

8-17-2016

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, August 17, 2016. Chrmn Mark Zecchino 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. Chrmn Zecchino 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, DANIEL TRENK, LOUIS DE STEFANO, KEITH LA FORGIA, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

Chrmn Zecchino 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 Keith LaForgia, seconded by Comr Stephen Christopher, the Minutes of the July 20, 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.

At the request of the attorney for the applicant, this matter was continued until the September 21, 2016, meeting of the Board.

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 previously set for hearing at a special meeting on
September 14, 2016.

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.

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: Vincent Sauro of 95 Lake Avenue, Clifton, New Jersey; Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey, a planner; and Neil Tanis of 12 Botany Village Square, Clifton, New Jersey, an architect.

Mr. Carlet stated that the applicant requests use variance and bulk variances to convert an existing tenant space at the premises in question into a comedy club and restaurant use; that the comedy club is not a permitted use and requires a use variance; that the applicant requires 45 parking spaces plus parking for two other tenant areas within the building and there is no on-site parking provided; that the applicant has entered into a lease with the owner of premises across the street providing for parking for 45 spaces.

Mr. Tanis testified as an architect and stated that a portion of the subject premises on the second floor will be utilized for a comedy club and restaurant; that the space is 2,250 square feet; that 120 seats will be provided; that there is a hallway which separates the billiard parlor from the proposed comedy club and restaurant.

Mr. Sauro testified that the proposed comedy club will have shows on Friday and Saturday and the hours of the shows are at 7:30 P.M. and 9:30 P.M.; that he has entered into a parking lease providing for 45 vehicles. Said lease was marked into evidence as "P-1;" that a liquor license has been approved for both floors of

the premises; that previously, the space was utilized as a dance studio; that the hallway separates the comedy club from the billiard parlor.

Mr. Mileto testified as a planner and stated that the applicant requires a use variance, a conditional use variance, a front yard setback variance, a rear yard setback variance, and a lot coverage variance; that the comedy club operates on the basis of the people coming in for the show and then leaving; that the applicant satisfies the positive criteria in that it satisfies several purposes as set forth in N.J.S.A. 40:55-2; that there will be no negative impacts from the proposed use; that the omission of the comedy club from the ordinance results in the fact that comedy clubs were never considered when the zoning ordinance was written; that the site is suitable for the proposed use; that in his opinion, the use variance and bulk variances may be granted without any substantial detriment to the adjacent properties and will not be offensive to the zone plan and zone ordinance; that the cost of admission for the comedy club will be anywhere from \$15.00 to \$50.00 per person, and dinner will cost approximately \$12.00 to \$20.00.

At this point in the hearing Chrmn Zecchino continued the matter to obtain a Fire Report as well as a determination whether an entertainment license has been issued to the site. Thereupon, the matter was continued until the September 21, 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.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Brian Shortino, an

engineer, of 66 Glen Avenue, Glen Rock, New Jersey. There were a number of objectors present, some of whom were sworn to give testimony: Omar Rimani, 52 Prospect Street; Marlo Mazur, 23 Montclair Avenue; George Vasilik, 48 Inwood Street; Helen Talanec, 32 Norwood Avenue; Nancy Gerbino, 46 Prospect Street; Meipriet Bebeer, 41 Norwood Avenue; Steve Mazur, 23 Montclair Avenue; Nick Bassano, 39 Prospect Street; Dorothy De Liberto, 39 Inwood Street; Joe De Liberto, 39 Inwood Street; Anthony Shenekji, 32 Montclair Avenue; Crisandy Rosario-Almonte, 55 Prospect Street; Arthur Clavo, 55 Prospect Street; Ed Welsh, 159 West 2nd Street; Anthony J. Longo, 26 Montclair Avenue, all of the City of Clifton, New Jersey.

Comr George Foukas excused himself, and Comr Daniel Trenk sat in his place and stead.

This is a continued hearing from the June 15, 2016, meeting of the Board.

Mr. Peterson had marked into evidence "A-2" a photograph of the school buses to be stored at the site.

Mr. Shortino testified that there are two types of buses that will be stored at the premises; that he reviewed the vehicle circulation exhibit, the trip generation letter, and responded to issues raised in the revised report of Neglia Engineering concerning the protecting of the wall, the geogrid, internal parking lot landscaping, underground electric service, and stormwater drainage analysis.

