

Board of Adjustment
Minutes
November 2nd, 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, November 2, 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 DANIEL TRENK, LOUIS DE STEFANO, KEITH LA FORGIA, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR PAUL GRAUPE.

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 Stephen Christopher, the Minutes of the October 19, 2016, regular meeting were adopted with the unanimous approval of the entire 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.

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.

This matter was previously continued without date pending receipt of response from applicant.

2.	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 until the November 16, 2016, meeting of the Board.

3. TURABDIN REALTY, LLC, 635 Lexington

Use	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.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, #105, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: William J. Martin, a planner, of 25 Boulevard, 1st Floor, Westwood, New Jersey; Robert J. Gehr, an architect, of 1000 Commerce Park Drive, Williamsport, PA; Joseph G. Jaworski, a professional engineer, of 245 Main Street, Chester, New Jersey; and Joseph Staiger, a traffic expert, of 245 Main Street, Chester, New Jersey. Also present and sworn was one interested party, Marlene McGraft of 20 Piaget Avenue, Clifton, New Jersey. There were no objectors.

Ms. McGraft testified that she is the neighbor closest to the site, and she has no objections and is in favor of the application.

Mr. Peterson stated that the applicant seeks preliminary and final site plan approval, use variance, and bulk variances to demolish an existing dwelling on Lot 18 and to permit construction of a 15,148-square-foot CVS/pharmacy with drive-thru facility at 635 Lexington Avenue, Clifton, New Jersey; that the property is located in an RB1 Residential, one- and two-family zone, and BC General Retail districts.

Joseph Jaworski testified as an engineer and stated that the property in question is irregular in shape with frontage along Piaget Avenue, Lexington Avenue, and Bergen Avenue; that the applicant proposes to demolish the existing house on the site and build the CVS/pharmacy with a drive-thru; that the applicant proposes to make changes to the site to promote safe and efficient circulation and will separate the drive-thru and loading operation from the parking area to the greatest extent practical; that the store will receive deliveries once a week from a semi truck and small deliveries from box-type trucks as needed; that trash pick-up will occur once per week; that the drive-thru will be located at the northeast corner of the building; that the parking spaces are to the south and west side of the building along Lexington and Piaget Avenues; that 60 parking spaces are required, and the

applicant is proposing 57; that the CVS located on Lakeview Avenue will move to the present site if the Board approves the application; that the hours of operation are generally Monday through Saturday, 9 A.M. to 9 P.M.; and 10 A.M. to 6 P.M. on Sunday; that the total square footage of the CVS pharmacy and drive-thru is 14,823 square feet; that the applicant has reviewed the report of Neglia Engineering dated October 18, 2016, and will comply with all recommendations set forth therein; that the applicant has also reviewed the report of the Fire Department dated October 28, 2016, and all recommendations will be complied with.

Joseph Staiger testified as a traffic expert and stated that a detailed field inspection was conducted, existing traffic data was collected, and the projections of traffic to be generated were prepared; points of ingress and egress were inspected for adequacy; and the parking layout was assessed; that the peak hour of roadway is in the evening, and there will be 74 in and 74 out trips; that the level of traffic on Lexington and Piaget Avenues operates at "B" and "C" levels; that access to the site is proposed with a right turn from Lexington Avenue and exit right out onto Lexington Avenue; that the site access and on-site circulation design will provide for safe and efficient movement of vehicles; that the proposed parking is sufficient to support the maximum anticipated demand; that it is his opinion that the adjacent street system of the City of Clifton will not experience any significant degradation in operating conditions with the construction of the proposed CVS; that the site driveways are located to provide safe and efficient access and egress to the adjacent roadway system; that the site plan as proposed provides for good circulation throughout the site and provides adequate parking to accommodate the needs of the CVS.

Robert J. Gehr testified as an architect that the proposed building is divided into a pharmacy and receiving area; that the mezzanine area is strictly for storage; that there will be a lift and elevator installed.

Offered into evidence which was marked "A-1" was a rendering showing the front elevation, the left side elevation, the rear elevation, and the right side elevation; that the drive-thru is on the right side of the building; that the overall layout of the site will positively enhance the appearance of the surrounding area; that the height of the building is 29 feet.

