

**MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT  
ANNUAL REORGANIZATION MEETING**

JANUARY 15, 2008

PRESENT: Ira Breines, John Matsen, Sharon Stevens, Tom McCaffrey, Wayne Filus, Peter Geiger, Dave Roberts, Amy Switlyk, John Lefkus, Jonathan E. Drill, Attorney; and Rebecca D'Alleinne, Secretary.

ABSENT: None.

***CALL TO ORDER***

Mrs. D'Alleinne called the meeting to order at 6:25PM.

***PUBLIC NOTICE***

Mrs. D'Alleinne reported that the meeting was held in conformance with the Open Public Meeting Act.

***APPOINTMENTS***

Mrs. D'Alleinne announced the following appointments had been made by the Mayor.

Appointed to fill a 4-year term:

Wayne Filus, Regular member (Class 4) exp. 12/31/11

Appointed to fill a 4-year term:

Dave Roberts, Regular member (Class 4) exp. 12/31/11

Appointed to fill a 1-year unexpired term:

John Lefkus, Alternate Member 1, exp. 12/31/08

Appointed to fill a 2-year term:

Amy Switlyk, Alternate Member 2, exp. 12/31/09

***NOMINATIONS AND ELECTIONS***

Mrs. D'Alleinne accepted nominations for the position of chairman.

Nomination of Tom McCaffrey for chairman was made by John Matsen and seconded by Ira Breines. Members were unanimous in favor of Mr. McCaffrey as chairman.

Mrs. D'Alleinne presented the gavel to the chairman.

Chairman McCaffrey accepted nominations for the position of vice chairman.

Nomination of John Matsen as vice chairman was made by Dave Roberts and seconded by Sharon Stevens. Members were unanimous in favor of Mr. Matsen as vice chairman.

Ira Breines moved and John Matsen seconded a motion to approve the following professional appointments:

**Jonathan E. Drill, Attorney**

**Daniel S. Bernstein and Jay Bohn, Conflict Attorneys**

**Cathleen Marcelli, Engineering Expert**

**Elizabeth McManus, Planner**

**Rebecca D'Alleinne, Secretary**

**Joseph Fischer & Jeff Fischer, Geotechnology Experts**

**Cathleen Marcelli, Traffic Expert**

**Jeffrey Keller, Environmental Expert**

**Brian Bosenberg, Landscape Architect**

**John M. Thomas, Conflict Landscape Architect**

**Gary Garofalo and John Sarkioglu, Lighting Experts**

**Mark Hewitt, Architectural Expert**

**Matthew Mulhall, Hydrogeology Expert**

**Vincent Uhl, Conflict Hydrogeology Expert**

**Joanne Sekella, Certified Shorthand Reporter**

**Charles Hecht, Wireless Communications Expert**

The members concurred unanimously on all appointments.

John Matsen moved and Dave Roberts seconded a motion to approve the official newspaper: the Hunterdon County Democrat. Sharon Stevens moved and Ira Breines seconded a motion that the calendar for 2007 as presented be adopted. The Board approved unanimously. Mr. Matsen moved and Peter Geiger seconded a motion that the Rules and Regulations for 2008 be adopted. The Board concurred unanimously. Sharon Stevens moved and Ira Breines seconded the motion that the Annual Report for 2007 be adopted.

### ***MINUTES***

John Matsen moved and Sharon Stevens seconded a motion to approve the minutes of November 26, 2007 as written. The Board concurred unanimously.

### ***ADJOURNMENT***

Chairman Matsen moved and Sharon Stevens seconded a motion to adjourn the meeting until 7:30PM at the Safety Center at which time the Board would consider the remainder of the business on the agenda. The Board concurred unanimously. The meeting was adjourned at 6:51PM to be resumed at the Public Safety Building.

### ***CALL TO ORDER***

Chairman McCaffrey called the meeting to order at 7:35PM in the Public Safety Building. Jon Drill explained to the public that the proceedings were a continuation of a properly noticed open public meeting.

### ***RESOLUTIONS***

1. **HARRISON STREET, Block 72, Lot 1**  
Resolution #2007-14, Application #2007-05  
Ira Breines moved and John Matsen seconded a motion to approve the resolution as written. Members in favor: Matsen, Stevens, Breines, McCaffrey, Geiger and Roberts.
2. **HIDDEN MEADOW, Block 90, Lot 2**  
Resolution #2007-15, Application #2007-03  
John Matsen moved and Peter Geiger seconded a motion to approve the resolution as written. Members in favor: Matsen, Switlyk, McCaffrey, and Geiger.
3. **LBP CLINTON, Block 90, Lot 2**  
Resolution #2007-13, Application #2007-03  
Jon Drill announced that the applicant had more issues to discuss and it was determined to postpone discussion of the resolution until the January 28, 2008 meeting.
4. **EVERGREEN CEMETERY, Block 69, Lot 1**  
Resolution #2007-16, Application #2007-07  
Peter Geiger moved and Sharon Stevens seconded a motion to approve the resolution as written. Members in favor: Matsen, Stevens, Breines, McCaffrey, Geiger, Roberts and Switlyk.
5. **SCOTT & DAWN HALE, Block 29, Lot 31**  
Resolution #2007-17, Application #2006-13  
Jon Drill announced that the applicant had requested a postponement until the January 28, 2008 meeting.

