

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

DATE: June 15, 2015

Chairman McCaffrey called the meeting to order at 7:30pm.

Chairman McCaffrey led the Flag Salute.

Chairman McCaffrey read the 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 and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, and the Star Ledger, no later than the Friday prior to the meeting.

BOARD MEMBERS IN ATTENDANCE:

Lewis, Matsen, McCaffrey, Roberts, Stevens, Olsen

BOARD MEMBERS ABSENT:

Filus, Lefkus, Yager

BOARD PROFESSIONALS IN ATTENDANCE:

Jon Drill, Board Attorney, Andrea Malcolm, Board Planner, Denise Filardo, Board Secretary

APPOINTMENT OF BOARD SECRETARY, Denise Filardo

Ms. Stevens moved and Mr. Matsen seconded a motion to appoint Denise Filardo as Board Secretary for 2016. The Board concurred unanimously.

<i>Roll Call: Appointment of Board Secretary, Denise Filardo</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen		X	X			
Filus						X
Lefkus						X
Lewis			X			
Roberts			X			
Stevens	X		X			
Yager						X
Olsen			X			

APPROVAL OF VOUCHERS

Mr. McCaffrey moved and Mr. Matsen seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

<i>Roll Call: Payment of Vouchers</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey	X		X			
Matsen		X	X			
Filus			X			
Lefkus						X
Lewis			X			
Roberts			X			
Stevens			X			
Yager						X
Olsen			X			

RESOLUTION FOR MEMORIALIZATION

DAVID SMITS AND PATRICIA GARITY SMITS

Resolution # 2015-04, Application # 2014-01

Zoning Officer Appeal and Interpretation

Eligible Members: Filus, Lefkus, Lewis, Matsen, McCaffrey and Olsen

Mr. Matsen moved and Dr. Lewis seconded a motion to adopt Resolution No. 2015-04. The motion passed by a majority with Mr. Roberts and Ms. Stevens abstaining.

<i>Roll Call: Smits - Resolution No. BOA-2015-04</i>						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen	X		X			
Filus						X
Lefkus						X
Lewis		X	X			
Roberts					X	
Stevens					X	
Yager						X
Olsen			X			

COMPLETENESS HEARING

US FUEL/CLINTON FUEL, Block 69, Lot 2

Application No. BOA-2015-07

The Board granted waivers with some conditions, of the requirements to submit the following completeness checklist items for the purposes of completeness of the application only because the required items are not needed in order for any of the Board

experts to prepare reports and/or to make an informed decision as to whether or not to grant the application:

Numbers 12, 13, 14, 16, 17, 19, 29, 38, 40, 41, 43, 44, 45.a, 46, 51, 52, 54, 57, 58, 65.

The Board granted partial waivers of the requirements to include the following completeness checklist items for purposes of completeness of the application but subject to conditions that the information / documentation must be submitted before the application can be deemed complete:

Numbers: 53, 55, 59.

The Board denied waivers to submit the following checklist items because the Board believes this information is needed for the Board experts to prepare their reports and for Board members to prepare and take action on the application.

Numbers: 15, 42, 50.

The application will remain incomplete until all information /documentation required to be submitted by the following checklist items is submitted:

Numbers: 15, 42, 50, 53, 55, 59.

A motion was made by Ms. Stevens and seconded by Dr. Lewis to grant and deny completeness waivers with the application remaining incomplete until submission of required documentation. The motion passed unanimously.

Roll Call: US Fuel/Clinton Fuel – Completeness Waivers						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen			X			
Filus						X
Lefkus						X
Lewis		X	X			
Roberts			X			
Stevens	X		X			
Yager						X
Olsen			X			

PUBLIC HEARING

KOPE, BULK VARIANCE, Block 30, Lot 12.04

5 Pine Tree Drive

Application # 2015-06

Applicant is seeking a variance to construct a detached accessory garage.

Applicant Jeremy Kope and property owner Sarah Carle were sworn.

Although a garage is a permitted accessory use in the RC Zone, the maximum height is 16’ and the applicant is proposing a height of 23’. Neither Mr. Kope nor Ms. Carle was able to show any hardship or any zoning benefit to the community that would warrant a height variance. During the hearing various Board members were leaning toward denying the application due to failure of the applicant to provide positive criteria to the variance. The applicant then advised that he wished to withdraw the application.

Brian Moran of 8 Pine Tree Drive, Block 30, Lot 12.03 was sworn. The Board then determined that it should dismiss the application with prejudice because the applicant's request to withdraw the application came after the commencement of the hearing and because an interested party, Brian Moran, the owner of a neighboring Lot referenced above, appeared at the hearing to oppose the application, so a dismissal without prejudice would not be fair to the Board or the objecting neighbor.

A motion was made by Mr. Roberts and seconded by Mr. Matsen to dismiss the application with prejudice. The motion passed unanimously.

Roll Call: Kope – Dismissal with prejudice						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen		X	X			
Filus						X
Lefkus						X
Lewis			X			
Roberts	X		X			
Stevens			X			
Yager						X
Olsen			X			

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Dr. Lewis to adjourn. The motion passed unanimously and the meeting was adjourned at 8:58pm.

Roll Call: Adjourn						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen			X			
Filus						X
Lefkus						X
Lewis		X	X			
Roberts			X			
Stevens	X		X			
Yager						X
Olsen			X			

Respectfully submitted,

Denise Filardo
 Planning and Zoning Board Secretary

These minutes were approved on September 26, 2016