

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 19, 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, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR KEITH LA FORGIA.

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 Comr George Foukas, the Minutes of the October 5, 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. 40:55D-70d(1)</u> |
| | 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.

Chrmn Zecchino read into the record a communication received from the applicant's attorney requesting that the matter be re-opened for public hearing. Thereupon, the matter was rescheduled for hearing on November 16, 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.

AS PUBLISHED AND UPDATED BY APPLICANT:

The Property (approximately 0.737 acres) is
located within the R-B2 Residential Zone
District (“R-B2 Zone”) and is currently improved
with 5 residential dwellings, 4 of which are
owned by the Applicant and 1 of which is under

contract of sale with the Applicant. Applicant seeks Preliminary and Final Site Plan Approval with associated conditional and/or use variance and other related waiver and variance relief for the construction and use of a parking area consisting of 73 +/- spaces, together with associated landscaping, fencing and other site enhancements, all accessory to the Applicant's school facility, which is located in the City of Passaic and is adjacent to the Subject Property. All vehicular ingress and egress is proposed to be through the Applicant's Property in Passaic, other than a 20' "clear" opening gate for emergency access from South Parkway (southwestern corner of property) for use by and as requested the Clifton Fire Department for emergency personnel. Certain other plan amendments have been made at the request of the Fire Department, including but not limited to installation of a new hydrant on school property, addition of a 4' wide swing gate in the southeastern corner of the property for emergency responder access (non-vehicular), provision for Knox paddocks for Fire Department perimeter area access and creation/labeling of a "fire lane – no parking" areas. The following additional variances are required for the proposed parking area, which is accessory to the inherently beneficial religious and educational school:

1. §461-47: fence along front and side property lines to rear of main structure to be no more than 4' height and to be 50% open – proposed: fence 6' height board-on-board construction with 50% open along side (note no building on Property), inclusive of the fencing and gates to be installed in two locations along the South Parkway frontage, as requested in location and

design by the Clifton Fire Department;

2. §461-60(E): no parking to be located within front yard – proposed: parking within front yard setback;

3. §461-60(F): no parking to be located within 10' of rear line – proposed: parking within rear yard setback;

4. §461-60(J): no parking or standing of automobiles within front, rear or side yards in residential districts – proposed: parking within front yard setback;

5. §461-60(N): parking lots in excess of 10,000 sf to provide interior landscaping (20 sf/space) – proposed: no interior landscaping but significant side and front perimeter buffer.

In addition to the foregoing described approvals, the Applicant will also seek approval for any and all variances, exceptions, waivers, and other incidental relief that may be required or deemed necessary by the Zoning Board of Adjustment after or during its continued review of this Application, together with any further relief that may be deemed necessary by the Applicant during the hearing process, including that which may be generated by way of revised plans and submission of same. Measurements, percentages and other calculations provided in this notice are in accordance with the development plans filed with the Application. Please note that to the extent plan and/or Application revisions are made during the hearing process, these measurements, percentages and other calculations will likely change, as may the associated relief required per the City Code. The Applicant reserves the right to amend its application accordingly.

Chrmn Zecchino read into the record a communication received from the counsel for the applicant requesting an adjournment of the special meeting scheduled for October 26, 2016, since the Neglia traffic report has not been received. Counsel for the applicant also advised that the applicant may be amending its application.

Thereupon, the Board agreed to adjourn the special meeting of October 26, 2016, but continued the matter without date until further information is received concerning moving this application forward.

NEW HEARINGS

1. DIANE T. ADAMCZYK, 18 Miller Plaza,
Variance Block 57.02, Lot 15 – RA3 – Variance
required for rear dormer: 1) Proposed
dormer is 5' from the existing detached
garage where a minimum of 10' is
required.

The applicant, residing at 18 Miller Plaza, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she requests variance approval for a rear dormer; that the proposed dormer is 5 feet from the existing detached garage where a minimum of 10 feet is required; that she has lived at the premises for the past 40 years; that the structure will remain a one-family dwelling.

