

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

June 28, 2010

PRESENT: Tom McCaffrey, John Matsen, Ira Breines, Sharon Stevens, Dave Roberts, Peter Geiger, and Wayne Filus.

PROFESSIONALS: Jon Drill, Attorney and Rebecca D'Alleinne, Administrator.

ABSENT: John Lefkus and Amy Switlyk.

CALL TO ORDER

Chairman McCaffrey called the meeting to order at 7:33PM.

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 and the notice of and agenda for this meeting was posted on the bulletin boards in the Municipal Building and outside the Planning and Zoning Office on the 1st 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

Dave Roberts moved and John Matsen seconded a motion to approve the minutes of May 24, 2010 as written. Members in favor: Matsen and Roberts. McCaffrey, Stevens, Breines and Geiger abstained.

NEW BUSINESS

Vouchers

Chairman McCaffrey moved and Sharon Stevens seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

RESOLUTIONS

1. **GOEPFERT, Block 4.01, Lot 16**

Resolution #2010-05, Application #2010-03

John Matsen moved and Dave Roberts seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Matsen, Stevens, Geiger and Roberts.

2. **LO FATT CHOW, Block 89, Lot 8**

Resolution #2010-04, Application #2008-10

John Matsen moved and Dave Roberts seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Matsen, Stevens, Breines, Geiger and Roberts.

3. **MISIAK, Block 46, Lot 20**

Resolution #2010-06, Application #2010-02

Dave Roberts moved and Peter Geiger seconded a motion to approve the resolution as written. Members in favor: McCaffrey, Matsen, Breines, Geiger and Roberts.

4. **ZINN REALTY, Block 74, Lots 18 & 19**

Resolution #2010-07, Application #2009-03

Chairman McCaffrey and Ira Breines recused themselves due to a conflict. Jon Drill discussed the July 2009 application and the history of the case. He noted that the applicant's attorney, Jim Knox, had asked that the Board not adopt the resolution so the applicant could apply for a "d" variance. Mr. Drill stated that the resolution would not be adopted and that it was on the agenda for discussion only. The Board determined that the resolution represented the majority's opinion. Jon Drill recommended that the applicant not argue the prior decision, but should present the special reasons in the variance case at that time.

COMPLETENESS WAIVERS HEARING

ZINN REALTY, Block 74, Lots 18 & 19

Application #2010-07

Vice Chairman Matsen introduced the matter and stated that the Board's engineer had no objections to the requests. Laurie MacWilliam, Esq. introduced herself on behalf of the applicant. Vice Chairman Matsen moved and Sharon Stevens seconded a motion to grant the completeness checklist waiver requests and the engineer's recommendations for submission distributions. Members in favor: Matsen, Stevens, Filus, Geiger and Roberts.

Ira Breines and Tom McCaffrey returned to the meeting.

PUBLIC HEARINGS

JULIE NOLES, Block 74, Lot 10

Ms. Noles introduced herself. Chairman McCaffrey noted that the Board had received her letter and diagram. Ms. Noles explained that her drawing had been submitted to the zoning officer. Dave Roberts commented that his recollection was that the essence of the issue was not the width of the stairs, but how many steps the staircase would need to reach to ground. Ms. Noles was sworn and stated that she was asking for a six feet wide staircase. She indicated that Building Official Mike Wright had stated that the minimum was 3 feet, but there was no maximum. She stated that the width of the stairs was substantially similar to residences surrounding it. Sharon Stevens moved and Ira Breines seconded a motion to approve the revision of the resolution as discussed to allow for a six foot wide staircase. Members in favor: McCaffrey, Matsen, Stevens, Breines, Filus, Geiger and Roberts.

DISMISSAL WITHOUT PREJUDICE

THEODORE & EUNICE BENCH, Block 95, Lot 2

Chairman McCaffrey discussed the history of the case and noted that he had concerns that the case had not progressed since its completeness hearing. The administrator was directed to place the matter on the August agenda for dismissal without prejudice, unless the applicant made a submission. The administrator was directed to send the applicant's attorney advising him of the Board's determination.

EXTENSION OF TIME

FOX/SEALS MUNICIPAL HOUSING, Block 53, Lot 3

Jon Drill stated that the township had requested an extension of time for the public housing application. He advised that the Board had not been asked to approve the Old Allerton Public Housing, even though the dates were the same (July 12, 2010). The township requested a one year extension of time for the preliminary site plan to be revised and signed, until July 12, 2011. John Matsen moved and Dave Roberts seconded a motion to grant the extension of time as requested. Members in favor: McCaffrey, Matsen, Stevens, Breines, Filus, Geiger and Roberts.

Walter Wilson updated the Board as to the status of the Clinton Township BOE application. He noted that it had not been deemed complete before the Planning Board and was being transferred to the Board of Adjustment because a use variance was necessary.

CONTINUATION OF REFERRAL FROM CADB & DISCUSSION OF DRAFT
RESOLUTION

DAUB'S NURSERY, Block 14, Lots 6 & 7

Chairman McCaffrey and Ira Breines recused themselves, due to a conflict of interest. Vice Chairman Matsen accepted the gavel. He commented that the matter was a new procedure for the BOA and reported that there had been a long discussion last month about what would be the appropriate zoning requirements to recommend for enforcement at Daub's Nursery in relation to the violations that they had been issued by the zoning officer. He stated that a resolution had been prepared. Vice Chairman Matsen noted that several members had further researched the issues after the meeting and after the first draft had been written. Vice Chairman Matsen asked if there were any questions or concerns about the resolution from the Board.

Walter Wilson commented that the matter was not like a regular application, and that Jon Drill had not misrepresented Mr. Wilbert's representations. Vice Chairman Matsen made the comment that the determination that the CADB had made was one of jurisdiction, not of the merits of the matter. Dave Roberts asked, in the event that the Agriculture Board agreed with the BOA's interpretations, who would be responsible for enforcement of the recommendations. Jon Drill noted that the resolution was the Board of Adjustment's position and that Michael Wright would represent the township at a hearing. Walter Wilson stated that it was scheduled with the CADB for a meeting in September and that it was an informal proceeding, at the end of which the board would make a final recommendation. It was determined that the zoning officer and a board member would attend. Mr. Wilson stated that the CADB would make a decision which can be appealed to the state agriculture board. He noted that there were two aspects of the application: one was general agricultural management practices, and the second part concerned the violations. He indicated that the CADB should make specific findings. Jon Drill commented that Mr. Wright was the most involved township official. Dave Roberts moved and John Matsen seconded a motion to approve the resolution of recommendation as written. Members in favor: Matsen, Stevens, Filus, Geiger and Roberts.

ADJOURNMENT

Sharon Stevens moved and Dave Roberts seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 8:45PM.

These minutes were approved on July 26, 2010.

Rebecca E. D'Alleinne, Administrator