CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, JANUARY 27, 2020

REORGANIZATION MINUTES

A public meeting of the Clark Board of Adjustment was called to order at 7:35 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 Union County Local Source, and Star Ledger, 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

Also, Present: Alternate Board Member Marc Hayden. Howard D. Spialter; Board Attorney and Janet Gentry Board Secretary

OLD BUSINESS

Correspondence was read onto the record and made available to all Board Members for their perusal.

NEW BUSINESS

APPOINTMENTS

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

Steve Kaminsky brought a motion to nominate Edward Ruth for Vice Chairman. Motion was seconded by Thomas Meade and carried unanimously.

Steve Kaminsky brought a motion to nominate Howard D. Spialter as Attorney to the Board which was seconded by Thomas Meade and carried unanimously.

Edward Ruth brought a motion to nominate Janet Gentry as Secretary to the Board which was seconded by John Caliguire and carried unanimously.

Reappointed Chairman, Steve Kaminsky took over the meeting at this time.

Mr. Spialter stated that he has the signed Oath of Allegiance for Marc Hayden, Alternate 11 Member of the Board.

ANNUAL REPORT

All Board Members reviewed term expirations, hearing dates for 2020 and the Annual Report.

Douglas Krok brought a motion to accept the Annual Report as amended for submission to Council. Motion was seconded by Edward Ruth and carried unanimously by voice vote.

ADJOURNMENT

Thomas Meade brought a motion to adjourn. Motion was seconded by John Caliguire and carried unanimously by voice vote. Meeting adjourned at 7:56 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

Feb 20, 2020

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, JANUARY 27, 2020

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 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 Union County Local Source, NJToday.Net and Star Ledger, 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

Also, Present: Alternate Member Marc Hayden. Board Attorney Howard D. Spialter and Janet Gentry; Board Secretary

OLD BUSINESS

Minutes from the December 10, 2019 public meeting were reviewed. Edward Ruth brought a motion to accept the minutes. Motion was seconded by Thomas Meade and carried unanimously by voice vote

RESOLUTIONS

Calendar #5-19, Brian Gackstatter, 57 Kathryn Street. Attorney Spialter read onto the record Resolution 3-R-20. John Tierney brought a motion to accept the resolution as read. Motion was seconded by Thomas Meade. *Vote:* All Ayes.

Calendar #4-19, Wladyslaw Kotula, 47 Hillcrest Drive. Attorney Spialter read onto the record Resolution 4-R-20. John Tierney brought a motion to accept the resolution as read. Motion was seconded by Edward Ruth. *Vote:* All Ayes.

ADJOURNMENT

Edward Ruth brought a motion to adjourn. Motion was seconded by John Caliguire and carried unanimously. Meeting adjourned at 8:20 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

2/20/20

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

THURSDAY, FEBRUARY 20, 2020

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 ot participate in a flag salute and a moment of silence. He stated that this meeting was being held under and pursuant to the Rules and Regulation 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, William Helm and Steve Kaminsky

Members Absent: None

Also, Present: Alternate Members Marc Hayden and Chris Tierney. Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the January 27, 2020 Reorganization meeting were reviewed. Ed Ruth brought a motion to accept the minutes. Motion was seconded by Thomas Meade and carried unanimously by voice vote.

Minutes from the January 27, 2020 Public meeting were reviewed. Thomas Meade brought a motion to accept the minutes. Motion was seconded by John Caliguire and carried unanimously by voice vote.

NEW BUSINESS

Withdrawn

Calendar #3-20, Marissa Goncalves, 335 Valley Road. Spialter: I was handed a pile of certified receipts but not one with a names or addresses. Applicant stated they have bar codes. Mr. Spialter asked if they would fill them in. Kaminsky: we will put this on hold for now.

Calendar#4-20, Vicki Ketikidis, 44 Harrison Street. Proof of Service and notices were in order. Ms. Ketikidis: My family consist of five, obviously there's not enough room. Our intentions are to add a second floor with four bedrooms and a bathroom and re-design the front. This is an unusual block. This particular house is like number 9 and 36 Harrison Street. (pictures of these home were submitted with the application). This house was built in 1923 and we haven't made any changes. We are going straight up and changing the front porch. There are about four homes on the block with the same front setback. Kaminsky: 2.9' front setback? Ketikidis: yes, these homes (referring to pictures) have the same setback as our home, that's why we re-designed the front this way. Right now, the steps go out to the street and the porch is enclosed but we would like to open the porch up and the steps will be turned to the side.