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 requested. The motion was seconded by Comr Stephen Christopher. Voting in the affirmative were Comrs Daniel Trenk, 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 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. **BORIS VUGMEYSTER & YELENA NEYMARK,**
Variances 42 Harvey Road, Block 55.12, Lot 18 – R-A3 –
Variances required for a one story front addition: 1) Front yard proposed at 20’ where 25’ is required. 2) Right side yard proposed at 4.98’ where 6’ is required. 3) Lot coverage proposed at 27.4% where a maximum of 27% is permitted.

Boris Yugmeyster, residing at 42 Harvey Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a one-story front addition at the subject premises; that the front yard setback requirement is 25 feet, and 20 feet is requested; that the right side yard setback requirement is 6 feet, and 4.98 feet is requested; that the lot coverage maximum permitted is 27 percent, and the applicant is seeking 27.4 percent; that the purpose of the addition is to expand the living room and a family room; that the residence next door has a 5 foot addition also.

After a review of the testimony, Comr Roy Noonburg 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 Daniel Trenk. Voting in the affirmative were Comrs Daniel Trenk, 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 granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete

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

3. **THE LACKLAND COMPANIES, 196 Piaget**
Use Avenue, Block 10.17, Lot 20 – M-2 – Use
Variance; variance for a self-storage warehousing
Variances facility and for the rental of motor vehicles
 and: bulk variances for building height
 (4 stories, 40 feet permitted and 4 stories,
 43.7 feet in height proposed);* rear yard
 setback for ground signs (22 feet required,
 5 feet proposed); curb cut with 60 feet
 permitted and 70 feet proposed;
 *or, depending upon Zoning Ordinance
 interpretation, 2 stories, 20 feet permitted
 and 4 stories, 43.7 feet proposed by way
 of a use variance.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Michael F. Lackland of 126 Alden Avenue, Metuchen, New Jersey; Michael Pessolano of Bogota, New Jersey, an architect; and David Newkirk of Fairfield, New Jersey, an engineer appeared on behalf of the applicant. There were two objectors: Peter A. Becan, 158 Piaget Avenue; and Janice H. Zia, 24 Sewall Avenue, both of the City of Clifton, New Jersey.

Mr. Lackland testified that use variances are requested for a self-storage warehousing facility and for the rental of motor vehicles at the subject premises which are located in an M-2 zone; that the proposal is to demolish all existing features on the subject premises and remove approximately nine trees; that a four-story storage building will be constructed at the site; that there will be 63 parking spaces along the perimeter of the building; that the driveway will be relocated from Piaget Avenue; that the hours of operation will be from 9 A.M. to 6 P.M., Monday through Friday and 9 A.M. to 5 P.M. on Saturday and 10 A.M. to 4 P.M. on Sunday; that only tenants will have access to the site which is through an access code; that there will be three or four employees at the site; that there will be five U-Haul vehicle rental spaces; that the U-Hauls are intended for the use of tenants;

that a rental agreement, which was offered into evidence as “A-1”, sets forth the basic terms of the rentals to the access storage structure.

David Newkirk testified as an engineer and referred to a pictorial rendering of the site which was marked “A-2” into evidence; that access to the site is from a two-way driveway on Piaget Avenue; that in addition to the use variances requested, the applicant is seeking a variance for building height where four stories and 40 feet are permitted, and the applicant is proposing 4 stories and 43.7 feet; that the applicant is also seeking a rear yard setback for the ground sign where 22 feet is permitted, and the applicant is proposing 5 feet; that a curb cut with 60 feet is permitted, and the applicant is also seeking a variance requesting 70 feet proposed; that there are 63 parking spaces available; that all structures on the site will be demolished; that the applicant has reviewed the report of Neglia Engineering dated September 27, 2016, and agrees to fully comply with all recommendations set forth therein; that the applicant will require Passaic County Planning Board approval.

