

**MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT**

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**PUBLIC MEETING**

DATE: December 09, 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, Matsen, McCaffrey, McTiernan, Pfeffer, Roberts, Stevens

**MEMBERS ABSENT**

Filus, Yager

**PROFESSIONALS/STAFF IN ATTENDANCE**

- 1) Kathryn Razin, Esq., substituting for Board Attorney Drill
- 2) Thomas Behrens, Jr., PP, AICP
- 3) Brian Bosenberg, LLA, RLA, ASLA
- 4) Jackie Klapp, Stenographer
- 5) Denise Filardo, Board Secretary

**VOUCHERS**

A motion was made by Mr. McCaffrey and seconded by Mr. Roberts to approve payment of the vouchers. The vote record follows.

<i>Roll Call: Vouchers</i>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>

Filus						X
Lewis			X			
Matsen (Vice Chair)			X			
McCaffrey (Chair)	X		X			
McTiernan (Alt. 2)			X			
Pfeffer (Alt. 1)			X			
Roberts		X	X			
Stevens			X			
Yager						X

**MEETING MINUTES**

1) November 25, 2019

A motion was made by Mr. Matsen and seconded by Mr. Roberts to adopt the Meeting Minutes of November 25, 2019. The vote record follows.

<b>Roll Call: Meeting Minutes November 25, 2019</b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Filus					X	X
Lewis			X			
Matsen (Vice Chair)	X		X			
McCaffrey (Chair)			X			
McTiernan (Alt. 2)					X	
Pfeffer (Alt. 1)			X			
Roberts		X	X			
Stevens					X	
Yager						X

Discussion regarding Board Secretary Filardo missing the January and February 2020 Board meetings due to attendance at job related education class. It was decided that the 2020 Annual reorganization meeting will be held on Tuesday, January 28<sup>th</sup>, 2020 at 7:30pm instead of Monday, January 27, 2020 at 7:00pm. Secretary Filardo will file and post the appropriate OPMA Notice.

A brief discussion ensued regarding inviting Marc Saluk the Hunterdon County Economic Development Director to provide a presentation of new initiatives that were launched in Hunterdon County in 2019, which were all designed to continue to grow the local economy. Secretary Filardo will discuss the possibility of advertising in the CT Newsletter with Mayor Higgins.

**RESOLUTIONS**

None.

The Platypus Enterprise's Notice of Hearing erroneously stated the time for the Public Hearing to commence at 7:30pm instead of 7:00pm.

Upon completion of administrative business, the Board took a ten-minute recess from 7:20pm to 7:30pm prior to opening the Platypus Public Hearing.

## **PUBLIC HEARING**

### **1) PLATYPUS ENTERPRISES**

Block 13.01, Lot 3

1460 Route 22

Application No. BOA-2019-06

Applicant is seeking Amended Preliminary and Final Site Plan Approval to make the following modifications: elimination of a concrete pad on southerly side of new garage; modified construction detail for wood fence; removal of directional sign in driveway entrance triangle; removal of split rail fence originally intended as a barrier for the house which has since been demolished; relocation of driveway gate; proposed addition of a wood burning furnace to heat the building; and a proposed landscape berm.

Neil Yoskin, Esq., attorney for the applicant explained the nature of the application, noting there were five (5) prior approvals with four (4) amendments. The applicant is now seeking five (5) minor revisions to the previous approvals.

The following individuals were sworn and testified:

- 1) Steve Parker (applicant's engineer)
- 2) Glenn Likus, (applicant's managing member).

Chairman McCaffrey noted that Mr. Parker was qualified by the Board during the 2015 Hearings.

