



## 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 26, 2006 at 7:30pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809

Chairperson Hendricksen 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".

### **Present:**

Hendricksen  
Feldmann  
Gallo  
Holt  
Querry  
Trepkau  
Penyak  
Quinones-Perez

### **Absent:**

Tranquilli

Attorney William Caldwell, Robert Clerico from Van Cleef Engineering and Carl Hintz from Clarke, Caton & Hintz were present.

### **Approval of Minutes:**

A Motion was made by Mr. Feldmann, seconded by Mrs. Gallo, to approve the minutes of May 22, 2006.  
All Ayes. Motion Carried.

### **Voucher Approval:**

A Motion was made by Mrs. Gallo, seconded by Mr. Penyak, to approve the attached voucher list:  
All Ayes. Motion passed.

### **Use Variance Application for James DeGross- Block 13 Lot 1- Carried until August 28, 2006**

### **Memorilization of Resolution for Sal Latino- Front Yard Setback Variance- Block 23 Lot 6 - 58 Leigh Street:**

A Motion was made by Mr. Trepkau, seconded by Mrs. Gallo, to adopt the resolution with the following changes:

Page 1 – last paragraph delete Planning Board and insert **Board of Adjustment**.

Page 2- 1<sup>st</sup> paragraph delete single family and replace with **two-family**.

Page 4- 2<sup>nd</sup> paragraph insert into the motion after the words setback of 24.3 feet **for an open-covered porch**.

Page 4- delete condition # 3.

**Roll Call Vote:**

Ayes: Hendricksen, Gallo, Holt, Querry, Trepkau, Penyak, Quinines-Perez

Nays:

**All Ayes. Motion Passed.**

**Exemption from Site Plan- D&D Enterprise, LLC- Block 1 Lot 33- 102 West Main Street:**

Attorney Steven Gruenberg, Mr. Eric Raes, from Engineering and Land Planning and Mr. Charles Didea applicant were present.

Mr. Trepkau excused himself from the meeting as he is an interested party as defined in the MLUL.

Attorney Gruenberg advised the board that his applicant had received variance relief from the board back in July of 2005 and at that time the board tabled the request for a waiver of site plan until the applicant could provide the board with more documentation of the site parking lot. The applicant has submitted updated plans dated May 2, 2006 that now reflect the paved parking area, limited site lighting and dumpster location which addresses the concerns of Mr. Clerico and tonight his applicant is here to request a full site plan waiver.

Mr. Clerico advised the board the new plans are consistent with his prior recommendations and just a few minor technical details need to be worked out but that could be accomplished between a meeting with the applicant's engineer. Mr. Clerico stated that he was recommending to the board that the applicant not submit a formal site plan application and if the board finds the plan acceptable the minor details could be conditioned on the approval.

Chairperson Hendricksen inquired about the timeframe for trash removal because the plan reflects a 7:00am pickup, which is not allowed in the town, Attorney Gruenberg responded that they will comply with the Town Ordinance. Chairperson inquired who will use the dumpster and when the pickup days will be and Mr. Didea, responded the dumpster will be used by the drycleaners and the hair salon and will be picked up once a week, the residents will have their trash removed by the town.

Mr. Querry wanted to clarify if the purpose of the meeting was determine if the board could grant an exemption from site plan and if the board did not what was the next step? Mr. Clerico responded that the board should consider the plan before them if it has enough information to consider waiving a full site plan application. Attorney Gruenberg added that the site is a fully developed site and the applicant is looking to improve the parking lot in conjunction the building renovations. The plan is an attempt to formalize the improvements that will take place. Mr. Feldmann inquired what additional information the board would gain if the applicant where to apply for a full site plan? Mr. Clerico responded that you would gain more detail in regards to spot elevations, lighting detail, landscaping details, however, the dilemma is the variance granted does not require any site construction just internal renovations. Mr. Clerico added that it was his opinion the plan presented was a very clear plan.

Attorney Caldwell added that the primary issue is there sufficient information to make a decision, the applicant has represented that if a full site plan were necessary DOT would require the applicant to

eliminate some parking spaces. Attorney Caldwell added that it would be a benefit to the town to let the applicant move forward because the COAH units are included with the variance approval.

Mrs. Carol Gallo inquired about the timing of the site lighting.

