

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

DATE: July 22, 2019

Chairman McCaffrey called the meeting to order at 7:00pm.

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.

MEMBERS IN ATTENDANCE

Lewis, McCaffrey, McTiernan, Pfeffer, Stevens, Yager

MEMBERS ABSENT

Filus, Matsen, Roberts

PROFESSIONALS/STAFF IN ATTENDANCE

- 1) Denise Filardo, Board Secretary
- 2) Jonathan E. Drill, Esq., Board Attorney

VOUCHERS

None.

MEETING MINUTES

- 1) June 24, 2019

A motion was made by Mr. McTiernan and seconded by Mr. Pfeffer to adopt the Meeting Minutes of June 24, 2019. The vote record follows.

Roll Call: Meeting Minutes June 24, 2019						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus					X	X
Lewis					X	
Matsen						X
McCaffrey			X			
McTiernan (Alt. 2)	X		X			
Pfeffer (Alt. 1)		X	X			
Roberts					X	X
Stevens					X	
Yager			X			

RESOLUTIONS

1) OLD 75, LLC

Block 4.03, Lots 34.01 and 35

1130 Route 22 West

Application No. 2019-01

Resolution No. 2019-05

Eligible Members: Lewis, McCaffrey, McTiernan, Pfeffer & Yager

A motion was made by Mr. Pfeffer and seconded by Mr. McTiernan to adopt Resolution No. 2019-05. The vote record follows.

Roll Call: Resolution No. 2019-05 Old 75, LLC						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus					X	X
Lewis			X			
Matsen					X	X
McCaffrey			X			
McTiernan (Alt. 2)		X	X			
Pfeffer (Alt. 1)	X		X			
Roberts					X	X
Stevens					X	
Yager			X			

2) JAMES AND NANCY VALANZOLA

274 Stanton Mountain Road

Block 16, Lot 57

Application No. 2019-03

Resolution No. 2019-06

Eligible Members: Lewis, Matsen, McCaffrey, Pfeffer, Roberts, Stevens & Yager

A motion was made by Ms. Stevens and seconded by Mr. Pfeffer to adopt Resolution No. 2019-06. The vote record follows.

Roll Call: Resolution No. 2019-06 Valanzola						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus					X	X
Lewis			X			
Matsen						X
McCaffrey			X			
McTiernan (Alt. 2)					X	
Pfeffer (Alt. 1)		X	X			
Roberts						X
Stevens	X		X			
Yager			X			

DECISION ON DISMISSAL OF APPLICATION WITHOUT PREJUDICE

1) DESAPIO REAL ESTATE DEVELOPMENT, LLC

Block 70, Lot 12

1734 Route 31 North

Application No. BOA-2018-05

The applicant submitted a bifurcated application seeking to obtain a “D(1)” Use Variance to permit Tire Repair and Minor Automobile Repairs. If the “D(1)” Variance is granted, the applicant will then apply for Preliminary and Final Site Plan Approval.

This hearing commenced on March 25, 2019 and was carried to April 22, 2019.

Per letter dated April 17, 2019 from Alan Y. Lowcher (applicant’s attorney):

- the applicant granted the Board an extension of the time within which to hear the application until July 31, 2019 and;
- the applicant requested that the application be carried to May 20, 2019 without the need for further notice.

On April 22, 2019, the Board granted the applicant’s request to carry the application to May 20, 2019 without need for further notice.

Per letter dated May 10, 2019 from Alan Y. Lowcher (applicant’s attorney), the applicant was not ready to proceed and requested the application be carried to July 22, 2019 with applicant obtaining an updated 200-foot list and providing a “fresh” Notice of Hearing.

During the May 22, 2019 meeting, the Board decided that the applicant shall either notice for and attend the July 22nd meeting or the application will be dismissed without prejudice, affording the applicant the opportunity to re-apply in the future when they are ready. The Board Secretary conveyed this to Mr. Lowcher.

Per email dated July 2, 2019 from Alan Lowcher (applicant’s attorney), in response to Board Secretary’s email inquiry regarding the applicant’s anticipated attendance at the July 22, 2019 meeting, Mr. Lowcher advised that the applicant would not be able to attend. Secretary Filardo advised Attorney Lowcher that the most likely result would be a dismissal of the application without prejudice at the July 22, 2019 meeting. Attorney Lowcher stated he would advise his client (the applicant), accordingly.

A motion was made by Mr. McTiernan and seconded by Pfeffer to dismiss Application No. 2018-05 without prejudice. The vote record follows.

Roll Call: DeSapio, Blk 70, Lot 12 - Dismissal of Application Without Prejudice						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lewis			X			
Matsen						X
McCaffrey			X			
McTiernan (Alt. 2)	X		X			
Pfeffer (Alt. 1)		X	X			
Roberts						X
Stevens			X			
Yager			X			

A. PUBLIC HEARING

- 1) HDP HARLEY REALTY, LLC
1100 US Highway 22
Block 4.03, Lot 34
Application No. BOA-2019-05

The applicant is requesting a Waiver of Site Plan Review to install two electric battery charging stations at the existing Harley Davidson Motorcycle Dealership which was granted Site Plan Approval by the Board in July of 2000.

The applicant was represented by Salvatore DiFazio, Esq. Attorney DiFazio provided a brief history of the Williams Harley Davidson Dealership, prior Board approvals and the application currently before the Board.

The following individual was sworn and testified during the hearing:

Robert A. DiFazio (Applicant’s managing member).

Mr. Robert DiFazio’s testimony included and was not limited to the following:

- The charging stations will be for the exclusive use of employees of the dealership and customers and potential customers visiting the dealership

- The dealership will not profit from use of the electric charging stations. The only fees charged will be for reimbursement of the actual electricity used.

BOARD FINDINGS AND CONCLUSIONS

- the applicant previously obtained Site Plan Approval, and the Board finds that the proposed installation of the charging stations will not significantly alter or impact the previously approved Site Plan as none of the required 61 parking spaces will be lost and pedestrian access along the sidewalk will not be impeded.
- the Board finds and concludes that it can and should Waive Site Plan Review and Approval, provided the Board imposed conditions are complied with.

RELIEF GRANTED

The Board hereby granted a Waiver of Site Plan Review and Approval in accordance with ordinance section 165-36.1.A(1) to allow the installation of up to two electric charging stations in the location depicted on the photo referenced above (with the location marked with a blue star on the photo).

A motion was made by Mr. Pfeffer and seconded by McTiernan to grant Waiver of Site Plan Approval. The vote record follows.

<i>Roll Call: H.D.P Harley Realty, LLC - Blk 4.03, Lot 36 – Waiver of Site Plan Approval</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Filus						X
Lewis			X			
Matsen						X
McCaffrey			X			
McTiernan (Alt. 2)		X	X			
Pfeffer (Alt. 1)	X		X			
Roberts						X
Stevens			X			
Yager			X			

The Board directed Secretary Filardo to ask the Zoning Officer and Construction Code Official to proceed with permits as if resolution was adopted.

ADJOURNMENT

A motion was made by Ms. Stevens and seconded by Mr. McTiernan to adjourn. All members were in favor and the meeting was adjourned at 7:59pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on September 23, 2019.