

CLARK BOARD OF ADJUSTMENT
MINUTES FROM THE PUBLIC MEETING

MONDAY, JANUARY 25, 2021

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 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 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, John Tierney, John Caliguire, Chris Tierney, Marc Hayden and Steve Kaminsky

Members Absent: William Helm and Thomas Meade

Also, Present: Kelly M. Carey, Board Attorney and Janet Gentry; Board Secretary

OLD BUSINESS

Minutes from the December 8, 2020 public meeting were reviewed. Edward Ruth brought a motion to accept the minutes. Motion was seconded by Douglas Krok and carried unanimously by voice vote

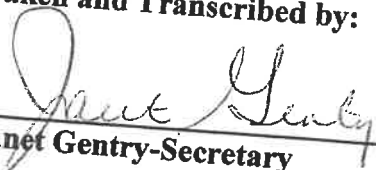
RESOLUTION

Calendar #10-20, The Rawson Group, LLC, (Wendy's) 59 Central Avenue. Board Attorney Kelly Carey read onto the record Resolution 3-R-21. Ed Ruth brought a motion to accept the resolution as read. Motion was seconded by John Tierney *Vote: All Ayes.*

ADJOURNMENT

John Caliguire brought a motion to adjourn. Motion was seconded by John Tierney and carried unanimously. Meeting adjourned at 8:06 p.m.

Taken and Transcribed by:


Janet Gentry-Secretary


Dated

CLARK BOARD OF ADJUSTMENT
MINUTES FROM THE PUBLIC MEETING

MONDAY, JANUARY 25, 2021

REORGANIZATION MINUTES

A public meeting of the Clark Board of Adjustment was called to order at 7:30 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.

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ROLL CALL

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

Members Absent: William Helm and Thomas Meade

Also, Present: Kelly M. Carey; Board Attorney and Janet Gentry Board Secretary

NEW BUSINESS

Regular Board Members, John Caliguire, Steven Kaminsky and John Tierney were reappointed to the Board. Christopher Tierney was reappointed as an Alternate member.

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 John Tierney and carried unanimously.

Ed Ruth brought a motion to nominate Kelly M. Carey as Attorney to the Board which was seconded by Steve Kaminsky and carried unanimously.

Steve Kaminsky 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.

ANNUAL REPORT

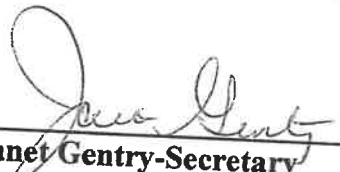
All Board Members reviewed term expirations, hearing dates for 2021 and the Annual Report.

Edward Ruth brought a motion to accept the Annual Report for submission to Council. Motion was seconded by John Tierney and carried unanimously by voice vote.

ADJOURNMENT

Ed Ruth brought a motion to adjourn. Motion was seconded by John Caliguire and carried unanimously by voice vote. Meeting adjourned at 7:55 p.m.

Taken and Transcribed by:


Janet Gentry-Secretary


Dated

CLARK BOARD OF ADJUSTMENT
MINUTES FROM THE PUBLIC MEETING

MONDAY, MARCH 22, 2021

A public meeting of the Clark Board of Adjustment was called to order at 8:02 P.M. by Vice Chairman Edward Ruth. 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: Douglas Krok, Thomas Meade, John Caliguire, William Helm, Chris Tierney and Ed Ruth. John Tierney arrived after roll call.

Members Absent: Marc Hayden and Chairman Steve Kaminsky

Also, Present: Board Attorney Kelly M. Carey and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the January 25, 2021 Reorganization Meeting and Public Meeting were reviewed. John Caliguire brought a motion to accept the minutes. Motion was seconded by Douglas Krok and carried unanimously by voice vote.

NEW BUSINESS

Calendar#4-21, Michael & Toni Ann Fede, 86 Tudor Drive. Donald B. Fraser, Jr. is the Attorney representing the Applicant. Proof of Service and Notices were in order. Mr. Fraser stated that the applicant's purchased the home in 2019. They would like to construct a porch to the front of their home. They already did a major renovation to the exterior and interior of the home. The porch will be an open covered porch 7' by 45' wide. There is a prevailing setback on the street of 52', the applicant proposes a 44.37' front yard setback, that's why we're here.

Mr. Fede stated that the porch will be a single story and open on three sides. The 7' deep porch will give us more room for seating and allow us to sit out front and watch our children play. It will also improve the look to our home.

Mr. Fraser stated that the Applicant is requesting a lot coverage variance. Maximum coverage permitted is 15%, if approved; lot coverage would be at 16.2%. There is an existing shed on the property that predates the purchase, it is a valid pre-existing condition. It exists at 2.375' to the rear where 15' is required and to the side property line of 2.375' whereas 10' is required. Mr. Fede requested that the shed remain at its current location.