Objector George Vasilik was concerned with underground fuel storage tanks and the grading of the property.

Objector Edward Welsh questioned the painting of the red line; that if a buffer is installed, how many parking spaces would be lost. Mr. Shortino stated that 26 spaces would be lost if a buffer area was installed.

Marlo Mazur stated her objections with regard to parking and traffic congestion, buses idling and the addition of a business to an industrial area which is congested at the present time.

Anthony Longo was concerned with noise and requested a noise report. Mr. Peterson stated that the applicant will not provide such a report.

Nancy Gerbino was concerned with the devaluation of her property.

Anthony Shenekji was concerned with noise and pollution and requested that the applicant submit such a report.

Nick Bassano was concerned with parking in the street if the vehicles were unable to access the premises due to inclement weather.

At this point in the hearing, Chrmn Zecchino continued the matter until the September 21, 2016, meeting of the Board.

4. **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.

This matter was previously continued by the Board to the September 7, 2016, meeting of the Board.

5. **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.

Neal Einhorn, residing at 41 Virginia Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Einhorn testified that he requests variance approval for a 5-foot-high fence installed on the right side yard where a 4-foot-high 50% open fence is permitted; that the purpose of the fence is for privacy and security; that the grading where the fence is located is irregular; that a contractor was hired to install a 4-foot-high

fence, however, he installed a 5-foot-high fence and has refused to replace the same.

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 variance. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. 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.	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. There were no objectors.

This is a continued hearing from the meeting of July 20, 2016.

Mr. DeVita stated that the Board is in receipt of a number of police reports from the Police Department; however, none of the police reports concern the subject premises in question; that the applicant has provided the Fire Department with a turning radius for fire apparatus which is subject to approval by the Clifton Fire Department.

Mr. Mileto responded to the revised report from Neglia Engineering dated August 16, 2016, concerning the issues raised and concerning the grading, drainage, and utility comments; percolation and permeability test; and lighting and landscaping. Mr. Mileto testified that the applicant will comply with all requirements and recommendations of the Neglia report as aforesaid.

After review of the testimony, Comr George Foukas moved to grant the application subject to a favorable recommendation from the Fire Department concerning the radius clearance at the site; subject to Passaic County Planning

Board approval; subject to compliance with all requirements and recommendations in the Neglia Engineering report dated August 16, 2016. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. 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.

7. **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.

This matter was previously scheduled for September 7, 2016.

NEW HEARINGS

1. ROHIT SHAH, 567 Van Houten Avenue,
Use Block 43.04, Lot 3—B-C—Applicant
Variance proposes a social senior citizen center
 which requires a use variance.
 Thirteen parking spaces required
 and three provided. Existing
 nonconforming mixed use building,
 first floor business and second floor
 two residential units; such other
 variances as may be required.

At the request of the attorney for the applicant, this matter was continued until the September 7, 2016, meeting of the Board.

RESOLUTIONS

Chrmn Mark Zecchino 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 Paul Graupe, seconded by Comr George Foukas, and affirmed by Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of CLIFTON AVENUE ASSOCIATES, LLC for use variance to permit installation of sign on front of building as amended at 1058-1060 Clifton Avenue, Block 47.04, Lots 1.01 and 2, was adopted. B-A

2. Upon motion made by Comr Louise DeStefano, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of JLM CHESTNUT STREET, LLC for 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 at 22 and 36 Chestnut Street, Block 15.12, Lot 16, was adopted. M-1

3. Upon motion made by Comr Roy Noonburg, seconded by Comr Stephen Christopher, and affirmed by Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution DENYING the application of BHUPENDRA RATANJI for rear yard setback and lot coverage variances to build a rear yard deck 8 feet off the ground at 10 Knox Place, Block 40.03, Lot 6.02, was adopted. RA2

4. Upon motion made by Comr George Foukas, seconded by Comr Keith LaForgia, and affirmed by Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of NICHOLAS ALECTORIDIS for lot coverage variance to erect a rear yard deck at 167 Hadley Avenue, Block 12.24, Lot 9, was adopted. RB1

