

Board of Adjustment

Minutes

October 5th, 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, October 5, 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, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR STEPHEN CHRISTOPHER.

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 Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the September 21, 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.

This matter was previously continued by the Board to the meeting of October 19, 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 previously continued by the Board to a special meeting to be held on October 26, 2016.

NEW HEARINGS

1. **SAMUEL RODRIGUEZ, 6 Leopold Terrace,**
Variance Block 16.11, Lot 22 – RB1 – Variance
required for a rear addition: 1) Left side
yard proposed at 5.2’ where a minimum of
6’ is required.

The applicant, residing at 6 Leopold Terrace, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Rodriguez testified that he requests variance approval for a rear addition to the subject premises; that the left side yard setback requirement is 6 feet, and he is proposing 5.2 feet; that the size of the addition will be 12- by 12-feet and along with the existing façade which would result in the continuation of the non-conforming left side yard setback.

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 requested. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, 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.

2. **BHUPENDRA RATANJI, 10 Knox Place,**
Variance Block 40.03, Lot 6.02 – RA2 – Variances
required for a rear yard deck: 1) Rear
yard proposed at 12’ where 35’ is
required.

The applicant, residing at 10 Knox Place, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant stated that he requests variance approval for a rear yard deck; that the rear yard proposed is at 12 feet where 35 feet is required.

Chrmn Zecchino stated that the Board did act upon a similar application on July 20, 2016, denying the same. The applicant responded that its substantial changes are that it has increased the setback from 9 feet to 12 feet; that the previous height of the deck was 8 feet off the ground, and it is presently 4 ½ feet; that the size of the deck has been reduced from 20- by 27-feet to 15- by 27-feet.

Comr Foukas stated that, in his opinion, the proposed changes are not substantial enough to overcome the doctrine of *res judicata* and, therefore, the Board should not hear the matter.

Thereupon, Comr George Foukas moved to deny the application on the grounds of *res judicata* and instructed the Counsel Secretary to prepare the proper Resolution for denial of the application. The motion was seconded by Comr Keith LaForgia. Voting for denial were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, 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.

3. **ALEXANDRA NUNEZ-GUERRERO,**
Variances 287 South Parkway, Block 59.03,
 Lot 15 – RB2 – Variances required
 to build a new two-family house, lot
 previously had a two-family home
 completely destroyed by fire:
 1) Existing, nonconforming lot width
 and area; 2) Lot coverage proposed

at 36.7% where a maximum of 25% is permitted; 3) Rear yard proposed at 31' where 35' is required; 4) Left side yard proposed at 3' and right side yard proposed at 2' where a minimum 12' each is required; 5) Combined side yards proposed at 5' where 24' is required.

Nester F. Guzman, Jr., Esq., with offices at 250 Madison Avenue, Paterson, New Jersey, appeared on behalf of the applicant. Present and sworn were Alexandra Nunez of 287 South Parkway, Clifton, New Jersey; and Peter K. Valhala of 54 Jackson Avenue, Woodland Park, New Jersey. Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of one of the objectors.

The applicant testified that she requests variance approval to build a new two-family dwelling; that the lot previously had a two-family home completely destroyed by fire; that the lot has existing, non-conforming lot width and area; that the lot coverage is proposed at 36.7 percent where a maximum of 25 percent is permitted; that the rear yard setback requirement is 35 feet, and the applicant is proposing 31 feet; that the left side yard is proposed at 3 feet and the right side yard is proposed at 2 feet where a minimum of 12 feet each is required; that the combined side yards requirement is 24 feet, and the applicant is proposing 5 feet.

The applicant further testified that she did not have a driveway before, and now a driveway will be built underneath the structure to provide for four parking spaces; that prior to the fire, each floor had two bedrooms for a total of five rooms, and that the new proposed structure will have three bedrooms and six rooms on each floor; that she has lived at the premises for 13 years.

Peter Valhala testified as a planner and architect and stated that the applicant is proposing three small size bedrooms; that the existing home is substantially the same; that the prior home was 930 square feet and the now the applicant is requesting a 940 square foot home; that most of the variances are pre-existing; that the size of the lot is 25- by 100-feet.

