

Board of Adjustment

Minutes

July 20th, 2016

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held at the Council Chambers, City Hall, Clifton, New Jersey, on Wednesday, July 20, 2016. Acting-Chrmn Gerard Scorziello led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Acting-Chrmn Scorziello announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS PAUL GRAUPE, LOUIS DE STEFANO, KEITH LA FORGIA, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, AND ACTING-CHRMN GERARD SCORZIELLO.

ABSENT: COMR DANIEL TRENK AND CHRMN MARK ZECCHINO.

Acting-Chrmn Scorziello advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

Upon motion made by Comr Louis DeStefano, seconded by Comr Keith LaForgia, the Minutes of the June 15, 2016, regular meeting were adopted with the unanimous approval of the entire Board.

INSPECTION AND DECISION

1. 206 CLIFTON PARTNERS LLC,
Use 206 Delawanna Avenue, Block 60.14,
Variances; Lots 13 and 33 – M-2 & M-3 – 1. Use
Variances variance under N.J.S.A. 40:55D-70d(1)
to permit multi-family residential uses
in the M-2 and M-3 zones whereas

residential uses are not permitted in these zones and a use variance under N.J.S.A. 40:55D-70d(6) to permit a building height of 46.33 feet whereas only 40 feet is permitted; 2. Preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 to allow a four (4) story, eighty (80) unit apartment building consisting of sixty-six (66) one-bedroom apartment units and eight (8) two-bedroom apartment units with a total of 146 off-street parking spaces (as required by and conforming with the Residential Site Improvement Standards); 3. In addition, applicant seeks dimensional variances under N.J.S.A. 40:55D-70c for the following: to permit a lot area of 4.3 acres for buildings 41 to 80 feet in height within the M-3 zone whereas a minimum of 5 acres is required; to permit a lot width of 125.5 feet whereas a minimum of 250 feet is required; and to permit a monument sign to be installed ten (10) feet from the front property line and within the front yard setback, whereas signs are required to have a 30 foot front yard setback. The applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the applicant or the Board, and which may arise during the course of the hearing process.

Steven R. Tombalakian, Esq., of the firm of Weiner Lesniak, 629 Parsippany Road, Parsippany, New Jersey, appeared on behalf of the applicant. Frank A.

Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of 6W BP Opportunity LLC.

This is a continued hearing from the meetings of May 18, 2016, and June 15, 2016.

Mr. Carlet, on behalf of his client, requested that the Board reopen the hearing since his client never received notice of the matter due to confusion at the Post Office; that his client has a number of objections to the application, including an issue concerning the entrance to the applicant's project as well as the proposed development facing directly upon the truck docks of his client which operate 24-hours-a-day and utilize refrigerated trucks.

Mr. Tombalakian stated that the applicant opposes the reopening of the matter since it completed its case and was merely waiting for the report from the Board Engineer, Neglia Engineering, and the City Fire Chief; that the applicant did, in fact, provide notice to the objector at the address of record; that the argument concerning access to the property is incorrect as evidenced by the report of title presented to the Board in its communication of July 19, 2016.

Comr Christopher stated that the members of the Board just received Mr. Carlet's communication as well as the communication from Weiner Lesniak, and the Board has not had a sufficient opportunity to absorb the arguments of both counsel. Furthermore, Comr Christopher requested a legal opinion from Counsel Pogorelec concerning the arguments raised by both counsel.

Thereupon, Comr Christopher moved to continue the matter until the August 17, 2016, meeting of the Board. The motion was seconded by Comr Keith LaForgia with the unanimous approval of the entire Board.

The matter was continued until the August 17, 2016, meeting of the Board. Mr. Tombalakian, on behalf of the applicant, extended the time within which the Board is required to render a decision to August 17, 2016.

CONTINUED HEARINGS

1. **YESHIVA KTANA OF PASSAIC, INC.,**
Variances; 288, 292, 296, 300 & 304 South
Use Parkway, Block 59.01, Lots 8, 11,
Variance 13, 15 & 17 – R-B2 – Appeal or
application for a use variance required
to permit the demolition of the
existing houses on the lots listed
above and the construction of a
parking lot thereon to service the
abutting Yeshiva Ktana school in
the City of Passaic; and bulk
variances required for front yard setback
(25 feet required, 6 feet proposed),
side yard setbacks (20 feet
required, 6 feet proposed), rear
yard setback (35 feet required,
0 feet proposed), fence height and
open space (4 feet 50% open fence
permitted maximum, 4 foot high solid
wall with 6 foot high 50% open fence
in front of wall proposed), parking and
maneuvering in front yard, parking
within 10 feet of the rear line and
failure to provide interior lot landscaping,
and any other variances that may be
determined by the Board to be required.