Michael Pessolano testified as a planner and submitted a planning exhibit which was marked “A-3” which included three pages with nine photographs of the neighborhood as well as an aerial photograph of the site; that the applicant is seeking two use variances, one for the proposed self-storage facility and the second for the vehicle rental; that the proposal will upgrade the site and be aesthetically pleasing to the neighborhood; that with respect to the positive criteria, the proposed use is less intense than other permitted uses at the site; that the proposal will promote the goals and objectives of the Master Plan; that the proposal will advance the purposes of zoning as set forth in N.J.S.A. 40:55D-2; that with respect to the negative criteria, the testimony submitted to the Board conclusively shows that the proposal will not impair the intent and purpose of the zone plan and the zone ordinance and will not pose a detriment to the public good; that because the site is irregular in shape, the applicant has shown sufficient hardship to justify the grant of the bulk variances requested; that in his opinion, the use variances and bulk variances may be granted since the site is particularly suited for the proposed use and will help promote the general welfare.

Mr. Carlet offered into evidence which was marked “A-4” a deed easement dated June 24, 1941; and “A-5” a deed easement dated June 1, 1987. These exhibits complied with the request of Neglia Engineering in compliance with

Paragraph 3.5 showing proof of authorization from the adjacent property owners permitting construction to occur on their property.

Janice Zisa testified that she objected to the proposed project; that it is an overuse of the site; that a four-story structure does not belong at the site; that it will create traffic and parking problems in a congested area; that the site is not suitable for the neighborhood; that it will create a safety hazard and increase the number of automobile accidents in the area.

Mr. Becan testified that in his opinion, the proposal will create safety problems; that the area should really be designated a residential zone, not an M-2 zone; that the building is too tall for the area.

After hearing all the testimony presented and reviewing the report of Planning Consultant Gregory Associates dated September 29, 2016, and the report of Neglia Engineering dated September 27, 2016, Vice-Chrmn Gerard Scorziello moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution on the grounds that it is a significant improvement at the site subject to the following conditions:

1. The self-storage facility will be for tenants only;
2. The rental space for recreational vehicles shall be no more than five spaces;
3. That the five U-Haul vehicles are intended for the use of the tenants;
4. That there shall be no storage of boats;
5. That the applicant will be required to enter into a developer's agreement approved by the City Engineer;
6. Subject to Passaic County Planning Board approval;
7. Subject to compliance with all requirements set forth in the report of Neglia Engineering dated September 27, 2016;
8. Subject to all Police and Fire Department requirements.

The motion was seconded by Comr Stephen Christopher. Voting in the affirmative were Comrs Daniel Trenk, 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 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. **JBK ENTERPRISES, LLC, 1296 Van Houten Avenue, Block 34.04, Lot 29 – B-B – Applicant** proposes a freestanding sign 5' from the front lot line where a minimum setback of 45' is required.

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: Joe Haines of 16 Portland Place, Montclair, New Jersey; and Thomas Marshulak of 1296 Van Houten Avenue, Clifton, New Jersey. There were no objectors.

Mr. DeVita stated that the applicant requests variance approval for a free-standing sign 5 feet from the front lot line where a minimum setback of 45 feet is required; that the purpose of the sign is to identify the facility; that the sign is 4- by 4-feet and will identify the newly constructed restaurant which was given approval by the Board at its meeting on June 17, 2015.

Both witnesses affirmed the representations made by Counsel DeVita.

After a review of the testimony, Comr Daniel Trenk 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 Roy Noonburg. Voting in the affirmative were Comrs Daniel Trenk, 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 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. TURABDIN REALTY, LLC, 635 Lexington
Avenue, Block 2.12, Lot 18, 19 – RB1 &
Variance BC – Applicant proposes a stand-alone CVS
store. Relief sought consists of use variance,
preliminary and final site plan approval,
merger of lot 18 into lot 19 and any other
relief deemed necessary by the Board.

