



## TOWN OF CLINTON

INCORPORATED APRIL 5, 1865

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### Land Use Board Minutes

Minutes of the Town of Clinton Land Use Board meeting held on October 2, 2018 at 7:00pm in the Municipal Building at 43 Leigh Street Clinton, New Jersey 08809.

Attorney Razin called the meeting to order at 7:00pm and read the "Statement of Adequate Notice" and the "Administrative Statement".

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".

"Meetings are held on the first Tuesday of each month. Applications must be filed at least 21 days prior to the meeting date. In order to ensure that all applications receive complete and thorough consideration of the board, all meetings will adjourn no later than 10:00pm with all items not concluded to be carried over to the next month's agenda".

Attorney Razin and Robert Clerico were present.

#### ROLL CALL:

**Present:** Mr. Carberry, Ms. Dineen, Mr. Feldmann, Ms. Healy, Mr. Mellick, Mayor Kovach, Mr. Smith, Mr. Viotto

**Absent:** Mr. Sailer, Mr. Maher, Ms. Van Weeren

In the absence of the Chairman and Vice Chairman, Mr. Feldmann was nominated to chair the meeting.

#### Approval of Minutes:

A Motion was made by Mr. Carberry, seconded by Mr. Viotto, to approve the September 4, 2018 minutes:

**All Ayes:**

**Motion carried**

**Abstain:**

**Mellick**

#### Preliminary & Final Site Plan Application- Resolution –Block 11 Lot 15.01 & Lot 16 River 49 LLC- 48-51 Main Street.

Attorney Jay Thatcher, Mr. Donald Baker Contractor, and Anthony Piazza applicant were present. The following items were submitted into evidence:

- A6 Affidavit of Service & Proof of Publication
- A7 Certified 200 foot list and certified mailings
- A8 Tax certification dated 9-25-2018
- A9 Revised Site Plans (2 sheets) dated 10/1/2018
- A10 NJ DEP Flood Hazard Applicability determination dated 9-5-2018
- B4 Jim Kyle, Kyle Planning & Design report # 2 dated October 2, 2018

Attorney Thatcher stated tonight was a continuation of last month’s hearing. The plans were revised to reflect the 6” building encroachment into the alleyway, which creates the pre-existing C-1 hardship variance. Attorney Razin inquired if the applicant can obtain an easement from the owners of the alleyway, Attorney Thatcher advised the board the owners are part of the Leigh family heirs and the ownership of the alleyway as of today is unknown. Attorney Thatcher did indicate Mr. Piazza would like to merge Block 11 Lot 15.01 with Block 11 Lot 16 and purchase the L-shaped alleyway that currently separates the lots. Attorney Razin stated she would like to add a condition in the resolution the applicant will make his best attempts to acquire the L-shaped alleyway or make attempts to obtain an easement for permission for the encroachment to remain, which includes obtaining a title search and all documents should be forwarded to the board Engineer. Attorney Razin added she did not want to hold up the building permits but would ask the applicant make his best efforts to comply.

Mr. Clerico stated the plan now reflects the correct FAR the architectural plan have been revised the porch on the second floor will now be open and the first floor porch enclosed, the total FAR is 86.97% which is just under the 87% permitted.

Attorney Thatcher stated the applicant will comply with conditions in Mr. Clerio’s report, Mr. Kyle’s report and the Fire Marshalls report of 8-31-2018.

A Motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt the Resolution for River 49 LLC-Block 11 Lot 15.01 and Lot 16:

**Roll Call Vote:**

Ayes: Carberry, Dineen, Feldmann, Healy, Kovach, Smith, Viotto  
Nays:

**All Ayes. Motion Passed**

A Motion was made by Mayor Kovach, seconded by Ms. Dineen to approve the vouchers:

**All Ayes. Motion Passed.**

There being no further business a Motion was made by Mr. Smith, seconded by Mr., Viotto to adjourn the meeting at 7:30pm.

**All Ayes. Motion carried.**

Respectfully submitted,

Allison Witt  
Land Use Administrator