CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, FEBRUARY 22, 2016 AT 7 P.M.

REORGANIZATION MINUTES

A public meeting of the Clark Board of Adjustment was called to order at 7:05 p.m. by Janet Gentry who was acting as Coordinator until a Chairman was elected. She asked all present to participate in a flag salute and moment of silence. She stated that this meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Ed Ruth, Douglas Krok, Chris Tierney, Steve Kaminsky, John Tierney, John Moricz and William Helm

Members Absent: John Caliguire and Thomas Meade

Also Present: Howard D. Spialter; Board Attorney and Janet Gentry Board Secretary

OLD BUSINESS

Minutes from the December 7, 2015 public meeting were reviewed. Edward Ruth brought a motion to accept the minutes. Motion was seconded by John Moricz and carried unanimously by voice vote.

NEW BUSINESS
APPOINTMENTS

Edward Ruth brought a motion to nominate Steve Kaminsky for Chairman which was seconded by John Tierney and carried unanimously by voice vote.

Steve Kaminsky brought a motion to nominate Edward Ruth for Vice Chairman which was seconded by John Tierney and carried unanimously by voice vote.

John Moricz brought motion to nominate Howard D. Spialter as Attorney to the Board which was seconded by Steve Kaminsky and carried unanimously by voice vote.

Douglas Krok brought a motion to nominate Janet Gentry as Secretary to the Board which was seconded by Edward Ruth and carried unanimously by voice vote.

Newly re-appointed Chairman Steve Kaminsky took over the meeting at this time.

ANNUAL REPORT

Board Members reviewed term expirations, hearing dates for 2016 and the Annual Report.

Douglas Krok brought a motion to accept the Annual Report for submission to Council. Motion was seconded by William Helm and carried unanimously by voice vote.

No term expirations for any of the Board Members.

CORRESPONDENCE

Received by the Board Secretary was a memo from Edie Merkel. Township Clerk that the Business Administrator and Chief Financial Officer recommend professional services contract to Howard Spialter for the year 2016. Also received was a Resolution stating that the Union County Local Source and the Star Ledger are designated as the official newspapers of the Township of Clark for the Year 2016.

RESOLUTION

Calendar #4-14, Iselin Realty LLC, 1208 Central Avenue. Attorney Spialter read onto the record Resolution 3-R-16. Edward Ruth brought a motion to accept the resolution as read. Motion was seconded by William Helm. *Vote in favor:* E. Ruth, D. Krok, Chris Tierney, John Tierney, J. Moricz, W. Helm

PRIVATE SESSION
DISCUSSION ON LITIGATION

Board member John Tierney brought a motion to go into private session. Motion was seconded by Edward Ruth and carried unanimously by voice vote. Time: 7:35 p.m.

ADJOURNMENT

Board member John Moricz brought a motion to come out of private session and adjourn. Motion was seconded by Ed Ruth and carried unanimously by voice vote. Time was 7:55 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

3/28/16

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, FEBRUARY 22, 2016

A public meeting of the Clark Board of Adjustment was called to order at 8:08 p.m. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and moment of silence. He stated that meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Edward Ruth, Douglas Krok, Chris Tierney, John Tierney, John Moricz, William Helm and Steve Kaminsky

Members Absent: Thomas Meade and John Caliguire

Also Present: Richard O'Connor; Township Engineer, Kevin O'Brien; Township Planner, Gordon Meth; Township Traffic Consultant, Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

NEW BUSINESS

Calendar #6-15, V & R Developers, 1132 Westfield Avenue. Stanley Fink is the Attorney representing the Applicant.

Spialter: A Certification from Steve Kaminsky was received that he has reviewed the tapes due to his absence from this application.

Fink: Our traffic expert had testified last time and I would like to continue with the traffic expert due to revisions that were submitted to you.

Mr. Gesario submitted Exhibit A-6 which was a revised color rendering of A-3. Mr. Gesario pointed out some revisions to the plan such as moving the building back, changes to turning movement out of driveway which would restrict left hand turns during certain hours, five more parking spaces, additional green space where catch basin was on A-3, additional landscaping, no parking at front entrance, a 22' driveway now reflects a 24' driveway and variance for side yard was eliminated. *Several questions were asked from Board Members regarding parking.*

Mr. Fink: you did speak with the police and fire department with parking and they were okay with it? Yes, they were more concerned about restricting the left hand turn movement. Mr. Kaminsky asked what are the ages of the children and if there would be sidewalks. Mr. Jarmel: Not at this time. The children ages are 6 weeks to 6 years old. Kaminsky: How do you propose getting those children out of that building and then into the street in an emergency? Jarmel: we spoke with Retro and adjacent neighbors and also discussed busing. They would not get a license from New Jersey if they didn't have a place to go. They would have to have an agreement in place and demonstrate to the State that they have an agreement so they can get their license, this can also be a condition for the board. Fink: On the easterly side a gate could be put in there to get the children to the diner if needed? Jarmel: yes.

John McDonough, Licensed Professional Planner. I reviewed Mr. O'Brien's report so I have a full picture of the application. Marked as A-7 are three pages of photo's. First page of this exhibit is an aerial photo of current conditions, just under 40,000 sq. ft. which is just short for a townhouse development and for a single family home 7,500 sq. ft. It was previously power equipment, surrounding land use is predominantly commercial on three sides. Page 2 of this exhibit are four pictures of the existing site. Pages 3; pictures 5,6 and 7 shows the commercial uses in the area, picture number 8 shows a residential home. The building is two story, 10,994 sq. ft. with 22 staff members on weekdays and 160-180 children. Forty parking spaces in front and play area in accordance with state compliance. Referring to Mr. O'Brien's report dated February 18, 2016. The applicant is here for a use variance in the RTH Zone where residential homes and townhomes are permitted, a child care facility is not permitted in the RTH Zone. *Mr. McDonough discussed variances associated with this application.* Minimum lot area required is 40,000 sq. ft., existing is 38,972 sq. ft. He stated that the building was shifted to avoid the side yard setback requirement, it is now 20' on West side. Total side yards required are 20', 14' proposed overall. Impervious coverage permitted is 50%, proposed 60.7%. Open space required is 26%, proposed 22.8%; as a result, for additional parking. *Mr. McDonough discussed in detail the inherently beneficial uses using the Sica balancing test and the four step balancing test and gave reasons why this use would be beneficial. Master Plan was also discussed.* This particular site is attractive to this user, there are 21,000 children ages 0-4 years old within a 5-mile radius. Household income of $120,000 within a mile and three-mile radius as well. A KinderCare facility as mentioned in a prior meeting may be going out and this will fill the demand, other child care facilities operate from home in the area with fewer children. Marked as Exhibit A-8, Titled R-TH Zone Composition on Westfield Avenue. *Mr. McDonough and Mr. O'Connor discussed lots 71,72 and 73 from the exhibit.* Mr. McDonough stated that on the existing lot eight townhomes would be permitted. On lots 71 & 72 combined, approximately 12-16 townhomes would be permitted.