Kaminsky. Impervious coverage is a variance, permitted 50% maximum, existing is 75.58 sq. ft., is that going to stay? Ketikidis: yes, previous owner was a concrete manufacturer so he put it everywhere. We are not going out of the footprint of the current house. Spialter: porch deck is being set back a little bit from where the house presently is and the steps are coming right out to the property line.

Questions from the public: none
Statements in favor or against the application: none

Closing statements: I just ask that you approve my application.

Thomas Meade brought a motion to approve Calendar 4-20. Motion was seconded by Ed Ruth. *Vote: All Ayes.*

Calendar 3-20, Marissa Goncalves, 335 Valley Road. Spialter: Proof of publication and notices are in order but I do have one question I would like to ask the applicant. Ms. Goncalves was sworn in. Where do you live now? 29 Coral Court in Colonia, I live with my mother. Spialter: What are your intentions for 335 Valley Road. Goncalves: Build a house. Spialter: Your first paragraph on letter of intent says expand existing carport or build a new home, which is it? Goncalves: I want to tear down to renovate. Spialter: you don't tear down to renovate. Ms. Goncalves requested that Eric Miranda, her contractor come forward. Mr. Miranda: house will be removed down to foundation and maintain the footprint of existing. Referring to drawing A2, Mr. Miranda stated he is enclosing the existing carport and expand into living space. Were only asking for permission to maintain the existing setback where the carport is now.

Kaminsky: have you considered tearing down and conforming to the setbacks or turning the house? Miranda: they would be left with no back yard. Kaminsky: I don't see this as a renovation, I see this as a complete replacement of a house. This application says to enclose the carport and add living space but your tearing down the entire house. This is a lot larger than what is presented to us. Miranda: the application was to enclose the carport, wasn't for the whole project. Spialter: That's not what the application says. <u>Ruth:</u> What's being proposed here initially is not really what is happening with this house and that's a concern. <u>Spialter</u>: notice to the public is to enclose existing carport and construct living space and garage. This application cannot be amended and the public did not get notice of a brand-new house. Mr. Harvinder Singh, also owner of 335 Valley Road stated that he waited along time to get to the Board and it's hurting financially. *Withdrawal and adjournment were discussed.* <u>Kaminsky:</u> at this time, we need to know if your going to pull this application or are we going to vote? *At this time the Applicant's and Mr. Miranda asked for a few minutes to discuss this in private.* <u>Spialter</u>: I have a few resolutions I can read in the meantime.

RESOLUTIONS

Calendar #1-R-20, Re-Organization. Attorney Spialter read onto the record Resolution 1-R-20. John Tierney brought a motion to accept the resolution as read. Motion was seconded by Thomas Meade. *Vote: All in favor*

Calendar#2-R-20, Annual Report. Attorney Spialter read onto the record Resolution 2-R-20. Edward Ruth brought a motion to accept the resolution as read. Motion was seconded by John Caliguire. *Vote: All in favor*

Calendar #3-20 Continued

Applicant's and Mr. Miranda returned after their brief discussion and still were unsure of what they wanted to do and was asking the Board several questions. <u>Spialter:</u> I can give a suggestion; not advice. Since you're not sure on what you want to do, why don't you request an adjournment so you're not withdrawing the application tonight and you could seek an attorney or architect. However, the notices you gave to the public is insufficient for new construction.

Mr. Singh: I would like to adjourn to the next meeting. <u>Spialter</u>: adjourning without prejudice and re-notice to the public.

