

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, September 7, 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, LOUIS DE STEFANO, KEITH LA FORGIA, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR DANIEL TRENK.

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 Stephen Christopher, seconded by Comr Louis DeStefano, the Minutes of the August 17, 2016, regular meeting were adopted with the unanimous approval of the entire Board.

INSPECTION AND DECISION

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| 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 <u>N.J.S.A.</u> 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.

This matter was previously continued by the Board 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 continued by the Board to a special meeting to be held 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.

This matter was previously continued by the Board 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.

This matter was previously continued by the Board 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.

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

The applicant presented a survey as requested by the Board dated August 18, 2016, and testified that her hardship is that she has a pick-up truck and wants to park it on the property.

Chrmn Zecchino noted that the Board is acting on the variance requested—that is, driveway that has been expanded 5 feet into the front of the house in an area not serving a garage; and any dispute between the two neighbors is a private matter and not before the Board.

After a review of all the testimony, Comr Keith LaForgia moved to deny the application, citing the fact that the applicant has shown no hardship to justify the grant of the variance and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Roy Noonburg. Voting for denial were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, and George Foukas. Voting against denial were Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a five to two 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.

5. **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.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey, an architect and planner; and Rohit Shah of 500 Central Avenue, Union City, New Jersey. There were no objectors.

Comr Keith LaForgia excused himself from participating, and Comr Paul Graupe sat in his place and stead.

Mr. Sala offered into evidence which was marked "A-1" the notice of publication and stated that the applicant proposes a social senior citizen center at the subject premises which presently has an empty storefront with two apartments; that the proposed use is a senior community center.

Mr. Shah testified that the center will be open six days a week from the hours of 8 A.M. to 6 P.M.; that food is brought in from outside the premises; that the curb cut at the premises must be approved by the County; that there will be three employees at the site; that the activities include trips, socialization, bingo, fitness, etc.; that 13 parking spaces are required and three are provided; that the maximum amount of people will be under 50; that the occupants will be bused to the premises.

Mr. Mileto stated that proposed is a minimally invasive use; that it is a passive use; that the drop-off and pick-up will be in front of the building; that the bus will be required to back out to Van Houten Avenue; that there will be two trips of occupancy, one from 8 A.M. to 2 P.M. and the second from 12 Noon to 6 P.M.; that the application satisfies the positive and negative criteria; that in his opinion, the proposal will not be detrimental to the zone plan and the zoning ordinance nor the master plan.

After a review of the testimony, Comr George Foukas moved to deny the application, citing the fact that safety at the site presents a major problem and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Paul Graupe. Voting for denial were Comrs Paul Graupe, Louis DeStefano, 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 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.

NEW HEARINGS

1. **PATRICIA HOPP & GIUSEPPE INGUI,**
Variance 10 Manor Drive, Block 52.04, Lot 33
 -- RA1 – Variance required for a proposed
 rear yard deck: 1. Rear yard proposed at
 16’ where 35’ is required.

James Galesi of 12 North Route 17, Paramus, New Jersey, appeared on behalf of the applicant. Present and sworn was Patricia Hopp of 10 Manor Drive, Clifton, New Jersey. There were no objectors.

The applicant testified that she requires variance approval for a rear deck at the subject premises; that the rear yard setback requirement is 35 feet and she is proposing 16 feet; that the purpose of the addition is to include additional living space.

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.

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testimony presented to the Board and
upon which this decision is based.

2. **YOHANNY ARAKAKI & MARC MC SWEENEY,**

Variances 12-14 Sunnycrest Avenue, Block 41.11, Lot 3
-- RA3 – Applicant proposes a second floor deck
over an existing addition, the following variances
are required: 1. Deck proposed 3.28’ from right
side yard where 6’ is required; 2. Rear yard
proposed at 30.5’ where 35’ is required;
3. 8’ separation proposed between deck and
garage where 10’ is required.

The applicants, residing at 14 Sunnycrest Avenue, Clifton, New Jersey, were present and sworn. There were no objectors.

Mr. McSweeney testified that he requests variance approval for a second floor deck over an addition at the subject premises; that the right side yard setback requirement is 6 feet and the applicant is proposing 3.28 feet; that the rear yard setback requirement is 35 feet and the applicant is proposing 30.5 feet; that there will be an 8 foot separation between the deck and the garage where 10 feet is required.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. The motion was seconded by Comr Stephen Christopher. 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.

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testimony presented to the Board and
upon which this decision is based.