Questions from the public: none

Statements in favor or against the application: none

Mr. Donald Fraser briefly discussed positive and negative criteria and requested that the Board grant them an approval.

Thomas Meade brought a motion to approve Calendar # 4-21. Motion was seconded by John Caliguire. *Vote in Favor:* Douglas Krok, Thomas Meade, John Tierney, John Caliguire, William Helm, Chris Tierney and Edward Ruth

RESOLUTIONS

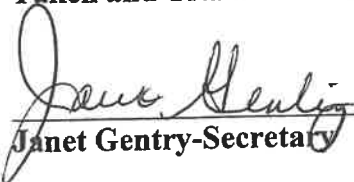
Calendar #1-R-21, Re-Organization. Kelly Carey, Esq. read onto the record Resolution 1-R-21. Chris Tierney brought a motion to accept the resolution as read. Motion was seconded by John Tierney. *Vote: All in favor*

Calendar#2-R-21, Annual Report. Kelly Carey, Esq. read onto the record Resolution 2-R-21. John Caliguire brought a motion to accept the resolution as read. Motion was seconded by Chris Tierney. *Vote: All in favor*

ADJOURNMENT

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

Taken and Transcribed by:


Janet Gentry-Secretary


Dated

CLARK BOARD OF ADJUSTMENT
MINUTES FROM THE PUBLIC MEETING

MONDAY, APRIL 26, 2021

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.

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ROLL CALL

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

Members Absent: John Caliguire

Also Present: Alternate Member Marc Hayden. Board Attorney Kelly Carey and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the March 22, 2021 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.

RESOLUTIONS

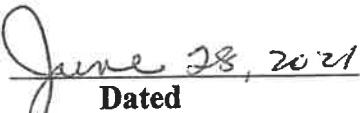
Calendar #4-21, Michael & Toni Ann Fede, 86 Tudor Drive. Kelly Carey, Esq. read onto the record Resolution 4-R-21. Thomas Meade brought a motion to accept the Resolution as read. Motion was seconded by Edward Ruth. *Vote in favor:* Douglas Krok; Thomas Meade; John Tierney, William Helm, Chris Tierney and Edward Ruth

ADJOURNMENT

Thomas Meade brought a motion to adjourn. Motion was seconded by William Helm and carried unanimously by voice vote. Meeting adjourned at 8:10 p.m.

Taken and transcribed by:


Janet Gentry-Secretary


Dated

CLARK BOARD OF ADJUSTMENT
MINUTES FROM THE PUBLIC MEETING
MONDAY, JUNE 28, 2021

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 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: Marc Hayden, Douglas Krok, John Tierney, Thomas Meade, Chris Tierney and Steve Kaminsky

Members Absent: John Caliguire, William Helm & Ed Ruth

Also Present: Board Attorney Kelly Carey and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the April 26, 2021 public meeting were reviewed. Tom Meade brought a motion to accept the minutes. Motion was seconded by John Tierney and carried unanimously by voice vote.

NEW BUSINESS

Calendar #5-21, Denis & Laura Etzel, 21 Coldevin Road. Denis & Laura Etzel were both sworn in. Ms. Carey stated that proofs of notices and mailings were in order. Laura Etzel stated they took down their free-standing garage. It was falling apart so our landscaper took it down. I wanted to put up a shed but the Township told us we would have to replace the garage. We are retired now and do not have the money to replace it. I'm requesting that you waive the requirements to rebuild the garage. Kaminsky: When was the last time a car was in the garage? Mrs. Etzel: At least 20

years age. What size shed are you proposing? 6' by 12'. John Tierney: Are there other homes on the street that don't have garages? Mrs. Etzel: yes, I took pictures, only the ones that are closest to my home. Nine photos were submitted, all on Coldevin Road. Pictures were Marked as Exhibit A-1. Kaminsky: were these pictures taken by yourself? Yes, within the last month or two. Kaminsky: did you get a price on how much it would cost to replace the garage? No, I did not. Ms. Carey: was the pictures of the existing garage taken by you? Ms. Etzel: yes, last July. Kaminsky: will the shed conform? Ms. Etzel: yes. Gentry: permits came in and she is conforming with the shed.

Questions from the Public: none

Statements in Favor of Application: Diane Williams, 10 Coldevin Road. I'm in favor of putting the shed up.

Statements Against the Application: none

Closing Statements: Mrs. Etzel: If we realized we needed a permit to take down the garage of course we would have but we didn't know about that. We have lived in this house for 35 years and have been good tax payers. Many of the neighbors do not have garages so it wouldn't be a detriment to the neighborhood if we didn't have a garage.