RECESS

Board member Ed Ruth brought a motion to take a 5-minute recess. Motion was seconded by John Moricz and carried unanimously by voice vote.

ROLL CALL

Members Present: Edward Ruth, Douglas Krok, Chris Tierney, John Tierney, John Moricz, William Helm and Steve Kaminsky

Members Absent: Thomas Meade and John Caliguire

Also Present: Richard O'Connor; Township Engineer, Kevin O'Brien; Township Planner, Gordon Meth; Township Traffic Consultant, Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

NEW BUSINESS CONTINUED

Charles Olivo, Applicants Traffic Expert. Mr. Olivo referred to the revised plan marked as A-6. He stated that the parking capacity has now increased to 40 which added five more parking spaces. Although I believe the previous parking plan was adequate. I did speak with Lieutenant Pollock and he did say that the restriction for a left hand turn at peak hours was a step in the right direction. *Discussed was moving the driveway, site lines and site distance.* We design plans to be safe, design plans to be efficient and then the enforcement comes into play. I think we did the best that we can do here to design a plan that works.

Spialter: did you review Mr. Meth's report? Yes, I am at odds that his report says 41 spaces are required here. Forty spaces are more than adequate. Kaminsky: Is applicant doing a right turn in and right turn out? Fink: Russ has already been sworn. He is the principle of the applicant. You heard the Board's question, are you willing to make a right turn in and out all day? Russ: yes. Fink: and you consulted with Mr. Jarmel who worked on other facilities likes these? Russ: yes. *A lengthy discussion took place regarding turning movements between Mr. Olivo and Board Members.* Moricz: How many cars would be making a left hand turn during peak hours: Olivo: We found that during peaks hours 70 vehicles would be making a left turn in and out, 35 + 35. Tierney: have you considered a smaller facility? Fink: I believe this is built to their standard but they do have different sized facilities around. Mr. Jarmel: I would say no; I believe 10,000 is their match number for them. *Discussion on size of facility.* Jarmel: If you reduce the size of the building the occupancy is reduced, the State takes the same approach. Fink: it's not a licensing issue. *Mr. Olivo discussed trip generation stating that it will not have a significant impact.* Mr. Meth, Clark Traffic Consultant: with trip generation there is an impact to operation at Westfield and Raritan Road. It's really that turn from Westfield Avenue onto Old Raritan Road that's the problem, the applicant increases it by 5-6%, however, what the applicant has agreed to, traffic is going to find its path, the turn restriction must be enforced. There still could be an impact to left turns at Westfield and Raritan Road by the extra traffic coming up the road. The site in question generates 140-160 peak hour trips and then you divide that by 20. Six

townhomes on this site would generate 5-6 trips. ***Mr. Meth discussed traffic signs and trip generation continued to be discussed. Mr. Fink gave his closing commentary.***

Statements in Favor: none
Statement Against: Mr. Tom Kowalczyk, 27 Garside Place. I have several concerns. I question the need for this in such close proximity to other child centers such as Featherbed Lane School, KinderCare and Pumpkin Patch. Safety is still a concern. In a building with an emergency; children are now 18' closer and no sidewalks. Traffic is a great concern. I think the restricted turning movements will force traffic onto Garside Place, onto my street. The current zoning is for single family and townhomes and was told by a neighbor that it was done that way as a break to block us from the commercial uses. There's some vacant land, what would that become if the board allows this building to go up. For these reasons I hope the Board denies this application.

John Tierney brought a motion to deny this application. Motion was seconded by Edward Ruth. ***Board members gave their commentary. <u>Vote:</u>*** **Ed Ruth; yes, Krok; yes, Chris Tierney; yes, John Tierney; yes, John Moricz; no, William Helm; no, Steve Kaminsky; no. Application Denied.**

ADJOURNMENT

John Moricz brought a motion to adjourn. Motion was seconded by William Helm and carried unanimously by voice vote. Meeting adjourned at 11:10 p.m.

Taken and Transcribed by:

Janet Henley

Janet Gentry-Secretary

3/28/16
Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, MARCH 28, 2016

A public meeting of the Clark Board of Adjustment was called to order at 8:07 p.m. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and moment of silence. He stated that meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Edward Ruth, Douglas Krok, Thomas Meade, John Tierney, John Moricz, William Helm and Steve Kaminsky

Members Absent: Chris Tierney and John Caliguire

Also Present: Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the Reorganization meeting and public meeting of February 22, 2016 were reviewed. John Tierney brought a motion to accept the minutes. Motion was seconded by Ed Ruth and carried unanimously by voice vote

NEW BUSINESS

Calendar #6-16, Robert Kowalski, 125 Dorset Drive. Mr. Gregory J. Waga, the applicants architect came forward. He stated that his applicant is requesting an adjournment to the next meeting due to a publication issue.

Calendar#5-16, Nicola & Maryann Gerbino, 53 Sweetbriar Drive. Donald D. Fraser is the attorney representing the applicant. I do have a few witnesses I would like to present tonight.

Mr. Gerbino: we are requesting bulk variances for an addition to this house that my wife and I purchased in July of last year. Living at the house will be my wife, my two boys and myself. Property is now vacant, it needs structural work and is not habitable. My wife and I grew up in Clark and we are currently living with my parents that live in Clark, previously we were living in Cranford. Spialter: when you bought this house did you know it needed variances? No, I knew it had to be renovated. Spialter: Why did you buy this house? Gerbino: Location, property, close to school and parents.

Mr. Dave Dugasz, Licensed Architect in the State of N. J. Mr. Dugasz stated that the existing dwelling is an older type ranch home with attached one-car garage. After going through the needs and wants of the homeowners we decided to enlarge the existing garage, it's irregular shaped and very tight. Behind that will be a mud room area. The idea is to make this an almost similar colonial style home with a 10' addition off that back that would enlarge the kitchen with island and great room. On left side is a suite with den behind it. The upper floor will have a master suite and three additional bedrooms. Height of the house will be at 31', upper roof will be more of a hip roof.

