

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT
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PUBLIC MEETING

February 24, 2003

PRESENT: John Matsen, Mark Ciarlariello, Joe Arancio, Sharon Stevens, Ed Bertele and Dan Fennell.

Professionals: Jonathan E. Drill, Attorney; Melanie Reese, Engineer, Mike Bolan, Planner, Peter Fernandez, Landscape Architect and Rebecca D'Alleinne, Secretary.

ABSENT: William Honachefsky, Ira Breines, and Virginia Barnes.

CALL TO ORDER

Mr. Matsen called the meeting to order at 7:45 PM.

PUBLIC NOTICE

This is a public meeting of the Zoning Board of the Township of Clinton, County of Hunterdon and State of New Jersey. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that an Annual Notice was published in the Hunterdon County Democrat on January 16, 2003, and the notice of and agenda for this meeting was posted on the bulletin boards in the vestibule of the Municipal Building and outside the Planning and Zoning Office on the 2nd Floor of the building and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, the Star Ledger and the North County Branch of the Hunterdon County Library the Friday prior to the meeting.

MINUTES

Joe Arancio moved and Sharon Stevens seconded a motion to approve the minutes of 1/27/03. The motion passed unanimously.

PUBLIC HEARING

Daub's Nursery (Block 14, Lot 7, C-2)

Chairman Matsen announced that the following members had visited the site: Sharon Stevens, Joe Arancio, John Matsen and Ed Bertele. Joe Arancio noted that he saw a need for screening from the access road, and indicated that he was not concerned about the location of the storage bins. Chairman Matsen echoed Mr. Arancio's statement about the need for screening and noted that he felt the hoop houses to be unsightly, but that they had been a part of the court settlement. He further noted that the site had been very disturbed by construction activity. Ed Bertele indicated that he had not appreciated

how large the bins would be, until he saw the staked out area and noted that they would be highly visible from the access road. Sharon Stevens expressed concern that the houses on higher ground surrounding the site would need screening and that the roads were full of ruts. Mark Ciarlariello expressed concern about the three or four trailers that can be seen from the access road.

William Gianos, Esq. introduced himself on behalf of the applicant and reported that the applicant would be focusing on the bins and the screening for the bins. Harold Wilbert, property owner was introduced. Peter Fernandez, certified Landscape Architect was duly sworn in. Bill Gianos discussed the letter from Banisch Associates, dated 2/19/03, concerning the outside storage bins. He discussed the concept of a building for storage and indicated that it would need to be very large to accommodate the turning radius of the delivery trucks. Mr. Gianos reported that the bins would contain loose bulk landscaping items, such as topsoil, mulches and decorative gravel. He noted that 20 bins would be needed to store the items, discussed the gravel road on the property, the turning radius of the delivery trucks, what site work had been completed and which plantings were going to be removed.

Mr. Wilbert reported that the entire back line of the property would be screened with 6-8' evergreens and 25' evergreens were to be planted on the Route 629 side. He indicated that he planned 20 feet between each tree, that it would take 10-12 years for them to grow together, and noted that he would be amenable to whatever Mr. Fernandez recommended. Peter Fernandez pointed out that the buffer module in that area should be 50' wide as per the ordinance and that the plans should show the correct width. Jon Drill discussed the ordinance and the landscape plan. Permission from the power line company was discussed. Mr. Fernandez noted that the trees should be located on the plans. The settlement was discussed concerning the location of the facilities and that the applicant is entitled to keep what is listed on the settlement agreement. Mr. Drill noted that the Board would need to decide how much screening to require and whether or not to pave the road. He indicated the applicant had applied for relief on the buffer size.

Joe Arancio discussed the slope of the property and whether a trade off in height of the trees versus a width of the buffer would be advisable. He asked for a count of the number and a drawing of the siting of the trees. Peter Fernandez discussed whether it would be more advantageous to locate plantings closer to the building to screen it from view. Joe Arancio commented that the board had been practical in the past about height as opposed to a strict adherence to the ordinance. It was decided that the professionals would meet with the applicant to give direction.

Sharon Stevens asked that the plans show elevation differences to give the members some height perspective. Chairman Matsen commented on the contours and the elevation of the access road. Melanie Reese referred to #9 of the Banisch letter which addressed the turnaround radius for delivery trucks making deliveries to the proposed storage bins. Mark Ciarlariello discussed road width issues and the weight of equipment. The dumpster location was discussed and Mr. Wilbert indicated a willingness to move it if necessary. Mr. Wilbert would like to build a small enclosure for garbage near the building. The location of the dumpster and the possibility of fencing it for screening were discussed. Mr. Gianos will send an extension letter through 5/27/03, there will be no need for further notice. Joe Arancio asked for details on the storage bins. Discrepancies between prior testimony and submitted plans were discussed regarding

poured concrete vs. concrete block, gates and covers. Jon Drill indicated that the Board should give the applicant direction on the issues, so the changes can be included on the plans. The location of the hoop houses was discussed and Mr. Gianos indicated that they would be moved.