3. **COSTCO WHOLESALE CORP., 168 Main**
Use Avenue and 20 Bridewell Place, Block 72.06,
Variance; Lots 38 and 42 – M-2 – General Industrial
Variances Seeks approval to construct a 722 sq. ft.
meat freezer addition to its existing
Costco Wholesale retail facility and to add a
gas island (two additional gasoline dispensers)

to the existing gas filling station on the property; and all variances, waivers, exceptions and other relief necessitated by the plans it has currently filed with the Board, together with any additional variances, waivers, exceptions and other relief that may be necessitated by changes to the plans requested by the Board, and any other relief that the Board may determine to be appropriate or necessary. This relief includes but may not necessarily be limited to: (i) a variance for the expansion of an existing non-conforming use of the Property as a Costco food center; (ii) a variance for lot coverage of 24.6% where the Ordinance requires a minimum of 20%; and (iii) a variance for 4 loading spaces where the Ordinance requires a minimum of 14 spaces.

John M. Marmora, Esq., with offices at One Newark Center, 10th Floor, Newark, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: James T. Kyle of Hopewell Township, New Jersey, a planner; Robert Streker of Bohler Engineering, 35 Technology Drive, Warren, New Jersey, a professional engineer; John R. Harter of 35 Technology Drive, Warren, New Jersey, a professional engineer specializing in traffic and design; and John Paul Andrews, a representative of Costco. There were no objectors.

Mr. Streker testified that the present use of the premises is a Costco wholesale store with 140,970 square feet with a gas station with six dispensers; that the applicant proposes an addition of a gas island with two dispensers and an addition to the building for a meat cooler; that the addition at the gas island will provide for a pass-through lane, modifications to the existing canopy and modification to the existing storm system.

Offered into evidence which was marked "A-1" was the site plan and "A-2" which is the architectural plan.

Mr. Kyle testified as a principal planner and stated that the applicant proposes to increase the gas dispensers from 12 to 16; that the proposal will alleviate cars stacking; that the application satisfies the positive and negative criteria; that the applicant satisfies the purposes of zoning as set forth in N.J.S.A. 40:55-2; that the proposal is consistent with the approval given by the Board in 2011; that the proposal is not inconsistent with the intent and purpose of the master plan and the zone ordinance.

Mr. Harder testified as the traffic and design engineer and stated that the applicant proposes to remove a single loading bay and a portion of the trench drain to add a 722 square foot meat freezer expansion with a freezer pit; that this will benefit the customers to Costco since it will provide more available products.

Mr. Andrews of Costco stated that a study conducted at another site showed that the addition of gas dispensers cut the queuing of cars from 54 to 39 and helped alleviate traffic congestion.

Chrmn Zecchino called the applicant's attention to a communication dated September 7, 2016, from Fire Chief Kevin McCarthy concerning the requirements of the Fire Department. Mr. Marmora, on behalf of the applicant, stated that the applicant will comply with all recommendations of said report.

Chrmn Zecchino called the applicant's attention to report of Neglia Engineering dated August 5, 2016, concerning grading, drainage and utility comments and lighting and landscaping comments and the recommendations made by Neglia Engineering. Mr. Marmora stated that the applicant will comply with all recommendations set forth in said report.

Also entered into evidence which was marked "A-3" was the traffic circulation plan.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution, citing the fact that it is a unique piece of property; that the proposal represents a substantial improvement to the site; that it will lessen congestion problems and speed up the process of obtaining gas by the consumers, subject to compliance with all the recommendations set forth in the report of Neglia Engineering dated August 5, 2016, and the report of the Fire Department dated September 7, 2016. The motion was

seconded by Comr Stephen Christopher. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting in the negative was Comr Roy Noonburg. By a six to one 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. **LET IT GROW, INC. (Applicant) AND**
Use NEW MINGLEWOOD, LLC, 14 Ackerman
Variances; Avenue-REAR, Lot 2.03, Block 3.16 and
Variance 14 Ackerman Avenue, Lot 2.02, Block 3.16
- PD3 – The proposed project involves the development of vacant land for:
- (i) a multi-tenant office, (ii) a warehouse / storage / vehicle repair building; and (iii) storage yard for equipment, vehicles, materials and (iii) storage yard for equipment, vehicles, materials and supplies for a landscape and site construction company. The proposed office building will be predominantly used by the Applicant, but will also be partially leased to affiliated companies or other tenants. 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, identified as Lot 2.02 of the City Tax Map. 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. Pursuant to the Planned Development No. 3 Zoning District

requirements, the following additional variance is required: tract area – 10 acres required and 1.643 acres proposed for Lot 2.03 and 3.857 acres proposed for Lot 2.02. The proposed development proposes 33 parking spaces and 43 parking spaces are required, thus, a parking variance is required. In addition, variances are required for: (i) parking located in front yard; (ii) no landscaping in parking lot; (iii) 8 ft. wide parking space for three spaces, whereas a 9 ft. wide parking space is required; (iv) free standing sign located in front and side yard setback. The Applicant requests preliminary and final site plan approval by the Board.