Questions from Board Members: attic space just storage? Yes, also to give the home more of a modern look. The master bedroom on the second floor? Yes. Another bedroom on the first floor? Yes, It's additional space if the in-laws come over to visit; basically an in-law suite. Mr. Fraser: Is it fair to say Mr. Dugasz that if either set of parent's move away, say to Florida or some other retirement area, the design of this project would enable either set the parent's to stay here if they no longer lived in Clark? Yes. What is the purpose of the den? If someone comes to visit they will have that privacy. How much square footage would have to be deleted from this application to meet the 15% lot coverage? Probably a couple hundred square feet. *Referring to Plot & Grading Plan prepared by Fletcher Engineering dated 9/16/15 board members discussed survey of property and side yards. Board determined that this drawing was not accurate. Mr. Dugasz agreed that the addition was not properly indicated.*

Spialter: If in fact you were to reduce the addition from the 19.7% to the 15%; that would have to be carved out from the area on side and rear? Fraser: 600-700 sq. ft. of first floor space. *Discussion continued among members on reducing the lot coverage. Also number of bathrooms were discussed.* Spialter: I think it's clear from the questions Mr. Dugasz. The Gerbino's application says that they looked for ten months and found the perfect home which they put in writing and signed. Just looking at this and seeing to what extent at all can be met with something less intrusive, less variance intensive, those are questions. It's almost a year since they bought this house, they clearly bought it with the intensions of never living in it in its present condition and the pictures attest to that. Dugasz: I know that the existing home does need some repair and the basement needs work. Spialter: have you looked at the pictures attached to the Gerbino's letter? Dugasz: no I did not look at them. Spialter: I believe you should. Fraser: Their requesting from this board a variance to go to 19.7% lot coverage where your ordinance allows 15%. We're not looking to overbuild this lot, we not asking to put a 6,000 sq. ft. monstrosity, that may be permitted by your FAR, were talking about a nice modern house in this area, if you were building a house from scratch, you could build a much bigger house and be fully compliant with this town's ordinances. It goes 19.7% where 15% is allowed and maybe the board will see fit to grant that or maybe not fit to grant it but this is not some wacky thing their trying to do here and their restrained by the fact where the garage is at present and there's not much they can do about it. If you look at what they're proposing for the garage it's not unreasonable. Tierney: have you looked into a smaller structure to meet the code? *Mr. Dugasz discussed another option he looked at but they wouldn't get the great room they wanted. Discussion continued on reducing the floor plan.*

Victor Vinegra, Professional Planner. This is a colored site plan rendering by Mr. Fletcher, I will mark this A-1. When I first looked at this I thought this was a large footprint of this house, I thought how am I going to justify it. Then I looked at the FAR. The FAR in this zone permits 40% of the lot area. The architect plan came up with 30% for the FAR. You would then have a permissible square footing of *6,000* sq. ft. This house is 3,400. What I also looked at was the impervious coverage. Permitted by ordinance is 50%, the architect came up with 32%. The architect could build a much larger second floor and cantilever it over the first floor and that would be permissible and we wouldn't be here. This house is more desirable to its location and more fitting. What would be more attractive? a house that has a larger second story with an interior elevator. What I heard today was that this is going to be long term and possibly have an in-law in there. This lot could be developed. We have a variance on the side, could we have made it work, probably but then you couldn't save any of the walls, the walls of the garage would have to be blown out, plumbing wouldn't be saved, moving that garage wall would probably make this a knockdown. *Mr. Vinegra discussed positive and negative criteria, the zone plan and pointed out other large homes in the neighborhood. Covered front porch was discussed.*

No statements from public in favor or against application
Mr. Fraser gave his closing comments.

Chairman Kaminsky requested that if a motion is made to approve, no second kitchen be added as a condition.

Thomas Meade brought a motion to approve Calendar #6-16 with condition. Motion was seconded by William Helm. Board members gave their commentary. *Vote:* Ruth; no. Krok; yes. Meade; yes. J. Tierney; no. Moricz; yes. Helm; yes. Kaminsky; no. *Application Granted.*

RESOLUTIONS

Calendar #1-16, Reorganization Meeting. Attorney Spialter read onto the record Resolution 1-R-16. Edward Ruth brought a motion to accept the resolution as read. Motion was seconded by John Moricz and carried unanimously by voice vote.

Calendar #2-16, Annual Report. Attorney Spialter read onto the record Resolution 2-R-16. John Moricz brought a motion to accept the resolution as read. Motion was seconded by John Tierney and carried unanimously by voice vote.

Calendar #6-15, V&R Developers, 1132 Westfield Avenue. Board Attorney Spialter read onto the record Resolution 4-R-16. John Tierney brought a motion to accept the resolution of denial as read. Motion was seconded by Douglas Krok. *Vote:* Ruth; yes, Krok; yes. J. Tierney; yes.

Calendar #4-14, Iselin Realty, LLC, 1208 Central Avenue. Attorney Spialter read onto the record Resolution 3A-R-16. John Tierney brought a motion to accept the amended resolution as read. Motion was seconded by Ed Ruth. *Vote in favor:* Ruth, Krok, John Tierney, Moricz & William Helm

PRIVATE SESSION

Doug Krok brought a motion to go into private session to discuss litigation. Motion was seconded by Edward Ruth and carried unanimously by voice vote.

Ed Ruth brought a motion to come out of private session. Motion was seconded by John Tierney and carried unanimously by voice vote. All members still present.

ADJOURNMENT

Ed Ruth brought a motion to adjourn. Motion was seconded by John Moricz and carried unanimously by voice vote. Meeting adjourned at 11:33 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

April 14, 2016

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

THURSDAY, APRIL 14, 2016

A public meeting of the Clark Board of Adjustment was called to order at 8:10 P.M. BY Chairman Steve Kaminsky. He asked all present to participate in a flag salute and a moment of silence. He stated that meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Edward Ruth, Douglas Krok, John Moricz, John Tierney, John Caliguire, William Helm and Steve Kaminsky

Members Absent: Thomas Meade

Also Present: Alternate Board Member Chris Tierney. Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the March 28, 2016 public meeting were reviewed. Edward Ruth brought a motion to accept the minutes. Motion was seconded by John Tierney and carried unanimously by voice vote

NEW BUSINESS

Calendar #6-16, Mr. & Mrs. Robert Kowalski, 125 Dorset Drive. Mr. Gregory J. Waga, the applicants architect came forward with Mrs. Kowalski and both were sworn in. Mr. Waga stated that his applicant wishes to construct a one story 2-car attached garage due to the current status of Mr. Kowalski's health which requires a handicap accessible master suite with bath on the first level, the garage would be one story; 460 sq. and tie in nicely with the existing dwelling. The current 2-car attached garage which comes off Dorset Drive would be transferred over to the new master suite with bath. The proposed garage would give easy access to the existing dwelling and the garage will be in line with the existing façade of the home. *Side yard & total side yard variances was discussed.* Mr. Waga stated that they will not be adding any impervious coverage. Board member Mr. Ruth asked about the existing

shed. Mr. Waga stated that they are requesting variances for it because it's a pre-existing non-conforming structure.

No statements from the public in favor or against this application.

Mr. Waga: We are hoping that we find a positive outcome with this meeting tonight. The Kowalski's have raised their family there and we are trying to ease their situation for them from an internal layout and circulation point of view.

