

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

TUESDAY, APRIL 17, 2012

A public meeting of the Clark Board of Adjustment was called to order at 8:05 p.m. by John Tierney, Assistant Vice Chairman. 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, Clark Patriot 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 Caliguire and John Tierney

Board Members Absent: John Passuth, Patrick Campione and Steve Kaminsky

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

OLD BUSINESS

Minutes from the March 26, 2012 public meeting were reviewed. Edward Ruth brought a motion to accept the minutes, as amended. Motion was seconded by Douglas Krok and carried unanimously by voice vote.

NEW BUSINESS

Calendar #3-12, Steve Pelardis, 13 Lupine Way. Mr. Pelardis has returned tonight due to his request at the last meeting that he would like to revise his plans. Revised plans were submitted to the board. Mr. Pelardis stated that he is requesting a variance for the front entrance with overhang, 3' is permitted 4' is proposed and the F.A.R. has been omitted. The other variance is for the garage, for the efficiency of the garage you need room to open the doors and we are trying to make it a comfortable one-car garage, required is 15' between principal structures, proposed is 12.80' and pre-existing conditions.

Questions from the Public: none

Statements from the Public: Andrea Twombly, 114 John Street. Mrs. Twombly stated she was present at the last meeting and felt that this builder was not treated with respect. *Mr. Spialter responded to her comments*

Closing Statements: I just want to say thank you for the lady that expressed her opinion and thank you to the board.

Douglas Krok brought a motion to approve Calendar #3-12 with a revision date on Mr. Khoda's form (1) to be changed from April 10th to April 12th. Motion was seconded by Edward Ruth. *Vote in favor: Ruth, Krok, Meade, Caliguire and Tierney*

Mr. Pelardis requested a waiver of the 45-day waiting period. Mr. Spialter explained to Mr. Pelardis the appeal process. Mr. Meade brought a motion to waive the 45-days. Motion was seconded by Edward Ruth and carried unanimously by voice vote.

Calendar #5-12, Joseph & Sharon Porcelli, 80 Thomas Drive. Board Member John Caliguire requested recusing himself from this application because he knows the applicant. Mr. Krok also stated that he went to school with the applicant but this would not impact his decision making and Mr. Tierney put on the record that Mrs. Porcelli was his daughters cheerleading coach. *Mr. Spialter explained to the applicant that there would be four voting members present and that Ms. Porcelli may want to consider not proceeding tonight because of the three members that are not present but it's your decision on how you want to proceed with your application.* Ms. Porcelli stated that she would like to proceed. Mr. Spialter stated that proof of publication and mailing are in order. Sharon Porcelli: I have an existing single car garage and we have three drivers at this time with multiple cars and would like to get the cars off the driveway and into a garage and we also need a storage area.

Questions from Board Members: Tierney: In doing so you require variances for side yard, total side yards and lot coverage? Yes. Are you the original owners of the property? No, I believe we are the second owners. Have you done any other renovations so far? Yes, the house was a Ranch when we bought it and it's now a five bedroom Colonial. *Shed was discussed and the applicant stated that it would be removed from the property.* Spialter: how long ago was the addition done to your home? I believe in May of 2003.

Statements from the Public: Rosalie Delia, 90 Thomas Drive. Ms. Delia stated that she is the next door neighbor. My son's dad researched the project by consulting with a few contractors and realtors some of which were in town and they were all in the opinion that it would not be in our best interest and would affect our value of our home. The one window that I have in my bedroom and bathroom face that side of the house where the garage would be and there are some privacy considerations because it will be allot closer to my home and window, the only window in my bedroom. We are able to expand our home approximately 5' with no variance and aesthetically it's not going to look right if they expand their home this way. We recently put an addition on our home and the bedroom is very small. If my mom and dad come to live with me I would have to expand that side of the house where I have the 5' and I wouldn't want that to restrict me so that's a concern. Another concern when it rains, the wall on that side becomes very saturated and the water seeps into the basement along the wall and therefore we have a drainage concern. The property slopes, we could be affected by the additional runoff, we get water down on that wall, it is all stained. I am struggling with this and I want to be a good neighbor but I don't know if I can support what she is proposing because there are so many factors that I've gotten people's opinions on, they are contractors and realtors in town. Spialter: I need to caution you and the board. Your personal observations you testified to and testimony is to be considered by the board. I have to remind the board that any at tented testimony to what you've been told by realtors, contractors or anyone else is hearsay and people who are not here to give testimony themselves with regard to whatever it is, as to what they would want this board to hear. I would have to caution this board to take what you said in connection with that very carefully because it has not been presented from the source; it's from you

with your understanding of what they said. Tierney: If you wanted their opinion on the record, they would have to come in to speak. Ms. Delia: I understand. *The water problem and cars, trucks near her bedroom windows were discussed.* Ms. Delia stated that she felt this would be a little close and again, a concern about the water problem.

