



## 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 November 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:** Berson, Gallo, Querry, Trepkau, Tranquilli

**Absent:** Feldmann, Holt, Bohnel

Attorney William Caldwell , Robert Clerico, P.E. and Carl Hintz, P.P. were present.

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

Due to the fact that some minute pages were missing, a Motion was made by Mrs. Gallo, seconded by Mr. Trepkau, to table the approval of the minutes to January 28, 2008:

**All Ayes. Motion Carried**

#### **Voucher Approval:**

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

**All Ayes. Motion Carried.**

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

Mr. David Fantina, Engineer, and Mr. Peter Gialias, applicant were present.

Attorney Caldwell advised the board the applicant is an LLC and he must be represented by an attorney, after further discussion the board decided to proceed forward with reviewing any comments from Mr. Hintz and Mr. Clerico as long as no direct testimony was from the applicant or engineer.

Mr. Hintz advised the board that he met with Mr. Fantina and the applicant onsite to discuss the landscaping and fence issues. The applicant submitted revised minor subdivision plans and landscape detail plans dated November 15, 2007, which are consistent with the field meeting. Mr. Hintz stated that his review letter dated November 26, 2007 reflects minor items that need to be addressed.

2.1- The key map on the plan needs to be corrected to reflect Clinton House is Lot 27.

2.2- The legend on the landscape plan needs to match the schedule of landscape planting.

2.3- The dimensions and the width of the gate on the fence need to be clarified. Mr. Hintz also suggested the board should consider the aesthetics of the proposed fence, which is a wooden stockade fence and gate. One concern is the stockade fence can look ragged after awhile and also the weight of the fence. Mr. Hintz suggested perhaps a white vinyl fence would look aesthetically more pleasing. Mr. Hintz stated that he does not recommend a gate door that swings out and suggested the gate on the fence be a sliding gate door.

2.4- Mr. Hintz suggested that sometimes certain plantings are not available and if this is the case any substitutions should be made in writing and subject to approval by Mr. Hintz's office.

Mr. Tranquilli inquired if Mr. Clerico reviewed the dumpster location, Mr. Clerico stated that the dumpsters need to remain in the current location in order to be accessible.

Mr. Tranquilli inquired if the stockade fence was suitable, Mr. Clerico stated the purpose of the fence is to screen the area; Mr. Hintz commented that a vinyl fence is lighter and it would be easier to operate the gate doors. After a discussion on the fencing the board agreed that they would prefer to see a solid vinyl fence design with a sliding gate.

A Motion was made by Mr. Trepkau, seconded by Mrs. Gallo, to open the meeting to the public and there being no questions a Motion was made by Mrs. Gallo, seconded by Mr. Trepkau, to close the meeting to the public.

The board discussed imposing the following conditions:

- 1). Any planting substitutions should be made in writing, subject to approval by the Town Planner.
- 2). An updated plan to show an amended key map per 2.1 of Mr. Hintz's comment letter dated 11/26/07.
- 3). Applicant will replace the wooden stockade fence with a six-foot high solid vinyl fence which is hollow and that has a single acting door that moves in a plane, such as a sliding gate door.
- 4). Mr. Hintz & Mr. Clerico to review and approve the amended plans.
- 5). Per Mr. Hintz's review letter dated 11/26/07 under 2.2- the applicant will remove the "CS" legend from the landscape map key.
- 6). All onsite improvements must be completed and approved by May 2008.
- 7). All prior variance and subdivision and site plan conditions must be met.

The board suggested that the applicant should complete the fence as soon as possible.

A Motion was made by Mrs. Gallo, seconded by Mr. Query, to grant Amended Preliminary Site Plan Approval with the above-discussed conditions:

**Roll Call Vote:**

Ayes: Berson, Gallo, Query, Trepkau, Tranquilli

Nays:

**All Ayes. Motion Passed.**

**The applicant was advised that he will have to appear back before the board for Final Site Plan Approval.**

**Completeness Review for Block 17 Lot 2, Block 18 Lot 2.03, 2.04 & 6- Ansuva Ent. of Clinton LLC:**

Mr. David Stires, Engineer and Mr. Hemant Desai applicant were present.

Mr. Stires advised the board the applicant is seeking an amended site plan approval for the hotel. The revised plans dated November 8, 2007 reflect the proposed changes to the hotel.

Mr. Clerico commented that his completeness review letter dated November 26, 2007 reflect some deficient items that need to be submitted before the applicant can proceed forward with a public hearing. Mr. Clerico stated he would need revised engineering plans to reflect the changes and a complete set of architectural plans that address the items in his review letter.

Mr. Desai asked the board to consider deeming the application complete and scheduling a special meeting in December and he would have the updated plans submitted by Friday November 30, 2007. After checking with the board's professionals no dates were available to hold a special meeting in December. Since there is no December meeting the board discussed deeming the application complete and holding the public hearing in January.

A Motion was made by Mr. Query, seconded by Mr. Berson, to deem the application complete conditioned upon the applicant submitting revised engineering and architectural plans that reflect all the specific details of the proposed amendments and address the comments in Mr. Clerico's review letter no later than December 14, 2007:

**Roll Call Vote:**

Ayes: Berson, Gallo, Query, Trepkau, Tranquilli

Nays:

**All Ayes. Motion Passed.**

**The public hearing will be scheduled for January 28, 2007.**

**2008 Budget Review:**

The board made the following recommendations to the 2008 Budget:

Planner Fees \$200.00; Stenographer Fees \$200.00; Meeting & Membership Due Fees \$400.00; Engineering Fees \$200.00; Legal Fees \$1,000.00; Legal Notice Fees \$100.00; Office supplies Fees \$100.00; Postage Fees \$300.00.

**Board Discussion:**

Chairman Tranquilli advised the board that Mrs. Hendricksen has resigned from the board. Chairman Tranquilli stated that a question was raised at the Planning Board regarding combining the Board of Adjustment and the Planning Board and Mr. Tranquilli asked how the members felt about that. The board agreed that they thought both boards were too busy at this time. Mr. Query felt the two boards should be separate, the Board of Adjustment is here to establish certain criteria and make adjustments to unique situations in a responsible manner and he does not believe a board charged with that responsibility should be in charge of a Town's Master Plan. Mr. Hetzel, commented that the Planning Board operates within code and the Board of Adjustment operates outside of the code and he believes it would be difficult for one board to wear two hats.

There being no further business a Motion was made by Mrs. Gallo, seconded by Mr. Trepkau, to adjourn the meeting at 9:15pm.

Respectfully submitted

Allison McGinley, Land Use Administrator.