William J. Martin testified as a planner and stated that he reviewed the plans, the zoning ordinances, and the master plan; that the premises in question is irregular in shape; that it consists of two tax lots with 1.43 acres; that Lot 18 contains a single-family dwelling, and Lot 19 is currently vacant; that the applicant proposes to merge the two lots; that a D1 use variance will be required for the proposed pharmacy with drive-thru as it is not a specifically permitted use in the RB1 zone; that a D3 conditional use variance is required for retail use with a drive-thru facility in a BC zone since retail uses without drive-thru's are a permitted use; that the applicant will be seeking C variances, or bulk variances, for number of parking spaces where 60 spaces are required and 57 are proposed; parking located in the front yard; maneuvering areas located in the front yard; parking and maneuvering areas within 10 feet of side lot line; maximum driveway width where 30 feet is permitted and the applicant is proposing 36 feet; driveway separation from intersection where 30 feet is permitted and the applicant is proposing 20.1 feet; and free-standing sign setback where 46 feet is required and the applicant is proposing 41 feet; that the site is particularly suited for the proposed use; that the applicant proposes to move the store it has on Lakeview Avenue to the Lexington Avenue site, if approved; that the area will be enhanced by the proposed CVS; that the drive-thru is an integral part of CVS which promotes the health, safety, and general welfare; that the proposal is consistent with the objectives of the Master Plan; that the applicant will comply with all recommendations from the Police Department and the Fire Department report dated October 28, 2016; that the site has been vacant for more than a decade; that any deviation to the ordinance would be overcome by the efficient site circulation and the visually-appealing building; that the benefits of the project far outweigh any potential detriments; that the proposal will not harm the overall zone plan along Lexington Avenue and will positively enhance the appearance of the surrounding area.

After a review of the testimony, Comr George Foukas moved to grant the application, citing the fact that the testimony shows that the use is particularly suited for the area and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application subject to the following conditions:

1. Compliance with all recommendations in the report of Neglia Engineering dated October 18, 2016;
2. Compliance with all recommendations of the Clifton Police Department and Clifton Fire Department report dated October 28, 2016;

3. Subject to Passaic County Planning Board approval;
4. Subject to the applicant entering into a developer's agreement approved by the City engineer.

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.

NEW HEARINGS

1. **AL-3 PROPERTIES CORPORATION %**
 Use **ALAN LOPEZ**, 2 South Parkway, Block 60.05,
 Variance; Lot 17 -- M2 – Applicant proposes to renovate
 Variances and expand an existing restaurant:
 Use variance required for expansion of
 a nonconforming use, restaurant within an
 M-2 zone; Front yard proposed at 8.6' where
 20' is required (along River Road); Street
 side yard proposed at 17.1' where 40' is
 required (along South Parkway); Variance
 required for freestanding sign within the
 required front and side yard. Such other
 variances as may be required by law.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following:
 The applicant, Alan Lopez of 23 Columbus Avenue, Little Ferry, New Jersey;
 George Held, an architect and planner, of at 587 Getty Avenue, Clifton, New Jersey;
 Brian Shortino, an engineer, of 66 Glen Avenue, Glen Rock, New Jersey;
 and John Fuda of 455 Route 17 South, Ramsey, New Jersey, a valet owner.

Mr. Sala stated that the premises in question are located in a M2 zone; that currently, there is an existing one-story restaurant and parking lot; that the applicant proposes to renovate and expand the existing restaurant.

Alan Lopez testified that he has experience in the restaurant area; that the proposal is to renovate and expand the existing restaurant; that there will be 9 to 12 employees; that the hours of operation will be from 11 A.M. to 10 P.M., Monday through Thursday and 11 A.M. to 11 P.M. Friday through Sunday; that the valet service will be provided; that the average time for dinner is 1 to 1 ½ hours; that approximately 80 to 90 individuals can be accommodated at the site; that there will be no entertainment license and no outdoor patio.

Mr. Held testified as an architect and planner and stated that the applicant requires a use variance for the expansion of a non-conforming restaurant use within an M-2 zone; that the front yard setback proposed is 8.6 feet where 20 feet is required; that the street side yard proposed is 17.1 feet where 40 feet is required; that a variance will be required for the free-standing sign within the required front and side yard setbacks; that the applicant proposes to have a structure with 2,172 square feet; that the roof will be raised; that the building will be made aesthetically pleasing; that 90 patrons may occupy the premises; that the improvements will benefit the area; that Passaic County Planning Board approval is required; that the proposed improvements will also include additional asphalt pavement to increase the parking area, re-striping and re-surfacing the existing asphalt lot, concrete curbing, and a new concrete sidewalk.