5. Upon motion made by Comr Paul Graupe, seconded by Comr Roy Noonburg, and affirmed by Comrs Paul Graupe, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of MR. AND MRS. IMANI for right side yard, combined side yard, and lot coverage variances for a front yard addition at 32 Lorrie Lane, Block 71.03, Lot 24, was adopted. RA3

6. Upon motion made by Comr Paul Graupe, seconded by Comr Roy Noonburg, and affirmed by Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of JEFF NUCCETELLI for right side yard, left side yard, combined side yard, rear yard, and lot coverage variances for a rear yard addition at 83 Cathedral Avenue, Block 81.13, Lot 5, was adopted. RA3

7. Upon motion made by Comr George Foukas, seconded by Comr Keith LaForgia, and affirmed by Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of MICHAEL GALLART for variance to build a deck to above-ground swimming pool and eliminate required 10-foot separation between house and deck at 48 Rutgers Place, Block 27.09, Lot 9, was adopted. RA2

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF AUGUST 17, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SHARON EINHORN
for premises known as: 41 Virginia Avenue, Block 50.13, Lot 2
be and the same is hereby: GRANTED a 5-foot-high fence on the right side yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 17, 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 variance approval for a 5-foot-high fence on the right side yard at premises located at 41 Virginia Avenue, Block 50.13, Lot 2, which premises are located in a RA2 zone; and

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

- a. The applicant engaged the services of a contractor who installed a 5-foot-high fence when the applicant requested a 4-foot-high fence;
- b. The zoning ordinance permits a 4-foot-high 50% open fence;
- c. The contractor refuses to remove the fence;
- d. The fence does provide privacy and security;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- f. 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 the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a 5-foot-high fence

on the right side yard at premises located at 41 Virginia Avenue, Block 50.13, Lot 2, be and the same is hereby approved and the 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 LOUIS DE STEFANO.

Seconded by: Comr KEITH LA FORGIA.

Affirmed by: Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF AUGUST 17, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SELF RELIANCE CREDIT UNION
for premises known as: 851 Allwood Road, Block 66.01, Lot 18
be and the same is hereby: GRANTED use variance and bulk variances for parking, distance between two driveways, and buffer area and site plan approval to demolish an existing bank building and erect a new bank building with a drive-thru facility.

Testimony concerning the aforesaid application was taken by the Board at its meetings on July 20, 2016, and August 17, 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 use variance, bulk variances, and site plan approval to demolish an existing bank building and build a new bank building with a drive-thru facility at premises located at 851 Allwood Road, Block 66.01, Lot 18, which premises are located in a B-A zone; and

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

- a. The applicant has an existing bank building at the subject premises and requests approval to build a new bank building with a drive-thru facility which requires a use variance;
- b. The applicant requests bulk variance approval for the following: parking proposed in the required front yard; distance between the two driveways is less than the required 60 feet; buffer area between proposed use and residential use is less than 6 feet;
- c. The applicant's planner gave testimony concerning the positive and negative criteria required for the grant of a use variance;
- d. The applicant's traffic expert gave testimony analyzing the existing traffic volumes, a projection of future traffic volumes, the parking layout, and circulation area

concluding that the proposed development will not have an adverse effect on traffic or safety on the site or the adjoining properties or the surrounding roadways;

e. The applicant's planner gave testimony concerning the buffer area and the distance between the two driveways, contending that the benefits of the bulk variance outweigh the detriments, if any;

f. The applicant has shown sufficient hardship to justify the bulk variances requested;

g. The proposed use is an appropriate use and will enhance the visual environment of the premises; 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 since the bank currently exists at the site; and

WHEREAS, the Board further finds from the testimony of the traffic expert that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application to demolish an existing bank building and build a new bank building with a drive-thru facility at premises located at 851 Allwood Road, Block 66.01, Lot 18, be and the same is hereby approved and the use variance, variances for parking in the required front yard, distance between the two driveways less than the required 60 feet, and the buffer area

between the proposed use and residential use is less than 6 feet along with site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Approval from the Fire Department of the City of Clifton concerning adequacy of turning radius clearance for fire apparatus;
2. Compliance with all recommendations and requirements of Neglia Engineering Associates report dated June 30, 2016, and revised August 16, 2016.
3. 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 GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

Affirmed by: Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.