Generally, when bulk variances are required in connection with a use variance application, the Board will consider these variances in the context of reviewing the site plan. 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 from 2.161 acres to 1.643 acres. Separately, and at another time, 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 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. If the City grants this permission, the site will be able to accommodate an additional seven parking spaces. 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.

Charles H. Sarlo, Esq., with offices at 777 Terrace Avenue, Suite 607, Hasbrouck Heights, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Calisto J. Bertin with offices at 66 Glen Avenue, Glen Rock, New Jersey, an engineer; Paul T. Imbarrato, owner of River Edge, New Jersey; Jose I. Carballo with offices at 171 Main Street, Hackensack, New Jersey, an architect; and Michael F. Kauker with offices at 356 Franklin Avenue, Wyckoff, New Jersey, a planner. There were no objectors.

Mr. Sarlo stated that the premises in question is identified as Block 3.16, Lots 2.02 and 2.03; that the site is irregular in shape with frontage along Ackerman Avenue with a lot size with approximately 5.502 acres; that the site contains a one-story commercial building with associated parking and loading areas around the building; that the applicant proposes to subdivide a portion of Lot 2.03 and construct a multi-tenant office building, a truck storage/warehouse, and a landscape contractor equipment and material storage yard; a total of 40 new parking spaces are proposed along with 5 truck parking bays; that two separate buildings are proposed along with a nursery.

Mr. Bertin testified that the applicant intends to maintain the current uses on Lot 2.02; that the applicant proposes a 7,633 square foot office building for the applicant's use, a construction storage yard which includes bulk landscape materials and plant material storage, a 6,402 square foot vehicle storage and repair warehouse building, and lease out a portion to tenants; that the applicant proposes future expansion of the vehicle storage and repair warehouse building to the east to the property line; that the applicant proposes a patio associated with the office building, curbed parking area for 40 vehicles and uncurbed parking area for 5 trucks; that stormwater, lighting and

landscaping improvements are proposed; that an entrance sign, flagpole, and chain link fence and generator are also proposed.

Offered into evidence were the following exhibits: “A-1” the existing condition plan; “A-2” the subdivision plan; “A-3” aerial photograph of the proposal; and “A-4” a response letter to Neglia Engineering dated September 6, 2016, concerning comments raised in report of Neglia Engineering dated August 31, 2016.

Chrmn Zecchino noted that the report of Planning Consultant Gregory Associates indicates that the applicant will be seeking a D-1 use variance and C variances for number of parking spaces, parking and maneuvering areas in front yard, interior parking area landscaping, parallel parking dimension, sign front yard setback, and sign side yard setback.

Mr. Bertin further testified that Lot 2.03 is encumbered by an existing unimproved access easement located along the southerly portion of the property; that the easement was created when Lot 2.03 was created by subdivision; that the easement is for the benefit of the City and the public as a potential ingress and egress route to Dundee Park which is located on Lot 2.04 in the event that the Park can no longer be accessed by the current gravel driveways in the future; that the applicant’s site plan illustrates the proposed parking over the unimproved access easement where the applicant will be requesting permission to use the easement for parking so long as the City does not need to make use of same.

Mr. Imbarrato testified that the applicant conducts a landscaping business; that the applicant engages in large landscaping projects; that there are 50 employees; that there is a yard staff of approximately 5 to 7 individuals; that the office personnel is approximately 15 individuals; that the applicant intends to clean out the proposed site and make it aesthetically pleasing; that the applicant is going to become community-oriented; that the applicant conducts a 12 month operation with snow plowing provided in the Winter months.