Douglas Krok brought a motion to approve Calendar #6-16. Motion was seconded by John Caliguire. *Vote: All Ayes.*

***Calendar#4-15*, Antonio & Maria Ribeiro, 32 Stemmer Drive, Clark, N. J. Mr. Daniel Bernstein is the attorney representing the applicant. Mr. Bernstein stated that this is the second anniversary to when the Ribeiro's made application to this Board to expand a one-story with no second floor living space and the application was granted. Then they came back a second time but notice was not proper and then they came back a third time with John Phillips their attorney for the use of the second floor as living space and the application was denied, we then filed an appeal. Howard and I went to Court and basically we are looking for a settlement. We now have a smaller second floor and agreed to take out the dormers. *Mrs. Ribeiro was sworn in.* She stated that she currently lives in Newark. Mr. Spialter asked her questions regarding her newspaper notice. Mr. Spialter stated that proof of publication and notices were in order.**

Mr. Bernstein: Mrs. Ribeiro; you applied to this Board in 2014 to expand solely the first floor and was it at that time that two bedrooms were sufficient for your needs. Ribeiro: yes, but once the construction started we noticed the rooms were too small and not sufficient room for my girls. Bernstein: There were plans submitted for construction and zoning with a change to show a second floor and you were not able to proceed with construction? Correct. Bernstein: The second application was filed with the board without proper notice and the third application was filed with the board and was denied for two rooms on the second floor, is that correct? Yes. Bernstein: at this point your asking for a bedroom on the second floor and that would be used by your daughters, and you have triplets? Yes. So that's the rational for the size of the room? Yes. There will be no exterior windows on the rear of the property; correct? Yes. You are asking the board to approve the reconfigured plans; correct? Yes. Spialter; I'm going to assume that there's no kitchen on the second floor? Ribeiro: no kitchen.

Mr. George Sincox: *Discussion on one & half story structure or two story.* Mr. Sincox stated that it is a 2-story structure, it's a building code issue, by building code it's a 2-story. Spialter: For the record is it your understanding; your clients understanding, that what is being proposed to the board from a sidewall configuration, front wall, rear wall, roof line, roof structure is identical to what was submitted to the board and approved in 2014. The only change is the chimney at the

rear of the property, correct? Sincox: Yes, and I believe there are some skylights as well. *Egress window was discussed.*

Gabriel Landerverde, assistant to Mr. Sincox. Mr. Landerverde answered questions pertaining to size of windows. *He described in detail the layout of the first and second stories.* Plans that were submitted to the Board were marked as A-1. He stated that the second floor will contain a bedroom, bath, walk in closet and sitting room. *Mr. Sincox discussed the zone plan, zoning ordinance and master plan.*

Statements in Favor: Florence Shukis, 26 Stemmer Drive. I would love to have these people as neighbors, I live right next door and this house is beautiful.

Statements Against: none.

Mr. Bernstein: I believe this proposal is reasonable. Basically the exterior of the house is staying the same, except for the chimney. It will be a 3-bedroom house instead of two bedrooms. I can't think of any new homes today that are two bedrooms. The Ribeiro's should have come back to the board. The fact that the exterior was the same except for the dormers doesn't excuse the situation. What we are looking for is reasonable and consistent with your ordinance, consistent with land use law and ask that our proposal be approved either as a modification of prior approval or settlement of litigation.

Ed Ruth brought a motion to approve Calendar #4-15 as a settlement of litigation. Motion was seconded by Douglas Krok. Mr. Ruth amended his motion with the following conditions: existing dormers to be removed, walk-in-closet on second floor cannot be converted to bedroom and no kitchen use on second floor. Mr. Krok seconded the amended motion with conditions. Commentary: all members agreed with the settlement. *Vote: All Ayes; Application Granted.*

Chairman Kaminsky questioned if the applicant wanted to waive the 45-day waiting period. Mr. Bernstein asked for a few minutes to discuss this with his client.

RECESS

Ed Ruth brought a motion to take a 5-minute recess. Motion was seconded by John Tierney and carried unanimously by voice vote.

ROLL CALL

Members Present: Ed Ruth, Douglas Krok, John Moricz, John Tierney, John Caliguire, William Helm and Steve Kaminsky

Members Absent: Thomas Meade

Also Present: Alternate Member Chris Tierney, Board Attorney Howard Spialter and Board Secretary Janet Gentry

NEW BUSINESS CONTINUED

Mr. Bernstein stated that his clients do want to start as soon as possible. Mr. Spialter stated that he would incorporate it as a condition of resolution

RESOLUTIONS

Calendar #5-16, Nicola & Maryann Gerbino, 53 Sweetbriar Drive. Attorney Spialter read onto the record Resolution 5-R-16. John Moricz brought a motion to accept the resolution as read. Motion was seconded by William Helm. *Vote: Douglas Krok, John Moricz and William Helm.*

ADJOURNMENT

John Tierney brought a motion to adjourn. Motion was seconded by John Moricz and carried unanimously by voice vote. Meeting adjourned at 9:35 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

May 23, 2016

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, MAY 23, 2016

A public meeting of the Clark Board of Adjustment was called to order at 8:23 P.M. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and a moment of silence. He stated that meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Edward Ruth, Douglas Krok, Chris Tierney, John Tierney, John Caliguire, John Moricz and Steve Kaminsky

Members Absent: Thomas Meade and William Helm

Also Present: Dave Testa; Acting Engineer for Richard O'Connor. Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the April 14, 2016 public meeting were reviewed. Edward Ruth brought a motion to accept the minutes. Motion was seconded by John Tierney and carried unanimously by voice vote

NEW BUSINESS

Calendar #7-16, KCSM, 61 School St, 1199-1205 Raritan Road, 1207 Raritan Rd, 1076 & 1085 Central Avenue. Mr. Joseph A. Paparo is the Attorney representing the Applicant.

Mr. Edward Dec, testifying as a Professional Land Surveyor and Civil Engineer. Mr. Dec stated that this application is for a sub-division and site plan of block 69, lots 12.01, 18, 20, 22 and 25. Lot 16 is Goodyear and not associated with this application. He referred to the revised site plan that was marked as Exhibit A-1 dated April 19, 2016 and previously submitted to the Board. He Stated that this application is for a minor subdivision with variances. A subdivision to a residential lot, Lot 25, 61 School Street in an R-100 Zone that is 14,936 square feet in area and the applicant is proposing to subdivide this property to create proposed Lot 25.01.

The single family home would be 5,150 sq. ft. in area and the remainder would be 9,786.36 sq. ft. that would provide additional parking for the existing restaurants and commercial uses on the properties. Lot area required in a R-100 zone is 10,000 sq. ft. by ordinance. Commercial parking is not permitted in a residential zone. Applicant is proposing to maintain the existing home at 61 School Street and subdivide the property to create a new rear lot for the construction of a 23 space parking lot to be utilized in connection with the adjacent commercial businesses. Number of parking spaces in demand by ordinance are 287 spaces, existing conditions are 189 stalls. Mr. Spialter: with the proposed subdivision; does it create a land lock in anyway? Dec: no. Mr. Dec stated that main entrance ways to the commercial portions are at Molly Maguire's, Tarantellas and White Diamond. Other uses on the property are Sign Source; 1st floor. Personal Service; 2nd floor and an office on 2nd floor, all on lot 12.01. *Mr. Dec discussed variances associated with this application.* We are proposing screening and buffering to the proposed new lot. Lot 24.01, 63 School Street was a very similar application to what we are proposing now. *Storm water detention system was discussed. Mr. Dec addressed Mr. O'Connor's Technical Review report dated April 29, 2016. Parking and handicap parking was discussed.* Spialter: In regard to item 2-C on Mr. O'Connor's letter. Is this for this application or a future application? Paparo: Since lot 25 is being reduced in size, the owner cannot come back to this board for a variance or hardship because it was created with this application. We had a similar application 2010 with the same condition. Spialter: is it fair to say that your client has no problem with this condition should the board grant this application. Paparo: absolutely.