ADJOURNMENT

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

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

May 21, 2020

Dated

MINUTES

ZONING BOARD VIRTUAL MEETING

THURSDAY, MAY 21, 2020

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of all meetings are provided by mailing the Annual Schedule of Meetings and by electronic advanced notice of at least 48 hours pursuant to N.J.S.A. 10:4-9.1 as permitted during a declared emergency to the Star Ledger, Union County Local Source and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and by proper filing of said Notice with the Township Clerk of Clark. Formal Action may be taken at this meeting.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Chairman Kaminsky asked for a moment of silence for a previous member of the Board, Barry Weiner; who passed away recently

ROLL CALL

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

Members Absent: Thomas Meade, John Tierney, John Caliguire and Marc Hayden

Also Present: Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry and Donna Mazzucco, Planning Board Secretary

OLD BUSINESS

Minutes from the February 20, 2020 public meeting were reviewed. Ed Ruth brought a motion to accept the minutes. Motion was seconded by Doug Krok and carried unanimously by voice vote.

CORRESPONDENCE

No correspondence was available to the Board.
Spialter to Board Secretary: Would you make sure that all members get copies of the Shoprite application and any correspondence. I received a scanned copy and the board should get the same.

RESOLUTIONS

Calendar#4-20, Vicki Ketikidis, 44 Harrison Street. Mr. Spialter read onto the record Resolution 5-R-20. Edward Ruth brought a motion to accept the resolution as read. Motion was seconded by Doug Krok. *In Favor:* Ed Ruth, Douglas Krok, William Helm and Chairman Kaminsky.

DISCUSSIONS

Mr. Spialter discussed the two applications that were withdrawn from the Board's agenda. Spialter: Get proofs of notices to me so I can review them for the Shoprite application and order more plans if necessary. Chairman Kaminsky: Notify the applicant to the next step on moving forward.

ADJOURNMENT

Ed Ruth brought a motion to adjourn. Motion was seconded by Doug Krok and carried unanimously by voice vote. Meeting adjourned at 8:20 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

July 27, 2020

Dated

MINUTES

ZONING BOARD VIRTUAL MEETING

MONDAY, JULY 27, 2020

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of all meetings are provided by mailing the Annual Schedule of Meetings and by electronic advanced notice of at least 48 hours pursuant to N.J.S.A. 10:4-9.1 as permitted during a declared emergency to the Star Ledger, Union County Local Source and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and by proper 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, William Helm, Chris Tierney, Thomas Meade and Chairman Steve Kaminsky

Members Absent: John Tierney, John Caliguire and Marc Hayden

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

OLD BUSINESS

Minutes from the May 21, 2020 meeting were reviewed. Ed Ruth brought a motion to accept the minutes. Motion was seconded by Doug Krok and carried unanimously by voice vote.

CORRESPONDENCE

No correspondence was available to the Board.
Secretary stated that she mailed out correspondence for the ShopRite application to all Board Members. Mr. Spialter suggested that all members receive it also by e-mail.

NEW BUSINESSS

Calendar #7-20, Tom Szarszewski, 109 Richard Street. Mr. Szarszewski and Mr. Roger Grutzmacher, Architect; were both sworn in.

Mr. Spialter: There was an issue that arose with the newspaper publication. We will be proceeding tonight to hear the application but no vote will be taken tonight. On August 31st. at our next meeting, I will recommend that we find out if anyone in the audience has any interest in this application and if not, we will take a vote that night. Applicant will be required to re-publish 10-days prior to August 31st. Steve: When was it published? Spialter: July 23rd. Kaminsky: An issue with notifications, I'm not sure we should go forward with the improper notification tonight. Spialter: The virtual meeting in general are impacting adversely because of Covid 19. So, in an attempt to accommodate everyone and make sure the public, applicant and law is accommodated, we will proceed tonight and hear the application but will not be taking a vote tonight. But I will leave it up to you and the Board. Mr. William Helm brought a motion to go forward. Motion was seconded by Thomas Meade. *Vote*: Ruth; yes. Krok; yes, Meade; yes, Helm; yes, Chris Tierney; yes; Steve Kaminsky; no.

Roger Grutzmacher: This site is at 109 Richard Street. A corner lot on Richard Street and Lakeside Blvd. The proposal is to remove the existing attached one-car garage and construct a 2-car garage with addition above. Mr. Szarszewski: I've lived in this house 26 years. I lived there with my parents and then purchased this house in 2005. We just had our fourth child and could use more space. Setbacks are non-compliant on Lakeside, it's a paper street.

