

Board of Adjustment

Minutes

Dec 21, 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, December 21, 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, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS GEORGE FOUKAS AND 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 Keith LaForgia, seconded by Comr Louis DeStefano, the Minutes of the December 7, 2016, regular meeting was 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 continued without date.

|                                                |                                                                                                                                                                      |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. 40:55D-70d(1)</u><br>to permit multi-family residential uses<br>in the M-2 and M-3 zones whereas<br>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 bulk/dimensional variances under N.J.S.A. 40:55D-70c for the following:

- (1) 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;
- (2) to permit a lot width of 125.5 feet whereas a minimum of 250 feet is required;
- (3) to permit a monument sign to be installed fifteen (15) feet from the front property line and within the front yard setback, whereas signs are required to have a 30 foot front yard setback;
- (4) to permit lighting levels in off-street parking areas to exceed 0.0 foot-candles at the property line;
- (5) to allow LED lighting for exterior lighting fixtures instead of the required high pressure sodium lighting;
- (6) to provide internal parking lot landscaping less than the required 20 square feet for each

proposed parking space; and  
(7) to provide trees of 2 inch to 2.5 inch caliper which is less than the minimum 4 inch to 4.5 inch caliper required.  
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. A public hearing on this application was held by the Zoning Board of Adjustment (“Board”) on May 18, 2016. [ & June 15, 2016 and July 20, 2016]. A resumed public hearing before the Board on this application to allow further consideration of a revised site plan depicting a realigned driveway.

This matter was previously continued to the January 4, 2017, meeting of the Board.

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|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.         | eCUBe 237 LLC, 237 Dayton Avenue,                                                                                                                                           |
| Use        | Block 4.23, Lot 1.00 – PD1 – Application                                                                                                                                    |
| Variance;  | for the construction of a building                                                                                                                                          |
| Minor Sub. | containing: Commercial and seven residential units, minor subdivision, use variance required for residential use in a PD1 zone and such other variances as may be required. |

This matter was previously continued to the January 4, 2017, meeting of the Board.

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|-----------|-------------------------------------------------|
| 4.        | CLIFTON CHEDER, INC., 1333 Broad Street,        |
| Use       | Block 76.01, Lot 5 – B-A – Variances required   |
| Variance; | for religious elementary school: 1) Conditional |
| Variances | use variance required. 2) Existing lot width is |

133' where 150' is required. 3) Existing lot coverage is 24.74% where 20% is required. 4) Existing left side yard is 18.87' where 20' is required. 5) Site plan approval required. 6) Any other variances deemed necessary by the Board.

This matter was previously continued to the January 4, 2017, meeting of the Board.

#### NEW HEARING

1. **DAVID JANUSZ**, 47 Orchard Drive,  
Variance Block 68.12, Lot 33 – RA3 – Variance  
required to place an air-conditioning  
unit within the left side yard: 1) A/C  
unit proposed 2.5' from left side lot line  
where 6' is required.

David Janusz and his wife, Aneta Janusz, residing at 47 Orchard Drive, Clifton, New Jersey, were present and sworn. There were no objectors.

Mr. Janusz testified that he requests variance approval to install a new outdoor condensing unit as part of the new central air-conditioning system of the house within the left side yard; that the unit is proposed 2.5 feet from the left side lot line where 6 feet is required.

After a review of the testimony, Comr Louis DeStefano moved to grant the application 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, Stephen Christopher, Roy Noonburg, 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.

### CONTINUED RESOLUTION

Chrmn Mark Zecchino stated that the Board would act upon the Resolutions set forth on the Agenda.

1. With respect to the continued 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, it appears that as a result of complying with the requirements of the Fire Department of the City of Clifton, the applicant has lost the use of approximately 16 parking spaces. There was discussion among the members, and Comr Keith LaForgia moved to RESCIND the Resolution, stating that the applicant should file a new application in view of the potential substantial changes made. The motion was seconded by Comr Roy Noonburg. Voting to rescind the Resolution were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the Resolution was rescinded. The applicant was to be instructed to file a new application.

### RESOLUTIONS

1. Upon motion made by Comr Keith LaForgia, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MOHAMAD KOURANI for use variance and lot coverage variance for a second story rear deck and stairs at 122 Lakeview Avenue, Block 7.05, Lot 15, was adopted. B-C

2. Upon motion made by Comr Stephen Christopher, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of GARRISON CONSTRUCTION, LLC (builder) KEN & PATRICIA LAUER (owner) for street side

yard setback and rear yard setback variances for a second story addition at 65 Donnalín Place, Block 45.09, Lot 27, was adopted. RA2

3. Upon motion made by Comr Daniel Trenk, seconded by Comr Keith LaForgia, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, Stephen Christopher, and Vice-Chrmn Gerard Scorziello, the Resolution GRANTING the application of DENNIS ASTE for variance to widen the existing driveway to 2 feet from the right side lot line at 114 Huemmer Terrace, Block 64.02, Lot 23, was adopted. RA2

4. Upon motion made by Comr Louis DeStefano, seconded by Comr Roy Noonburg, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of GREGORY PLASKON for approval for a 5-foot-high fence with 1-foot-high lattice, for a total of 6-feet-high, along the rear property line at 42 Tancin Lane, Block 74.11, Lot 19, was adopted. RA1

5. Upon motion made by Comr Roy Noonburg, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of QUEST DIAGNOSTICS INCORPORATED for a 32.5 square foot identification sign on the façade of the building at 881 Allwood Road, Block 66.01, Lot 15, was adopted. B-A

6. Upon motion made by Comr Stephen Christopher, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of PLANET FITNESS for use variance approval for an expansion of a fitness center and gym at 558-600 Getty Avenue, Block 9.04, Lot 22, was adopted. M-3 and PDO-2

7. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING JOHN D. POGORELEC, ESQ., as Counsel

Secretary to the Clifton Zoning Board of Adjustment for the calendar year 2017 was adopted.

8. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING GREGORY ASSOCIATES, LLC, KATHRYN M. GREGORY, PP, AICP, as its Planner for the calendar year 2017 and to prepare the Annual Report for 2016 was adopted.

9. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Engineer for the calendar year 2017 was adopted.

10. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Landscape Architect for the calendar year 2017 was adopted.

11. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Traffic Consultant for the calendar year 2017 was adopted.

12. Upon motion made by Comr Stephen Christopher, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING DR. BRUCE A. EISENSTEIN as its Cell Tower/ Telecommunications Expert for the calendar year 2017 was adopted.

13. Upon motion made by Comr Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING LAURA A. CARUCCI, C.S.R., R.P.R., LLC as its Certified Shorthand Reporter for the calendar year 2017 was adopted.

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

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY

MEETING OF DECEMBER 21, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DAVID JANUSZ  
for premises known as: 47 Orchard Drive, Block 68.12, Lot 33  
be and the same is hereby: GRANTED left side yard setback variance to install an air-conditioning unit.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 21, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid to place an air-conditioning unit within the left side yard at premises located at 47 Orchard Drive, Block 68.12, Lot 33, 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 to install a new outdoor condensing unit as a part of the new central air-conditioning system of the house on the north side of the house between the home and the property line;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 2.5 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to install an air-conditioning unit within the left side yard at premises located at 47 Orchard Drive, Block 68.12, Lot 33, be and the same is hereby approved and the left side lot line setback variance be and the same is hereby granted subject to such further governmental approvals as may be required by law.

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

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

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

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr KEITH LA FORGIA.

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