This matter was re-set for hearing on November 2, 2016, in order to permit the applicant to properly notice the application for hearing.

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 George Foukas, seconded by Comr Louis DeStefano, 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 SAMUEL RODRIGUEZ for left side yard setback variance for a rear addition at 6 Leopold Terrace, Block 16.11, Lot 22, was adopted.

2. Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scoziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of BHUPENDRA RATANJI for rear yard setback variance for a rear yard deck at 10 Knox Place, Block 40.03, Lot 6.02, was adopted.

3. Upon motion made by Comr Louis DeStefano, seconded by Comr George Foukas, and affirmed by Comrs Louis DeStefano, Roy Noonburg, and George Foukas, the Resolution DENYING the application of ALEXANDRA NUNEZ-GUERRERO for 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 at 287 South Parkway, Block 59.03, Lot 15, was adopted.

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, 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 H. BRACERO for a front yard setback and rear side yard setback variances for a rear two-story addition and second floor over existing house at 24 Sperling Road, Block 38.03, Lot 3, was adopted.

5. Upon motion made by Comr Louis DeStefano, seconded by Comr George Foukas, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Roy Noonburg, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of RAMONA DOMINGUEZ & JOSE BLAZQUEZ for 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 at 232 East 6th Street, Block 5.23, Lot 31, was adopted.

6. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, 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 THE MEWS AT ALLWOOD ASSOCIATION, INC. – CONDO. ASSOC. – for variances to install two free-standing signs at the entrance to the complex at Mayer Drive, McClelland Way, and Collura Lane, Block 56.04, Lot 9.02, was adopted.

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 19, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DIANE T. ADAMCZYK
for premises known as: 18 Miller Plaza, Block 57.02, Lot 15
be and the same is hereby: GRANTED 5 foot variance for a rear dormer.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, October 19, 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 rear dormer proposed 5 feet from the existing detached garage where a minimum of 10 feet is required at premises located at 18 Miller Plaza, Block 57.02, Lot 15, 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 dormer;
- b. The dormer will be located 5 feet from the existing detached garage where a minimum of 10 feet is required;
- c. The applicant has lived at the subject premises for the past 40 years;
- 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 rear dormer 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 rear dormer 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 dormer proposed 5 feet from the existing detached garage at premises located at 18 Miller Plaza, Block 57.02, Lot 15, be and the same is hereby approved and the variance for distance between structure and garage 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 STEPHEN CHRISTOPHER.

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

MEETING OF OCTOBER 19, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: BORIS VUGMEYSTER & YELENA NEYMARK
for premises known as: 42 Harvey Road, Block 55.12, Lot 18
be and the same is hereby: GRANTED front yard, right side yard, and lot coverage variances for a one-story front addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, October 19, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid for a one-story front addition to premises located at 42 Harvey Road, Block 55.12, Lot 18, which premises are located in a R-A3 zone; and

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

- a. The applicant proposes a one-story front addition to the subject premises;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 20 feet;
- c. The right side yard setback requirement is 6 feet, and the applicant is proposing 4.98 feet;
- d. The lot coverage permitted is 27 percent, and the applicant is requesting 27.4 percent;
- e. The purpose of the addition is to expand the living and family rooms by 5 feet;
- 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 since the next door neighbor has a similar-type 5-foot addition; 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 one-story front addition at premises located at 42 Harvey Road, Block 55.12, Lot 18, be and the same is hereby approved and the variances for front yard, right side yard, and lot coverage be and the same are hereby granted subject to such further governmental approvals as may be required by law.

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

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

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

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr DANIEL TRENK.