Tierney to Porcelli: There's no access from the second floor to the storage area above the garage? No, there are two bedrooms next to the garage upstairs. Tierney: the only access to the storage is through the garage? Yes. Spialter: according to your plans there are no windows planned on the side that fronts on your neighbor? Correct, only a window in the front.

Statements from the Public: Michael Delia, I live in West Orange, N. J. My son lives as a resident here. I understand the houses are supposed to be 15' from the property line. Rosalie's house is 19'. I believe the neighbors want to exceed the 15' and I believe it would bring it to 8'. Not to be redundant but I drive around the neighborhood and taking a look at other houses and seeing that they are this far away and now we are going to be this close and then if she builds an addition. The bedrooms are facing the garage so you look out the bedroom window and you see a wall, if I knew that, and I'm from Newark also where we had a driveway between each house. Here you have a driveway and a walkway, now the walkway is closer to the bedroom window. Garbage cans on that side, which there is nowhere else you would put them and now the window is closer. They have a lot of family and vehicles in the driveway, those are my concerns. Driving around for a week and looking at the distances from other properties and what is the normal distance between two homes in that area. The other side of Rosalie's house there is 100', and then there would be no issue. I did consult with someone on the water issue and he took a look at the property and took a look at the plans, the other property is higher and basically what is happening right now between the two houses when it rains it's like a pond. Years ago I lived there and I thought it was a sprinkler system but it wasn't. The water run-off from the back and the side settle in the middle and at the basement wall there is always seepage. And if this were approved, once the variance is given for that, what's stopping them or the next person from putting rooms on top of the garage? Now we have a whole second floor instead of garage there. These are all my concerns.

Questions from the Board to Porcelli: Tierney: There is a serious concern from your neighbor about seepage. Porcelli: I know nothing about seepage and I don't have seepage and my husband is a contractor and work with contractors all the time. I'm sure if they find there is an issue we will have it corrected and if it's already been an issue I don't understand why it hasn't been addressed by neighbors already. I had French drains and sump pumps put in my house as well. Tierney: you don't feel the extra coverage of your property will contribute to what they claim as well. Porcelli: no, we will do whatever we have to do on our end. Tierney: would you consider a restriction that the garage remains a garage without building up? Porcelli: yes, I don't plan on having any more children.

Doug Krok brought a motion to approve Calendar #5-12 with the stipulation that there will be no building up over the garage. *Discussion on drainage took place between Mr. Delia, Mr. Spialter and Board Members.* Motion was seconded by Edward Ruth. *All Board members gave detailed commentary at this time.* Vote: Ruth, yes. Krok, yes. Meade, no. Tierney, yes. *Application granted.*

RESOLUTIONS

Calendar #4-12, Matthew & Jodi Siccardi, 22 Mountainview Road. Attorney Spialter read onto the record Resolution 4-R-12. Thomas Meade brought a motion to accept the resolution as read. Motion was seconded by Douglas Krok and carried unanimously by voice vote.

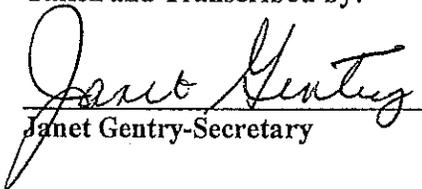
DISCUSSIONS

Mr. Spialter and Board Members agreed to re-schedule the July 23rd. public meeting to July 30th. Board secretary will be responsible to take care of any legal notices.

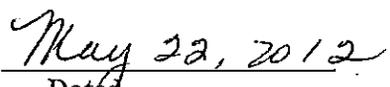
ADJOURNMENT

Douglas Krok brought a motion to adjourn. Motion was seconded by Edward Ruth and carried unanimously by voice vote. Meeting adjourned at 9:45 p.m.

Taken and Transcribed by:



Janet Gentry-Secretary



Dated