

Board of Adjustment

Minutes

January 6th, 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, January 6, 2016. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS PAUL GRAUPE, DANIEL TRENK, LOUIS DE STEFANO, KEITH LA FORGIA, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

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 Stephen Christopher, the Minutes of the December 16, 2015, regular meeting were adopted with the unanimous approval of the entire Board.

REORGANIZATION MEETING

At the reorganization meeting conducted by the Board, Comr Gerard Scorziello nominated Comr Mark Zecchino for the position of Chairman. There were no other nominations. Chrmn Zecchino accepted the nomination, and he was unanimously elected as Chairman of the Zoning Board of Adjustment for the calendar year 2016 for a one-year term.

For the position of Vice-Chairman, Comr Roy Noonburg nominated Comr Gerard Scorziello. There were no other nominations for the position. Comr Scorziello accepted the nomination, and he was unanimously elected as Vice-Chairman of the

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.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Suite 104, Clifton, New Jersey, and Gail Price, Esq., of 50 Tice Boulevard, Woodcliff Lakes, New Jersey, co-counsel, appeared on behalf of the applicant. John P. Inglesino, Esq., with offices at 600 Parsippany Road, Parsippany, New Jersey, appeared on behalf of objector, Donald Chappa. Mary Sadrakula of 345 Dwasline Road, Clifton, New Jersey, appeared *pro se* along with the other *pro se* objectors: Maurizio A. Marsilla, 17 High

Street; Donald Chappa, 314 S. Parkway; Kenneth H. Nydan, 312 S. Parkway; Harold Smith, 27 Scott Terr.; Lois Doremus, Main Avenue; Thomas G. Foppiani, 311 S. Parkway; Glenn Fennell, 7 High St.; Ellen Moran, 7 High St.; George Putykewycz, 289 S. Parkway; Ruth Sekula, 334 S. Parkway; Louise Ulan, 265 Terhune Ave., Passaic; Rahmat Shukurov, 23 Myron St.; Bassil Bardaghji, 22 Morningside Circle, Little Falls; Michael Bardaghji, 48 Hobart Pl.; Leonard Swan, 127 Hawthorne Ave.; Len Kanarek, MCP Real Estate, 4 Brighton Rd.; and Michael Pessolano, 140 Elmwood Ave., Bogota; all of the City of Clifton except where noted otherwise.

Comrs George Foukas and Daniel Trenk excused themselves from participating in the hearing.

This is a continued hearing from the meetings of October 7, 2015, and November 4, 2015.

Mrs. Sadrakula offered into evidence which was marked "O-1" Rule 1:21-1 of the Rules Governing the Courts of the State of New Jersey which states that she has a right to appear as a *pro se* party.

Present and sworn on behalf of the applicant was Robert L. Costa of 325 South River Street, Hackensack, New Jersey, a professional engineer and planner.

Through direct examination by Attorney Price, Mr. Costa stated that the applicant intends to demolish existing homes located at Block 59.01, Lots 8, 11, 13, 15, and 17 in order to construct an asphalt parking lot; that the parking lot is proposed to accommodate parking for the existing Yeshiva Ktana of Passaic School located in the City of Passaic; that the proposed parking lot will include storm water improvements; the screening wall with a fence, lighting, and screening landscaping; that the proposed parking lot will have ingress and egress driveways from the aforementioned lots in the City of Clifton to the existing school parking; that vehicular access to the existing school is from Terhune Avenue and Main Avenue.

Offered into evidence which was marked "A-7" is Sheet 4 of the Site Plan; "A-8" is Sheet 5 of the Site Plan; "A-9" is Sheet 6 of the Site Plan; "A-10" is Sheet 7 of the Site Plan, all dealing with white striping of the walkways and parking spaces, the location of the 6-foot-high fence, grading and drainage, lighting and landscaping, and parking lot construction.

Mr. Costa addressed the comments made by the Board’s consulting engineer, Neglia Engineering, in its report dated August 14, 2015, and revised November 2, 2015, concerning the requirement for a 25-foot-wide driveway entrance; that there will be no problem with emergency vehicles entering and exiting; that there will be a drop-off of students from buses on Terhune Avenue.

Chrmn Zecchino stated that the Board will request a report from the Fire Department of the City of Clifton.

Also offered into evidence which was marked “A-11” is a report of Johnson Soils dated September 14, 2015; and “A-12” report dated May 27, 2015, with drainage calculations.

Mr. Costa continued to testify that a seepage pit is proposed with an infiltration bed for drainage; that with regard to landscaping and lighting, high-pressure sodium lighting is proposed; that there will be no negative impacts on surrounding properties from a grading and drainage review; that the applicant proposes snow removal from the site.

One of the objectors, Kenneth Nydan, questioned Mr. Costa concerning striping, the number of current parking spaces, elevation of the parking lot, and the percentage of pavement proposed. Mr. Costa responded that approximately 9,900 square feet of pavement is proposed.