A discussion took place between Mr. Spialter, Mr. Paparo and the new home owner of 61 School Street, Anna Henina. Mr. Spialter requested a letter from Mr. Perotta; her closing attorney, that he and his client are aware of the conditions of approval regarding this subdivision. Spialter: The Chairman also asked for something from the Mortgage Company. Mrs. Panena stated that the application was signed by her and her husband as owners of the property. *Several questions were asked to the owner from Mr. Spialter.* Spialter: I'm trying to avoid any misunderstanding in the future. *Lighting and fencing was discussed. Owner of properties were also discussed.*

John McDonough, Professional Planner in New Jersey and Licensed Landscape Architect in New Jersey. Marked as Exhibit A-2 is a 4-page exhibit. First two pages are maps, last two pages are photo's. Mr. McDonough referred to A-2 stating that this is a tax map that represents the site and the surrounding parcels. We outlined the subject property. We are looking at an irregular shaped piece of property, 2.75 acres in size that have frontage on Central Avenue, School Street and Raritan Road. *Mr. McDonough explained what the current uses are for each lot stating that lot 21 should be regarded as an out parcel on this exhibit.* Lot 24.01 regarded as an out parcel was subdivided off of lot 22, very similar to what the applicant is doing here for additional parking. There are only three single family homes that are concentrated on School Street. We are proposing to continue that lot line along the residential homes on School St. Lot #6 are the Lexington Blvd Apartments. School Street is generally residential but mixed residential as we transition away from the subject property. It's clear that this is a copy-cat of the land use of residential homes on School Street, Lot 26 & 24.01. Rear portion of lot 25 will be merged with lot 22. Page two of this exhibit is an aerial photo of the subject site and surrounding properties. What you see is the physical characteristics of the site. The essence of this application is not only to maintain and continue the lot line that has been established on School Street but also to increase the parking supply at Molly Maguire's restaurant which is not being expanded, not adding any more building mass or additional seats. Page 3 of the exhibit has four pictures of Molly Maguire's restaurant. Page 4 of the exhibit are three pictures of the Molly Maguire's parking lot. Picture #8 on page 4 is a view of the subject dwelling on School Street. Referring to Page four, picture #6, proposed are 55 plantings along that perimeter of the property. Tree's shown on the other side of that fence will remain. Referring to page 4, picture 8, if the subdivision goes through; her backyard will essentially be the same of those other houses. There will be no visible change to what you see in this photo to the home on School Street. *Mr. McDonough discussed positive and negative criteria and the Master Plan. He* also *discussed variances associated with this application.* From a planning standpoint I believe this is a good application. The applicant has provided a nice balance of additional parking on the commercial side and additional buffering on the residential side. In that regard I believe the statutory criteria are met for both the D and C variance relief that the applicant is requesting.

Mr. Paparo stated that lot 11 as shown on Exhibit A-2 is also not included in this application.

Questions from the public: none

Statements in Favor of Application: John Mc Partlan, 1367 Cooper Road, Scotch Plains. I'm the owner of Molly Maguire's Irish Pub & Restaurant. We've been in Town now for 15 years. We believe we run a really good place. I think people in Town enjoy it. We are pretty reasonable people. If there are any issues from someone in the neighborhood, we address them, we take care of business. Just basically what I wanted to say.

Statements Against from the Public: Michael Kokuluk, 63 School Street. Basically I'm here about load noises. Car horns, parking lights, people blasting their radios, we can't open our windows at nights. Police called several times. We witnessed a drug deal take place during the day. Snow plows damaged my fence three years in a row, Stanley came over to take a look, it still damaged. All through the house at night bands and karaoke. Bar closes and they still party. I hear about trees and landscape, that does not provide a noise barrier. I'm concerned about property values decreasing.

Ilene Kopec, 63 School St. I've been living there for the last six years. I live with my fiancé and what he said is true. About the fence I have a police record. Sometimes I call the police, sometimes they show up sometimes they don't. I have signatures by fifteen people. Spialter: If you have a list of 15 people, they have that opportunity to be here. But that itself cannot be considered by the board. That would be hearsay. Spialter: You heard Mr. Mc Partlan, did you ever present your issue about your fence to him? I spoke to the other owner, I think his name is Joe, he works during the day. He acknowledged that the snow plow did it. Police were called and the fence on Molly's side not fixed. Sometimes they leave their windows and doors open, we can actually hear them singing karaoke. We don't open our windows due to the noise. The new homeowner has a minor, we don't we have just a dog. When I bought this house I thought there would be an ordinance. Stanley if called will step up to the plate, but the fence is still damaged. I will be surrounded by parking lots.

This application will be adjourned to July 25, 2016 public meeting.

Spialter: Ms. Kopec: if you believe that you think someone that is impacted by this and has a voice that can be heard, July 25th is the night.

RECESS

Douglas Krok brought a motion to take a 5-minute recess. Motion was seconded by John Tierney and carried unanimously by voice vote.

Douglas Krok brought a motion to come out of recess. Motion was seconded by John Caliguire.

ROLL CALL

Members Present: Edward Ruth, Douglas Krok, Chris Tierney, John Tierney, John Caliguire, John Moricz and Steve Kaminsky

Members Absent: Thomas Meade and William Helm

Also Present: Dave Testa, Acting Engineer for Richard O'Connor. Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

RESOLUTIONS

Calendar #6-16, Mr. & Mrs. Robert Kowalski, 125 Dorset Drive. Board Attorney Spialter read onto the record Resolution 6-R-16. John Moricz brought a motion to accept the resolution as read. Motion was seconded by Edward Ruth. *Vote:* Ruth; yes, Krok; yes, J. Tierney; yes, Caliguire; yes; Moricz; yes, Kaminsky; yes.

Calendar #4-15, Antonio & Maria Ribeiro, 32 Stemmer Drive. Attorney Spialter read onto the record Resolution 7-R-16. John Tierney brought a motion to

accept the resolution as read. Motion was seconded by John Caliguire. ***Vote in favor:*** **Ruth, Krok, John Tierney, Caliguire, Moricz and Kaminsky**

PRIVATE SESSION

Edward Ruth brought a motion to go into private session to discuss litigation. Motion was seconded by John Tierney and carried unanimously by voice vote.

John Tierney brought a motion to come out of private session. Motion was seconded by John Tierney and carried unanimously by voice vote. All members still present.