Mr. Kauker testified as a planner and stated that the proposal will revitalize the area; that the site is suitable for the proposed use; that the applicant satisfies the purposes of zoning set forth in N.J.S.A. 40:55D-2; that there is adequate access to the site; that the applicant has satisfied the positive and negative criteria required for the grant of the use variance; that the proposal will help promote the health, safety,

and general welfare of the area; that the proposal is also compatible with other uses in the area; that there will be no impairment of the intent and purpose of the zone plan and zone ordinance; that the site is hidden behind an industrial plant; that the master plan provides for redevelopment; that the use variance may be granted without substantial detriment to the zone plan and zone ordinance and satisfies the positive and negative criteria.

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, citing the fact that the proposal represents a substantial improvement to the area. The motion was subject to compliance with all recommendations set forth in the report of Neglia Engineering dated August 31, 2016; and further subject to approval from the Fire Department of the City of Clifton concerning access and circulation; and further subject to approval from the Mayor and Municipal Council of the City of Clifton concerning parking easement on Lot 2.03 for use for parking so long as the City does not need to make use of same. 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.

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 Louis DeStefano, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SHARON EINHORN for a 5-foot-high fence on the right side yard at 41 Virginia Avenue, Block 50.13, Lot 2, was adopted. RA2

2. Upon motion made by Comr George Foukas, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SELF RELIANCE CREDIT UNION for 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 at 851 Allwood Road, Block 66.01, Lot 18, was adopted. B-A

There being no further business before the Board, Comr Louis DeStefano 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 SEPTEMBER 7, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: BLANCA FABARA
for premises known as: 419 Hillside Avenue, Block 81.16, Lot 2
be and the same is hereby: DENIED variance required for a driveway that has been expanded 5 feet into the front yard of the house in an area not serving a garage.

Testimony concerning the aforesaid application was taken by the Board at its meetings on July 20, 2016, and September 7, 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 Keith LaForgia moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a driveway that has been expanded 5 feet into the front yard of the house in an area not serving a garage at premises located at 419 Hillside Avenue, Block 81.16, Lot 2, which premises are located in a 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 for a driveway in the front of the dwelling in an area not serving a garage which is not permitted;
- b. The applicant testified that her hardship is the parking of a pick-up truck;
- c. The applicant has shown no hardship to justify the grant of a variance;
- d. The detriments of the application outweigh the benefits, if any; and

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

NOW THEREFORE, BE IT RESOLVED that the application for a driveway not serving a garage at premises located at 419 Hillside Avenue, Block 81.16, Lot 2, be and the same is hereby disapproved and the variance be and the same is hereby denied.

Resolution moved by: Comr KEITH LA FORGIA.

Seconded by: Comr ROY NOONBURG.

Affirmed by: Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, and George Foukas.

MEETING OF SEPTEMBER 7, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ROHIT SHAH
for premises known as: 567 Van Houten Avenue, Block 43.04, Lot 3
be and the same is hereby: DENIED a use variance for a social senior citizen center.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval for a social senior citizen center at premises located at 567 Van Houten Avenue, Block 43.04, Lot 3, which premises are located in a B-C zone; and

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

- a. The premises in question is vacant on the first floor and houses two apartments on the second floor;
- b. The applicant requests a use variance for the proposed use;
- c. The applicant has failed to sustain the burden of proof for the positive and negative criteria required for the grant of a use variance;
- d. The detriments of the application outweigh the benefits; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance since the proposed use is omitted as a permitted use in the zone ordinance; and

WHEREAS, the Board further finds the testimony presented concerning access to and egress from the site as well as the safety of senior citizens may be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a senior citizen social center at premises located at 567 Van Houten Avenue, Block 43.04, Lot 3, be and the same is hereby disapproved and the use variance be and the same is hereby denied.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr PAUL GRAUPE.

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

MEETING OF SEPTEMBER 7, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: PATRICIA HOPP AND GUISEPPE INGUI for premises known as: 10 Manor Drive, Block 52.04, Lot 33 be and the same is hereby: GRANTED a rear yard setback variance for a rear deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 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 as aforesaid for a rear deck at premises located at 10 Manor Drive, Block 52.04, Lot 33, which premises are located in an RA1 zone; and

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

- a. The applicant proposes a rear deck at the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 16 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 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 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 for a rear yard deck at

premises located at 10 Manor Drive, Block 52.04, Lot 33, be and the same is hereby approved and the rear yard setback 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 SEPTEMBER 7, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: YOHANNY ARAKAKI & MARC MC SWEENEY for premises known as: 12-14 Sunnycrest Avenue, Block 41.11, Lot 3 be and the same is hereby: GRANTED a second floor deck over an existing addition and variances for right side yard setback, rear yard setback, and distance between deck and garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 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 Keith LaForgia moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for a second floor deck floor deck over an existing addition at premises located at 12-14 Sunnycrest Avenue, Block 41.11, Lot 3, which premises are located in a RA3 zone; and

