

BOARD OF ADJUSTMENT

Minutes of the Town of Clinton Board of Adjustment meeting held on May 22, 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
Gallo
Holt
Querry
Trepkau
Penyak
Quinones-Perez

Absent:

Feldmann
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 Mrs. Gallo, seconded by Mr. Penyak, to approve the minutes of April 24, 2006.
All Ayes. Motion Carried.

Voucher Approval:

A Motion was made by Mr. Querry, seconded by Mrs. Gallo, to approve the following voucher:

Van Cleef Engineering	Shammy Shine	\$2,213.50	
		All Ayes.	Motion Passed.

Update Report for Ansuva Enterprise LLC:

Attorney Walter Wilson was present on behalf of the applicant. Attorney Wilson advised the board that the applicant had received the signed sewer agreement through the town and is awaiting approval for the final water agreement. Attorney Wilson advised the board that they are in the processing of submitting the final plans to Mr. Clerico’s office for final review and asked the board for a 6 month extension to accomplish the final review and the signed water agreement.

A Motion was made by Mr. Holt, seconded by Mr. Querry, to grant an extension to November 27, 2006 in order for the applicant to satisfy the outstanding items remaining.

Roll Call Vote:

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

Nays:

All Ayes. Motion Passed.

Application for Sal Latino- Front Yard Setback Variance- Block 23 Lot 6- 58 Leigh Street:

Mr. Salvatore Latino was sworn in and the following items were submitted into evidence:

- A1 Application Package
- A2 Proof of Publication
- A3 200-Foot Certification
- A4 Certified Mailings
- A5 Tax Certification
- A6 Lot Development Plan
- A7 Hand Sketch Drawing of Porch
- A8 Photographs of House
- B1 VanCleeef Letter dated March 22, 2006

Mr. Latino advised the board the he is in the process of renovating his home at 58 Leigh Street. One of the improvements he would like to complete is a front covered porch over his existing patio. The covered porch would not meet the front yard setback and therefore he is requesting approval for a front yard setback variance. Mr. Latino stated that he believes the covered porch will improve the aesthetics of the home and will be more conforming to the surrounding homes along Leigh Street. The construction of the porch will include a copper valley, copper gutters and leaders. Mr. Latino was unsure at this time whether the roof would be copper or shingles.

Chairperson Hendricksen inquired if the metal railing along the patio would be removed and Mr. Latino stated he will be replacing the metal railings with wooden columns, and a nice railing that would match the trim color of the house. In addition to the covered porch he was planning to place bluestone on top of the existing patio.

Mr. Latino stated that the zone requires a 30-foot front yard setback and he is asking for relief to allow a 24.3 foot front yard setback. Mr. Latino added that the porch will definitely be a benefit to the home and the neighborhood, there would be no detriment to anyone by adding the covered porch, that there are other homes in the area that are not in compliance with the setback of the zone and the area residents have been very supportive of the renovations.

Chairperson Hendricksen opened the meeting to the public and there being no questions or comments a Motion was made by Mr. Trepkau, seconded by Mr. Penyak, to close the meeting to the public:

All Ayes. Motion Carried.

Mr. Hintz suggested to the board that they might want to consider conditioning the approval on the porch remaining an open-air porch not to be enclosed.

A Motion was made by Mr. Trepkau, seconded by Mrs. Quinones-Perez, to grant an approval to permit a front yard setback of 24.3 feet and allow the applicant to build an open covered porch over the existing patio.

Roll Call Vote:

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

Nays:

All Ayes. Motion Passed.

Application for James DeGross- Use Variance- Block 13 Lot 1- 5 Leigh Street:

Mr. James DeGross, owner of 5 Leigh Street, Mr. David A Denson, Architect, and Mr. Frank Rea, President of Regal Credit Union of Milford were all sworn in. The following items were submitted into evidence:

- A1 Application Package
- A2 Proof of Publication
- A3 200-Foot Certification
- A4 Certified Mailings
- A5 Tax Certification
- A6 Architectural Plan prepared by David A. Denson dated 4/28/06
- A7 Building Floor Analysis

Mr. DeGross advised the board that he was seeking a Use Variance to permit a change of use from mixed professional retail to bank financial services on one- half of the first floor at 5 Leigh Street. Mr. DeGross stated that this building was once used as a bank, the inside space still has a 1960's bank atmosphere and the vault still exists inside.