This matter was continued to a special meeting to be agreed upon by the Board members along with the applicant and the objectors.

2. **VINCENT SAURO, 37 Harding Avenue,**

Variances (1150 Main Avenue), Block 12.05, Lot 1
 – B-C – Variances required to convert
 existing tenant space into a comedy club/
 restaurant use. 1. Comedy Club not listed
 as permitted use-use variance required.
 2. Applicant space requires 45 parking
 spaces plus parking for two other tenant
 areas within the building no on-site parking
 provided. 3. Existing nonconforming
 building setback and lot coverage.

 This matter was continued by the Board until the August 17, 2016, meeting of
the Board.

3. **ALDEN TRANSPORTATION CORPORATION,**
Use 82 Circle Avenue, Block 15.14, Lot 33 – M-2 –
Variance; Applicant proposes to build a school bus
Variance storage and repair facility. Use variance
 required for a dispatch service within an M-2
 district. Bulk variance relief from front yard
 setback, maximum lot coverage, parking in
 the front yard.

 This matter was previously continued by the Board to the August 17, 2016,
meeting.

4. **CLIFTON AVENUE ASSOCIATES, LLC,**
Use 1058-1060 Clifton Avenue, Block 47.04,
Variance Lots 1.01 and 2 – B-A – To permit
 installation of a sign on the blank front
 wall of the addition to the then existing
 office building, which will increase the
 size of the signage on the front of the
 building to 99 square feet, whereas 36.08
 square feet is permitted.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant.

This is a continued hearing from the meeting of June 15, 2016, when the applicant was given an opportunity to revise the sign proposed and make it more aesthetically pleasing.

Mr. Carlet offered into evidence a photograph showing the location of the proposed sign indicating "Same Day Procedures, LLC;" that the square footage of the proposed sign is 38.5 square feet; that the classic letters are 15 inches tall to match the existing sign of "Pain Management Center."

After a review of the exhibit, which was marked into evidence as "A-1," Comr Paul Graupe moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the sign variance. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

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| 5. | JLM CHESTNUT STREET, LLC, |
| Use | 22 and 36 Chestnut Street, Block 15.12, |
| Variance | Lot 16 – M-1 – Expansion of an
existing use variance to remove a
22 x 18.5 foot (407 sq. ft.) concrete
block building and make it a parking
and maneuvering area, and to enclose
the presently covered area, which is
a 36 x 18 foot (648 sq. ft.) area. |

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Louis Avolio, 65 Garside Avenue, Wayne, New Jersey.

Mr. Carlet stated that the premises in question were approved by the Board for a use for storage of landscaping materials and vehicles; that the applicant proposes to remove a 22- by 18.5-foot (407 square feet) concrete block building and make it a parking and maneuvering area and to enclose the presently covered area, which is 36- by 18-foot (648 square feet) area; that the proposed extension requires a use variance and revised site plan approval; that the proposal may be granted without substantial detriment to the public good or the zone plan since the proposed demolition of the existing concrete block building and the enclosure of a presently covered area, which is further from the road, which will meet the existing building on the property, is a *de minimus* exchange which improves the area since it is further set back from the road.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the expansion of the use variance previously granted. The motion was seconded by Comr Keith LaForgia. Voting for the motion were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, and Acting-Chrmn Gerard Scorziello. Voting against the motion were Comrs Paul Graupe and George Foukas. By a five to two vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

NEW HEARINGS

1. **BHUPENDRA RATANJI**, 10 Knox Place,
Variances Block 40.03, Lot 6.02 – RA2 – Applicant
proposes to build a rear yard deck,
following variances are required:
1. Rear yard proposed at 9' where 35' is
required; 2. Lot coverage proposed at 37%

where a maximum of 30% is permitted.

The applicant, residing at 10 Knox Place, Clifton, New Jersey, was present and sworn. There was one objector, David Santosuosso of 14 Greglawn Drive, Clifton, New Jersey.