In summation, Mr. Peterson stated that the applicant never proved hardship; that there has been no testimony presented before the Board; that the lot coverage requested is 12 percent more than permitted; that the side yards are insufficient, and the proposal represents an overuse of the premises.

Mr. Guzman stated that the proposed structure is consistent with the dwelling which was there before.

After a review of the testimony, Vice-Chrmn Scorziello moved to grant the application, citing the fact that the benefits of the application outweigh the detriments, if any. The motion was seconded by Comr Daniel Trenk. Voting for the motion were Comrs Daniel Trenk, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting against the motion were Comrs Louis DeStefano, Keith LaForgia, Roy Noonburg, and George Foukas. There were three affirmative votes and four negative votes, therefore, the motion failed.

Chrmn Zecchino called for another motion. Thereupon, Comr Louis DeStefano moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution on the grounds that it is an overuse of the premises. The motion was seconded by Comr George Foukas who cited that there were too many variances requested. Voting for the motion were Comrs Louis DeStefano, Keith LaForgia, Roy Noonburg, and George Foukas. Voting against the motion were Comrs Daniel Trenk, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a four to three 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.

4. H. BRACERO, 24 Sperling Road,
Variances Block 38.03, Lot 3 – RA3 – Variances
 required for a proposed rear two
 story addition and second floor over
 existing house: 1) Front yard is 24.7'
 where 25' is required; 2) Rear side
 yard is 5.6' where 6' is required.

The applicant, residing at 24 Sperling Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she requests variance approval to add a rear two-story addition and a second floor over the existing house at the subject premises; that the front yard requirement is 25 feet and she is proposing 24.7 feet; that the rear side yard requirement is 6 feet, and she is proposing 5.6 feet; that there are similar-type additions in the neighborhood.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application, citing the fact that the applicant’s request for variances is *de minimis* and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, 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.

5. **RAMONA DOMINGUEZ & JOSE**
Variances **BLAZQUEZ, 232 East 6TH Street,**
 Block 5.23, Lot 31 – RB1 – Variances
 required for a covered patio in rear
 yard (attached to existing garage):
 1) Lot coverage proposed at 41.5%
 where a maximum of 27% is
 permitted; 2) Total accessory
 structure is proposed at 620 sq.
 ft. where a maximum of 515 sq.

ft. is permitted (30%); 3) Rear yard setback proposed at 1.7' where 5' is required; 4) Existing, nonconforming lot width and area.

Marissa Escurra Dubiel, Esq., with offices at 1113 Main Street, Paterson, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant was Ramona Dominguez of 232 East Sixth Street, Clifton, New Jersey. Also present and sworn was George Held, an architect, with offices at 587 Getty Avenue, Clifton, New Jersey.

The applicant testified that she requests variance approval for a covered patio in the rear attached to the existing garage; that the lot coverage permitted is 27 percent, and she is requesting 41.5 percent; that the accessory structure proposed is 620 square feet where a maximum of 515 square feet is permitted; that the rear yard setback requirement is 5 feet, and she is proposing 1.7 feet; that the structure has an existing, non-conforming lot width and area.

Mr. Held testified that there are two existing structures on the property, one is a two-family dwelling and the second is a garage; that the lot is undersized; that there is a detached garage 18- by 20-feet; that the applicant requests approval to cover the rear patio; that the lot coverage variance will be reduced from the existing coverage which is 44.75 percent to 41.50; that the variances requested are pre-existing; that the applicant has been living in the home since 1997.

After a review of the testimony, Comr Keith LaForgia moved to grant the application, citing the fact that the benefits of the application outweigh the detriments, and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Foukas. Voting for the motion were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, George Foukas, and Chrmn Mark Zecchino. Voting against the motion was Vice-Chrmn Gerard Scorziello who stated that the applicant has shown no hardship to justify the grant of the variance requested. 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.

6. THE MEWS AT ALLWOOD ASSOCIATION,
Variances INC. – CONDO. ASSOC., Mayer Drive,
McClelland Way, Collura Lane,
Block 56.04, Lot 9.02 –PCRD – Variances
required to install two freestanding signs
at the entrance to the complex. 1) Signs
proposed 3' from street line where a
minimum of 18' is required.

