

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

March 24, 2003

PRESENT: John Matsen, Mark Ciarlariello, Joe Arancio, Sharon Stevens, Ed Bertele and William Honachefsky
Professionals: Jonathan E. Drill, Attorney; Melanie Reese, Engineer, David Mills, Zoning Officer and Rebecca D'Alleinne, Secretary.

ABSENT: Dan Fennell, Ira Breines, and Virginia Barnes.

CALL TO ORDER

Mr. Matsen called the meeting to order at 7:34PM.

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

Sharon Stevens moved and Joe Arancio seconded a motion to approve the minutes of 2/24/03. The motion passed unanimously.

RESOLUTIONS

Kullman Industries, Block 7, Lot 33, Resolution # 2003-2

Joe Arancio moved and Mark Ciarlariello seconded a motion to memorialize the approval of Application #2003-2.

Members in favor: Matsen, Arancio, Ciarlariello, Stevens, and Bertele.

Connors, Block 1, Lot 26.03, Resolution #2003-3

Bill Honachefsky moved and Sharon Stevens seconded a motion to memorialize the approval of Application #2002-13.

Members in favor: Matsen, Arancio, Ciarlariello, Honachefsky, Stevens and Bertele.

Stem Quick Lube, Block 59, Lot 2, Resolution #2002-1

Mark Ciarlariello moved and Bill Honachefsky seconded a motion to memorialize the dismissal of application #2002-15, without prejudice.

Members in favor: Matsen, Arancio, Ciarlariello, Honachefsky, Stevens, and Bertele.

OLD BUSINESS

Laidlaw Transit, Block 13.01, Lot 3

Melanie Reese reported that the applicant had requested an extension of time in which to obtain signatures. She indicated that they would be able to finish within a very short time period. John Matsen moved and Sharon Stevens seconded a 15 day extension.

Members in favor: Matsen, Arancio, Ciarlariello, Honachefsky, Stevens, and Bertele.

PUBLIC HEARING

Clinton Chevrolet, Block 58, Lot 6.01 and 6.02(OB-1)

Jon Drill reported that the applicant had requested that the public hearing be postponed until April 28, 2003. He indicated that the application was incomplete and that the applicant had requested waivers. Mr. Drill discussed the procedure that the Planning Board follows by separating the Completeness Hearing from the Public Hearing. There was discussion relating to the engineer's recommendations concerning completeness waivers and her recommendation not to grant some of them. It was decided to postpone the application until the April 28, 2003 meeting to hear the waiver requests. The board administrator was directed to send a letter to that effect to the applicant. John Matsen moved and Mark Ciarlariello seconded a motion to adjourn the application until April 28, 2003 to hear the waiver requests. The board concurred unanimously.

Myles Murphy, Block 90, Lot 24, (R-3)

Sharon Stevens recused herself from the hearing due to a conflict of interest. Myles Patrick Murphy introduced himself and was duly sworn. He discussed his interest in extending an existing deck on his residence and to add a gazebo to one of the deck's corners. He indicated that he had applied for a variance from the rear yard setback of 75', which would leave 65 feet to the back lot line. Mr. Murphy introduced seven photographs of his property, which were marked as Exhibits A-1 through A-7. The property behind his is a farm owned by Immaculate Conception Church. Joe Arancio asked if the cherry tree in the picture would be removed and Mr. Murphy responded that it would stay.

Chairman Matsen discussed the septic tank location. Ed Bertele asked about the gazebo location and whether it could be separated from the deck. Joe Arancio noted that the finished size of the deck was proposed to be 20 feet by 24 feet and established that the current size is 20 feet by 12 feet. Ed Bertele expressed concern about the height of the gazebo above the deck. Mr. Murphy submitted literature from the gazebo company which was marked as Exhibit A-8. Jon Drill asked that the height and materials in the construction. Mr. Murphy noted that the gazebo would be 14 feet high and made of vinyl. The deck will be a synthetic material. Mark Ciarlariello asked about the current

shed and if it was on the property line. Mr. Murphy indicated that it was 10 feet from the line.

Chairman Matsen asked for public comment. Joseph Colleluori of Block 90, Lot 23, introduced himself. He discussed the applicable ordinance number in the case, and pointed out errors in the notice. Jon Drill noted that the errors were typographic in nature and that the notice was acceptable. He also commented that an accessory building could be a maximum of 16 feet in height with the minimum setbacks being the same.

Chairman Matsen called a recess at 8:40PM to allow for an examination of the ordinance.

Chairman Matsen called the public hearing to order at 8:50PM. Jon Drill explained the intent of the Ordinance 40-166 concerning the gazebo and Ordinance 40-151, which lists requirements for the deck. Mr. Colleluori was sworn in and noted his objections to the proposal, noting that the character of the neighborhood will be affected, the height of the gazebo will put it within his view, his privacy will be affected, that it will be larger than any other deck in the neighborhood, and that the plan has no screening between the houses. He indicated that there was a fence on his property.

Denise Murphy was sworn in. She indicated that Mr. Colleluori's house was closer to the street and that the fence is on the property line. David Mills, Zoning Officer, was sworn in and noted that there was no ordinance at the time against the location of the fence. Joe Arancio discussed the size of Mr. Colleluori's pool to determine where the houses are located in relationship to each other. Mr. Colleluori maintained that the proposed gazebo would be in his line of sight. A lengthy discussion ensued concerning the location of the fence. Further discussion concerning the size of sheds that required a permit followed. Mr. Murphy discussed Exhibit A-6 to show the line of sight to the Colleluori house and indicated that other homes in the neighborhood had gazebos on their front porches.

Chairman Matsen closed the public hearing and asked for discussion from the board members. Ed Bertele commented that the decision was an aesthetic one which is not peculiar to the property, and would add to the use and enjoyment of the house. Mark Ciarlariello weighed the positive and negative attributes of the application and recommended that the height of the gazebo be limited to 16 feet. Bill Honachefsky expressed concern over the height of the gazebo. Joe Arancio also noted his concern over the height issue and commented that a hardship "c1" variance should apply for the rear yard setback and a flexible "c2" for the gazebo. Jon Drill discussed the design of the gazebo's roof. John Matsen noted that Lot 23 was entitled to side yard protection. Joe Arancio moved and Bill Honachefsky seconded a motion to approve the application for a variance, subject to conditions. Members in favor: Matsen, Arancio, Ciarlariello, Honachefsky, and Bertele.

NEW BUSINESS

Edward Bertele moved and Bill Honachefsky seconded a motion to approve the vouchers. The board concurred unanimously.

The board administrator was directed to investigate the creation of how-to lists for homeowners to assist in planning applications for pools, sheds, fences and decks and navigating the township permitting process.

ADJOURNMENT

Joe Arancio moved and Mark Ciarlariello seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 9:48PM.

These minutes were approved on April 28, 2003.

Rebecca D'Allevine
Administrator