Brian Shortino testified as an engineer and addressed the comments set forth in the report of Neglia Engineering dated November 2, 2016; that the applicant will comply with all recommendations set forth therein; that the applicant will obtain approval from the Passaic Valley Sewerage Commission to construct a proposed improvement within the sanitary sewer and storm sewer easement; that the applicant will comply with all drainage, grading, and utility comments; that the applicant proposes a sign which will be 16 feet high and 28 square feet; that parking at the site will be more than adequate to support the demand because of the use of the valet service; that the applicant will revise its plans to comply with the lighting and landscaping comments set forth in the Neglia report; that the Passaic County Planning Board has issued a conditional approval dated September

26, 2016; that the applicant proposes an entrance only and exit only driveway for safety purposes.

John Fuda testified as a valet parking expert; that there will be three valet attendants at the site; that one valet will handle 35 cars; that 30 parking spaces are proposed; that he usually enters into a 2 year contract with the applicant to provide for valet service to the site.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application, citing the fact that the proposal will upgrade the premises and be aesthetically pleasing for the neighborhood, and instructed the Counsel Secretary to prepare the proper Resolution for approval subject to the following conditions:

1. That the applicant maintain a valet service for parking;
2. That the applicant comply with all recommendations set forth in the report of Neglia Engineering dated November 2, 2016;
3. Subject to compliance with all recommendations from the Clifton Police Department and Clifton Fire Department; and
4. Subject to Passaic County Planning Board approval.

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.

2.	JOELY ROSA T/A GRANDPA'S TREAT,
Use	288-290 Lakeview Avenue, Block 6.13,
Variance;	Lot 19 – B-C – Site Plan, Use, and Bulk
Variances	Variances, so as to permit a take-out ice

cream shop in a retail store front.
Conditional use approval required
(take out restaurant is a permitted
conditional use), as the existing building
does not meet minimum lot requirements,
building setback requirements or parking
requirements. Site Plan approval required
or a waiver granted for same as no work
is proposed on this site.

At the request of the attorney for the applicant, this matter was continued to the November 16, 2016, meeting of the Board.

RESOLUTIONS

Chrmn Mark Zecchino stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda.

1. Upon motion made by Comr Louis DeStefano, seconded by Comr Stephen Christopher, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DIANE T. ADAMCZYK for a 5 foot variance for a rear dormer at 18 Miller Plaza, Block 57.02, Lot 15, was adopted. RA3

2. Upon motion made by Comr Roy Noonburg, seconded by Comr Daniel Trenk, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of BORIS VUGMEYSTER & YELENA NEYMARK for front yard, right side yard, and lot coverage variances for a one-story front addition at 42 Harvey Road, Block 55.12, Lot 18, was adopted. RA3

3. The Resolution GRANTING the application of THE LACKLAND COMPANIES for 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 at 196 Piaget Avenue, Block 10.17, Lot 20, was HELD UNTIL CERTAIN CONDITIONS OF NEGLIA ENGINEERING ASSOCIATES ARE MET. M-2

4. Upon motion made by Comr Daniel Trenk, seconded by Comr Roy Noonburg, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JBK ENTERPRISES, LLC for front yard setback variance for a free-standing sign at 1296 Van Houten Avenue, Block 34.04, Lot 29, was adopted. B-B

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF NOVEMBER 2, 2016.

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

for premises known as: 635 Lexington Avenue, Block 2.12, Lot 18 and 19 be and the same is hereby: GRANTED preliminary and final site plan approval, use variance, conditional use variance, and bulk variances for number of parking spaces, parking located in front yard, maneuvering areas located in the front yard, parking and maneuvering areas within 10 feet of side lot line, maximum driveway width, driveway separation from intersection, and free-standing sign setback for a CVS Pharmacy with a drive-thru.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 2, 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 seeks variance approval as aforesaid to build a 14,823 square-foot CVS Pharmacy with a drive-thru at premises located at 635 Lexington Avenue, Block 2.12, Lot 18 and 19, which premises are located in a RB1 and BC zone; and

WHEREAS, the Board heard testimony from the following experts: Joseph G. Jaworski, a professional engineer; Robert J. Gehr, an architect; Joseph J. Staiger, a traffic expert; and William J. Martin, a professional planner; and

WHEREAS, there was one interested party, a neighbor whose property abutted the premises in question who testified that she was in favor of the application; and

