

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

MONDAY, AUGUST 27, 2012

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 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, Patrick Campione and Steve Kaminsky

Board Members Absent: John Caliguire

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

OLD BUSINESS

Minutes from the July 30, 2012 public meeting were reviewed. Patrick Campione brought a motion to accept the minutes. Motion was seconded by John Tierney and carried unanimously by voice vote.

CORRESPONDENCE

Oath of Allegiance, Alternate Member Ed Ruth has officially become a Regular Member of the Board.

NEW BUSINESS

Calendar #8-12, Tobin, Reitman, Greenstein, Caruso, Wiener, Konray & Kessler, P.C., 136 Central Avenue. Mr. Stanley Fink is the attorney representing the applicants. He stated that he is representing the applicants for an illuminated sign in a CG Zone at 136 Central Avenue. The proposed sign is to be installed on the side of the building. The applicant is a law firm occupying most of the third floor of a three story office building. Mr. Fink stated that this is unique because the office building currently has no signs.

Mr. Scott Kessler is a partner with the law firm for approximately twenty-one years. The firm is currently located in Rahway. Mr. Kessler stated that they will be moving to the Clark building. He stated that the front of the building faces Central Avenue. The entire building contains offices of professionals. He also stated that there are no signs on the

exterior of the office building. *Marked as exhibit A1 is a board showing the front and side of the office building at 136 Central Avenue.* Referring to A1 Mr. Kessler showed members of the board the location of the sign. Mr. Fink stated that the sign itself is at the top of the building, the top of the sign is below the roof line and the bottom is just above the window line. *Mr. Fink distributed to members a colored rendering of the sign.* Sign will be visible as you come down Central Avenue heading towards Westfield. Mr. Kessler stated that the sign would not distract because there's only commercial tenants in the area. Mr. Kessler displayed a large board with sixteen pictures. *This board was marked as A2. It contains four pictures of the applicant's site and twelve pictures, some with different views of the same building, showing seven businesses in Clark that have signs located on the side of their building. Addresses were also included on this board.* Mr. Kessler discussed the location of these buildings. Mr. Kessler: It's an identifying sign for current and future clients to know where we are. There are people who are not familiar with this area. It's also a safety issue for our clients.

Questions from board members: Campione: why not put the sign in front of the building instead of the side? Our feeling is a visibility factor. When you come down Central Avenue the building is tall and the front is close to the road; it's really a very strict stretch to get up and under to see the sign. Campione: What about people coming from the other direction, Westfield? *A discussion took place with members of the board regarding a left turn into the parking lot off Central Avenue.* Mr. Tierney: what about future signs on the building for other tenants? Fink: If it's necessary they would have to come to the board. The landlord signed off on the application.

David Preucil, owner of Sign Source in Clark. The sign has two main components. 1-800-TEAM-LAW will be internally illuminated with LED blue channel letters and five inches in depth. For TEAMLAW.COM beneath the letters is a light box this will be an internally illuminated box with a white transition face with blue transitions letters. Placement of the sign is about 15' back from the corner of the building. There is a very mature maple at the corner of the building that would block the sign. The sign is designed to glow. It's designed to provide light at a distance. But it doesn't create an impact on neighboring properties. My understanding is that the client would like to have the sign illuminated during dark hours, from dusk to dawn illuminations. There are late hours on occasion and Teamlaw.com is used for advertising.

Christine Cofone, Licensed Professional Planner in N. J. *Ms. Cofone discussed in detail the positive and negative criteria of the Land Use Law.* Fink: Do you see any negative impact to people on School Street or next door? No, not only do I not see any negative impact but I see it being less impactful than if the sign was placed on the front of the building because it's going to be blocked by the large tree there. If you put the sign on the front where it's conforming on Central Avenue, the residents across the street would see it from School Street. This way we are turning it away from School Street. I actually see this as a better location. The location of this sign will give you more time to make that driving decision for the right hand turn into driveway.

Questions from board members: Kaminsky: did you say that the sign is safer on the side of the building? Cofone: I think it's a better location for people coming from the Parkway. Kaminsky: have you taken into consideration with all the traffic on Central Avenue, stop and go at the light, people in queue, you have to look up to see where that building is located, is that safer and when does that sign disappear over the top of the windshield in the vehicle? *Witnesses stated that they would have to return to the site for that*

information. Fink: I think the point being made here is that this can be seen further away so you can begin to think about turning as you are approaching the building. If it was in front of the building you wouldn't see it until you are almost on top of the building. The front yard setback is narrow so you would have a very small space to put a free-standing sign. Cofone: If you put that sign on the front of the building you would have to look up and try to see it on the building and make that turn into the driveway. But if you're coming down Central and you have the opportunity to see it on the building you will know where to make your turn. Mr. Kessler: There is an existing free-standing sign at the 1-800 Flowers so at some time that sign would block this location and this business is next door.

Statements from the Public against: None
Statements from the Public in favor: None

Closing Statements: Mr. Fink: The points have been made. I don't have to reiterate all the testimony. This is a safety factor in addition to any advertising and marketing that they get from it. This firm is going to be occupying a good portion of this building; it's a law firm that's busy and would like to advertise for their clients; how to get there and in the safest possible way. Ms. Cofone has indicated no negative criteria. I want to thank you for your time and sincerely hope you approve this variance.

Thomas Meade brought a motion to approve Calendar #8-12. Edward Ruth seconded the motion. *Vote: Ruth: yes, Krok: yes, Meade: yes, Tierney: yes, Campione: no, Kaminsky: no. Application Granted*

DISCUSSIONS

Secretary mentioned to the board that our next meeting on September 11th will be held at the Municipal Building due to a Board of Education meeting at Council Chambers.

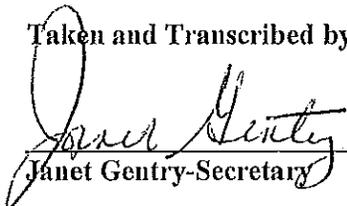
RESOLUTIONS

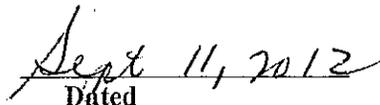
Calendar #7-12, Helen Sikoriak, 35 Richard Street. Attorney Spialter read onto the record Resolution 8-R-12. Patrick Campione brought a motion to accept the resolution as read. Motion was seconded by Edward Ruth. Vote in Favor: Ruth, Krok, Meade, Tierney, Campione and Chairman Kaminsky

ADJOURNMENT

Patrick Campione brought a motion to adjourn. Motion was seconded by John Tierney and carried unanimously by voice vote. Meeting adjourned at 9:17 p.m.

Taken and Transcribed by:


Janet Gentry-Secretary


Dated