Commentary: Meade: In favor of this application and would like to make a motion to approve it. Krok: In favor of this application. In the future; don't take building advice from your landscaper. Go into Town Hall and ask what's required. Kaminsky: Being a resident for 35 years, can't see why we should penalize you to put back up a garage that you haven't used in 20 years. I'm in favor of this application also.

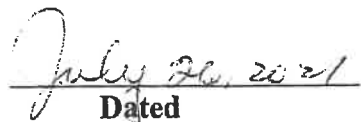
Ms. Carey: Just want to make it clear that this motion is for *not* replacing the garage. Mr. Meade agreed. Motion was seconded by Chris Tierney. Vote: All Ayes.

ADJOURNMENT

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

Taken and transcribed by:


Janet Gentry-Secretary


Dated

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, JULY 26, 2021

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 Regulations of the Sunshine Law of the State of New Jersey.

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ROLL CALL

Members Present: Marc Hayden, Ed Ruth, Douglas Krok, John Tierney, John Caliguire, Chris Tierney and Steve Kaminsky

Members Absent: William Helm and Tom Meade

Also Present: Board Attorney Kelly Carey and Board Secretary; Janet Gentry

OLD BUSINESS

Minutes from the June 28, 2021 public meeting were reviewed. John Tierney brought a motion to accept the minutes. Motion was seconded by Chris Tierney and carried unanimously by voice vote.

NEW BUSINESS

Calendar #6-21, Ken & Jocelyn Hutton, 98 Grand Street. Mr. & Mrs. Hutton along with Jennifer Nestor from Everclear Pools & Spas were sworn in. Ms. Carey stated that proofs of notices and mailings were in order. Ms. Nestor stated that this application is for an inground pool on an undersized corner lot. She stated that setbacks are currently undersized for what the town requires. The existing deck will be removed. Ms. Carey: Two variances, front yard setback of 5'9 to water's edge and side yard setback of 4'. Ms. Carey also questioned the setback to pool

equipment. In the zoning box it requires a variance and as shown on the drawing it does not. Ms. Nestor stated that the filter conforms to the setbacks. Ms. Nestor also stated that the fence at the rear yard will be moved to the property line, it was previously installed on the township's fire department property. Mr. Kaminsky asked the Applicant's and Ms. Nestor several questions regarding grading. He also had a concern regarding line of site if the Fire Department should want to use that property. Kaminsky: Haliday Street requires a setback of 25', you're proposing approximately 6' for the pool. How much of a grade between the house and rear property? Nestor: I don't know, it's roughly a 4' drop. Kaminsky: Are you going to make up a 4' grade difference? Nestor: It will be level and graded, but I would have to check with the Engineer. The whole property is higher than the street level already and the fence on Haliday Street is existing and the new rear fence will be moved to the property line. *Discussion on grading continued.*

Ms. Carey: any other place on this property where you could locate this pool? Ms. Nestor: We had several renditions with the engineer, it was relocated, resized and the equipment pad was moved, this is the best the engineer could come up with for this size property. Ms. Hutton: We did submit a topographical survey.

Ms. Carey: You do understand that you will need to get an approval with permits by the Building Dept. Ms. Hutton: Yes.

Questions from the Public: none
Statements in Favor of Application: none
Statements Against the Application: none

For the record, John Tierney stated that he was an acquaintance with the applicant. No one stated they that they had a problem with it.

Closing Statements: Ms. Hutton: We moved to Clark from Union five years ago. We have two little kids. We both grew up with pools. We just want to enjoy family time with our kids.

John Tierney brought a motion to approve. Commentary was given by Board Members in support of the application. Mr. Kaminsky felt that there were better ways to install a pool, the difference from grading from the house to the corner property is an issue. Motion was seconded by John Caliguire. *Vote*: Hayden; yes. Ruth; yes, Krok; yes, John Tierney; yes, Caliguire; yes, Chris Tierney; yes. Kaminsky; no.

RESOLUTION

Calendar #5-21, Denis and Laura Etzel, 21 Coldevin Road. Ms. Kelly Carey, Board Attorney read onto the record Resolution 5-21. John Tierney brought a motion to accept the Resolution as read. Motion was seconded by Chris Tierney. *In favor*: Hayden, Krok, John Tierney, Chris Tierney and Chairman Kaminsky

ADJOURNMENT

Ed Ruth brought a motion to adjourn. Motion was seconded by John Caliguire and carried unanimously by voice vote. Meeting adjourned at 8:27 p.m.

Taken and transcribed by:


Janet Gentry-Secretary

 August 53, 2021
Dated