WHEREAS, the Board, after reviewing all the testimony, has made the following factual findings:

a. The applicant seeks preliminary and final site plan approval, use variances and bulk variances to demolish an existing dwelling on Lot 18 and to permit the

construction of a 14,823 square foot CVS Pharmacy with a drive-thru facility on Lot 18 which would merge with Lot 19 at the subject premises, which is located in an RB1 residential zone and a BC general retail zone;

b. Based upon the testimony of the experts who testified on behalf of the project, the site is particularly suited for the proposed use;

c. The applicant has satisfied the requirements for a conditional use variance required for a drive-thru facility since it will help promote the health, safety, and general welfare of the area;

d. The applicant has shown sufficient hardship to justify the grant of the parking variance where 60 spaces are required and 57 spaces proposed due to the irregular shape of the property;

e. The parking layout requires parking in the front yard of Piaget Avenue and Lexington Avenue which provides for efficient site circulation;

f. The off-street westerly access lane is required to be 10 feet from the lot line abutting the street, and the applicant is proposing 6.5 feet;

(CONTINUED)

(CONTINUED)

g. The maximum driveway width requirement is 30 feet, and the applicant is proposing 36 feet wide which provides for safe access;

h. The free-standing ground sign setback requirement is 46 feet, and the applicant is proposing 41 feet which will provide for identification of the proposed CVS;

i. The applicant has shown sufficient hardship to justify all the bulk variances

required due to the irregular shape of the property;

- j. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, based upon the testimony of the traffic expert, that the adjacent street system will not be adversely affected by the operation of the proposed CVS Pharmacy, and the site driveways are located to provide safe and efficient access and egress to the adjacent roadway system which will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a CVS Pharmacy with a drive-thru facility at premises located at 635 Lexington Avenue, Block 2.12, Lot 18 and 19, be and the same is hereby approved and the use variance, conditional use variance and variances for number of parking spaces, parking located in the front yard, maneuvering areas located in the front yard, parking and maneuvering areas within 10 feet of side lot line, maximum driveway width, driveway separation from intersection, and free-standing sign setback be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following conditions:

1. That the applicant comply with all recommendations set forth in the report of Neglia Engineering dated October 18, 2016;
2. Compliance with all recommendations of the Clifton Police Department and Clifton Fire Department report dated October 28, 2016;
3. Subject to Passaic County Planning Board approval;
4. Subject to the applicant entering into a developer's agreement satisfactory to the Municipal Engineer.

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.

MEETING OF NOVEMBER 2, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AL-3 PROPERTIES CORPORATION

% ALAN LOPEZ

for premises known as: 2 South Parkway, Block 60.05, Lot 17

be and the same is hereby: GRANTED use variance for expansion of a non-conforming use, front yard setback, street side yard setback, and variance for free-standing sign within front and side yard to renovate and expand an existing restaurant.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 2, 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 approval as aforesaid to renovate and expand an existing restaurant at premises located at 2 South Parkway, Block 60.05, Lot 17, which premises are located in a M2 zone; and

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

- a. The applicant proposes to renovate and expand an existing restaurant in an M-2 zone which requires a use variance;
- b. The front yard setback requirement is 20 feet, and the applicant is proposing 8.6 feet;
- c. The street side yard setback requirement is 40 feet, and the applicant is proposing 17.1 feet;
- d. The applicant is requesting a free-standing sign within the required front and side yard setback;
- e. Based upon the testimony from the applicant's planner, engineer, and valet parking expert, the applicant has satisfied the positive and negative criteria required for the grant of a use variance;

- f. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- g. The valet service will help promote the health, safety, and general welfare of the neighborhood;
- h. The proposal will make the premises more aesthetically pleasing;
- i. 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 existing restaurant is a non-conforming use; and

WHEREAS, the Board further finds that the use of the parking layout and the use of a parking valet service will help promote the health, safety, and general welfare of the neighborhood;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application to renovate and expand an existing restaurant at premises located at 2 South Parkway, Block 60.05, Lot 17, be and the same is hereby approved and the use variance for the expansion of a non-conforming use, front yard setback variance, street side yard setback variance, and the variance for the free-standing sign within the required front and side

yard be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following conditions:

1. That the applicant maintain a valet service for parking at the premises;
2. That the applicant comply with all recommendations set forth in the report of Neglia Engineering dated November 2, 2016;
3. Subject to compliance with all recommendations from the Clifton Police Department and Clifton Fire Department; and
4. Subject to Passaic County Planning Board approval.

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

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

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

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

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.