### ***PUBLIC HEARING***

Dave Roberts and Becky D'Alleinne recused themselves from the following application due to a conflict of interest.

## **CLINTON UNITED METHODIST CHURCH**

Application #2007-06

Jim Knox, Esq. introduced himself on behalf of the applicant. He reported that there were some objectors who had sent a letter to the Board, but noted that the public hearing had been closed. He indicated that his client would not object to testimony from the objectors.

Exhibits B-1 through B-9 were marked into evidence. David Martin of 10 Dogwood Drive, was sworn. He read the letter into the record and discussed the fact that some of the steeples on local churches had been shortened. John Matsen asked about the distance from the steeples to the property line. Mr. Martin noted that he was pointing out that some churches had short steeples. He discussed the fact that the proposal was a great deal higher than the zoning regulations allowed. Mr. Martin commented on lights and chimes. Mr. Matsen asked about whether he had investigated what the permitted uses were in the zone. He noted that a commercial use side yard setback would be closer to the neighbors, whereas the proposed steeple was approximately 800 feet from the side yard. The heights of other steeples in the area were discussed. Jon Drill commented on the objections that had been made at the last meeting. Jim Knox stated that the conversation was drifting away from the original intent.

Sheryl Kearney, 3 Dogwood Drive, was sworn and stated that she was objecting to the loss of her view due to a large steeple. She expressed concern about traffic, lights and bells.

John Keeler, 5 Dogwood Drive, was sworn. He expressed the opinion that the steeple would be too tall and that it would be an eyesore. He discussed the buffering trees and the elevation of the building.

Jim Knox, Esq. discussed the fact that the method of measuring height had changed in the ordinance. He noted that the purpose of a steeple was to be a symbol, an invitation and to be visible. He stated that the architect had testified as to the relationship between mass and height and had explained church architectural traditions. Mr. Knox discussed the testimony concerning shorter steeples and noted that there were probably a number of reasons why they were short, including improper building technique or lack of funding. He noted that a new church should be able to have a steeple. He indicated that the testimony and exhibits provided that evening had not provided information about the churches in the photos as to whether there were financial problems or insufficient building practices. Mr. Knox stated that the applicant required a D3 and a D6 variance. Mr. Drill advised that when the use was permitted, the test was not whether the general welfare would be advanced. The standard was whether the site would accommodate the problems associated with the construction of something higher than what was permitted by the ordinance.

Mr. Knox commented on the proposed site plan and how far the steeple would be from the side yard, noting that an office building could be within 200 feet of the property line. He pointed out that the site was 40 acres and that it would accommodate the size of the church. He stated that the issues of bells, chimes and wireless communications would be a part of the preliminary site plan approval. He indicated that there were no detriments to the public good and that the site was particularly suited to the building. Jon

Drill discussed consideration of negative criteria. Chairman McCaffrey asked about the height of the Immaculate Conception steeple and Mr. Knox explained that the method of measurement was different when that had been approved. The Public Hearing was closed.

Peter Geiger stated that the church was attractive and that it wouldn't overwhelm the site. Ira Breines noted that the steeple was well designed and had no objections. Wayne Filus indicated that he had no objections. John Lefkus stated that the final project should be similar in mass and proportion to the design on Exhibit A-2. Amy Switlyk commented that an office building would also have parking and lights. John Matsen listed the previous steeples that the Board had granted in the past. He discussed the required setback to Dogwood Drive and the actual view that a resident would have. Sharon Stevens discussed the size of the steeple and that it would represent the community. Chairman McCaffrey discussed the view of the steeple and that he was in favor of granting the variance. Mr. Knox agreed that the steeple should be substantially similar to the exhibit. Lighting and chimes were discussed. Chairman McCaffrey expressed concern about all night lighting. John Lefkus noted that the design was not yet complete. Mr. Knox expressed the opinion that the issues could be reviewed at site plan review. Ira Breines moved and Sharon Stevens seconded a motion to approve the D3 and D6 variances. Members in favor: McCaffrey, Matsen, Stevens, Breines, Geiger, Filus and Lefkus

Ira Breines moved and Sharon Stevens seconded a motion to adjourn. The Board concurred unanimously.

These minutes were approved February 25, 2008.

Rebecca E. D'Alleinne  
Secretary to the Board