At this point in the hearing, the applicant requested that a special meeting be scheduled. Chrmn Zecchino stated that the dates of January 26 or January 27, 2016, are potential dates which must be cleared with the City of Clifton calendar regarding use of the courtroom facility.

Thereupon, the matter was continued with further notification to be given to the applicant and the objectors.

2.	CLIFTON CENTRE COMMERCE III,
Amended	65 Industrial South and 35 Bloomfield Ave.,
Site	Block 56.08, Lots 4 and 13 – M-1 – Amended

Plan site plan approval required to permit relocation and increase of existing and proposed loading docks as shown on Amended Site Plan.

This matter was previously continued by the Board until the February 17, 2016, meeting of the Board.

3. LUCY SPIEWAK, 301 Luddington Avenue,
Variances Block 19.12, Lot 2 – RA3 – Variances required for the construction of a second story addition to the rear of the home:
1. Left side yard proposed at 5.6 feet (over existing);
 2. Combined side yards proposed at 12.5 feet (at stair) where 16 feet is required;
 3. Addition of storage area to right side of house appears to be on the property line where a 6 foot setback is required, and not shown on the plan;
 4. Additional roof built behind proposed addition is not shown on the plan;
 5. Storage structure built at the rear lot line appears too large and too close to lot lines and not shown on the plan;
 6. Fence is between 7 feet and 8 feet high where it is permitted to be 5 feet high in rear yard and 4 feet high, 50 percent open along the side of the house;
 7. Lot coverage cannot be calculated without all structures shown on the plan.

This matter was previously continued to the January 20, 2016, meeting of the Board.

NEW HEARINGS

1. CHRISTOPHER BELLINI, 24 Myron

Variances Street, Block 59.08, Lot 31 – RB1 –
Variances required for a rear, two-
story addition: 1. Right side yard
setback proposed at 4.5' where 6'
is required. 2. Combined side yards
are 8.5' where 16' is required;
3. Proposed lot coverage is 28.6%
where a maximum of 25% is
permitted; 4. Existing, nonconforming
lot width and area.

The applicant and his wife, residing at 24 Myron Street, Clifton, New Jersey, were present and sworn. There were no objectors.

Mr. Bellini stated that the applicant seeks variance approval for a rear two-story addition; that the right side yard setback requirement is 6 feet, and the applicant is proposing 4.5 feet; that the combined side yards requirement is 16 feet, and the applicant is proposing 8.5 feet; that the proposed lot coverage maximum is 25 percent, and the applicant is seeking 28.6 percent; that the premises presently has a non-conforming lot width and area; that the addition will consist of an additional bedroom with an attached bathroom, an extension on the kitchen, and an area for a laundry room.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. The motion was seconded by Comr Louis DeStefano. 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. NADA BARDAGHJI, 48 Hobart Place,
Variances Block 20.03, Lot 35 – RB1 – Variances
 required for a fence installed: 1. Fences
 along street lot lines should be 4’ high
 50% open. Existing fence is higher than
 4’ and not 50% open; 2. Fence doesn’t
 meet the site triangle requirements.

Bassil Bardaghji of 48 Hobart Place, Clifton, New Jersey, appeared. Also present was Leonard Swan of 127 Hawthorne Avenue, Clifton, New Jersey, a neighbor who supported the application.

The applicant testified that he requests variance approval for a fence which was installed without a permit to replace an existing fence; that the fence requirement is 4 feet high, 50 percent open, and the existing fence is higher in 4 feet in certain areas and not 50 percent open; that the fence does not meet the site triangle requirements of the ordinance.

The applicant offered into evidence which was marked “A-1” photographs of the old fence and the new fence installed.

After a review of the survey, it appears that the location of the fence is approximately 1 foot along the boundaries of the applicant’s property.

The applicant was advised to go back to his attorney who represented him and the surveyor for further advice.

Counsel Pogorelec stated that the Board has the authority to grant the variance; however, the location of the fence must be corrected to be on the applicant’s property.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the variances requested by the applicant contingent upon the applicant properly relocating the fence on the premises and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Stephen Christopher. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

3. **JAMAL TARAFDAR, 211 Washington**
Variance **Avenue, Block 18.11, Lot 9 – RA3 –**
Variance required for a driveway
installation: 1. Proposed driveway is
1.4' from right side lot line where 5' is
required.

The applicant, residing at 211 Washington Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Tarafdar testified that he requests variance approval for a driveway installation at the subject premises; that the proposed driveway will be 1.4 feet from the right side lot line where 5 feet is required; that the purpose of the driveway extension is to allow the family to park closer to the house and it will remove two cars from the street.

