

CLARK BOARD OF ADJUSTMENT
MINUTES FROM THE PUBLIC MEETING

MONDAY, JUNE 25, 2018

A public meeting of the Clark Board of Adjustment was called to order at 8:02 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, Thomas Meade, John Tierney, John Caliguire, Chris Tierney and Steve Kaminsky

Members Absent: William Helm & Carmen Brocato

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

OLD BUSINESS

Minutes from the May 23, 2018 public meeting 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 #3-17, Anthony L. Ginesi, Sr., 1084 Raritan Road. Mr. Richard M. Cohen is the Attorney representing the Applicant. Mr. Spialter stated that proof of service and notices were in order

Mr. Spialter: Before proceeding I would like to put on the record that Ed Ruth listened to the tapes of the initial hearing that took place in 2017 and that Chris Tierney was present during that meeting. This is a preceding to vote on the issue of settling litigation. The Board has the opportunity during executive sessions to discuss underlying litigation matters. The Board had the opportunity to discuss among themselves whether the board would proceed with a settlement. A concept of a settlement has been attentively agreed upon by the board, with certain terms that was placed before the board by Mr. Cohen and on behalf of Mr. Ginesi. Court cases

of the State do mandate that the same initial application as presented to the board; any deviation, has to be in public forum.

Mr. Richard M. Cohen: This is an amended application. Reducing the number of units from 22 to 20. Reducing the size of the building by 30' to be taken from front of the building and moving it back 30' farther from the street. Dedicating one apartment to an on-site superintendent. Dedicating two parking spots for deliveries only. Eliminating the canopy located directly in front of the lobby entrance on the south side and shifting the building south 2' thus increasing the 6' setback to 8'. Creating 500 additional square feet of green space in the front of the building as a result of moving the building back. Prohibiting left turns out of the property. Tenants leases will prohibit any occupants under the age of 18 which is to be memorialized by deed restriction. This action represents the settlement. Subject to the filing of the site plan. *Mr. Spialter discussed a bifurcated application.*

Questions or Statements from the Public: none

Questions from the Board: Meade: I'm concerned about parking under a raised structure this way. I see office buildings like this but not apartments. Have you built apartments in this area like that? I'm concerned about building on such a narrow lot and the raised structure like this. I'm just not comfortable with building it like this.

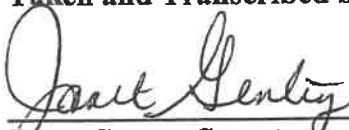
Mr. Ginesi: I believe on South Avenue in Scotch Plains and in Cranford. When I built the Log Cabin I had more land available.

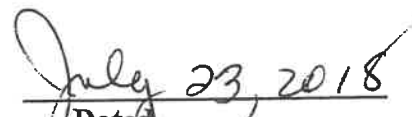
Edward Ruth brought a motion to approve the proposed settlement. Motion was seconded by John Caliguire. *Commentary:* Ruth: I think it's a reasonable settlement. Caliguire: Mr. Ginesi and his expert worked with us and did a good job. I don't see a problem with the application. Kaminsky: I appreciate the give and take with most of the request we had. I think we have a good settlement here and hope to move forward. *Vote:* Ruth: yes. Krok: yes. Meade: no. J. Tierney: yes. Caliguire: yes. C. Tierney: no. Kaminsky: yes.

ADJOURNMENT

John Tierney brought a motion to adjourn. Motion was seconded by Ed Ruth and carried unanimously by voice vote. Meeting adjourned at 8:30 p.m.

Taken and Transcribed by:


Janet Gentry-Secretary


Dated

CLARK BOARD OF ADJUSTMENT
MINUTES FROM THE PUBLIC MEETING

MONDAY, SEPTEMBER 24, 2018

A public meeting of the Clark Board of Adjustment was called to order at 8:03 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 follows 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 Caliguire, William Helm and Steve Kaminsky

Members Absent: Carmen Brocato

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

OLD BUSINESS

Minutes from the July 23, 2018 public meeting were reviewed. Ed Ruth brought a motion to accept the minutes. Motion was seconded by John Tierney and carried unanimously by voice vote

CORRESPONDENCE

Police and Fire Department comments were submitted to the Board.

NEW BUSINESS

Calendar #8-17, 470A Parkway Drive, LLC. Stephen F. Hehl, Esq. is the Attorney representing the Applicant. Mr. Spialter reviewed proof of service and notices and stated all was in order.