Mr. Gianos indicated that the applicant would abandon the pre-existing non-conforming use of the one acre parcel in Lebanon Borough and may sell it to the county. Jon Drill indicated that the abandonment could be considered a special reason to grant the variance if it were made a condition of approval. The administrator was directed to send a copy of the resolution to the Borough of Lebanon in the event that the application was approved. Jon Drill discussed his preference for a deed restriction. Mr. Gianos indicated that his client would prefer to write an official letter to the Borough to abandon the non-conforming use. Mr. Gianos discussed the proposed roof on the bins and material not being stored above the edge of the bin. The type of construction was discussed, and whether bollards would be needed. Melanie Reese expressed a preference for poured concrete and that the pitch of the floor should be forward so runoff would flow into the water quality basin. Chairman Matsen commented on the lack of a special reason to grant the variance. Jon Drill indicated that the elimination of the outdoor storage in Lebanon could be considered as a special reason to grant it. Mr. Gianos noted that his client felt that the alternative of a large building to store the materials would create more impervious coverage. Mr. Wilbert indicated that the deliveries were made by tractor-trailer trucks.

Resident Nick Corcodilos, 73 Old Mountain Road, urged the board to preserve the rural character of the township and noted that the nursery was a responsible business citizen. Jon Drill announced that the hearing was postponed until 4/28/03, an extension would be granted until 5/27/03 and that there was no need for further notice. Chairman Matsen called a recess at 9:15PM.

Mr. Matsen called the meeting to order at 9:29PM.

Merle, Block 30, Lot 12.02, R-1

Jon Drill announced that the notice issues had been resolved. Pamela Merle of 2 Galloping Hill Road introduced herself to the board and she and Mike Bolan were duly sworn. John Matsen discussed the home office zoning requirements. Mr. Bolan discussed the proposed size of the office space of 1344 sq. feet and that the ordinance requires not more than 500 sq. feet. He indicated that the application would require a "d" or use variance as well as a height variance. He referenced Ordinance 40-212H, which discusses offices in the principal dwelling and noted that the two issues were the size of the proposed office and the fact that it would be located in an accessory structure. Chairman Matsen noted that the application would be more complicated than Mrs. Merle originally thought. Jon Drill recommended to the applicant that she engage an attorney because the burden of proof is higher for a "d" variance, but noted that she was free to continue if she chose. Joe Arancio discussed telecommuting. Mrs. Merle decided to ask that the public hearing be adjourned to April 28, 2003 and extend to May 27, 2003 and has to re-notice. Chairman Matsen called a recess at 9:52PM.

Chairman Matsen called the meeting to order at 9:54PM.

Kullman Industries, Block 7, Lot 33, ROM-2

Jim Knox, Esq. introduced himself on behalf of the applicant. He indicated that his client was seeking the board's clarification on the 1998 resolution, which outlined conditions for the finishing of the interior of office space. Orest Krawciw, Architect, John Lefkus, Mike Bolan and Melanie Reese were duly sworn. Mr. Knox reviewed the history of the approval and discussed his client's desire to finish an office space that had remained unfinished after the 1998 approval. Exhibit A-1, a photo of the interior of the space, A-2, a view of the office space as finished, and A-3, a table of data on worker population were entered into evidence. Mr. Krawciw reported that 21,400 sq. ft. of space was approved to be finished, and that all but 2,900 had been finished. He discussed the layout of the site plan. Exhibit A-4, a full-sized version of A-2, was entered into evidence.

Mr. Krawciw commented that the reason that the interior construction had not been done in 1998, was that the client didn't need the space at the time, but that current business reasons prompted a need for the additional space. He noted that the resolution had placed limits on population and parking and testified that the new space would not exceed the population or parking restrictions. Mr. Knox indicated that both would fall within the limits, and would not exceed them. He asked that the board send a communication to the construction official confirming their compliance with the resolution. Melanie Reese discussed corrections to her letter and noted that lighting modifications will be made. Jon Drill recommended that the relief needed by the applicant is for the board to grant an extension of time to obtain a construction permit and C.O.

John Matsen moved and Mark Ciarlariello seconded a motion to grant the relief needed. Members in favor: Joe Arancio, Mark Ciarlariello, Sharon Stevens, Ed Bertele, Dan Fennell and John Matsen.

OLD BUSINESS

Chairman Matsen discussed the driveway ordinance that is currently being considered by the township council. He indicated that the council had asked for a letter to indicate the board's position. Mr. Matsen moved and Sharon Stevens seconded a motion to have the administrator send a letter to the council supporting the ordinance change as proposed. The board concurred unanimously.

Chairman Matsen recommended the vouchers for approval. Joe Arancio moved and Mark Ciarlariello seconded a motion to approve the vouchers for payment, and the Board concurred unanimously.

Chairman Matsen discussed the letters that have come from the fire chief on various applications. He indicated that he had spoken to the construction code official, who will write a letter to the parties involved to keep all the departments coordinated. Melanie Reese discussed the compliance checklists that she and Mike Bolan had designed.

ADJOURNMENT

Ed Bertele moved and Joe Arancio seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 10:35PM.

These minutes were approved on March 24, 2003.

Rebecca D'Allevine
Administrator