

**CLARK BOARD OF ADJUSTMENT**

**MINUTES FROM THE PUBLIC MEETING**

**MONDAY, APRIL 24, 2023**

A public meeting of the Clark Board of Adjustment was called to order at 8:00 p.m. by Chairman Ed Ruth. He asked all present to participate in a flag salute and 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.

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:** Marc Hayden, Douglas Krok, John Caliguire, Chris Tierney, William Helm, and Edward Ruth.

**Members Absent:** Thomas Meade and Dante Tignini

**Also, Present:** Alana Hans-Cohen, Board Attorney (covering for Kelly M. Carey), Richard O’Connor, Township Engineer and Janet Gentry Board Secretary

**OLD BUSINESS**

Marc Hayden brought a motion to approve the minutes of March 27, 2023. Motion was seconded by Douglas Krok and carried unanimously by voice vote.

**CORRESPONDENCE**

Chairman Ed Ruth read onto the record a memo informing the Board that Mike Khoda, Zoning and Construction Official has retired. Art Figueiredo is the Construction Official and Mike Juzefyk is the Zoning Official. Mr. Ruth reminded the Board that the Financial Disclosure statements must be submitted by April 30<sup>th</sup>.

## NEW BUSINESS

Calendar #4-23, Nicholas Wrobleski, 92 St. Laurent Drive. Mr. Wrobleski was sworn in. He stated that he is requesting a variance for a front porch overhang. The overhang that is planning to be built is over an existing porch built in 1998 by my father, he bought the house in 1996. The porch was built with permits. As part of our larger renovation, we wanted to cover the porch but that would require a variance.

Attorney Hans-Cohen: You agree with the condition that it cannot be enclosed? Mr. Wrobleski: correct. Mr. Ruth: the request is for an existing porch that is 7' by 17' with an overhang and requires a variance. Mr. Wrobleski: The 7' by 17' porch will be covered but not enclosed. The plan is to replace 3 or 4 support pillars. Porch overhang will be 7' away from the house. It will not cover the steps, It's just the perimeter of the porch.

Questions or Statements from the Public: none.

Doug Krok brought a motion to approve Calendar 4-23. Motion was seconded by John Caliguire, *Vote in favor*: Hayden, Krok, Caliguire, C. Tierney, Helm and Ed Ruth.

## NEW BUSINESS CONTINUED

Board Member John Caliguire signed the Certification that he watched the taping for Calendar #3-23, 33 Lincoln Blvd.

Calendar #3-23, Dominick Pardo, 33 Lincoln Blvd. Mr. Nicholas Gravino was sworn in. Mr. Gravino is the applicant's planner. He is licensed in New Jersey and has been qualified by this board. Mr. Ruth stated that Mr. O'Connor; Township Engineer is also a Licensed Planner and will address any questions. Pardo: based on the letter we received; we have made a couple of changes to the building.

Mr. Grutzmacher displayed T-1; the original plan that was submitted to the board. He then submitted a revised drawing calling it T1-A. This revision was marked as A-1. He stated that this shows a revised floor plan and a 5' setback. Garage size has been reduced and shows a revised rear elevation. We closed up all the openings. The finishes are more residential. Facing rear lot is 14' high and towards the house is 16' in height. Bottom is horizontal siding, white on bottom and taupe on top. Mr. *Grutzmacher read the Revised Bulk Schedule onto the record and copies were distributed to members.*

**Richard O'Connor:** How close is the wall to the rear yard line? **Grutzmacher:** the same. **O'Connor:** What is the square footage of the garage? **Grutzmacher:** 781 Sq. ft. **Tierney:** Roof will still have same slope? **Grutzmacher:** Yes.

Nicholas Gravino, Planner for the Applicant. Mr. Gravino stated that this is a 2-family dwelling. Applicant has owned this property since 2005 or 2006. This is simply related to a garage addition in the rear of the property. Applicant is requesting a D2 Variance for the expansion of a non-conforming use as well as a C Variance for excess building coverage of 41.48%, a reduction of 2.6% from previous plan. The applicant is requesting impervious coverage of 68%, previously was 71%, a reduction of 3%. We are also eliminating the need for the side yard setback variance, the setback to the neighbor at 14 Broadway is now at the code requirement of 5'. Other variances that are deficient is lot area, lot width, front yard setback, side yard. Applicant is conforming to the height of the structure. The use of the garage is for the tenants and for himself. Storage for residential goods and vehicles for himself and his tenants. There will not be commercial vehicles stored in that garage. With respect to off-street parking the garage has the ability to store two vehicles and the driveway has the ability to handle four vehicles. Planner's letter addressed the RV being in the driveway. The applicants' tenants have two vehicles and they park in the driveway, off street parking is not required for them. If that scenario changes and the applicant got new tenants with additional vehicles, the RV will be moved off site.

