

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT PUBLIC MEETING

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MAY 29, 2001

PRESENT: Joe Arancio; Ira Breines; Mark Ciarlariello; Antje Doyle; Virginia Monsul-Barnes (late); Frank Senske; Sharon Stevens; William Honachefsky, Jr.

Professionals: Melanie Reese, Engineer; Jonathan E. Drill, Attorney; Alice E. Oldford, Secretary.

ABSENT: John Matsen

CALL TO ORDER

Mr. Senske called the meeting to order at 7:35 p.m.

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 11, 2001, 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

The minutes from the meeting April 23, 2001, were approved.

A. RESOLUTIONS

Rules of Procedure

Motion was made by Joe Arancio and seconded by Mark Ciarlariello to adopt the Rules of Procedure for 2001.

Members in favor: Joe Arancio; Ira Breines; Mark Ciarlariello; Antje Doyle; Frank Senske; Sharon Stevens; William Honachefsky, Jr.

B. PUBLIC HEARINGS

1. **CLINTON HONDA**, Block 32, Lots 3 and 2 and now 1 (C-2) Continued Hearing

Applicant initially sought a D2 use variances to permit the expansion of a non-conforming, pre-existing automobile dealership use from Lot 3 to Lot 2, on which currently exists a house, which is to be demolished, and a garage. In addition, applicant initially sought preliminary and final site plan approval to expand the automobile dealership. Applicant also initially sought a C variance to permit the pre-existing garage to remain in its current location, which garage has an existing front yard setback of 99.5' whereas 101' are required and an existing side yard setback of 1.9' whereas 75' are required. The hearing in this matter commenced on 02/26/2001.

Applicant amended the application during the second hearing session on 03/26/2001 to seek a bifurcated D2 variance only and to add Lot 1 to the application.

At the conclusion of the second hearing session, the Board directed counsel to prepare a proposed approval resolution with conditions that would include architectural / design restrictions and continued the matter to 04/23/2001 for a vote on the application and consideration of the proposed resolution. The Board considered during the 04/23/2001 hearing session whether or not to appoint an architectural expert and determined not to appoint such an expert but to appoint an architectural subcommittee of the Board to work with the applicant on site plan and design issues.

The matter was further continued to 05/29/2001 for a vote on the bifurcated D2 variance application and consideration of proposed Resolution No. 2001-3.

Attorney for applicant issued a letter with some objections. Attorney Drill incorporated some suggestions and not others. No one is in attendance on behalf of Clinton Honda, nor is any member of the public interested in the application.

Mr. Drill summarized applicant's objections, which are threefold: aesthetics, rural nature of the community, and architectural guidelines. The Board affirmed its commitment to the resolution as prepared its attorney.

Mr. Drill read the proposed changes to the resolution. He referenced an Appellate Division case, Scholastic Bus Company v. Fairlawn Zoning Board, 326 NJ Super 429, which holds that the Board did not have to bifurcate the application. The case holds that sometimes the issues are so intertwined that it is improvident to bifurcate.

Motion was made by Ira Breines and seconded by Antje Doyle to adopt the resolution. Members in favor: Joe Arancio, Ira Breines, Mark Ciarlariello, Antje Doyle, Bill Honachefsky, Sharon Stevens, Frank Senske

COMPLETENESS WAIVERS AND COMPLETENESS DETERMINATION

ELIZABETHTOWN WATER COMPANY, Block 7, Lots 18 and 18.01 (AH-1)

Applicant seeks to construct a 500,000-gallon water storage tank, access roadway, parking area and landscaping to service the proposed Windy Acres community. The current Windy Acres proposal is for 911 units, including single family homes, market and affordable townhouses.

Glenn Geiger, Esq., Pitney, Hardin, Kipp & Szuch introduced himself on behalf of the applicant.

Mr. Geiger said the application was originally filed November, 2000. The facility would be located on the existing utility easement on Lot 18. Mr. Geiger addressed the RCBA report dated 5/22/01.

Elizabethtown is leasing the area. Mr. Drill asked the reason for the lease rather than pursuit of subdivision.

Michael Simone, Jr., of Crew Engineers, was introduced. Mr. Geiger noted that the plans dated 5/18/01 had been filed with the Planning Board on Friday, May 26.

Items 10e and 10f have been satisfied. As to Item #22, referencing existing structures, Mr. Geiger represented that the structures within the easement area have been shown. He noted that the structures on the entire site may not even be relevant, and consequently applicant requests a waiver. Mr. Drill asked the Board whether the submission of one copy of the complete set of plans would be adequate for the sake of completeness. Mr. Geiger said he would submit as many as required. The Board confirmed that it would require copies for each Board member.

Glenn Geiger confirmed that this project would be part of a larger franchise area, not just servicing the Windy Acres site.

Mr. Geiger indicated that Item #23 related to parking had been complied with, and therefore, the waiver request is withdrawn.

Mr. Geiger disclosed that Item #28 related to existing conditions had been provided. The Board wants to see this information as provided on the map.

As to Item #30 related to public utilities, Mr. Geiger said water, electric and telephone are proposed. Further, he noted that information requested by Susan Melamud would be forwarded directly to her. This is not a completeness matter. Jeff Ulrich of Elizabethtown said applicant would provide the information required by the Board water tank expert. The Board emphasized that information should also be provided to the Fire Department.

Item #33 has been submitted as relates to Elizabethtown, and the balance is provided in the Windy Acres plans.

Mr. Geiger referred to Checklist #6.

He said all items are covered by the submission of Windy Acres plans except #27, which has now been provided and is therefore withdrawn.

Mr. Geiger confirmed that electric service would be provided as for a residence. The proposal is shown on the Crew plans, Drawing #4. Mr. Simone said the E'town plans are tied as closely as possible to the current Najarian plans for Windy Acres.

As to #28, the utility issues, Mr. Geiger said there are no specific findings at this time. Board professionals requested a copy of the franchise agreement.

Item #30 relates to an actual approval.

The Board considered whether to determine the application complete with conditions or whether all submissions should be in. The Board concurred it required all the information prior to a completeness determination. The Board is not inclined to grant waivers.

Plans and franchise agreement must be submitted to the Board for a completeness determination.

Attorney Geiger indicated that applicant would submit 13 copies of the plan, as requested, and 18 copies of the franchise agreement.

Nick Corcodilis of Old Mountain Road asked what would happen if the Windy Acres plans were revised. Donna Bakelaar asked the source of the water, which is not a completeness issue.

Hearing could be held in July, assuming the submissions are made and responses to Hazen and Sawyer are made 30 days in advance. If the professionals require additional time, applicant will give an extension of the hearing date.

Motion was made by Antje Doyle and seconded by Virginia Monsul-Barnes that the application remains incomplete.

Members in favor: Joe Arancio; Ira Breines; Mark Ciarlariello; Antje Doyle; Virginia Monsul-Barnes; Frank Senske; Sharon Stevens; William Honachefsky, Jr.

OLD BUSINESS

Mr. Senske recommended the vouchers for approval, and the Board concurred unanimously.

NEW BUSINESS

1. Melanie Reese told the Board she is going to APM for a night light test after this evening's meeting. She invited members of the Board to attend.
2. Board prefers that the July meeting be scheduled for 7/30 rather than 7/23. Board secretary will check with John Matsen.
3. Ms. Reese will contact Susan Melamud about the hearing date and her review. Melanie will bring to her attention the fact that this is a franchise for an area outside Windy Acres.

ADJOURNMENT

The meeting was adjourned at 9:15 P.M.

These minutes were approved 6/25/01.

Alice Oldford
Board Secretary