Mr. Hehl: We are proposing a new duplex in the R-75 Zone that permits one-family homes. This is a unique piece of property; the property literally has no frontage. It exists now and has existed for many years. We propose great improvement to the

property. We received Mr. O'Connor's review letters and the Police and Fire Department comments.

Mr. Nicholas Sottos, Professional Engineer & Planner. Mr. Sottos had marked as Exhibit A-1 an aerial view of the area. Exhibit A-2 was marked. This exhibit is a close view of the site showing the proposed side by side duplex, driveway, the 10' wide easement and landscaping proposed by the side by side duplex.

Sottos: This is a 13,208 sq. ft. site. It's located at the near end of Parkway Drive which is a dead-end street in the R-75 zone. Site was a multi-family and razed seven years ago. There is a 4-unit apartment building along the westerly side of this property. *Mr. Sottos discussed the easement.* This easement has been there since 1943. This is a remote site, no one knows it's there unless you drive down the street. This lot is 5,707 sq. ft. larger than what is required for this site. Mr. Sottos stated that this proposal is for 2 ½ story single family attached side by side with parking of six vehicles. It will consist of 3-4-bedroom units. Two detention basins located in front of site. Trees, plants and shrubs will be provided. Previously the site housed two single family structures, access by a 10' easement. **Spialter:** is it a duplex; yes, two rental units, single family attached. **Sottos:** We reviewed all three of Mr. O'Connor's letters and we have no concerns. The Police Department didn't have a problem but the Fire Department had a concern about the length of the driveway. If it's about stretching the hose out, there can be two things done. We could put a fire station which is just a unit connected to the water main, therefore we wouldn't have to worry about hoses. *Mr. Spialter read Mr. Cerasa's comments onto the record.* *Discussion took place regarding vehicles, emergency or otherwise, not being able to pass on the 10' driveway.* **Mr. Sottos:** It's an existing 10' easement that's been there since 1943 and worked for the two single family residence. The residences existed at the same time, but razed at different times.

Mr. Spialter read onto the record correspondence that indicates that one house was demolished. **O'Connor:** This record is from the tax office but there seems to be a conflict. Sheet two of the existing plans shows that there were two single family structures. There does appear to be a conflict with the survey (existing plans) and tax office records. Survey was marked as Exhibit A-3 dated August 16, 1993. Mr. Spialter stated that the survey says two story framed dwelling and the other a framed building. Mr. O'Connor added that in 1993 there was a notation for assessment. In 2001 an ancillary building was demolished and 1992 a 2-car garage was demolished. **Kaminsky:** We have no proof that the other building was a dwelling, according to tax records. Demo was for a garage and shed. **Mr. O'Connor:** Calculations only appear for the dwelling. Don't appear to be separate calculations based on bedroom count or square footage for the ancillary building. **Kaminsky:** The question is a 10' wide, 140' long driveway, can it be used for residences that weren't there before? Mr. Spialter asked if they have seen the CCO. The resale of a one-family home with Mr. Santo's and Mr. Scaturro signature, Dated July 20, 2012. This Certificate was marked as Exhibit A-4. **Spialter:** Do you have anything else that you can show the Board that there were two dwellings on this property. **Sottos:**

no, I cannot. The driveway and easement were there since 1943 and that doesn't change for servicing the site.

Mr. Sottos: Variance, a D variance will be required, variance for lot frontage. Site is landlocked and has no frontage but all other requirement for the R-75 is met. *Mr. O'Connor talked about the Mount Laurel plan that was approved by the Courts for the Evening Realty site that will house approximately 200 apartments.* Tierney: Why wasn't a one-family considered? Mr. Hehl: Location, size of property and what's around it.

Questions from the public: Mr. Sibaja, 450 Parkway Drive. I do use the driveway for my property to get to the detached carport/garage. Grading and runoff to my property is a concern. Mr. Sottos referring to sheet 4 of the plans stated that drainage will be 1/5th of what's there now. Sibaja: I'm concerned about a fire; the house will now be 10' from the property line. I'm concerned that there's allot of traffic going through there. I share the easement, who's responsibility is it for the easement, the driveway is not 10'. Sottos: it will be 10' by paving; if this project gets approved. *Mr. Sottos explained how the runoff would be handled.* Ruth: possible to move these homes further away from the side?