Mr. Rea stated that if this use is permitted this 1,500 SF branch will be a small downtown walking bank; the bank will not have a drive thru. Mr. Rea advised the board that its depositors own the credit unit, in order to be a member you must have some tie to Hunterdon County either by residence, work, or worship.

Mr. DeGross advised the board that by adding this use the only change to the building will be the addition of an exterior ATM, which will be in an area that will not require any additional lighting. Mr. Penyak inquired if the ATM will have a backlight and Mr. DeGross responded no they will not be using a backlight.

Mr. Holt inquired if the ATM location will be placed in the existing doorway, Mr. DeGross stated the ATM location will require a construction permit to breakthrough the wall. Mr. Holt inquired if it would change the historic nature of the building, Mr. DeGross responded that they will have to take the brick out to accommodate the ATM, but as part of the lease agreement the brick would have to be restored if the use changes back.

Mrs. Quinones- Perez inquired about the parking spaces and Mr. DeGross testified the building currently has 30 spaces now, the upper parking spaces will be open for visitors and employee parking will be located in the rear of the lot.

Mr. Clerico inquired on the uses of the building, Mr. DeGross advised the board the building is occupied as professional offices and two residences, and Mr. DeGross occupies one residence.

Mr. Clerico inquired if the ATM could be located internally in the entry-level area. Mr. DeGross replied they could provide an interior alcove as an alternative. Mr. Holt inquired why they did not consider putting the ATM in the alleyway closer to the parking area, Mr. Denson replied that the alleyway

location housed the A/C units, garbage and was used as a utility area. Mr. Reas added, that he believed the proposed location was the most convenient for foot traffic on Leigh Street and he projected approximately 25 transactions a day which would be used more frequently after hours and on weekends. Attorney Caldwell inquired if they could install an area inside similar to Fleet Bank where you would have to use you card to gain access, Mr. Reas responded that the only drawback to that is security in an enclosed area. Mrs. Quinones-Perez stated that she would be concerned with an inside ATM, with no windows and added she would not feel comfortable. Mr. Reas added that he would prefer the ATM in an open area rather than a closed room. Mr. Clerico inquired if the ATM will protrude out and Mr. Reas replied about 4-6" maximum. Chairperson Hendricksen questioned if the ATM location could be moved to Center Street and Mr. DeGross advised that could be possible.

Mr. Querry stated that he wanted to maintain a small town charm and was concerned with placing a metal box in the middle of the area and asked Mr. Hintz if there were ways to have an ATM that meets the criteria of the area. Mr. Hintz suggested that with a few improvements to the design and a sign change, that it could work. Mr. Querry commented that there may be advantages to having an ATM but the real concern is will it fit in with the area.

Mr. Clerico advised the board that at this time the board should focus on the use and then have the applicant come back with different options for the location of an ATM.

Mrs. Quinones-Perez inquired why a bank is not permitted in the C1 zone. Mr. Clerico responded banks and financial institutions were removed from the C1 zone in 2004 at the same time parking was eliminated, however he was unsure of the reason. Mr. DeGroff added that he did research through the town on why it was removed and no one seemed to know and he advised the board that there are other businesses in that zone that are considered financial institutions. Mrs. Quinones-Perez stated she did not feel comfortable making a decision on the use without knowing why the Governing Body changed the zoning.

The board agreed to carry the application to the June 26, 2006 meeting in order for Mr. DeGroff to research why banks and financial institutions were eliminated from the C1 Zone.

Board discussion:

Mrs. Quinones-Perez inquired how the board addresses the issue that Wells Fargo opened up in the C1 Zone and Chairperson Hendricksen replied that she would have Allison check with John Leonard, the Zoning Officer.

Chairperson Hendricksen asked Mr. Clerico if he had a chance to walk the Clinton House Site and Mr. Clerico responded yes, however they are not finished yet.

Mrs. Gallo advised the board that the Sign Committee will be holding a meeting next week.

There being no further discussion, a Motion was made by Mr. Querry, seconded by Mr. Penyak, to adjourn the meeting at 9:30pm.

Respectfully submitted,

Allison McGinley
Board of Adjustment.