

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT
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MINUTES OF PUBLIC MEETING

DATED: **April 20, 2015**

Chairman McCaffrey called the meeting to order at 7:30 PM

Chairman McCaffrey led the flag salute.

The Public Notice was read by Chairman McCaffrey

This the April 20, 2015 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 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:

McCaffrey, Matsen, Filus, Lefkus, Lewis, Roberts, Yager, Olsen

BOARD MEMBERS ABSENT:

Stevens

BOARD PROFESSIONALS IN ATTENDANCE:

Jon Drill, Attorney, Andrea Malcolm, Planner, Donna Holmqvist, Affordable Housing Planner, Rebecca D'Alleinne, Administrator and Denise Filardo, Administrative Trainee.

NEW BUSINESS

VOUCHERS:

Chairman McCaffrey moved and Mr. Roberts seconded a motion to approve payment of vouchers. The motion carried unanimously.

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

Chairman McCaffrey stated, the May 26, 2015 BOA meeting will be rescheduled to May 11, 2015 due to the Memorial Day holiday.

MINUTES APPROVED:

The minutes below were adopted on April 20, 2015 by the following votes of Board members:

Mr. Matsen moved and Mr. Filus seconded a motion to approve the minutes of February 23, 2015. The motion carried unanimously.

Roll Call: Minutes of February 23, 2015						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen			X			
Filus			X			
Lefkus			X			
Lewis			X			
Roberts	X		X			
Yager		X	X			
Olsen			X			
Stevens						X

Mr. Roberts moved and Mr. Yager seconded a motion to approve the minutes of March 23, 2015. The motion carried unanimously.

Roll Call: Minutes of March 23, 2015						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen			X			
Filus			X			
Lefkus			X			
Lewis			X			
Roberts	X		X			
Yager		X	X			
Olsen			X			
Stevens						X

Mr. Roberts moved and Dr. Lewis seconded a motion to approve the Executive Session minutes of February 23, 2015. The motion was carried by a majority vote.

Roll Call: Executive Session Minutes of February 23, 2015						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey					X	
Matsen					X	
Filus			X			
Lefkus			X			
Lewis		X	X			
Roberts	X		X			
Yager					X	
Olsen			X			
Stevens						X

PUBLIC HEARING:

PLATYPUS ENTERPRISES, Block 13.01, Lot 3, Application # 2015-01

This hearing is a continuation from March 23rd, 2015.

Note: The following individuals testified sworn at the March 23rd, 2016 hearing. The applicant's professionals were qualified by the Board.

1. Glen Likus (applicant's managing member),
2. Stephen E. Parker, PE (applicant's engineering expert),
3. Edward O'Brien, AIA (applicant's architectural expert),
4. Elizabeth McKenzie, AICP, PP (applicant's planning expert and affordable housing planning expert),
5. Andrea Malcolm, PP, AICP (Board's planning expert), and
6. Donna Holmqvist, PP, AICP (Board's affordable housing planning expert);

Mr. Yoskin, attorney for the applicant of the firm of Sokol, Behot, LLC, stated this a continuation of the March 23rd hearing for bifurcated "D(1)" variances.

Mr. Yoskin discussed the variances requested to allow a change in use of the property from a formally prohibited bus depot allowed by a prior "D(1)" variance to multiple new prohibited uses as follows:

1. Addition to and conversion of a building into a washing maintenance and repair garage for construction/excavation business.
2. Limited outdoor storage of five trailers.
3. Use of an above ground storage fuel tank related to the business.
4. Conversion of a building into two affordable rental housing units.
5. Two unrelated principal buildings on the property

Mr. Yoskin referenced letter received today dated 4/20/15 from Mr. Shurts, Esq. who represents Sanford Kingsley, the principal of Spruce Associates LLC and a property within 200' of the applicant's property. Please find attached herewith Mr. Shurts' letter dated April 20, 2015. The letter outlined 9 issues, noting no position on landscaping. Mr. Drill noted if these items are to be conditions of Site Plan approval then he recommends **IF** the Board is going to grant the "D(1)" variances that they do so with the 8 conditions of Mr. Shurts' letter.

Ms. Mackenzie discussed the variances then gave her testimony supporting the application. Please find attached herewith Ms. McKenzie's Outline of Testimony dated April 6, 2015.

Ms. McKenzie stated the property is locate in the Turnpike Historic District within the C2 Zone and discussed that the intent of the zone is to preserve areas to meet existing & future commercial needs. She described the subject property as well as the surrounding properties and their respective uses.