ADJOURNMENT

John Tierney brought a motion to adjourn. Motion was seconded by John Caliguire and carried unanimously by voice vote. Meeting adjourned at 10:55 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

June 27, 2016

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, JUNE 27, 2016

A public meeting of the Clark Board of Adjustment was called to order at 8:05 P.M. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and a moment of silence. He stated that meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Douglas Krok, Chris Tierney, John Tierney, John Caliguire, John Moricz, William Helm and Steve Kaminsky

Members Absent: Thomas Meade and Edward Ruth

Also Present: Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the May 23, 2016 public meeting were reviewed. John Tierney brought a motion to accept the minutes. Motion was seconded by John Moricz and carried unanimously by voice vote

NEW BUSINESS

Calendar #8-16, David Amorin, 429 Willow Way. David and Susan Amorin ware both sworn in. Mr. Amorin stated that he currently lives in Rahway. But they grew up here in Clark. The house on Willow Way is currently a ranch style home with partial dormer on rear, it's an L-shaped house and pretty much would like to square it off. Sides and front setbacks will remain the same. We would like to build our new dream home, an oversized ranch home, that's why we're here. Current house would be taken down and building new Ranch home. We always liked a ranch, everything on one floor. Spoke with our neighbors and they were happy that it's a one story and we would not be overlooking their pool. <u>Mr. Spialter</u>: you have children? <u>Mr. Amorin</u>: yes, two. <u>Amorin:</u> There is an office on the plans that can be used as another bedroom if needed or if one of our parents come to stay. *Mr. Amorin* *briefly discussed the floor plan stating that the kitchen and great room will have a higher roof. Mr. Spialter spoke with Mr. Amorin regarding the attic. He stated that this board had approved a variance for a ranch home and they did something different which caused litigation.* **Spialter: Just so your aware of it, if approved, the resolution will state that you will not have a second floor, second kitchen or anything else that you did not ask for.**

Mr. Christopher Nusser came forward to testify as the Applicant's Licensed Planner & Civil Engineer. Marked as Exhibit A-1 is a site plan, drawings 1 & 2. This is a 20,000 sq. ft. lot in an R-150 Zone. The required lot size in this zone is 15, 000 sq. ft. The proposed lot coverage permitted is 15%, proposed is a 19% lot coverage. Permitted on this lot with a 15% lot coverage would be a 3,000 sq. ft. house, we are proposing a 3,800 sq. ft. house. The sides, rear, impervious coverage and F.A.R. all conform. With the permitted 40% F.A.R. we could build a much larger home but it would be a two-story instead of a one-story home so I think the neighbors would benefit from this. Obviously we're here for a variance, a hardship is not seen. There are other ranch homes in the area so this will conform. A home on Laurel lane for example is a ranch home with a lot coverage of 19.8% so we are not at all going to be one of the bigger homes. We have a plan drawn up regarding the water, that your Engineer reviewed, so water will not impact the neighbors. Again, everything else conforms, except for the lot coverage on a one-story home.

Board members and Mr. Nusser discussed proposed grading levels. Reviewing the elevations, board members agreed that it appears a height variance may be required due to the roof ridge.

Spialter: I'm just handing out suggestions. If the board is in favor, revised plans can be submitted or an alternative is to seek a variance for the roof height. *Mr. Nusser requested a few minutes to consult with his clients.*

RECESS

Mr. John Tierney brought a motion to take a 5-minute recess. Motion was seconded by John Caliguire and carried unanimously by voice vote.

ROLL CALL

Members Present: Douglas Krok, Chris Tierney, John Tierney, John Caliguire, John Moricz, William Helm and Steve Kaminsky

Members Absent: Thomas Meade and Edward Ruth

Also Present: Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

NEW BUSINESS CONTINUED

Spialter: While the applicant and engineer were discussing the matter; a definition was found to pin-point the height of a building and for the record; 195-111 the definition was found in our code book for height. It talks about measurements of existing grade. Even if the Amorin's wanted to go forward tonight with the height, it compounds the problem. There is no dimension for the board to consider and what that height variance would be. It appears that the Amorin's don't have much of a choice but to ask the board to adjourn this matter and re-revisit with their engineer and get their numbers in order. Also based upon the request from the Chair, re-notice and republish so everyone is one the same page.

Mr. Nusser: We are requesting the variance, we will re-notice and get the actual height.

Spialter: if you get the notices out and have everything ready, our next meeting is on July 25th.

PRIVATE SESSION

John Tierney brought a motion to go into private session to discuss litigation. Motion was seconded by John Moricz and carried unanimously by voice vote.

ROLL CALL

Members Present: Douglas Krok, Chris Tierney, John Tierney, John Caliguire, John Moricz, William Helm and Steve Kaminsky

Members Absent: Thomas Meade and Edward Ruth

Also Present: Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

ADJOURNMENT

John Tierney brought a motion to adjourn. Motion was seconded by John Moricz and carried unanimously by voice vote. Meeting adjourned at 9:20 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

July 25, 2016

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, JULY 25, 2016

A public meeting of the Clark Board of Adjustment was called to order at 8:08 P.M. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and a moment of silence. He stated that meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Edward Ruth, Douglas Krok, Chris Tierney, John Tierney, John Moricz, William Helm and Steve Kaminsky

Members Absent: Thomas Meade and John Caliguire

Also Present: Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the June 27, 2016 public meeting were reviewed. John Tierney brought a motion to accept the minutes. Motion was seconded by John Moricz and carried unanimously by voice vote

NEW BUSINESS

Calendar #8-16, David Amorin, 429 Willow Way. Spialter: proof of notice and publication are all in order. At our last meeting we had a height issue. Our Board member Ed Ruth was not present during testimony and is not up to date on transcripts. Would you like to proceed or wait until next meeting when Mr. Ruth has listened to tapes or possibly summarize from our last meeting, I will leave that up to you.

Mr. Christopher Nusser; Applicant's Planner and Civil Engineer. Mr. Nusser stated that he would like to summarize testimony from our last meeting. I do have a question for the board. After the last meeting and when we revised the site plan, under your building height definition, as I interpret that; measuring to the peak of the roof I come up with 31.8" which complies with the ordinance but obviously I would like the boards opinion on that. Spialter: The mean height definition could mean so many things depending on how its applied. I'm not speaking for the board but you could always shoot for the worse case scenario 42.3" and if the board has concerns with that we can come back to getting the mean height measurement resolved. Previously marked as A-1 was original site plan dated 6/27/16 by E&LP. Marked as Exhibit A-2 is the revised site plan dated 7/25/16 by E&LP. Marked as Exhibit A-3 are front elevations dated 5/11/16 by Andrew Podberezniak, Architect and Marked as Exhibit A-4 is a revised front elevation plan dated 7/26/16 by Andrew Podberezniak, Architect. *Referring to the exhibits, Mr. Nusser continued to discuss the height of the structure.*