The applicant testified through a family member, Rakesh Ganahi of 13 Knox Place, Clifton, New Jersey, that he requests approval for a rear yard deck at the subject premises; that the rear yard setback requirement is 35 feet, and the applicant is proposing 9 feet; that the lot coverage permitted is 30 percent, and the applicant is proposing 37 percent; that the size of the deck is 20- by 27-feet, and it will be 8 feet off the ground; that five people live in the house.

Mr. Santosuosso stated that he is concerned with the size of the deck, and he lives to the rear of the applicant's property.

After a review of the testimony, Comr Roy Noonburg moved to deny the application on the grounds that it is too big and represents a gross overuse of the premises. The motion was seconded by Comr Stephen Christopher. Voting for denial were Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello. By a seven to zero vote, the motion carried, and the application was denied in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

2. NICHOLAS ALECTORIDIS, 167 Hadley
Variance Avenue, Block 12.24, Lot 9 – RB1 –

Variance required for rear yard deck:

1. Lot coverage proposed at 33%
where a maximum of 27% is permitted.

The applicant, residing at 167 Hadley Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Comr Stephen Christopher excused himself from participating in this matter.

The applicant testified that he requests approval for a rear yard deck; that the size of the deck will be 18- by 18-feet; that the lot coverage permitted is 27 percent, and the applicant is seeking a variance to increase it to 33 percent.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello. By a six to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete
testimony presented to the Board and
upon which this decision is based.

3. **MR. & MRS. IMANI**, 32 Lorrie Lane,
Variances Block 71.03, Lot 24 – RA3 – Applicant
proposes to build a front yard addition,
following variances are required:
1. Right side yard proposed at 4.9'
where 6' is required;
 2. Combined
side yard is 9.5' where 16' is required;
 3. Lot coverage proposed at 32.7% where
27% is permitted.

Sasan Imani, residing at 32 Lorrie Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

Comr Louis DeStefano excused himself from participating in the matter.

The applicant testified that he proposes to build a front yard addition at the subject premises; that the right side yard setback requirement is 6 feet, and he is proposing 4.9 feet; that the combined side yard setback requirement is 16 feet, and he is proposing 9.5 feet; that the lot coverage permitted is 27 percent, and the applicant is proposing 32.7 percent; that the size of the addition will be 9- by 30-feet; that he has lived at the premises with his wife for one year.

After a review of the testimony, Comr Paul Graupe moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the front yard addition. The motion was seconded by Comr Roy Noonburg. Voting in the affirmative were Comrs Paul Graupe, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello. By a six to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

4. **JEFF NUCCETELLI, 83 Cathedral Ave.,**
Variances **Block 81.13, Lot 5 – RA3 – Applicant**
proposes to build a rear yard addition,
following variances are required:
1. Right side yard proposed at 4.6’
where 6’ is required;
 2. Left side yard
proposed at 5.2’ where 6’ is required;
 3. Combined side yard is 9.8’ where
16’ is required;
 4. Rear yard proposed
at 27.8’ at second floor deck and
33.7’ at second floor addition where
35’ is required;
 5. Lot coverage proposed
at 29.1% where 27% is permitted.

The applicant, residing at 83 Cathedral Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to build a rear yard addition at the subject premises; that the right side yard setback requirement is 6 feet, and he is proposing 4.6 feet; that the left side yard setback requirement is 6 feet, and he is proposing 5.2 feet; that the combined side yard requirement is 16 feet, and he is proposing 9.8 feet; that the rear yard setback requirement is 35 feet, and he is proposing 27.8 feet at the second floor deck and 33.7 at the second floor addition; that the lot coverage permitted is 27 percent, and he is requesting 29.1 percent; that the proposed addition will include a master bedroom and bathroom; that the home was purchased by the applicant in 2010.

After a review of the testimony, Comr Paul Graupe moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the bulk variances requested. The motion was seconded by Comr Roy Noonburg. Voting in the affirmative were Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

5. **MICHAEL GALLART**, 48 Rutgers Place,
Variance Block 27.09, Lot 9 – RA2 – Applicant
proposes to build a deck between the
above-ground swimming pool and existing
deck. Proposed deck will eliminate the
required 10' separation between the home
and deck.