Mr. Grutzmacher stated that three photos were submitted with the application. Photos were Marked as Exhibit A-1. First photo shows where the construction would be on Lakeside. The second photo was taken facing the house and looking towards the right. The third photo is the prevailing setback on Richard Street. We are looking for relief for the front setback, it is a paper street and doesn't affect any residences. The area is buffered by trees.

Questions from Board Members: Helm: Front yard setback on Richard Street, no change? Grutzmacher: no. Helm: Front yard setback on Lakeside, the addition will come out 9'? Yes. Kaminsky: 25.4' is existing on Richard and they are proposing 21' on Lakeside where 30' is existing.

Question from the Public: Sandra Sep, 340 Valley Road asked to display a plan which was displayed. Mr. Jason Iozzi and Mr. Michael Fede was also present but stated they did not have any comments. There were no other witnesses for the applicant.

Closing Statements: Mr. Grutzmacher: Thank you for hearing our application today.

DISCUSSIONS

Mr. Kaminsky stated that the Board Members should send the Secretary a text message when they receive the information that was mailed out. Secretary stated she

would also e-mail it to them. Also Ms. Sep should contact the Secretary if she would like to receive a copy of plans through e-mail.

ADJOURNMENT

Ed Ruth brought a motion to adjourn. Motion was seconded by Doug Krok and carried unanimously by voice vote. Meeting adjourned at 8:49 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

August 31, 2020

Dated

MINUTES

ZONING BOARD VIRTUAL MEETING

MONDAY, AUGUST 31, 2020

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of all meetings are provided by mailing the Annual Schedule of Meetings and by electronic advanced notice of at least 48 hours pursuant to N.J.S.A. 10:4-9.1 as permitted during a declared emergency to the Star Ledger, Union County Local Source and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and by proper 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, William Helm, John Caliguire, Chris Tierney, Thomas Meade and Chairman Steve Kaminsky

Members Absent: John Tierney and Marc Hayden

Also, Present: Applicant: Tom Szarszewski and his Architect Roger Grutzmacher, Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the July 27, 2020 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

No correspondence was available to the Board.

NEW BUSINESSS

Calendar #7-20, 109 Richard Street. Chairman Steve Kaminsky: At the last meeting we had an issue with the notification to the newspaper. We heard the application and would like to open the meeting up to the public for any comments for or against the application and/or questions to the applicant for that meeting. Spialter: The applicant adhered to the requirements of the Board and re-noticed.

Kaminsky: Someone at the last meeting asked about seeing plans, did anyone contact you? Secretary: no, they did not.

Mr. Grutzmacher stated that he is present with the Applicant, Mr. Szarszewski. No changes are being made to the application.

Ed Ruth brought a motion to approve Calendar #7-20. Motion was seconded by William Helm. No comments on the Motion. *Vote: All Ayes.* Mr. Caliguire did not vote, he was absent for this application.

Mr. Grutzmacher: Thank you for hearing and granting this application.

DISCUSSIONS

Mr. Kaminsky: Any notices by the applicant for our next meeting required? Mr. Spialter: Yes, Mr. Bonner has an understanding that he must re-notice Shoprite for a public meeting. His last notice was for a virtual meeting. Secretary: The next meeting is at the Courthouse on September 22nd for the ShopRite application.

ADJOURNMENT

Ed Ruth brought a motion to adjourn. Motion was seconded by William Helm and carried unanimously by voice vote. Meeting adjourned at 8:14 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

9/22/20

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

TUESDAY, SEPTEMBER 22, 2020

A public meeting of the Clark Board of Adjustment was called to order at 8:00 P.M. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and a moment of silence. He stated that this meeting was being held under and pursuant to the Rules and Regulation 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, Chris Tierney, John Caliguire and Steve Kaminsky

Members Absent: John Tierney, William Helm and Marc Hayden

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

OLD BUSINESS

Minutes from the August 31, 2020 Public Meeting were reviewed. Ed Ruth brought a motion to accept the minutes as amended. Motion was seconded by Thomas Meade and carried unanimously by voice vote.