Mr. Parker's testimony included review of the proposed revisions and was not limited to the following:

- Removal of a concrete pad which served as an apron to the entrance of the building will now be gravel as the pad is not needed.
- Minor change in the wood fence detail, the wood boards will now be flush mounted on one side, not alternating sides all other details of fence to remain the same.  
*Discussion ensued regarding the color of fence as it is green when it should have been brown. The applicant agreed to paint the fence brown to comply with the original approval.*
- Proposed elimination of the previously approved directional sign at the site driveway entrance triangle per NJDOT recommendation.
- Removal of the previously approved split rail fence that was to separate the residential and commercial areas of the property is no longer needed since the residential house has been demolished.
- Landscape berm on the north side of the site, to provide more of a visual buffer from Route 78.

- The entrance driveway gate is proposed to be approximately ten (10) feet closer to Route 22.
- Proposed addition of a wood burning furnace to heat the building.

The applicant agreed to all conditions and comments contained in all board professional memos.

There was one (1) member of the public with interest in this application, Mark Phillips representing Spruce Associates located at 1450 Route 22. The property is comprised mostly of farmland and is situated to the east of the applicant's lot. Mr. Phillips had questions regarding the elimination of the concrete pad, location of maintenance on the site and location of the fuel tank. Mr. Parker confirmed that all maintenance is to be done inside the building and the fuel tank is located on a concrete pad.

### BOARD FINDINGS AND CONCLUSIONS

The applicant has obtained the following approvals from the Board:

#### 2015 APPROVALS

- Bifurcated "d(1)" variances to allow the applicant to change the use of the property from a prohibited bus depot to two other prohibited uses and two unrelated principal buildings, consisting of constructing an addition to an existing garage building and converting it to a washing, maintenance and repair garage for use by the applicant's construction / excavation business, use of an above ground storage fuel tank related to the construction business, and conversion of a former residential building that was also used as an office into two moderate income rental apartments; memorialized in Board Resolution No. 2015-09 adopted on September 28, 2015.
- Bifurcated Preliminary and Final Site Plan Approval with Temporary "C(1)" Variances for existing Septic System and Exceptions from certain Site Plan Ordinance Landscape Buffer Requirements.

#### 2018 APPROVALS

- Extension of the time within which to revise the documents and obtain signatures on the Site Plans, vacation of the use variance memorialized in Resolution No. 2015-09 which allowed residential use on the property, and
- Amendment of the Site Plan Approvals memorialized in Resolution No. 2015-15 to eliminate and provide for demolition of the residential building.

The Board finds and concludes that the applicant Based on the testimony of Mr. Parker, the applicant's engineer the requested modifications to the prior approvals will comply with all provisions of applicable ordinances, and therefore the Board can and should grant Amended Site Plan Approval provided that applicant complies with the Board imposed conditions.

**RELIEF GRANTED**

Amendment of Site Plan Approvals Memorialized in Resolution No. 2015-15 to make the following modifications: elimination of a concrete pad on southerly side of new garage; modified construction detail for wood fence; removal of directional sign in driveway entrance triangle; removal of split rail fence originally intended as a barrier for the house which has since been demolished; relocation of driveway gate; proposed addition of a wood burning furnace to heat the building; and a proposed landscape berm.

A motion was made by Mr. Matsen and seconded by Mr. Roberts to grant Amended Preliminary and Final Site Plan Approval. The vote record follows.

<b><i>Roll Call: Platypus Enterprises, Blk 13.01, Lot 3 Amended SP Approval</i></b>						
<b>Member</b>	<b>Motion</b>	<b>2nd</b>	<b>Yes</b>	<b>No</b>	<b>Not Eligible</b>	<b>Absent</b>
Filus						X
Lewis			X			
Matsen (Vice Chair)	X		X			
McCaffrey (Chair)			X			
McTiernan (Alt. 2)			X			
Pfeffer (Alt. 1)			X			
Roberts		X	X			
Stevens			X			
Yager						X

**ADJOURNMENT**

A motion was made by Mr. Roberts and seconded by Mr. Matsen to adjourn. All members were in favor and the meeting was adjourned at 8:14pm.

Respectfully Submitted,

*Denise Filardo*  
 Planning and Zoning Board Secretary

These minutes were approved on January 28, 2020.