Paul Campano, Esq., of Curcio, Mirzaian, Sirot, LLC, with offices at 7 Becker Farm Road, Roseland, New Jersey, appeared on behalf of the applicant. Present and sworn were the President of the Condominium Association, Ray Magliacano; and Robert Hamburg who prepared the selling plan.

Mr. Magliacano testified that the condominium association is the applicant; that the proposal is to install two signs 3- by 5-feet on planting islands just inside the complex; that the signs replace two bronze plaques that were stolen seven years ago; that the signs will promote the health, safety, and general welfare in that it will be identifying access to the site; that the Mews has been in existence for 22 years; that the signs proposed will be 3 feet from the street area where a minimum of 18 feet is required.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application with the stipulation that the signs be illuminated and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Daniel Trenk, Louis

DeStefano, Keith LaForgia, 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 Roy Noonburg, seconded by Comr George Foukas, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of VINCENT SAURO for a use variance and parking variance for a comedy club at 37 Harding Avenue (1150 Main Avenue), Block 12.05, Lot 1, was adopted. B-C

2. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Paul Graupe, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of ALDEN TRANSPORTATION CORPORATION for a use variance and bulk variances for a school bus storage and repair facility at 82 Circle Avenue, Block 15.14, Lot 33, was adopted. B-C

3. Upon motion made by Comr George Foukas, seconded by Comr Daniel Trenk, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ROBERT PAZDEN for a minimum side

yard variance for a second story addition at 36 Rosedale Avenue, Block 40.15, Lot 21, was adopted. RA3

4. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CARLA & KAMAU DE SILVA for a 5-foot-high solid fence with a 1-foot lattice for a total of 6 feet on the rear lot line and left side yard at 528 Clifton Avenue, Block 20.05, Lot 20, was adopted. BA1

5. Upon motion made by Comr Daniel Trenk, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MIECZYSLAW WYKA for a variance to widen the driveway 5 feet across the front of the house in an area not serving a garage at 21 Mayflower Street, Block 40.02, Lot 31, was adopted. RA2

There being no further business before the Board, Comr Louis DeStefano moved to adjourn. The motion was seconded by Vice-Chrmn Gerard Scorziello with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF OCTOBER 5, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SAMUEL RODRIGUEZ
for premises known as: 6 Leopold Terrace, Block 16.11, Lot 22
be and the same is hereby: GRANTED left side yard setback variance for a rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 rear addition to premises located at 6 Leopold Terrace, Block 16.11, Lot 22, which premises are located in a RB1 zone; and

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

- a. The applicant requests approval for a 12- by 12-foot rear addition;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.2 feet;
- c. The side yard setback deficiency is pre-existing;
- 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 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 to erect a rear addition at premises located at 6 Leopold Terrace, Block 16.11, Lot 22, be and the same is hereby approved and the left side 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 GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

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

MEETING OF OCTOBER 5, 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 variance for a rear yard deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 rear yard setback variance approval as aforesaid to erect a rear yard deck at premises located at 10 Knox Place, Block 40.03, Lot 6.02, which premises are located in a RA2 zone; and

WHEREAS, on July 20, 2016, the Board did deny an application for a rear yard setback variance for a rear deck; and

WHEREAS, the applicant's proposed changes are not substantial in order to overcome the presumption of the doctrine of *res judicata*;

NOW THEREFORE, BE IT RESOLVED that the application for a rear 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 setback variance be and the same is hereby denied since the Board previously ruled on this application, and the proposed changes are not substantial to overcome the doctrine of *res judicata*.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

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

MEETING OF OCTOBER 5, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ALEXANDRA NUNEZ-GUERRERO for premises known as: 287 South Parkway, Block 59.03, Lot 15 be and the same is hereby: DENIED lot width, lot area, lot coverage, rear yard setback, left side yard setback, right side yard setback, and combined side yard setback variances to erect a new two-family dwelling.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to erect a new two-family dwelling at premises located at 287 South Parkway, Block 59.03, Lot 15, which premises are located in a RB2 zone; and

