

CLARK BOARD OF ADJUSTMENT

MINUTES FROM THE PUBLIC MEETING

TUESDAY, SEPTEMBER 27, 2022

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, Thomas Meade, William Helm, John Caliguire, Chris Tierney, Alternate Member Dante Tignini and Chairman Edward Ruth.

Members Absent: None

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

OLD BUSINESS

Marc Hayden brought a motion to approve the minutes of June 27, 2022. Motion was seconded by John Caliguire and carried unanimously by voice vote.

CORRESPONDENCE

Board members were given brochures from New Jersey Planning Officials.

NEW BUSINESS

Calendar #14-22, Pass with Honor, LLC, dba Kumon Learning Center, 1129 Raritan Road. Mr. James Foerst is the Attorney representing the Applicant. Mr. Foerst stated that based on the application, the zoning official determined that the

Kumon Learning Center is not appropriate for the uses permitted. We are here asking for a use variance. *Mr. Foerst described the other uses on the strip stating that the proposed location was formerly a pizza place. I feel this use should be permitted.*

Ms. Smita Chandrasekher is the Applicant and owner of Pass with Honor dba Kumon Learning Center in Clark. Ms. Chandrasekher stated that they give out to parents a Parent's Guide by Kumon Learning Center. Ms. Chandrasekher discussed the guide which was Marked as Exhibit A-1. She stated that Kumon was started over 60 years ago in Japan and now is the world's largest learning center for math and reading. Students usually work on worksheets for a half hour per subject after school. The worksheets are graded by the staff and students get additional worksheets to take home. The students take one to two classes per week. Students will be there between 3:30 pm and 6:30 pm and she will be there with one or two assistants from 9:30 am to approximately 6:30 p.m. They are open from 9:30 am to 1 p.m. on Saturdays and closed on Sundays. Students range in age from age three to high school.

Ms. Chandrasekher stated on their first day, the students are tested to see what level they are on. There is also a parent orientation. There will be no more than 20 people in the center at one time, 17 students and 3 staff members. Most parents will drop their children off and pick up after class is over. There are 108 locations in New Jersey. Most are in strip malls and high traffic areas.

Chairman Ed Ruth questioned qualifications. Ms. Chandrasekher stated that she has an engineer's degree and was tested by Kumon as part of the teaching staff. Background checks are done but they are not required to be state certified teachers. Ms. Chandrasekher added that a Kumon in Clark would be good because nothing else is like this in Clark.

Steve Bruga, Professional Architect was sworn in. Mr. Bruga submitted to the board revised plans dated 9/27/22. The revised plans were marked as Exhibit A-2. Mr. Bruga discussed the changes made to the Zoning Block on sheet C-1. The Use Group changed to Learning & Tutoring Center. Occupancy load changed to 20 occupants with a total of 5 parking spaces required for this use. Total parking available are 46 parking spaces. Also added to the zoning block are the existing tenants in the building. Referring to Exhibit A-2, sheet A-2 (proposed floor plans) also dated 9/27/22. Mr. Bruga stated that one bathroom is shown on the plans but based on the size and number of occupants, two bathrooms are proposed. The existing bathroom will be renovated and ADA compliant. Also; on sheet A-2 shows the proposed tenant layout but the actual layout has not been determined yet. No new lighting is proposed. Memos from the Fire Chief dated September 21, 2022 was discussed and marked as Exhibit A-3. Memo also dated September 21, 2022 from the police bureau was also reviewed and marked as Exhibit A-4. Mr. Foerst stated that all code requirements will be complied with. Under current standards this site would require 37 parking spaces, there are 46 spaces existing with one ADA space existing and the learning center will require 5 spaces. Parking spaces for this use has

not been designated yet. *The board discussed left turns onto Raritan Road.* Mr. Foerst stated that they cannot make changes since they did not own the building.

Commentary: Mr. Foerst. The zoning ordinance was written in the 1980's and this type of use was probably not common at that time. You will see in the area, School of Rock and a karate studio. There is no definition of retail in the ordinance. We left that up to the Zoning Official. The use will fit well in the former pizza store space. *Mr. Foerst asked Ms. Chandrasekher to discuss payment.* She stated that parents pay monthly by check, Zelle or a similar electronic payment. Cash or credit cards are not accepted and no cash register will be at the site. **Mr. Foerst:** I don't think there is anything similar to this in Clark. I'm sure this will be a welcome addition to Clark.

Ms. Kelly Carey read onto the record conditions associated with this application if approved.

Thomas Meade brought a motion to approve. Motion was seconded by William Helm. *Vote in favor:* Hayden; Krok; Meade; Helm; Tignini (alternate); Caliguire; C. Tierney and Ed Ruth.

ADJOURNMENT

Marc Hayden brought a motion to adjourn. Motion was seconded by John Caliguire and carried unanimously by voice vote. Meeting adjourned at 9:02 p.m.

Taken and transcribed by:

Janet Gentry-Secretary

Dated