RECESS

Edward Ruth brought a motion to take a 5-minute break. Motion was seconded by John Caliguire and unanimously by voice vote.

Roll call was taken, everyone was still present. Time was 9:40

NEW BUSINESS CONTINUED

Mr. Hehl: Main concern is fire safety. I would like to carry this evening and meet with the fire official, from a safety standpoint. I still have one witness left for tonight.

Mr. Gregory J. Waga, Licensed Architect. Mr. Waga, referring to the plans submitted to the Board, stated that there would be two attached single-family units consisting of 1,850 sq. ft. with single car garages, driveway will be shared. First floor will consist of a kitchen, bath and large living area. Second floor will have three bedrooms, bath and laundry area. First and second floor plans were marked as A-5. *Mr. Waga briefly discussed elevations, page three of his plans were marked as Exhibit A-6.* A color rendering was submitted to board members. It's what they anticipate the building will look like. This rendering was marked as A-7. Mr. Hehl to Mr. Waga. Possible to reposition the house? Mr. Waga stated that he would have to defer to Mr. Sottos to make sure they meet all setback requirements.

Questions from the Public: Mr. Sibaja was still concerned about grading. He questioned the topsoil that was brought to the property and has been sitting there. Also, was a permit issued? Mr. O'Connor stated that he's not aware of any permit that was issued for fill for this site. If there is a permit it would be at the Building Dept. and we will have it here for the next meeting. Mr. Hehl: My client advised me that during the summer a permit was issued. O'Connor: A permit is required if 25 yards or more of fill material was brought to the site. If top soil was stripped and being stocked piled it wouldn't be the subject of a permit at this stage.

The Chairman asked the Board Secretary to send out a memo to the Fire Chief requesting his presence at the next meeting. Also, a request to have the Construction Official visit the site.

Mr. Hehl: Based upon what's transpiring; I am requesting that this meeting be carried to the next meeting without the requirement of further notice. Mr. Spialter: What was the deemed complete date? Secretary: Mr. Khoda's letter is dated September 7, 2018. The next meeting is scheduled for October 22nd.

ADJOURNMENT

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

Taken and Transcribed by:



Janet Gentry-Secretary



Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, OCTOBER 22, 2018

A public meeting of the Clark Board of Adjustment was called to order at 8:01 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.

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ROLL CALL

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

Members Absent: Carmen Brocato came in but left when a full quorum was present.

Also Present: Alternate Member Chris Tierney. Township Engineer Richard O'Connor. Frank Cerasa, Fire Chief. Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the September 24, 2018 public meeting were reviewed. Thomas Meade brought a motion to accept the minutes. Motion was seconded by John Tierney and carried unanimously by voice vote

CORRESPONDENCE

Memo dated October 22, 2018 from Mike Khoda, Construction/Zoning Official stating that the property at 470A is in need of lawn maintenance, no evidence of a stockpile.

NEW BUSINESS

This meeting is being continued from the September 24, 2018 Public Meeting.

Calendar #8-17, 470A Parkway Drive, LLC. Stephen F. Hehl, Esq. is the Attorney representing the Applicant. Mr. Hehl stated that an issue came up regarding access and that we should speak with the Fire Chief.

Frank Cerasa, Fire Chief, Fire Official of Clark. Mr. Cerasa: The only concern I had was the length of the driveway, it was just a concern. I see with this plan there is additional parking. I suggested hard wired smoke detectors. We have limited access to other areas in Town. The hydrant is close, we have extra hoses in the back of the truck if needed. Kaminsky: Fire box needed? Cerasa: I read about the fire-box in Town Hall today. I do not see a reason for that. Spialter: Driveway is over 100' long and 10' wide. Cerasa: I would not bring a fire truck down that driveway. We could get up that driveway with hoses, on foot.

Question for Mr. Cerasa: Laurie Santos. My husband owns the property, but I will be living there. What is the difference between a one-family or 2-family there? Cerasa: as far as the Fire Dept, none.

Mr. Hehl: We had talked possibly about shifting the structure. This layout works the best for impervious coverage and this is parallel to the property line. Mr. Sottos did look into this. Kaminsky: There was a concern from a neighbor regarding water runoff, can anything be done to decrease runoff? Hehl: Our Engineer, Mr. Sottos will work with Mr. O'Connor to address any issues. O'Connor: All runoff from the roof will be directed into seepage pits so the water from the house itself will go into the ground. This should lessen the impact to adjoining properties. The grading takes from the driveway to the front, so from a drainage prospective, this can work. He's getting water now because everything drains off there naturally now.

