board with an alternate sign.

Use Variance Application for D&D Enterprise- Block 1 Lot 33 (102 West Main St)

Attorney Walter Wilson; Mr. Jacques Duvoisin, architect; and Mr. Charles Didea, applicant were present.

The following items were submitted into evidence:

- A1 Application
- A2 200' Property list
- A3 Certified Proofs of Mailing
- A4 Proof of Publication
- A5 Floor Plans (2 pages)- dated 4/26/2003 revised 10/11/2004
- A6 Exterior Photograph
- B1 R. Clerico's report dated January 21, 2005
- B2 R. Clerico's report dated October 15, 1997
- B3- R. Clerico's report dated August 21, 1997

Mr. Jacques Duvoisin, Architect was sworn in.

Mr. Duvoisin stated that the applicant is here tonight to seek approval to add a fourth apartment on the second floor, to reface the exterior of the building, rebuild new stairs to the upstairs apartments, and add new windows.

Mr. Duvoisin stated that presently the second story of the building consists of two efficiency apartments and one four bedroom apartment. The applicant is proposing to add a second floor over the hair salon to accommodate a new four bedroom apartment. Mr. Duvoisin stated if the addition of a second floor over the hair salon is not permitted then the proposed apartment could be modified to a three bedroom which would leave the space still open above the salon.

Mr. Duvoisin stated that the site has 24 parking spaces, 9 in front and 15 spaces on the left side of the building. In addition to the 24 striped spaces, there is an area in the rear of the building that is blacktopped but not striped.

Mr. Wilson stated that the applicant is seeking a waiver of site plan as well as an expansion of use to allow a fourth apartment which would require an FAR Variance.

Ms. Neighbor stated that it was her understanding that the 1990 board approval required one of the efficiency apartments to be combined with the 4 -bedroom apartment, which would leave a total of two apartments. Then in 1997 there was an application to seek approval for an additional apartment which never proceeded forward and Ms. Neighbor questioned whether the third apartment that exists today is a legal apartment. Mr. Wilson stated that a copy of the 1990 resolution was filed with the application and it was his understanding that during the 1990 proceedings the Use Variance was sought to legitimize the two efficiency apartments .The applicant never proceeded forward with the 1997 application because the board required the applicant to file a site plan application which would require DOT approval which would result in the loss of parking spaces.

Attorney Caldwell stated that it is important for the board to establish what was lawfully approved. Ms. Neighbor stated that two apartments were approved and in essence the applicant is now seeking approval for two additional apartments.

Mr. Holt inquired if one of the efficiency apartments were qualified as a low income apartment and Attorney Wilson stated that legally no however the applicant is proposing to comply with the COAH requirements for both efficiency apartments if the fourth apartment is approved.

Mr. Clerico stated that the prior variances were granted predicated on the applicant filing a site plan application and that the applicant indicated they did not want to file a site plan because of

DOT and the loss of parking spaces. Mr. Clerico stated that he did not see the reference where it required the applicant to obtain Dot approval and Attorney Wilson stated that it was a requirement of the board after the variance had been granted.

Due to the time frame the application will be carried to the meeting of April 25, 2005.

Board Discussion:

Mr. Ragozine advised the board that he had meet with the Mayor and Attorney Cushing in regards to the Sign Committee procedures and responsibilities. Mr. Ragozine stated Attorney Cushing advised him that the Sign Committee operates in a gray area and perhaps the ordinance needs to be modified to specifically outline the responsibilities and the power of the Sign Committee.

Ms. Neighbor stated that now the commercial areas are separated into 4 zones the sign regulations should to be modified to meet specific criteria in the different zones. Ms. Neighbor stated that she would forward some sign ordinances from various towns for the committee's review.

The board agreed that the sign committee should meet and come up with some suggestions and modifications that can be forwarded to Carolyn Neighbor for her review before being forwarded to the Mayor for any ordinance modifications.

There being no further business a Motion by Mr. Harrison, seconded by Mr. Ragozine, to adjourn the meeting at 10:45pm.

All Ayes. Motion carried.

Respectfully submitted

Allison McGinley
Board Secretary