Eric Raes, Engineer from Engineering and Land Planning was sworn in. Mr. Raes gave the board a brief overview of the proposed improvements to the site. Two pole mounted fixtures and five wall mounted fixtures will be added, the dumpster has been relocated to the rear of the building, and the parking lot will be resurfaced. The site lighting can be placed on timers if the board wishes. Chairperson Hendricksen inquired about how long the solar will keep the pole lights lit, Mr. Raes stated he would have to look at the manufacturers chart for the exact time however they will stay charged for several days. Chairperson inquired if the solar lights could be put on a timer and Mr. Raes responded "yes".

Mr. Feldmann inquired how high the fence in the rear was?

Mr. Charles Didea, applicant was sworn in. Mr. Didea testified that the fence was owned by Meenan Oil and he thought it was approximately 8' high.

Mr. Querry asked Mr. Clerico if he had any other issues and Mr. Clerico responded "no".

Chairperson Hendricksen inquired about the turning radius by the dumpster and Mr. Raes responded that the dumpster truck will be able to pull into the SUV stall and back into the dumpster area. Chairperson stated she was concerned with the 18' parking spaces and inquired if it should be limited to compact vehicles. Attorney Gruenberg responded that what is at the site exists now and all the applicant is attempting to do is improve what already exists. Mrs. Quinones- Perez inquired if there have been any issues with parking and how long the applicant has been there? Mr. Didea responded that "no" there have not been any issues with parking and he has been there since 1991. Mr. Raes testified that an 18' parking stall is not uncommon and he believes it is adequate to handle site vehicles.

Mr. Querry asked Mr. Hintz if he has any issues. Mr. Hintz responded that his issues were with the affordable units. Mr. Hintz stated the two efficiency affordable units that were approved will have to be noted as accessory units, one unit will be low and one moderate income with a thirty year deed restriction. Attorney Caldwell added that the deed will have to be reviewed and approved by Attorney Cushing before the applicant re-records the deed.

Mr. Clerico suggested to the board that the two lights in front not be restricted. Mrs. Gallo agreed but would like a time restriction placed on the lights in the rear by the residential area. Chairperson Hendricksen suggested that if the business closes at 9:00pm the lights should be turned off by 10:00pm. Mr. Querry commented that the business is in a commercial zone and he was concerned if it was really necessary to impose lighting restrictions in the commercial area. Mr. Querry added that if we had to impose restrictions perhaps restricting them between the hours of midnight to 5:00am. Mr. Raes stated that it seems the board's biggest concern was with the light on the northside of the building by the residential area and felt that a 10:00pm shutoff would be reasonable.

Chairperson Hendricksen inquired if the public had any questions and Mr. Walter Hetzel, Main Street inquired if the dumpster would have any type of surround to shield it. Mr. Clerico commented that the dumpster was moved to the rear, it has an 8' fence behind it and that any other enclosures would make trash removal vehicles further restricted.

There being no further questions, a Motion was made by Mrs. Gallo, seconded by Mr. Penyak, to close the meeting to the public:

All Ayes. Motion Carried.

A Motion was made by Mrs. Gallo, seconded by Mr. Feldmann, to grant a waiver from an official site

plan conditioned upon the following:

- 1). Dumpster will be serviced no earlier than 7:00am and a minimum of one day a week.
- 2). Metal Halide lighting closest to the residential area will automatically shut off at 10:00pm.
- 3). The deed will have a thirty year deed restriction that must be reviewed and approved by the Town Attorney and shall be in compliance with NJ COAH rules.
- 4). The affordable units will be affordable accessory efficiency apartments.
- 5). One affordable accessory apartment will be dedicated for low income and one affordable accessory apartment will be dedicated for moderate income in conformance with NJ COAH Council.
- 6). The plan dated May 2, 2006 will be renamed "Site Maintenance Plan".
- 7). Conditioned upon the Board Engineer's approval of the minor technical modifications to the "Site Maintenance Plan".
- 8). Pre-construction conference with the Board Engineer.
- 9). Applicant to establish a site inspection escrow.

**Roll Call Vote:**

Ayes: Hendricksen, Gallo, Holt, Querry, Feldmann, Penyak, Quinines-Perez

Nays:

**All Ayes. Motion Passed.**

**Discussion:**

Mrs. Gallo advised the board that the Sign Committee had drafted a letter to send out to the business owners however, the letter is on hold because the Governing Body wants to review the sign fees and at this time the Sign Committee is waiting for direction from the Council before proceeding any further.

There being no further business a Motion was made by Mr. Querry, seconded by Mrs. Gallo, to adjourn the meeting at 9:00pm.

Respectfully submitted,

Allison McGinley  
Board of Adjustment