

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

September 29, 2009

PRESENT: John Matsen, Dave Roberts, Ira Breines, Wayne Filus, Peter Geiger and John Lefkus.

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

ABSENT: Tom McCaffrey, Amy Switlyk and Sharon Stevens.

CALL TO ORDER

Vice Chairman Matsen 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 vestibule of 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

Wayne Filus moved and Ira Breines seconded a motion to approve the minutes of August 24, 2009 as written. The Board concurred unanimously.

John Matsen moved and Dave Roberts seconded a motion to approve the Executive Session minutes of May 26, 2009 as written. The Board concurred unanimously.

Ira Breines moved and Dave Roberts seconded a motion to approve the Executive Session minutes of August 24, 2009 as corrected. The Board concurred unanimously.

NEW BUSINESS

Vouchers

John Matsen moved and Dave Roberts seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

## RESOLUTIONS

### **LBP CLINTON/HIDDEN MEADOWS, Block 90, Lot 1**

Resolution #2009-16, Application #2007-08

Dave Roberts recused himself. Dr. David Nenna introduced himself as the applicant. Jon Drill discussed the draft of Resolution #2009-16 and commented that the plan revisions had been made, but that the applicant wished to have several conditions deferred. Due to the difficult economy, Dr. Nenna stated that he wished to wait to file easements. He asked to defer the condition concerning outside agency approvals, due to the attendant expenses. Dr. Nenna stated that he did not wish to incur the expense and stated that he understood that he must meet those conditions, but asked to do it at Final Site Plan approval. Ira Breines commented that it would be consistent for the Board to grant the waiver, as it had already granted Conditions 2 & 3.

John Matsen moved and Ira Breines seconded a motion to reopen the hearing on the request to amend Condition 10 in order to extend the time period. Jon Drill read the changes into the record. Ira Breines reiterated that if the Board had previously deferred Condition 2 and 3 (concerning easements and creation of a homeowners association) and would be consistent to also defer Condition 9 concerning outside agency approvals. John Matsen moved and Ira Breines seconded a motion to approve the resolution as amended. Members in favor: Matsen, Breines, Filus, Geiger and Lefkus.

## EXTENSION ON TIME

### **OLD ALLERTON RD. AFFORDABLE HOUSING, Block 58, 4-7 & 4.01**

Vice Chairman Matsen noted that a letter had been received from the township administrator asking for an extension of time within which to obtain signatures, due to the potential impact that the Highlands designation could have on the project and possible changes in COAH obligations. The request was to modify Condition 13 to eliminate the deadline and extend the time within which to make the plan revisions to July 12, 2010. Ira Breines moved and Wayne Filus seconded a motion to approve the extension. Members in favor: Matsen, Breines, Filus, Geiger, Roberts and Lefkus.

## PUBLIC HEARING

### **PHILLIPS AND SMITH, Block 56, Lot 1**

The Board Administrator explained that she had written a letter and left a voice message for the applicant. She stated that their escrow account was in arrears and; therefore, Mr. Drill had not been able to respond to the brief from them. Furthermore, the applicant had not granted an extension beyond this date for the Board to act. Jon Drill advised the Board to dismiss the application without prejudice and noted that it would not cause the applicant harm. Peter Geiger moved and John Matsen seconded a motion to approve a motion to dismiss without prejudice. Members in favor: Matsen, Breines, Filus, Geiger, Roberts and Lefkus.

## REPORTS

Jon Drill reported that he was beginning to write the brief on the CCDA and Allerton Land litigation. He discussed the length of the two briefs.

The Board Administrator reported that a letter from Kevin Benbrook, Esq. had been received requesting that the Round Valley Crest application be dismissed without prejudice. It was determined that the matter could be handled administratively, as the application had never been declared complete.

## EXECUTIVE SESSION

The Board determined that it wished to discuss the litigation matter concerning Country Club Drive v. Clinton Township Board of Adjustment and Allerton Land Corp. v. Clinton Township Board of Adjustment further in closed session. Mr. Drill read the resolution into the record. John Matsen and Ira Breines seconded a motion to enter into executive session and the Board concurred unanimously and entered closed session at 8:35PM.

## PUBLIC SESSION

The Board re-entered open session at 9:05PM.

## ADJOURNMENT

Ira Breines moved and Peter Geiger seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 9:06PM.

These minutes were approved on October 26, 2009.

Rebecca E. D'Alleinne, Administrator