The applicant, residing at 48 Rutgers Place, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to build a deck between the above-ground swimming pool and the existing deck; that the purpose is to add access to the swimming pool; that the applicant's wife suffers from a disability, and this will facilitate her access to the swimming pool.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

6. **BLANCA FABARA**, 419 Hillside Avenue,
Variance Block 81.16, Lot 2 – RA3 – Variance
required for a driveway that has been
expanded 5' into the front of the house
in an area not serving a garage.

The applicant, residing at 419 Hillside Avenue, Clifton, New Jersey, was present and sworn. There was one objector: Joaquin Gomez of 423 Hillside Avenue, Nutley, New Jersey.

The applicant testified that she requests variance approval for a driveway that has been expanded five feet into the front of the house in an area not serving a garage at the subject premises; that the driveway was installed four years ago.

The objector, Joaquin Gomez, objected to the application, stating that driveway is 8 inches onto his property without his consent.

After review, Acting-Chrmn Gerard Scorziello instructed the applicant to have an updated survey presented to the Board to determine the validity of the location of the driveway.

Thereupon, the matter was continued by the Board until the September 7, 2016, meeting of the Board.

7. SHARON EINHORN, 41 Virginia Avenue,
Variance Block 50.13, Lot 2 – RA2 – Variance
 required for a 5’ high fence installed
 on the right side yard where a 4’ high,
 50% open fence is permitted.

This matter was continued by the Board until the August 17, 2016, meeting at the request of the applicant.

8. SELF RELIANCE CREDIT UNION,
Use 851 Allwood Road, Block 66.01,
Variance; Lot 18 – B-A – Applicant proposes
Variances to demo existing bank building and
 build a new bank building with a
 drive thru. The following variances
 are required:
 1. Use variance required for drive thru.
 2. Parking proposed in the required
 front yard.

3. Distance between the two driveways is less than the required 60'.
4. Buffer area between proposed use and residential use is less than 6'.
5. Site plan approval required.
6. Any other relief deemed necessary by the Board.

Thomas P. DeVita, Esq., with offices at 452 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey, an architect and professional planner; William P. Stimmel of Rutherford, New Jersey, a professional engineer; and Walter Voinoov of Clifton, New Jersey, a Board member.

Mr. DeVita stated that the applicant proposes to demolish an existing bank building and erect a new bank building with a drive-thru facility at the subject premises; that the applicant will be seeking a use variance for the drive-thru; that parking is proposed in the required front yard; that the distance between the two driveways is less than the required 60 feet; that the buffer area proposed between the use and the residence is less than 6 feet; that the applicant is seeking site plan approval.

Mr. Mileto testified that the premises are located in a B-A zone, and the applicant is seeking conditional use approval and site plan approval; that presently, there is a one-story structure at the site, and the applicant proposes to demolish the same and erect a two-story structure with a drive-thru facility; that the total square footage of the building is 3,717 square feet; that on the first floor, there will be the banking operation, and on the second floor, offices utilized by the bank; that the applicant has requested reports from the Police Department and Fire Department; that the applicant has also filed an application with the Passaic County Planning Board for approval; that with respect to the use variance for the drive-thru facility, it is an appropriate use and will enhance the visual environment of the premises; that there will be no negative impact; that the drive-thru facility will provide for queuing of approximately 10 to 15 cars; that there will be no congestion of traffic onto Allwood Road.

Walter Voinoov, a member of the Board of Directors, testified that the proposed use will modernize the facility and allow for efficiency of use; that the bank is open Monday through Friday 9 A.M. to 7 P.M. on Monday and 9 A.M. to 5 P.M. on Tuesday, Wednesday, Thursday, and Friday; that on Saturday, the bank is open from 9 A.M. to 1 P.M.; that there are approximately eight to nine employees; that there are parking spaces for 20 vehicles and two handicap parking spaces.

Mr. Stimmel gave testimony concerning the existing site conditions, the development proposal, traffic on Allwood Road, an analysis of existing traffic volumes, an analysis of future traffic volumes, the parking layout, and concluded that the proposed development will not adversely effect traffic operation along Allwood Road; that there is adequate parking and circulation areas are provided on the site to accommodate the volume of traffic expected for the proposed use; that there is adequate queuing for the proposed drive-thru operation; that the proposed development will not have an adverse effect on traffic or safety on the site, on the adjoining properties, or the surrounding roadway.