Mr. Nusser: This application is for a new one story ranch home with a condition of no second story. Lot size is 20,000 sq. ft. Required in the R-150 is 15,000 sq. ft. This application requires a lot coverage variance for 19%, permitted in the zone is 15%. Floor Area Ratio is at 19 % where 40 % is permitted, less than half of what is permitted. All other conditions such as impervious, front, rear and side setbacks all conform to current codes. Water run-off will be improved and onto the street. *For the benefit of our absentee board member Ed Ruth, Mr. Nusser reiterated testimony given from the last meeting on June 27, 2016.*As discussed earlier and at the last meeting was the height issue. We set it down lower to the ground and dropped it 2'. From the existing grade to the proposed peak of the roof it will be at 39.4". Looking at A-4, prepared by the Architect, garage floor elevation is at 31.8". Obviously, if it's the board's interpretation that it's at 42.4" than we need to seek a variance for the height. The peak sets back from the road so it appears shorter than it is. We feel that the benefits here would out- weight any detriment. This a very attractive house and it will not have any encroachment on the neighbors. We don't see how any of this is negative. *One story ranch on Laurel Lane with 19.8% lot coverage was discussed. Several questions regarding the height was discussed with Mr. Nusser.*

Kaminsky: what is the height of the existing structure? Nusser: This proposal will be a little less than 9' higher. Kaminsky: What I have a problem with; is that this lot is 1/3 larger than what the requirements are in the area, this is a large house. Nusser: it's a one-story house that has a more open floor plan to it. From the angle that you look at it you could build this house at 15% instead of 19% and it would look the same so there's no real impact on the neighbors by having this house at 19%. Kaminsky: can you build a house here at 15%? Yes, you could and still maintain the same view from the front of this property. From what's existing now to what is proposed to what we want to build is that we're digging down in the front yard for a new driveway and it's going to be the same width. It's the same as the original house but were boxing out that L. So from the street it won't look like a big over-sized house in the neighborhood at all. The roof will be a little higher but it's in the middle and it won't look like a monstrosity. Ruth: As we discussed about Mr. Khoda; that you will be lowering it 3'so the height would be 39' not 42', is that correct? Spialter: From the visual perspective you can look at it but from the actual

conventional aspect based upon the ordinance that was read onto record that it is 42'4". It's just that because it's being sunk further into the ground the visual impact comparable to the neighbor's is what their discussing. It doesn't change the variance number they would be seeking from the board. <u>Spialter</u>: could you sink the house further? <u>Nusser</u>: Looking at the plan, we can bring it down another six inches. <u>Spialter:</u> drainage, is that above ground drainage or under-ground conduit? ***Drainage was discussed; runoff would come out to Willow Way.***

Question or Statements from the Public: none

John Tierney brought a motion to approve Calendar # 8-16. Motion was seconded by William Helm. ***Board members gave their commentary.*** **John Tierney amended his motion to include a lowering of the grade to 101.5 peak, restrictions for a second floor and no second kitchen. Amended motion seconded by Mr. Helm.** ***Vote: Ruth: yes, Krok: no. C. Tierney: yes. J. Tierney: yes. Moricz: yes. Helm: yes. Kaminsky: no*** **Application Granted.**

ADJOURNMENT

John Tierney brought a motion to adjourn. Motion was seconded by Chris Tierney and carried unanimously by voice vote. Meeting adjourned at 9:30 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

August 8, 2016

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, AUGUST 8, 2016

A public meeting of the Clark Board of Adjustment was called to order at 8:04 p.m. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and moment of silence. He stated that meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Edward Ruth, Chris Tierney, Thomas Meade, John Tierney, John Moricz, William Helm and Steve Kaminsky.

Members Absent: Douglas Krok

Also Present: Board Member John Caliguire. Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the July 25, 2016 public meeting were reviewed. Ed Ruth brought a motion to accept the minutes. Motion was seconded by John Moricz and carried unanimously by voice vote.

RESOLUTION

Calendar #8-16, David & Susan Amorin, 429 Willow Way. Attorney Spialter read onto the record Resolution 8-R-16. John Moricz brought a motion to accept the resolution as read. Motion was seconded by John Tierney. *Vote in Favor:* Ed Ruth, John Tierney, Chris Tierney, John Moricz and William Helm

ADJOURNMENT

John Tierney brought a motion to adjourn. Motion was seconded by Ed Ruth and carried unanimously by voice vote. Meeting adjourned at 8:35 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

Sept 26, 2016

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, SEPTEMBER 26, 2016

A public meeting of the Clark Board of Adjustment was called to order at 8:12 p.m. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and a moment of silence. He stated that meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Edward Ruth, Douglas Krok, Chris Tierney, John Moricz, John Caliguire, Steve Kaminsky

Members Absent: Thomas Meade, William Helm and John Tierney

Also Present: Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the August 8, 2016 public meeting were reviewed. Edward Ruth brought a motion to accept the minutes. Motion was seconded by John Moricz and carried unanimously by voice vote

NEW BUSINESS

Calendar #9-16, 727 Raritan Road Condominium Association, Inc. Mr. Stanley Fink is the attorney representing the applicant. Mr. Fink stated that 727 Raritan Road is an office condominium. They sell off units within the building. Each of the suites is owned individually. The site plan for this building was approved years ago but it was in the last few years that they were sold off as individual units. The reason we are here is that the zone was changed. It is now RTH; so we cannot have a sign in a residential townhouse zone. As far as I know, this building has never had a directional sign. We are asking the Board to approve this sign and be just like every other office building in Town.

Karen Quirk. Ms. Quirk stated that she is the property manager. She maintains property, does accounting of bills. Each of the owners contribute to

maintain the building. Each is taxed as a stand-alone building, one of eight units are rented and one owner owns three units. ***Ms. Quirk discussed the businesses that are currently occupying the building.*** **They just became an association within the year. There are professional businesses in this building and their clients need to know where they are located. There is a sign there now that just says 727 Raritan Road.**

Mr. Cornelius Grondin, 150 Thomas Drive asked about lighting of the building, Mr. Spialter stated that this application is for a sign only. Mr. Grondin then asked about the lighting of the sign, Ms. Quirk stated that it would be illuminated internally from 7p.m. to 10 p.m.

Mr. John Pavelko, 61 White Place. Is this sign proposed for just this portion of the building? Ms. Quirk: Yes, free standing, just to the front yard of the building on Raritan Road.

