



## 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 meeting held on September 24, 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:** Berson, Bohnel, Gallo, Holt, Querry, Trepkau, Tranquilli

**Absent:** Feldmann, Hendricksen

Robert Clerico, P.E. and Carl Hintz, P.P. were present.

### **Oath of Office:**

Attorney Caldwell administered the Oath of Office to John Bohnel, taking the position of the Board of Adjustment Alternate # 2, term to expire 2008.

Chairman Tranquilli asked the board to suspend the agenda at this point and proceed with the Clinton House Application. A Motion was made by Mrs. Gallo, seconded by Mr. Holt, to proceed as requested.

**All Ayes      Motion Carried.**

### **The Clinton House- Block 6 Lot 27 & 28:**

Mr. Holt removed himself from the dais due to the proximity of his home being within 200 ft. of the Clinton House property. Mr. Holt then took a seat in the audience as a member of the public. Mr. Holt's Attorney, Walter Wilson, could not attend tonight's meeting due to a family emergency.

Mr. Benbrook, Attorney for the Clinton House, explained that due to so many delays on this variance request in which the applicant is seeking amending the current site plan approval for Block 6 Lot 27 so as to permit revisions relating to the location of a retaining wall and related site improvements; a boundary line adjustment approval between Block 6, Lot 27 and Block 6 Lot 28; and a Use Variance so as to permit site improvements accessory to the Clinton House Restaurant on that portion of Block 6 Lot 27 located within the residential zone, he was asked to start over and summarize the application before the board. Attorney Benbrook agreed with Mr. Caldwell to begin the hearing from the beginning.

Attorney Benbrook referred to a letter from Mr. Wilson that was received by Mr. Benbrook's office and the Board of Adjustment Secretary after 5:00pm today. Attorney Benbrook would not hear testimony from Mr. Holt, a disqualified member of the board and stated that Mr. Holt should not be allowed to participate or that he should not even be in the room if not represented by counsel.

Attorney Benbrook explained the scheduling of tonight's meeting made him forfeit attending a Clinton Township Board meeting and that he would be out of the country the night of the October Town of Clinton Board of Adjustment meeting and that he wished to proceed tonight. Attorney Caldwell explained that he would prefer to have Attorney Wilson here for the hearing. Mr. Benbrook said the letter distributed to the board tonight did not give the members enough time to read it and that it was an improper request.

Attorney Caldwell recommended opening the hearing tonight so that Mr. Benbrook would not have to re-advertise again and the matter could be carried.

Attorney Benbrook continued that Mr. Holt should not be in the room. Attorney Caldwell disagreed stating that someone does not lose his property rights because he is a member of the board however he may lose his rights to participate individually but they can be represented through counsel.

Discussion began as to scheduling a special meeting. Mr. Benbrook asked that the board members not read the letter distributed by Mr. Wilson at this time that it be set aside and not discussed among the board members. Three board members skimmed the letter, Mrs. Gallo, Mr. Trepkau, and Mr. Bohnel. The letters were returned to the secretary and members were asked to keep a fair open mind in order to proceed.

The next regularly scheduled meeting is October 22, 2007; a tentative date for a special meeting will be on October 29, 2007. If the meeting is held on October 29, 2007 the meeting of the 22<sup>nd</sup> will be cancelled. If the meeting is not possible, the regular meeting will be held on the 22<sup>nd</sup>. A Motion was made by Mr. Trepkau, seconded by Mr. Berson, to carry the meeting to October 29, 2007 to address the Clinton House application.

**All Ayes. Motion Carried.**

Secretary Allison McGinley must provide notice to the newspaper for the special meeting upon confirmation from the Attorneys.

Mr. Holt rejoined the board.

**Approval of Minutes:**

A Motion was made by Mr. Querry, seconded by Mr. Berson, to approve the minutes of May 21, 2007 as submitted:

**All Ayes. Motion Carried**  
**Abstain: Tranquilli**

**Voucher Approval:**

A Motion was made by Mr. Trepkau, seconded by Mr. Berson, to approve the attached voucher list:

**All Ayes. Motion Carried.**

**Extension Request for D&D Enterprise Block 1 Lot 33:**

The board was in receipt of a letter from Attorney Wilson dated August 21, 2007 requesting an extension of the approval of D&D Enterprise.

A Motion was made by Mr. Querry, seconded by Mr. Berson, to approve the extension request until the October meeting, where Attorney Wilson will formally request a timeline extension for D&D.

**Roll Call Vote:**

Ayes: Berson, Bohnel, Holt, Querry, Tranquilli  
Abstain: Gallo, Trepkau

**Motion Carried.**

**Public Comment:**

A Motion was made by Mrs. Gallo, seconded by Mr. Trepkau, to open the meeting for public comment:

**All Ayes. Motion Carried.**

Judy Kemprowski, 25 Riverbend Road, Clinton Township, asked if Ansuya Enterprises requested an extension. Attorney Caldwell responded that the board was in receipt of a letter from Attorney Wilson dated July 3, 2007 stating that Ansuya Enterprise's conditions of approval have been satisfied.

A Motion was made by Mrs. Gallo, seconded by Mr. Trepkau to close the meeting for public comment:

**All Ayes. Motion Carried.**

**Board Discussion:**

Mrs. Gallo stated that Ansuya Enterprise received a tolling extension from the board through July 2009 and that no further extensions are required by the board at this time.

Attorney Caldwell advised the board that if a board member is disqualified to hear an applicant then he must leave the room unless represented by an Attorney.

**Adjournment:**

There being no further business, a Motion was made by Mr. Holt, seconded by Mrs. Gallo to adjourn the meeting at 8:35pm:

**All Ayes. Motion Carried.**

Respectfully submitted,

Allison McGinley  
Land Use Administrator