**Richard O'Connor:** A picture of a construction vehicle was submitted with Mr. Ricci's report. Mr. Pardo reviewed the picture and stated that it is his vehicle. **O'Connor:** You wouldn't be able to park that on the VFW lot without permission and without the VFW getting some approvals themselves. Mr. Pardo also stated that the cement mixer is his. Mr. Gravino stated that the recreational vehicles are not the applicants. **Richard O'Connor:** They may need another variance for the RV. Under our Off-Street Parking Ordinance 195-143(B), RVs are allowed to park behind the front yard setback but they also are supposed to be 6' from adjoining side yard so it appears the 6' distance isn't met from the side of the RV to the property line. **Gravino:** That's a fair assessment given the nature of this 1930's construction. The driveways being built on the property line, a common condition throughout the township so I'll put on there the proofs as well; for that variance.

Mr. Gravino stated that Roger went into the architectural design so that the building be more residential in appearance. The garage was a masonry block structure. I feel that using two different colors and styles certainly will create a residential appearance. Windows and garage doors are being removed from the rear. It will no longer look like a commercial structure. Important to note is that with the neighbor, we are meeting the setback on 14 Broadway. The applicant is not changing the other side yard setback, that side is existing. To the rear, VFW is a non-residential use and parking lot, it's like a buffer to the residential uses. Applicant will be adding 11' to the existing garage. *Mr. Gravino discussed Positive & Negative Criteria.*

Board Attorney questioned storm water management. Mr. O'Connor stated that the Applicant hasn't applied for a building permit so on a condition upon what the board is going to do tonight, they will have to apply to the Building Department for a demolition permit for the portion of the garage that was already illegally built too close to the property line. Secondly; they will need permits for the garage addition itself and at that time it would show storm water management.

*Storage of vehicles on VFW property was discussed. O'Connor;* the only suggestion that I would have is to the people from the VFW seated to the rear. The presence of RVs, boats and trailers on the VFW lot is creating a violation of the Zoning Ordinance in relation to your lot and subjecting the VFW to enforcement potentially. You should work with the Township Zoning Officer to clean that up by making an application of your own to allow storage of those features or have them removed before enforcement action may begin.

#### Questions or Statements from the Public:

Daniela Sano, 14 Broadway. Ms. Sano was sworn in. This is about an extension to basically a 2-story building. This building comes right up to my fence. Required is a 5' set back. When we did our fence, shed and pool we submitted the proper permits. It's an eyesore and it's not safe for when you have to do painting or gutter work. Ms. Sano submitted three pictures. Marked as Exhibit B-1 was a picture of the garage before construction. Marked as Exhibit B-2 & B-3 were pictures of the garage during construction. *Pictures were reviewed by Board Members. Helm:* the revised plans will be at 5'.

David Mormak, 24 Amelia Drive, Clark. Mr. Mormak was originally sworn in. With this application they are closing in the back of the garage. We have no problem with windows. We made arrangements for him to park his trucks on our property on temporary basis. We will talk to the Township on what we have to do about the trailers that are there right now.

Michael Hrycak, 129 Beech Street, Cranford. Mr. Hrycak was previously sworn in. We did have a conversation with him and if he keeps that entrance closed; we're fine with it.

Closing comments: Mr. Gravino: The Applicant has shaved back this project and provided that 5' of separation and has provided the hardy plank to give the garage a residential appearance. Closing up all openings towards the VFW property. Limit garage use for residential storage for vehicles and other goods. The Applicant has justified the d2 variance expansion of the garage and all c variances could be granted without substantial impairment to the zone plan and zoning ordinances.

Ms. Sano: Is the setback from corner markers or from fence? **Mr. O'Connor:** it's from the property line. **Mr. Gravino:** The Applicant would be willing to locate the property line.

Questions from Board Members. **Krok:** what is the square footage of the addition? **Gravino:** 252 sq. ft. **Krok:** so, it's increasing almost 50% of the garage size. **Caliguire:** when you walk into the garage, is it open to the roof? **Gravino:** It's open, no loft, brings natural light into garage. **Ruth:** garage will be used for storage? **Gravino:** household goods and vehicles, no commercial storage. **Tierney:** and the camper is blocking the driveway? **Gravino:** there's space in the driveway for two vehicles. **Tierney:** so, the space in the garage is not for cars. **Gravino:** it could be used for car storage.

Chairman Ed Ruth asked for a motion on the revision. Mr. Chris Tierney brought a motion to deny. Motion was seconded by Doug Krok. Commentary: **Tierney:** I'm not convinced that there's not some kind of business going on, this is a very large garage. There are vehicles on the VFW lot, and work was done without permits, a contractor should know what is required for this structure and this went the full width. For all these reasons I will vote to deny. **Krok:** I have four complaints on this garage, two have been addressed. Doors in rear removed and side yard setback has been changed. A 650 sq. ft. garage is allowed. This is a 48% increase in size and over 20% of what we allow. I would also like to see the rear setback moved off the back to 5'. We're taking an existing non-conforming structure and making it more non-conforming. I don't want it to go that way. I will not be voting in favor of this application. **Ruth:** I agree with my colleagues as far as the need for this garage to be downsized and with the other obligations to be met.

*Vote: Motion was made to deny, all board members voted in favor of the motion.*  
Application Denied.

#### ADJOURNMENT

Doug Krok brought a motion to adjourn. Motion was seconded by John Caliguire and carried unanimously by voice vote. Meeting adjourned at 9:16 p.m.

Taken and transcribed by:

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Janet Gentry-Secretary

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Dated