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

MEETING OF OCTOBER 19, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: THE LACKLAND COMPANIES
for premises known as: 196 Piaget Avenue, Block 10.17, Lot 20
be and the same is hereby: GRANTED use variances for a self-storage warehousing facility and for the rental of motor vehicles and bulk variances for building height, rear yard setback for ground signs, and curb cut.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 19, 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 approval for a self-storage warehousing facility and for the rental of motor vehicles and bulk variances as aforesaid at premises located at 196 Piaget Avenue, Block 10.17, Lot 20, which premises are located in a M-2 zone; and

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

- a. The property in question is located in an M-2 General Industrial Zone, irregular in shape, with frontage along with Piaget Avenue;
- b. The applicant proposes to demolish the existing buildings on the site and build a four-story 116,740 square foot self-storage facility;
- c. The M-2 zone does permit four stories and 40 feet height, and the applicant is requesting four stories and 43.7 feet in height;
- d. The rear yard setback for the ground sign requirement is 22 feet, and the applicant is proposing 5 feet;
- e. The curb cut permitted is 60 feet, and the applicant is requesting 70 feet;
- f. The proposed uses of self-storage and rental of motor vehicles are less intense than the permitted uses in the M-2 zone;
- g. Based upon the testimony of the planning expert, the applicant has satisfied the positive and negative criteria since the proposal advances the purposes of zoning

as set forth in N.J.S.A. 40:55D-2;

h. Due to the irregular shape of the property, the applicant has shown sufficient hardship to justify the grant of the bulk variances requested;

i. The benefits of the application outweigh the detriments, if any;

j. The proposal represents a significant improvement to the neighborhood and will be aesthetically pleasing; and

WHEREAS, the applicant's planner has testified that the proposal does advance the goals and objectives of the Master Plan and recommendations set forth for the re-development of uses in the M-2 zone; and

(CONTINUED)

(CONTINUED)

WHEREAS, the Board that since the use is less intense than any permitted in the M-2 zone, that the proposal will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a self-storage warehousing facility and for the rental of motor vehicles at premises located at 196 Piaget Avenue, Block 10.17, Lot 20, be and the same is hereby approved and the

use variances and the height variance, setback variance for ground sign, and curb cut variance 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. The self-storage facility rental will be limited to tenants only;
2. The rental space for recreational vehicles shall be no more than five spaces;
3. That the five U-Haul vehicles are intended for the use of the tenants only;
4. That there shall be no storage of boats;
5. That the applicant will be required to enter into a developer's agreement approved by the City Engineer;
6. Subject to Passaic County Planning Board approval;
7. Subject to compliance with all recommendations and requirements set forth in the report of Neglia Engineering dated September 27, 2016;
8. Subject to all Police and Fire Department recommendations and requirements.

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 Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 19, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JBK ENTERPRISES, LLC
for premises known as: 1296 Van Houten Avenue, Block 34.04, Lot 29
be and the same is hereby: GRANTED front yard setback variance for a free-standing sign.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 19, 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 Daniel Trenk moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for a free-standing sign 5 feet from the front line where a minimum setback of 45 feet is required at premises located at 1296 Van Houten Avenue, Block 34.04, Lot 29, which premises are located in a B-B zone; and

WHEREAS, the Board, after hearing the presentation of the matter by counsel and affirmed by the applicant's witnesses, has made the following factual findings:

- a. On June 17, 2015, the Board did grant a conditional use variance for an expansion of an existing restaurant building at the subject premises;
- b. The applicant requests approval for a free-standing sign 5 feet from the front line where a minimum setback of 45 feet is required;
- c. The sign is 4- by 4-feet and will be used to advertise the newly-renovated restaurant;
- 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 for a free-standing sign 5 feet from the front line where a minimum of 45 feet is required at premises located at 1296 Van Houten Avenue, Block 34.04, Lot 29, be and the same is hereby approved and the bulk variance be and the same is hereby granted subject to such further governmental approvals as may be required by law 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 DANIEL TRENK.

Seconded by: Comr ROY NOONBURG.

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