O'Connor: I was going to ask and put it on the record, who will be responsible and for what because 140' section of driveway is actually the front homeowner's property and then you have an access easement through it and then there's the rear portion of the house and the house is owner occupied with a rental property, not two subdivided parcels. I would like to get it on the record what entity is responsible for what. Hehl: The applicant would be responsible for not only the construction of the new driveway but for maintenance to that driveway, repairs, clearing, snow-plowing and operating conditions. That includes the stretch where the easement is and onto where the houses are being built. Spialter: Perhaps the easement needs to be revised to confirm your applicant will have an affirmative obligation with regard to maintenance of the driveway portion. I believe the Board would be happy to have that. Hehl: We certainly wouldn't have a problem with that if the Board approves this application. Either record the Resolution as with running with the land and/or Developer's Agreement. O'Connor: More appropriate condition is that the property remains as a separate rental; not to be subdivided. If they condo this, who's responsible for what. At some point it could be two-rental units. I would think that the property should have only one owner. Hehl: I don't think there's a problem with what Mr. O'Connor suggest. O'Connor: That's one of the reasons my office requested a developer's agreement. To lay out what all the boards requirements are,

what the obligations are and whose they are. This is unusual for an application of this size but this one is a little complicated. Hehl: And that document will be recorded.

Questions or Statements from the Public: Mr. Eskinaz, owner of the four-family home at 480 Parkway Drive. Since the old house was taken down, I've been getting water in my basement. *Mr. O'Connor and Mr. Sottos discussed all the changes proposed with drainage.* Mr. O'Connor to Mr. Sottos: If the applicant were to construct a one-family home here; would it be significantly different in size and shape then the two-family that's proposed? Sottos: no, it would be the same footprint. O'Connor: The drainage from a single-family house would essentially drain the same from this two-family house.

Mr. Sibaja, 450 Parkway Drive. Mr. Sibaja stated that he did not own the easement, but it's shared. Mr. Spialter stated that it's probably on his deed. *Mr. Sibaja also asked several questions regarding drainage.* Mr. Sottos explained how the situation will become much better. Curbing was also discussed which was discussed earlier and not recommended by Mr. O'Connor. Mr. Sibaja questioned the existing wood picket fence. Spialter: Would your applicant upon condition; agree to put up a new wood picket fence that would be within his property line and not the neighbor's? Hehl: My client would have no problem putting up the fence along the property line. *Driveway and Drainage continued to be discussed.*

Mr. Hehl: We would agree to all conditions as discussed. Including having a Developers Agreement and having it recorded and running with the land and installing the fence. Mr. Kaminsky: COAH obligation? O'Connor: yes, the owner is going to have to fund a COAH obligation.

Closing Statements: We are seeking the relief of having a two-family home. If they were to build a one-family home they wouldn't get the benefit of drainage, fencing, landscaping, they would just apply for a building permit. All those factors will benefit the drainage and there will be a beautiful looking structure. This property will be cleaned up and have a new structure there.

Mr. Meade brought a motion to approve Calendar #8-18 with the stipulation that it cannot be a condo, easement must be maintained and fence must be installed plus any condition that were agreed upon. Motion was seconded by John Caliguire. *Board commentary was given.* Vote: Ruth; yes. Krok; yes, Meade; yes, J. Tierney; no. Caliguire; yes. Helm; yes, Kaminsky; yes. Application Granted.

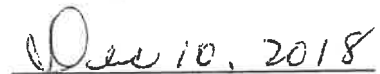
ADJOURNMENT

Edward Ruth brought a motion to adjourn. Motion was seconded by John Tierney and carried unanimously by voice vote. Meeting adjourned at 9:27 p.m.

Taken and Transcribed by:



Janet Gentry-Secretary



Dated

*Approved
Resolution*

2019

CLARK BOARD OF ADJUSTMENT
MINUTES FROM THE PUBLIC MEETING

THURSDAY, DECEMBER 10, 2018

A public meeting of the Clark Board of Adjustment was called to order at 8:02 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 Tierney, Thomas Meade, Chris Tierney and Steve Kaminsky

Members Absent: John Caliguire, William Helm and Carmen Brocato

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

OLD BUSINESS

Minutes from the October 22, 2018 public meeting were reviewed. Ed Ruth brought a motion to accept the minutes. Motion was seconded by Thomas Meade and carried unanimously by voice vote.