There was discussion related to whether or not the Township may or may not get rental credit for the 2 proposed affordable housing units. And, if approved the apartments will be subject to a 10-year deed restriction /restrictive covenant to be recorded against the property.

The meeting adjourned for a 5 min break at 9:08PM
The meeting resumed and was back on the record at 9:13PM

Mr. McCaffrey stated that there are a lot of questions here...Lets discuss the Commercial questions first then go to Residential questions.

Chariman McCaffrey opened the hearing for the public questions; he noted there are no questions from the public.

After discussion about the **Commercial** component “D(1)” Variances, the Board finds the following:

- Returning the property to productive use promotes the general welfare of the community and allowing adaptive re-use rather than knocking down lessens the cost of development and in this case makes for the most efficient use of the property.
- The proposed development as a whole, which includes a very significant reduction in the number of vehicles permitted on the site as well as the number of vehicles and equipment to be stored outdoors, will serve to improve the aesthetic impact of the property as viewed by the neighboring residential lots as well as traffic on Route 22 resulting in less vehicular circulation and noise .
- This site is particularly suited for the proposed uses because the property will be at a much less intensive scale than the prior school bus depot use previously approved by the Board.

Chairman McCaffrey requested a Motion to grant the following three “D(1)” Variances with conditions related to the **Commercial** components of the Proposed Development:

- “D(1)” Variance to Enlarge and Use the Garage Building for a Maintenance, Repair and Washing Facility for Construction Vehicles and Equipment Belonging to the Applicant’s Construction / Excavation Business.
- “D(1)” Variance to Allow Outdoor Storage of Five Trailers Belonging to the Applicant’s Construction / Excavation Business
- “D(1)” Front Variance to Allow Use of the AGFST as an Accessory Use (not location) to the Applicant’s Construction / Excavation Business.

Motion was made by Matsen, seconded by Lefkus. The motion carried unanimously.

Roll Call: Approving the three Commercial “D(1)” Variances above						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen	X		X			

Filus			X			
Lefkus		X	X			
Lewis					X	
Roberts			X			
Yager			X			
Olsen			X			
Stevens						X

With regard to the D(1) Variances for **Residential** component and the Two Principal Building component, the Board finds the following:

- Granting the “D(1)” variances will provide affordable moderate income housing under a 10 year time restriction. The Board finds that the proposal proposed affordable housing will be a 100% affordable housing project which will advance the general welfare.
- The Board finds that granting the “D(1)” variance to allow two principal buildings on the property will also advance the general welfare because it will allow the creation of affordable housing additionally the Board finds that granting the D1 variance will allow the two principal buildings on the property rather than allowing the applicant to demolish and remove the residential building from the property which will promote the conservation of the Turnpike Historic District.
- The Board finds that this site is particularly suited for both the creation of two affordable housing units in the residential building and for the mixed-use development on the property because the residential building already exists and is part of the Turnpike Historic District

Chairman McCaffrey requested a motion to grant the following two Residential component “D(1)” variances with conditions:

- “D(1)” Variance to Allow Two Moderate Income Affordable Moderate Income Housing Rental Units in the Residential Building for a duration of 10 years and
- “D(1)” Variance to Allow Two Principal Buildings on the Property.

Motion made by Roberts and seconded by Filus. The motion was carried by a majority vote.

Roll Call: Approving the two “D(1)” Variances above for Residential Affordable Housing & Two Principal Buildings						
Member	Motion	2nd	Yes	No	Abstain	Absent
McCaffrey			X			
Matsen			X			
Filus		X	X			
Lefkus				X		
Lewis					X	
Roberts	X		X			
Yager				X		
Olsen			X			
Stevens						X

The Board concludes that the applicant proved special reasons to warrant the granting of the “D(1)” variances to allow the commercial and residential components of the proposed development. The Board also found that the “D(1)” variances could be granted without substantial detriment to the public and without substantially impairing the intent and purpose of the Master plan and zoning ordinance as long as the conditions to be set forth in the resolution are imposed and complied with.

ENCLOSURES

1. Outline of Testimony from Ms. Elizabeth McKenzie, dated 4/6/15
2. Letter from Mr. William A. Shurts, Esq. dated 4/20/15

ADJOURNMENT

Chairman McCaffrey moved and Mr. Roberts seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at 10:03PM.

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

Respectfully submitted,

Denise Filardo
 Planning and Zoning Board Administrator

These minutes were approved on March 28, 2016.