At this point in the hearing, Acting-Chrmn Gerard Scorziello stated that the Board await comment from Neglia Engineering as well as reports from the Police Department and Fire Department concerning the proposed application for development. Thereupon, the matter was continued by the Board until the August 17, 2016, meeting of the Board.

9.	NEW MINGLEWOOD, LLC,
Use	Lot 2.03, Block 3.16; Lot 2.02, Block 3.16
Variances;-- PD3 --	
Variances	The proposed project involves the development of vacant land for an office, warehouse/storage building and storage yard for equipment, materials and supplies for a landscape and site construction company. The proposed office building may be partially leased to affiliated and/or non-affiliated companies.

The property is located in the Planned Development No. 3 Zoning District, which permits, in-part, existing industrial uses. The property was historically part of a larger tract of industrial property. The proposed commercial/industrial use is not permitted in the zoning district and, thus, a use variance is required. A second use variance may be required in connection with the partial leasing of the proposed office building to tenants. Variances related to setbacks, lot coverage, etc. (i.e., "bulk variances") may be required, but the Zoning Board will consider any deviations from the applicable requirements in connection with its review of the site plan. Applicant requests preliminary and final site plan approval by the Board. In addition, Lot 2.02 Block 3.16 is affected/part of this application. An ingress – egress easement is required over a 7,907 sq.ft. area of Lot 2.02 to allow ingress/egress to Lot 2.03 (the property). A 1,500 sq.ft. turnaround easement is required to allow truck vehicles using Lot 2.02 to use this easement area of Lot 2.03 for turning purposes. Lastly, the boundary line of Lot 2.02 and 2.03 is proposed to be relocated via a subdivision, which will minimally decrease the size of Lot 2.03. In connection with the site plan approval, the applicant will be seeking permission from the City Council to utilize an unimproved access easement, which traverses over Lot 2.03 (the property), but is for the benefit of the City, until such time as the City elects to improve said easement if needed in the future to the adjacent Dundee Park. Current access to park is via an existing gravel road located adjacent to and west of the subject property. The applicant reserves the right to

amend its application and shall apply for such other variances or design waivers, interpretations, exceptions, approvals, and/or relief the need of which becomes necessary or apparent during the course of the application process and/or the public hearing.

Zoning Officer Daniel D. Howell stated that no action may be taken on this matter since the applicant has not filed its formal application.

RESOLUTIONS

Acting-Chrmn Gerard Scorziello stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda.

1. Upon motion made by Comr Stephen Christopher, seconded by Comr Roy Noonburg, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Vice-Chrmn Gerard Scorziello, the Resolution GRANTING the application of TWENTY (20) INDUSTRIAL WEST, LLC for use variance for storage of dry goods in approximately half of the existing warehouse at 20 Industrial West, Block 56.09, Lot 2, was adopted. M-1

2. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Vice-Chrmn Gerard Scorziello, the Resolution GRANTING the application of EFTHIMIOS VERGIS for a rear yard setback variance for a rear deck at 10 Luisser Street, Block 55.02, Lot 3, was adopted. RA2

3. Upon motion made by Comr Roy Noonburg, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Vice-Chrmn Gerard Scorziello, the Resolution GRANTING the application of RICARDO KOHLHAUF for variance for a rear yard covered patio, variance for distance between the accessory building and the principal structure, and lot coverage at 76 Christie Avenue, Block 2.10, Lot 71, was adopted. RB1

4. Upon motion made by Comr Louis DeStefano, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, and Vice-Chrmn Gerard Scorziello, the Resolution GRANTING the application of CHUCK ROSENCRANZ for front and rear yard setback variances for a one-family dwelling at 10 Sycamore Road, Block 65.04, Lot 18, was adopted. RB1

COMMUNICATIONS

1. Acting-Chrmn Gerard Scorziello called the Board's attention to a communication dated July 12, 2016, from Attorney Price regarding YESHIVA KTANA OF PASSAIC, INC. concerning a possible date for a special meeting on September 14, 2016. The Board members present all concurred that they were available on that date. Counsel Pogorelec was instructed to communicate the same to the applicant and the interested parties.