CORRESPONDENCE

Letter from Township Clerk Edith Merkel stated that Council has recommended Howard D. Spialter as Board Attorney for 2019.

NEW BUSINESS

Spialter: This matter was on for the November 15th public meeting and was cancelled due to weather, I cancelled the meeting. In the absence of the meeting taking place, we will allow the applicant to go forward tonight. If the Board approves the application, the applicant shall give subsequent notice so no one could object to improper notices. We will hear the application and vote tonight with a stipulation that notices will be given for the January meeting. If anyone shows up at the next meeting; we will deal with it then. Resolution will be ready for the next meeting. Board Secretary stated that a sign was posted on the front door of the

Courthouse stating that the meeting was cancelled and the Agenda for the December meeting was posted on line and on the notice board in the Municipal Building. Mr. Spialter stated that mailings were in order.

. Calendar #9-18, Bob Runkle, 74 Prescott Turn. Mr. Mike Relton is the applicant's architect. Mr. Relton, Mr. Bob Runkle and his wife; Mrs. Lorna Runkle were all sworn in by Mr. Spialter. Mr. Runkle stated that the purpose of this application is to create a new family room and dining room. This is a single-story addition. The small addition and deck in the rear of the property will be removed. Proposed is a 603 sq. ft. addition for more habitable living space downstairs. Twenty-five plus years ago they added a second story addition upstairs to accommodate their children. As they are getting older, they would like to get a bedroom downstairs. *Mr. Relton discussed the floor plans.* We are adding a bigger bathroom, one that will accommodate a wheel chair. We are requesting relief from the Floor Area Ratio of 40% permitted, 35.7 exist now, we propose 43.1 %. This lot is undersized by 2,500 sq. ft. under the requirement of 7,500 sq. ft.

Questions from the Board: Kaminsky: Other homes on Prescott, are they on undersized lots? Relton: yes, within a block or two.

Mr. Rob Runkle: I have problems with my knees and they are going to get worse. By the time my parents were eighty, they were both in wheelchairs. It would make sense to me to be on the first floor. One of my sons live with me, the other son comes home occasionally to visit, he has special needs and is in a group home.

Mrs. Lorna Runkle. I also have problems with my knees. I will be primary care giver and it would be hard for me to bring him up and down stairs. I also want to see our son as much as we can. If we move further away; he may not be able to visit as often.

Spialter: If this were an R-60 zone, would they meet the requirements? Mr. Relton: yes, they would be under the FAR.

Statements in favor of the application: Bill Kaczynski: I've been friends with them for a few months now and trying to design something that they would be comfortable with. They love Clark and want to stay here.

Statements against the application: none

Closing Comments: Mr. Relton: What we tried to do is keep this to a one-story addition. Not change the curb appeal. Since the project is in the rear, it won't change the character of the neighborhood.

Thomas Meade brought a motion to approve Calendar # 9-18. Motion was seconded by Ed Ruth. Vote: *All Ayes.*

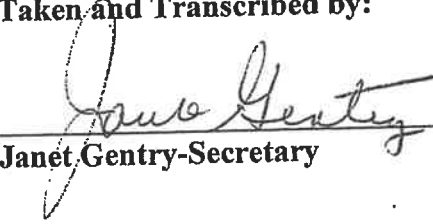
Calendar #9-18 has been carried to the January 28th, 2019 Public Meeting
RESOLUTION

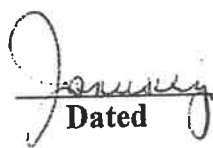
Calendar #8-17. 470A Parkway Drive, LLC. Edward Ruth brought a motion to accept Resolution 11-12-18 as read. Motion was seconded by Thomas Meade. *Vote in favor:* Ed Ruth, Doug Krok, Thomas Meade and Chairman Steve Kaminsky

ADJOURNMENT

Edward Ruth brought a motion to adjourn. Motion was seconded by Thomas Meade and carried unanimously by voice vote. Meeting adjourned at 8:42 p.m.

Taken and Transcribed by:


Janet Gentry-Secretary


Dated

January 28, 2019

This meeting is available to view at ourclark.com