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

- a. The applicant proposes a second floor deck over an existing addition;
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 3.28 feet;
- c. The rear yard setback requirement is 35 feet, and the applicant is proposing 30.5 feet;
- d. The separation between the deck and the garage required is 10 feet, and the applicant is proposing 8 feet;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested; and
- 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 second floor deck over an existing addition at premises located at 12-14 Sunnycrest Avenue, Block 41.11, Lot 3, be and the same is hereby approved and the right side yard setback, rear yard setback, and separation between deck and garage variances 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 KEITH LA FORGIA.

Seconded by: Comr STEPHEN CHRISTOPHER.

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

MEETING OF SEPTEMBER 7, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: COSTCO WHOLESALE CORP.

for premises known as: 168 Main Avenue and 20 Bridewell Place,
Block 72.06, Lots 38 and 42

be and the same is hereby: GRANTED use variance for an expansion of an existing, non-conforming use and bulk variances for number of loading berths and lot coverage for an addition of a gas island and an addition to the building for a meat cooler area.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 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, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance and bulk variance as aforesaid approval as aforesaid for an addition of a gas island and addition to the building for a meat cooler area at premises located at the Costco store, 168 Main Avenue and 20 Bridewell Place, Block 72.06, Lots 38 and 42, which premises are located in an M-2 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant and it's experts—to wit, Robert Steker, professional engineer of Bohler Engineering; James T. Kyle, professional planner; John R. Harter, traffic and design professional engineer, and John Paul Andrews, a representative of Costco; and

WHEREAS, the Board reviewed the report of it's planning consultant, Gregory Associates, dated September 1, 2016; the report of Neglia Engineering dated August 5, 2016; and the report of the Clifton Fire Department dated September 7, 2016; and

WHEREAS, the Board, after hearing the testimony and reviewing the reports, has made the following factual findings:

- a. The applicant did receive use variance approval from the Zoning Board in

2011;

b. The applicant proposes to remove 14 parking spaces, curb, three trees and shrubs as part of a landscape island to construct an addition to the existing gasoline filling station which will include a double island, each with a gasoline dispenser for two additional filling lanes, a pass-through lane, modifications to the existing canopy and modifications to the existing storm water system;

c. Additionally, the applicant proposes to remove a single loading bay and a portion of a trench drain to add a 722 square foot meat freezer expansion with a freezer pit;

d. The applicant proposes to reconfigure a portion of site parking, north and east of the existing building, from 10 foot by 18 foot parking spaces to 9 foot by 18 foot parking spaces;

e. The purpose of the additional gasoline dispensers is to alleviate delays and car stacking at the site since the number of dispensers will be increased from 12 to 16;

(CONTINUED)

(CONTINUED)

f. Based upon the testimony of the applicant's planner, the applicant has satisfied the positive and the negative criteria required for the grant of a use variance since the proposal satisfies a number of the purposes set forth in N.J.S.A. 40:55D-2; and

WHEREAS, the lot coverage permitted is 20 percent, and previously approved by variance to 24.3 percent and now being proposed at 24.6 percent, is *de minimus*; and

WHEREAS, a study shows that the addition of gas dispensers will reduce the queuing of vehicles substantially; and

WHEREAS, the applicant has agreed to comply with all recommendations set forth in the report of Neglia Engineering dated August 5, 2016 , and the Clifton Fire Department report dated September 7, 2016; and

WHEREAS, the Board finds that the applicant has shown sufficient hardship to justify the grant of the bulk variances required; and

WHEREAS, the Board further finds that 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 since it is consistent with the previous grant of a use variance given by the Board in 2011; and

WHEREAS, the Board further finds that the proposal will help promote the health, safety, and general welfare at the site and be consumer-friendly;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid at premises located at 168 Main Avenue and 20 Bridewell Place, Block 72.06, Lots 38 and 42, be and the same is hereby approved and the use variance for the expansion of an existing, non-conforming use, i.e. Costco; and the bulk variances for number of loading berths and maximum lot coverage be and the same are hereby granted subject to such further governmental approvals as may be required by law; and **FURTHER SUBJECT TO THE FOLLOWING:**

1. COMPLAINT WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF NEGLIA ENGINEERING DATED AUGUST 5, 2016, AND THE REPORT OF THE FIRE DEPARTMENT DATED SEPTEMBER 7, 2016; AND

2. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED.