Mr. David Preucil, President of Sign Source in Clark. Referring to the Site Plan Mr. Preucil stated that the proposed sign is a double sided directory sign. Sign is 6' in length, ten inches deep and internally illuminated. The sign is 7-8' from the front entrance and will be located 5' back from the property line. ***Site Plan was marked as Exhibit A-1. Marked as Exhibit A-2 is a photograph of the front of building depicting the proposed sign. Marked as Exhibit A-3 is a drawing of the sign.*** **Referring to A-3; Mr. Preucil stated that the sign itself has a white translucent face containing the present occupancy. It will be 4' high by 6' wide and standing on a 2' pedestal so the total dimensions will be 6' by 6'. Pedestal will be illuminated with the street number.** ***Sign panels were discussed and sign logo's.*** **Mr. Preucil stated that the location of the sign will not interfere with line of site.**

Dr. Szabella came forward as a witness. He is a dentist that occupies Suite 102. He stated that he has been established there for 4 ½ years now. When the traffic backs up along Raritan Road many patients pass the building. The 727 Raritan Road sign gets blocked by traffic, they pass the building and have to circle around. He stated that two recent owners in the building have had a difficult time as well.

Statements in favor from the Public: none
Statements against from the Public: none

Mr. Fink: In summary, this sign is being proposed for a professional building. Site plan was approved for the building initially. Lighting of sign will not interfere with anybody. The sign is not over-whelming in size and it is certainly a need, if the zone was not changed we wouldn't be here. I would appreciate approval of the sign as proposed.

Douglas Krok brought a motion to approve Calendar #9-16. Motion was seconded by John Caliguire. ***Vote: All Ayes***

ADJOURNMENT

Doug Krok brought a motion to adjourn. Motion was seconded by John Moricz and carried unanimously by voice vote. Meeting adjourned at 9:10 p.m.

Taken and Transcribed by:

Janet Gentry
Janet Gentry-Secretary

Oct 20, 2016
Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, NOVEMBER 28, 2016

A public meeting of the Clark Board of Adjustment was called to order at 8:12 p.m. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and a moment of silence. He stated that meeting was being held under and pursuant to the Rules and Regulations of the Sunshine Law of the State of New Jersey.

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of Meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

ROLL CALL

Members Present: Edward Ruth, Thomas Meade, Douglas Krok, John Tierney, John Moricz, John Caliguire, Steve Kaminsky

Members Absent: William Helm

Also Present: Alternate Member Chris Tierney, Township Engineer Richard O'Connor and Township Planner; Kevin O'Brien. Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the October 20, 2016 public meeting were reviewed. Thomas Meade brought a motion to accept the minutes. Motion was seconded by John Moricz and carried unanimously by voice vote

NEW BUSINESS

Calendar #10-16, Fourth MPPL Realty Co. Inc. 565 Raritan Road. Mr. John Wiley is the attorney representing the applicant. Mr. Spialter stated proof of service and publication was in order.

The COAH implication on this project were discussed and it was determined that the applicant would comply with the Township Development Fee Ordinance in lieu of providing COAH units.

Mr. Nicholas Sottos: Professional Planner. The property is known as 565 Raritan Road, Block 28, lot 9. Marked as Exhibit A-1 is a plan that describes the property. Marked as A-2 is a house recently completed on Stonehenge and is similar

to the proposed homes. The proposal is a sub-division for four single family homes in a RB Zone. One lot will front on Raritan Road, one will front on Charlotte Drive and the other two will front on Benish Court. All lots conform to the R150 zone; however, the subdivision does not conform to the requirements for the RB multi-family zone. The lot consist of 2.132 acres; wetlands consist of 1.49 acres which cannot be disturbed. ***Rezoning of the current lot and surrounding lots were discussed. Also mentioned was the approvals given by County/State which were submitted with the application.*** **What we are asking for is a use variance with bulk variances for a subdivision for the four single family homes. Seventeen garden apartments would be permitted, however, due to the wetlands and the pipeline easement which cuts through this property, you can barely squeeze seven garden apartment units on this property. The proposed density is more consistent with the development that's proposed and the proposal will be more consistent with the eight existing homes on the adjoining lots.** ***Mr.*** **Sottos** ***discussed not putting in sidewalks.*** **O'Connor*:* The applicant requested waivers for the sidewalks. The Town has an ordinance in place that in one way or another they will be funding the sidewalks. Sottos: There are no sidewalks anywhere; not on Charlotte or around this entire development. O'Connor: There's an underground detention system on Charlotte Drive and a utility easement on this side of the road which may make installation difficult. Mr. O'Connor also stated that the landscape plan should be a condition of approval. Mr. Sottos also stated that there would be deed restrictions on these properties. Wet land property is part of these lots 9.01, 9.02 and 9.04.**

Mr. Sottos discussed grading for this property. Several questions were asked by members during testimony. O'Connor: grading will be a little lower than the adjoining properties. The wetland area cannot be touched at all. Their grading the rest of the property up towards Charlotte Drive. The wetland area is there and will continue to be there, cannot be touched. It's going to require some re-grading of the lots and fill in order to get these houses in. Grading is shown on the plan, they will be disturbing a little more than 43,000 sq. ft. of area. Nick has done a pretty good job of grading this and trying to match what's on Charlotte and Benish. From Charlotte to wetlands it's going to be a straight grade, from Benish to wetlands it's going to be a straight grade. Mr. Tierney asked about retaining walls. Mr. Sottos stated that no retaining walls are proposed. ***Mr. O'Connor discussed the slopes and discussion continued for some time on grading.*** **O'Connor: In my opinion it's an appropriate grade at 5%, fine for a side yard or rear yard.** ***Board member asked if there would be runoff to the church.*** **Sottos: There is a detention basin that we built here to supplement the amount of storage, more than what's required, three times as much. What is happening today is going to continue tomorrow at the same rate regarding storm water management. O'Connor: It is an understatement to say that I would not anticipate any additional runoff going to the Church than what you have now. In fact, I think there would be an improvement between the existing system on Charlotte Drive and the new system at the edge of the wetlands. To put four houses in; this applicant had to get approved for storm water management from several entities, Township, County, Soil Conservation and DEP. Mr. O'Connor also mentioned that if required, a fire hydrant would have to be installed.**

Mr. Kaminsky asked about the size of the proposed homes. Mr. Sottos stated they would be similar in size to those on Charlotte Drive. *Easement/deed restrictions on the proposed properties were discussed. Mr. Spialter suggested an explanation note on each of the surveys.*

Statements in favor from the Public: none
Statements against from the Public: none

Thomas Meade brought a motion to approve Calendar #10-16. Motion was seconded by John Caliguire. Mr. Meade amended his motion to include the following conditions: Satisfy the COAH obligation. Waive requirements for sidewalks on Charlotte Drive and Benish Court, but sidewalk shall be installed on Raritan Road. Establish a property owner's association, the association shall be responsible to insure maintenance of the wetlands area and storm water facility. Surveys for properties to contain provisions. Landscaping plan to be approved from Mayor's office. Enter into a Developers agreement with the Township. John Caliguire seconded the amended motion. Vote: Ruth; yes. Meade; yes. Krok; Yes. John Tierney; no. Caliguire; yes. Moricz; yes. Kaminsky; yes. *Granted*

ADJOURNMENT

Doug Krok brought a motion to adjourn. Motion was seconded by John Moricz and carried unanimously by voice vote. Meeting adjourned at 9:46 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

Dec 12, 2016

Dated