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

- a. The applicant proposes a new two-family dwelling on a lot where a two-family home previously existing which was destroyed by fire;
- b. The lot coverage requirement permitted is 25 percent, and the applicant is proposing 36.7 percent;
- c. The rear yard setback requirement is 35 feet, and the applicant is proposing 31 feet;
- d. The left side yard setback requirement is 12 feet and the applicant is proposing 3 feet; that the right side yard setback requirement is 12 feet and the applicant is proposing 2 feet; that the combined side yard setback requirement is 24 feet, and the applicant is proposing 5 feet;
- e. Based upon the testimony presented, the applicant has shown no hardship to justify the grant of the variances requested;
- f. The proposal represents a gross overuse of the premises;

g. 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 since the structure is on a 25- by 110-foot lot, and there are too many variances requested; and

WHEREAS, the Board further finds that the side yards proposed may create a safety hazard and will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to build a new two-family dwelling at premises located at 287 South Parkway, Block 59.03, Lot 15, be and the same is hereby disapproved and the variances for lot width, lot area, lot coverage, rear yard setback, left side yard setback, right side yard setback, and combined side yard setback variances be and the same are hereby denied.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr GEORGE FOUKAS.

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

MEETING OF OCTOBER 5, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: H. BRACERO
for premises known as: 24 Sperling Road, Block 38.03, Lot 3
be and the same is hereby: GRANTED a front yard setback and rear side yard setback variances for a rear two-story addition and second floor over existing house.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 variance approval as aforesaid to erect a rear two-story addition and second floor over existing house at premises located at 24 Sperling Road, Block 38.03, 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 requests approval for a rear two-story addition and second floor over existing house;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 24.7 feet;
- c. The rear yard setback requirement is 6 feet, and the applicant is proposing 5.6 feet;
- d. The variances requested are *de minimis*;
- 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 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 proposed rear two-story addition and second floor over existing house at premises located at 24 Sperling Road, Block 38.03, Lot 3, be and the same is hereby approved and the variances for front yard setback and rear side yard setback 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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr KEITH LA FORGIA.

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

MEETING OF OCTOBER 5, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: **RAMONA DOMINGUEZ & JOSE BLAZQUEZ** for premises known as: **232 East 6th Street, Block 5.23, Lot 31** be and the same is hereby: **GRANTED** variances for lot coverage, accessory structure square footage, rear yard setback, lot width, and lot area for a covered patio attached to existing garage in rear yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 covered patio attached to the existing garage in the rear yard at premises located at 232 East 6th Street, Block 5.23, Lot 31, which premises are located in a RB1 zone; and

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

- a. The applicant requests approvals for a covered patio in the rear yard attached to an existing garage at the subject premises;
- b. The lot coverage permitted is 27 percent, and the applicant is proposing 41.5 percent;
- c. The total accessory structure proposed is 620 square feet where a minimum of 515 square feet is permitted;
- d. The rear yard setback requirement is 5 feet, and the applicant is proposing 1.7 feet;
- e. The structure has existing, non-conforming lot width and area;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. 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 covered patio in the rear yard attached to an existing garage at premises located at 232 East 6th Street, Block 5.23, Lot 31, be and the same is hereby approved and the variances for lot coverage, accessory structure square footage, rear yard setback, and lot width and area 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 GEORGE FOUKAS.

Affirmed by: Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, George Foukas, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 5, 2016.

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

THE MEWS AT ALLWOOD ASSOCIATION, INC.

CONDO. ASSOC.

for premises known as: Mayer Drive, McClelland Way, Collura Lane,
Block 56.04, Lot 9.02

be and the same is hereby: GRANTED variances to install two free-standing signs at the entrance to the complex.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 variance approval to install two free-standing signs at the entrance to the complex at premises located at Mayer Drive, McClelland Way, Collura Lane, Block 56.04, Lot 9.02, which premises are located in a PCRD zone; and

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

- a. The applicant request variance approval to install two free-standing signs at the entrance to the complex;
- b. The size of the signs proposed are 3 feet from the street line where a minimum of 18 feet is required;
- c. The purpose of the signs is to provide for adequate safety and identification of the premises;
- 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 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 location of the signs will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to install two free-standing signs at the entrance to the complex at premises located at Mayer Drive, McClelland Way, Collura Lane, Block 56.04, Lot 9.02, 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 and subject to the stipulation that the signs be illuminated.

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 LOUIS DE STEFANO.

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