There being no further business before the Board, Comr Keith LaForgia moved to adjourn. The motion was seconded by Comr Louis DeStefano with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF JULY 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CLIFTON AVENUE ASSOCIATES, LLC
for premises known as: 1058-1060 Clifton Avenue, Block 47.04,
Lots 1.01 and 2
be and the same is hereby: GRANTED use variance to permit installation of sign on front of building as amended.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 15, 2016, and July 20, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Paul Graupe moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval to permit installation of a sign on the front of the building as amended at premises located at 1058-1060 Clifton Avenue, Block 47.04, Lots 1.01 and 2, which premises are located in an B-A zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant requires a use variance to permit installation of a sign on the front of the building;
- b. The applicant has revised the sign, marked into evidence as "A-1", stating only "Same Day Procedures, LLC" with a square footage of 38.5 square feet and classic letters 15 inches tall to match the existing sign;
- c. The sign will alleviate problems with traffic by patrons being able to identify the building location;
- d. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- e. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been testimony presented to show that the proposal will not be detrimental to the health, safety, and general welfare

of the neighborhood, but will improve aesthetics and alleviate traffic problems from patrons having difficulty finding the building;

NOW THEREFORE, BE IT RESOLVED that the application to install a sign as amended on the existing front wall of office building at premises located at 1058-1060 Clifton Avenue, Block 47.04, Lots 1.01 and 2, be and the same is hereby approved and the use variance be and the same is hereby granted subject to such further governmental approvals as may be required by law **AND FURTHER SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL.**

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr PAUL GRAUPE

Seconded by: Comr GEORGE FOUKAS

Affirmed by: Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello.

MEETING OF JULY 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JLM CHESTNUT STREET, LLC
for premises known as: 22 and 36 Chestnut Street, Block 15.12, Lot 16
be and the same is hereby: GRANTED a use variance and revised site plan approval to remove a concrete block building for a parking and maneuvering area and enclose the presently covered area which meets the existing building on the property.

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 20, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval as aforesaid at premises located at 22 and 36 Chestnut Street, Block 15.12, Lot 16, which premises are located in an M-1 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The premises were previously granted a use variance and site plan approval for storage of landscape materials and vehicles;
- b. The applicant proposes to remove a 22 x 18.5 foot (407 sq.ft.) concrete block building and make it a parking and maneuvering area and to enclose the presently covered area, which is a 36 x 18 foot (648 sq.ft.) area;
- c. The enclosure of the presently covered area is further from the road and will meet the existing building on the property;
- d. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- e. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been testimony presented to show that the proposal will not be detrimental to the health, safety, and general welfare

of the neighborhood since the demolition of a concrete block building and enclosure of a presently covered area further back from the road is a *de minimus* exchange;

NOW THEREFORE, BE IT RESOLVED that the application to demolish an existing concrete block building and enclose the presently covered area as aforesaid at premises located at 22 and 36 Chestnut Street, Block 15.12, Lot 16, be and the same is hereby approved and the use variance and amended site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr KEITH LA FORGIA.

Affirmed by: Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg and Acting-Chrmn Gerard Scorziello.

MEETING OF JULY 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: BHUPENDRA RATANJI
for premises known as: 10 Knox Place, Block 40.03, Lot 6.02
be and the same is hereby: DENIED rear yard setback and lot coverage variances to build a rear yard deck 8 feet off the ground.

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 20, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Roy Noonburg moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests rear yard setback and lot coverage variance approval to build a 20- by 27-foot rear yard deck 8 feet off the ground at premises located at 10 Knox Place, Block 40.03, Lot 6.02, which premises are located in a RA2 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant and the objector, has made the following factual findings:

- a. The applicant requires a variance for rear yard coverage where 35 feet is required and 9 feet is proposed;
- b. The applicant requires a lot coverage variance where a maximum of 30 percent is permitted and 37 percent is proposed;
- c. The size of the deck is 20- by 27-feet and 8 feet off the ground which is a gross overuse of the premises;
- d. The applicant has shown insufficient hardship to justify the grant of the variances requested;
- e. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposed deck will not be in accord with the intent and purpose of the master plan and the zone ordinance due to the size and height of the deck; and

WHEREAS, the Board further finds that there has been testimony presented to show that the proposed rear deck will be detrimental to the health, safety, and general welfare of the neighborhood since the deck represents an overuse of the property;

NOW THEREFORE, BE IT RESOLVED that the application to build a rear yard deck at premises located at 10 Knox Place, Block 40.03, Lot 6.02, be and the same is hereby disapproved and the rear yard and lot coverage variances be and the same are hereby denied.