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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr STEPHEN CHRISTOPHER.

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

MEETING OF SEPTEMBER 7, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LET IT GROW, INC. and NEW MINGLEWOOD, LLC for premises known as: 14 Ackerman Avenue-REAR, Lot 2.03, Block 3.16; and 14 Ackerman Avenue, Lot 2.02, Block 3.16, be and the same is hereby: GRANTED minor subdivision relocating the boundary line of Lot 2.02 and 2.03; use variance for a multi-tenant office building, truck storage, warehouse, and a landscape contractor equipment and material storage yard and bulk variances for number of parking spaces, parking and maneuvering areas in front yard, interior parking area landscaping, parallel parking dimension, sign front yard setback, and sign side yard setback; preliminary and final site plan approval.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 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 has filed an application for the development of vacant land for (i) a multi-tenant office, (ii) a warehouse/storage/vehicle repair building; (iii) storage yard for equipment, vehicles, materials; and (iv) storage yard for equipment, vehicles, material and supplies for a landscape and site construction company at premises located at 14 Ackerman Avenue-rear, Lot 2.03, Block 3.16, and 14 Ackerman Avenue, Lot 2.02, Block 3.16, which premises are located in a PD3 zone; and

WHEREAS, the Board heard testimony from Paul T. Imbarrato, the President of Let It Grow, Inc.; Calisto J. Bertin of Bertin Engineering, a professional engineer; Michael F. Kauker, a professional planner; and Jose Carballo, an architect; and

WHEREAS, the Board did review the Supplemental Submission to Land Use Development Application, the report of its planning consultant, Gregory Associates dated September 1, 2016, and the report of its planner, Neglia Engineering Associates dated August 31, 2016; and

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

a. The premises in question is identified as Block 3.16, Lots 2.02 and Lot 2.03, and the site is irregular in shape, consisting of 5.502 acres with a frontage on Ackerman Avenue;

b. The applicant proposes to subdivide a portion of Lot 2.03 and construct a multi-tenant office building, a truck storage/warehouse, and a landscape contractor equipment and material storage yard together with 40 new parking spaces and 5 truck parking bays with two separate buildings proposed, along with a nursery;

c. Lot 2.03 is encumbered by an existing unimproved access easement located along the southerly portion of the property. Said easement was created when Lot 2.03 was created by a subdivision. Said easement is for the benefit of the City and the public as a potential ingress and egress drive to Dundee Park which is Lot 2.04 in the event that the park can no longer be accessed by the current gravel driveway in the future; the applicant proposes parking over the unimproved access easement which will require permission from the City of Clifton to use the easement for parking for as long as the City does not need to make use of same;

d. In addition to the use variance, the applicant seeks "c" variances for the number of parking spaces, parking and maneuvering areas in front yard, interior parking area landscaping, parallel parking dimension, sign front yard setback, and sign side yard setback;

e. There is no public street frontage to existing Lot 2.03, and the proposed new subdivision line between Lot 2.02 and Lot 2.03 is being considered as the lot frontage;

f. Based upon the testimony presented by the applicant's engineer and the applicant's planner, the applicant has satisfied the positive and negative criteria required for the grant of the use variances requested;

g. Due to the irregular shape of the property, the applicant has satisfied the hardship requirement for the grant of the "c" variances requested;

h. 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 since the site is suitable and will revitalize the area by cleaning up the proposed site and make it aesthetically pleasing; and

WHEREAS, the Board further finds from the testimony presented that the proposal

will help promote the health, safety, and general welfare of the neighborhood by developing an area which is presently vacant and provide for a redevelopment of the site as set forth in the master plan of the City of Clifton;

NOW THEREFORE, BE IT RESOLVED that based upon the aforesaid, the use variances requested be and the same are hereby granted and the “c” variances be and the same are hereby granted and preliminary and final site plan approval is granted subject to such further governmental approvals as may be required by law AND SUBJECT TO THE FOLLOWING:

1. The applicant complying with all recommendations set forth in the report of Neglia Engineering dated August 31, 2016;
2. Subject to compliance with the requirements of the Fire Department of the City of Clifton concerning but not limited to site access and circulation for fire-fighting equipment;
3. Subject to approval from the Mayor and Municipal Council of the City of Clifton concerning the parking easement on Lot 2.03 for use for parking so long as the City does not need to make use of same; and
4. Subject to Passaic County Planning Board approval, if required.

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.