RESOLUTIONS

Calendar #7-20, Thomas Szarszewski, 109 Richard Street. Mr. Spialter read onto the record Resolution 6-R-20. Edward Ruth brought a motion to accept the resolution as read. Motion was seconded by Thomas Meade. *Vote in favor:* Ed Ruth; Douglas Krok; Thomas Meade; Chris Tierney and Steve Kaminsky

ADJOURNMENT

Thomas Meade brought a motion to adjourn. Motion was seconded by Ed Ruth and carried unanimously by voice vote. Meeting adjourned at 8:15 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

Oct 28, 2020

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

WEDNESDAY, OCTOBER 28, 2020

A public meeting of the Clark Board of Adjustment was called to order at 8:00 P.M. by Chairman Steve Kaminsky. He asked all present to participate in a flag salute and a moment of silence. He stated that this meeting was being held under and pursuant to the Rules and Regulation 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, William Helm and Steve Kaminsky

Members Absent: None

Also, Present: Alternate Members Chris Tierney and Marc Hayden. Board Attorney Howard D. Spialter and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the September 22, 2020 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

Correspondence received from Attorney Donald Fraser stating that they would be re-scheduling 86 Tudor Drive due to amending the application.

Mr. Spialter received an e-mail from Mr. Bonner; Attorney for the Shop Rite application requesting that this matter be carried. Spialter: I recommend that we carry it tonight. The Board can take some kind of action and move this matter to the November 10th meeting and have it deemed withdrawn or dismissed without

prejudice. Mr. Kaminsky: People in Clark should know what's going on, let's start over.

NEW BUSINESS

Calendar #8-20, Jacek Szczepaniak and Ksenia Piwowar, 20 Janie Lane. Mr. Spialter stated that proof of notices and mailings were in order. Both applicants were sworn in. Mr. Szczepaniak: We would like to put a front porch on our home. Required is a 25' front setback, with the porch it will be 17'. Mrs. Piwowar: It's for the safety of our children when they play outside. Mr. Szczepaniak: There are two other homes on the street with porches as well, it's shown in the pictures. *Four pictures were submitted and Marked as A-1.*

Questions from Board Members: Helm: will it be screened or open? Mr. Szczepaniak: it will be open. Kaminsky: Would you have a problem if we put a restriction on this that it cannot be enclosed? Mr. Szczepaniak: For now, we don't need it but if in the future we do, we will come back to the board. Mr. Spialter reviewed the notice and stated that it says a covered 8' by 18' front porch.

Questions to the applicant: none

Statements in favor of the application:

Steve Pietraszek, 5 Janie Lane. I'm in favor of this application, I'm a neighbor and the contractor. I live six doors down.

Nuria Moreno, 15 Terry Lane. My children and her children are constantly outside at her house playing together.

Statements not in favor of the application: none

John Caligiure brought a motion to approve Calendar 8-20. Motion was seconded by Ed Ruth. *Vote: All Ayes*

Mr. Spialter explained to the applicant the 45-day waiting process. The applicant agreed to a waiver of the 45-days.

John Caligiure brought a motion to waive the 45-day waiting period. Motion was seconded by Ed Ruth and carried unanimously by voice vote.

ADJOURNMENT

John Caligiure brought a motion to adjourn. Motion was seconded by Ed Ruth and carried unanimously by voice vote. Meeting adjourned at 8:40 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

Nov 10, 2020

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

TUESDAY, NOVEMBER 10, 2020

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 a moment of silence. He stated that this meeting was being held under and pursuant to the Rules and Regulation 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, John Caliguire and Steve Kaminsky

Members Absent: William Helm, Thomas Meade, Chris Tierney, and Marc Hayden

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

OLD BUSINESS

Minutes from the October 28, 2020 Public Meeting were reviewed. John Caliguire brought a motion to accept the minutes. Motion was seconded by Ed Ruth and carried unanimously by voice vote.