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr STEPHEN CHRISTOPHER.

Affirmed by: Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello.

MEETING OF JULY 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: NICHOLAS ALECTORIDIS
for premises known as: 167 Hadley Avenue, Block 12.24, Lot 9
be and the same is hereby: GRANTED lot coverage variance to erect a rear yard deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 20, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests lot coverage variance approval to erect a rear yard deck at premises located at 167 Hadley Avenue, Block 12.24, Lot 9, which premises are located in an RB1 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant requests lot coverage variance where a maximum of 27 percent is permitted and 33 percent is proposed;
- b. The size of the rear deck is 18- by 18-feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposed deck will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposed deck will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a rear yard deck at premises located at 167 Hadley Avenue, Block 12.24, Lot 9, be and the same is hereby approved and the lot coverage variance be and the same is hereby granted subject to such further governmental approvals as may be required by law.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

Affirmed by: Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello.

MEETING OF JULY 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MR. & MRS. IMANI
for premises known as: 32 Lorrie Lane, Block 71.03, Lot 24
be and the same is hereby: GRANTED right side yard, combined side yard, and lot coverage variances for a front yard addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 20, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Paul Graupe moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to build a front yard addition at premises located at 32 Lorrie Lane, Block 71.03, Lot 24, which premises are located in an RA3 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant proposes to build a front yard addition;
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 4.9 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 9.5 feet;
- d. The lot coverage requirement is 27 percent, and the applicant is proposing 32.7 percent;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the front yard addition will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been no testimony presented to show that the front yard addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to build a front yard addition at premises located at 32 Lorrie Lane, Block 71.03, Lot 24, be and the same is hereby approved and the variances for right side yard, combined side yards, and lot coverage be and the same are hereby granted subject to such further governmental approvals as may be required by law.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr PAUL GRAUPE.

Seconded by: Comr ROY NOONBURG.

Affirmed by: Comrs Paul Graupe, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello.

MEETING OF JULY 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JEFF NUCCETELLI
for premises known as: 83 Cathedral Avenue, Block 81.13, Lot 5
be and the same is hereby: GRANTED right side yard, left side yard, combined side yard, rear yard, and lot coverage variances for a rear yard addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 20, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Paul Graupe moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to erect a rear yard addition at premises located at 83 Cathedral Avenue, Block 81.13, Lot 5, which premises are located in an RA3 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant requests variance approval to erect a rear yard addition which will include a master bedroom and bathroom;
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 4.6 feet;
- c. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.2 feet;
- d. The combined side yard setback requirement is 16 feet, and the applicant is proposing 9.8 feet;
- e. The rear yard setback requirement is 35 feet, and the applicant is proposing 27.8 feet at the second floor deck and 33.7 feet at the second floor addition;
- f. The lot coverage permitted is 27 percent, and the applicant is proposing 29.1 percent;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- h. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the addition will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been no testimony presented to

show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a rear yard addition at premises located at 83 Cathedral Avenue, Block 81.13, Lot 5, be and the same is hereby approved and the variances for right side yard, left side yard, combined side yards, rear yard, and lot coverage be and the same are hereby granted subject to such further governmental approvals as may be required by law subject to Passaic County Planning Board approval.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr PAUL GRAUPE.

Seconded by: Comr ROY NOONBURG.

Affirmed by: Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello.

MEETING OF JULY 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MICHAEL GALLART
for premises known as: 48 Rutgers Place, Block 27.09, Lot 9
be and the same is hereby: GRANTED variance to build a deck to above-ground swimming pool and eliminate required 10-foot separation between house and deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 20, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to erect a deck between the above-ground swimming pool and the existing deck at premises located at 48 Rutgers Place, Block 27.09, Lot 9, which premises are located in an RA2 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant proposes to build a deck between the above-ground swimming pool and the existing deck;
- b. A variance is required since the proposed deck will eliminate the required 10-foot separation between the house and deck;
- c. The deck is required since the applicant's wife is disabled and requires access to the pool;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposed deck will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposed deck will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to build a deck between the above-ground swimming pool and the existing deck at premises located at 48 Rutgers Place, Block 27.09, Lot 9, be and the same is hereby approved and the variance for 10-foot distance between house and pool be and the same is hereby granted subject to such further governmental approvals as may be required by law.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED.

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

Affirmed by: Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello.