

CLARK BOARD OF ADJUSTMENT
MINUTES FROM THE PUBLIC MEETING

TUESDAY, MAY 22, 2012

A public meeting of the Clark Board of Adjustment was called to order at 8:17 p.m. by Vice Chairman Patrick Campione. 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 Tierney, John Caligiure and Patrick Campione

Board Members Absent: Steve Kaminsky

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

OLD BUSINESS

Minutes from the April 17, 2012 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 #6-12, Victor F. De Marzo, 20 Broadway. Mr. De Marzo stated that he bought the house in January of 2006. I purchased the house for my girlfriend Melissa. The house was built in 1955 as a mother-daughter with separate entrances to accommodate two families. *Mr. De Marzo explained how the home stayed in the same family over the years.* In 2006 when Melissa's mother passed away, I purchased the house obtaining a CO, separate entrances and two kitchens. I found out recently that I was paying taxes on the two-family house. Melissa decided that she would like to purchase the house back but were at odds because this side of town hall says two-family and construction has it as a one family. So now I can't get separate utilities so that's why I came in for a two-family. We are not going to change the house or add any rooms and it will be the same use as 1955.

Melissa Sciacca, 20 Broadway. It's pretty much what he had said. There were always two kitchens and separate entrances. I want to switch to separate utilities.

Questions from Board Members: Campione: So the house was built like this in 1955, it's always been this way, two entrances, two families and your own self purpose is

separate utilities? Yes. Tierney: is the tenant a relative? No. Tierney: so you're operating now as a two-family house? Yes. Tierney: It was a mother-daughter and then it changed into a 2-family, were you renting after your mother died? Yes, we had a tenant. Krok: the township is stopping the utility companies from coming in to put in separate utilities? De Marzo: the utility company would do it but Khoda is uncomfortable with the permits. Tierney: it's a zoning problem, single family residence. De Marzo: we put a lot of money into this house, roofing, siding, new furnace and the whole second floor was remodeled. Campione: so it does have one heating system: yes. Spialter: what was the CO issued for a one or two family? Secretary: it was issued as a one-family, it didn't have separate utilities and I believe Mr. Khoda said that the same family members have been living in that house, not as a rental, but he did say that it had two kitchens. Tierney: it was a mother-daughter. *Discussion continued on the tenants who have been occupying the home.* Mr. De Marzo: In that area there are about eight homes that are two-family homes. Spialter: In the last line of your letter it says that Melissa would be able to get a mortgage in her name if it's zoned as a two family, why as a resident could she not get a mortgage whether it's a one-family or two families? De Marzo: It would be easier for her if the house is a legal two family and she has an income. Her income now may not qualify her for a loan; she has to pay a mortgage. Tierney: why are we changing the name on the title? De Marzo: It's her family home, she wants it back. Caliguire: you are paying taxes as a two-family now? Definitely. *Taxes on one-family and two family homes were discussed.* Spialter: have you applied for a mortgage? Ms. Sciacca: no. Spialter: you have no idea what criteria would be necessary to satisfy you being able to get a mortgage for a one-family or two-family? No.

James Loglisci, 30 Broadway. I've been there for almost 45-years. Even my house, I was under the understanding that is a two-family also. Spialter: is it? I use it as a two family but I don't know. When I bought it that was the way it was; I also have a tenant. *Mr. Loglisci mentioned other homes in the area being used a two-family home.* Spialter: Janet (Secretary) do you know what house he is referring too? Secretary: Mr. De Marzo came in my office and gave me a list of homes that he wanted to have researched on that street and I went through the files and wrote down the ones that did have resolutions on them. *Secretary read the list of either one-family or two family or mix uses on these properties.*

Closing Statements: This is an old section of town and these homes were built as two-families. I'm not looking to increase the house or bring anything in to be detrimental to the neighbors. House was built and used that way. We would be able to separate the utilities, for Melissa the utilities is a hardship.

Thomas Meade brought a motion to approve Calendar #6-12. Motion was seconded by John Caliguire. *Commentary:* Krok: I do live nearby and there a several two-family houses in this area. I can't say that their designated for that but they have two front entrances in that area. This little section of town Lincoln Blvd. and Broadway area they all concentrate in that area. I don't believe it would be a detriment to the town so I will be voting in favor of it. Meade: I live on Liberty Street which is a couple blocks away. There are a number of homes there designated as two-family and this will not change anything and this will not have a negative impact to the neighborhood. Campione: this application is not going to change any use that it already has been used for and it will not be a detriment to the neighborhood or community. If anything it will help Ms. Sciacca get a mortgage and get her house back, which would be a positive thing. *Vote:* Ruth: yes. Krok: yes. Meade: yes. Tierney: no, Caliguire: yes, Campione: yes. Application Granted.

RESOLUTIONS

Spialter: I have three resolutions. Janet, I believe T-Mobile has resolved its escrow responsibility and issues with the Township? Secretary: Yes. Spialter: I also understand that not all of the members who are here tonight were here when I read the resolution back into the record so I will it once again read it into the record, so I will change the date on it to May 22, 2012.

Calendar #4-11, T-Mobile Northeast L.L.C., 1202 Lake Avenue. Attorney Spialter read onto the record Resolution 3-R-12. Patrick Campione brought a motion to accept the resolution as read. Motion was seconded by John Tierney. Vote: All Ayes.

Calendar #3-12, Steve Pelardis, 13 Lupine Way. Mr. Spialter read onto the record Resolution 5-R-12. Edward Ruth brought a motion to accept the resolution as read. Motion was seconded by John Tierney. Vote: All Ayes.

Calendar #5-12, Joseph & Sharon Porcelli, 80 Thomas Drive. Attorney Spialter read onto the record Resolution 6-R-12. John Tierney brought a motion to accept the resolution as read. Motion was seconded by Douglas Krok. Vote: All Ayes.

DISCUSSIONS

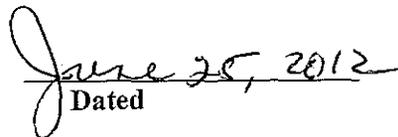
Secretary reminded the board that the July meeting has been re-scheduled to July 30th.

ADJOURNMENT

Edward Ruth brought a motion to adjourn. Motion was seconded by Thomas Meade and carried unanimously by voice vote. Meeting adjourned at 9:35 p.m.

Taken and Transcribed by:


Janet Gentry-Secretary


Dated