RESOLUTIONS

Calendar #8-20, Jacek Szczepaniak & Ksenia Piwowar, 20 Janie Lane. Mr. Spialter read onto the record Resolution 7-R-20. John Caliguire brought a motion to accept the resolution as read. Motion was seconded by Ed Ruth. *Vote in favor:* Ed Ruth; Douglas Krok; John Tierney, John Caliguire and Steve Kaminsky

Mr. Spialter explained to the Applicant the 45-day waiting period and the Applicant agreed to the waiver. John Tierney brought a motion to waive the 45-day waiting period. Motion was seconded by John Caliguire. *Vote: All Ayes.*

CORRESPONDENCE

An e-mail was received from Michael Bonner, Attorney for the Applicant Wakefern Food Corp. (ShopRite), 76 Central Avenue. It states that the Applicant wishes to withdraw his application from the Board.

NEW BUSINESS

Application for Michael & Toni Ann Fede, 86 Tudor Drive has been dismissed without prejudice and removed from the Agenda.

Mrs. Sandra Sep, 340 Valley Road came forward to ask the Board general zoning questions.

ADJOURNMENT

John Tierney brought a motion to adjourn. Motion was seconded by Ed Ruth and carried unanimously by voice vote. Meeting adjourned at 8:23 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

November 10, 2020

Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

TUESDAY, DECEMBER 8, 2020

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 this meeting was being held under and pursuant to the Rules and Regulation 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, Marc Hayden, Chris Tierney and Steve Kaminsky

Members Absent: John Caliguire and William Helm

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

OLD BUSINESS

Minutes from the November 10, 2020 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

Resignation memo from Howard D. Spialter, Board Attorney. Chairman Kaminsky read the memo onto the record. Board member Mr. Ruth made a motion to recognize Mr. Spialter for the great contribution to our community and for his many years of service. Motion was seconded by John Tierney and carried unanimously by voice vote.

Wendy's

NEW BUSINESS

Calendar #10-20, The Rawson Group, LLC, 59 Central Avenue. Mr. Spialter stated that proof of notices and mailings were in order.

Mr. Stephen Hehl is the Attorney representing the Applicant. Mr. Hehl: Essentially what we are proposing is to reconfigure the drive through at Wendy's in Clark. This was in the works even before the pandemic but now it's even worse for the drive thru. We had a chance to review memos from Mr. O'Connor, Police and Fire Department and did respond to their request. My witnesses are Daniel Schnal, Joseph Staigar and Rich Morgan from operations in case you have any questions.
All witnesses were sworn in by Mr. Spialter.

Mr. Daniel Schnal, Civil Engineering. Mr. Schnal displayed the site plan that the Board had received previously. Mr. Schnal: The reason we are here tonight is for the existing Wendy's located at the intersection of Central Avenue and School Street. Due to Covid the drive-up has picked up significant vehicles and they have been backing up onto Central Avenue which is a safety concern. What we would like to do is re-stripe the lot to provide extra queuing and will improve the efficiency of the site. Queue spaces will go from 11-to 18 spaces. As a result, we will lose 3 parking spaces. Parking requirement is 66, existing is 45 and we will be providing 42 spaces.

No questions or comments from the Public.

Joseph Staigar, Professional Engineer and Planner. The drive through itself is not a permitted use; it is an existing condition to the Wendy's and the use will not change. *Mr. Staigar briefly discussed the bulk variances*. There will be a decrease in parking spaces. About two thirds of traffic is drive through. The volume has increased over the years. Only one-third is walk ins. We are not going to increase traffic volume; this is just to handle existing volume in a safer way.

No questions or comments from the Public.

Mr. Hehl: I think this is a win-win situation. These site changes will make it more safe exiting and safe not only to the patrons but the general area. We responded to the comments of the police, fire and Mr. O'Connor and look forward to the Board granting the variances we are seeking here.

Ed Ruth brought a motion to approve Calendar #10-20. Motion was seconded by Thomas Meade. *Vote: All Ayes*

ADJOURNMENT

Ed Ruth brought a motion to adjourn. Motion was seconded by John Tierney and carried unanimously by voice vote. Meeting adjourned at 8:25 p.m.

Taken and Transcribed by:

Janet Gentry

Janet Gentry-Secretary

January 25, 2021

Dated