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

4. MCP ASSOCIATES, L.P., 790 Route 3
Variances West, Block 80.01, Lot 15 – PD-HC—
Bulk variances required to replace
existing monument sign on Allwood Road
with a pylon sign 18 feet high (6 feet
permitted) and 0 feet setback from
Allwood Road (5 feet required).

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Jeffrey P. Allen of 777 Chestnut Ridge Road, Chestnut Ridge, New York, Project Manager of Maser Consulting Company. There was one interested party: Mrs. Flyne of 14 Breen Court, Clifton, New Jersey.

Mr. Carlet stated that the applicant requests bulk variance approval to replace an existing monument sign on Allwood Road with a pylon sign 18 feet high where 6 feet is permitted and 0 feet setback from Allwood Road; that the sign is the same sign as the existing sign, except that due to configuration of the roadway and the topography of the site, it was very difficult to see by motorists who travel in an easterly and westerly direction on Allwood Road.

Mr. Allen testified that the reason for elevating the sign and moving it to the right-of-way line is so that it is more visible to the traveling public on Allwood Road; that because of the bend in the road and topography of the site, it is very difficult for the sign to be seen; that the location of the existing building to the east is built right to the right-of-way line of Allwood Road, and the view of the sign is substantially blocked from westbound travelers on Allwood Road.

Offered into evidence were the following exhibits: “A-1” which depicts the location of the pylon sign, the plans used, the site cross section from westbound view and the site line cross section from eastbound view; “A-2” which is a photograph depicting the location of the present sign and the location of the proposed sign; and “A-3” is a

Memorandum reviewing existing signs along Allwood Road showing signs at the Exxon Station, Smashburger, Petco, and Styertowne, all signs with an excess of 18 feet.

Mr. Allen further testified that the proposed sign will fit in with the aesthetics, character, and scale of the signage of the other commercial developments on Allwood Road and that the variance may be granted without any detriment to the public good or the zone plan since it will better serve the traveling public, avoid accidents of people trying to find the location, and enhance utilization of the site.

Mrs. Flyne suggested that the Board may want to impose a stipulation concerning landscaping.

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 variance. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting in the negative was Comr George Foukas. By a six to one vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

RESOLUTIONS

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

1. Upon motion made by Comr Roy Noonburg, seconded by Comrs Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SEMRA AND SAIM ILI for variances for rear yard setback, right side yard setback, lot coverage, and distance to garage to erect a second floor rear yard deck at 138 East Second Street, Block 5.09, Lot 17, was adopted.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF JANUARY 6, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CHRISTOPHER BELLINI
for premises known as: 24 MYRON STREET, BLOCK 59.08, LOT 31
be and the same is hereby: GRANTED right side yard setback, combined side yard setback, and lot coverage variances for a rear, two-story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid for a rear, two-story addition at premises located at 24 Myron Street, Block 59.08, Lot 31, which premises are located in a RB1 zone; and

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

- a. The applicant requests approval for a rear, two-story addition on an existing, non-conforming lot width and area.
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 4.5 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 8.5 feet;
- d. The proposed lot coverage permitted is 25 percent, and the applicant is proposing 28.6 percent;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a rear, two-story addition at premises located at 24 Myron Street, Block 59.08, Lot 31, be and the same is hereby approved and the variances for right side yard setback, combined side yard setback, 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 KEITH LA FORGIA.

Seconded by: Comr LOUIS DE STEFANO.

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

MEETING OF JANUARY 6, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: NADA BARDAGHJI
for premises known as: 48 HOBART PLACE, BLOCK 20.03, LOT 35
be and the same is hereby: GRANTED variances for an installed fence.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a fence installed to replace an older fence at premises located at 48 Hobart Place, Block 20.03, Lot 35, which premises are located in a RB1 zone; and

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

- a. The applicant installed the existing fence without a permit to replace an old fence;
- b. The fence requirement is 4 feet high and 50 percent open where the existing fence is higher than 4 feet in certain areas and not 50 percent open;
- c. The fence fails to meet the site triangle requirements of the ordinance;
- d. A review of the survey indicates that the fence installed is encroaching on adjacent properties;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that the applicant erroneously installed the fence beyond its property, and said fence will be required to be relocated on the applicant's

property;

NOW THEREFORE, BE IT RESOLVED that the application for the installed fence at premises located at 48 Hobart Place, Block 20.03, Lot 35, be and the same is hereby approved and the variances requested by the applicant be and the same are hereby granted subject to such further governmental approvals as may be required by law provided that the fence is relocated on the applicant's property.

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

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

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

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr STEPHEN CHRISTOPHER.

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

MEETING OF JANUARY 6, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JAMAL TARAFDAR
for premises known as: 211 WASHINGTON AVENUE, BLOCK 18.11, LOT 9
be and the same is hereby: GRANTED variance for a driveway installation.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval for a driveway installation at premises located at 211 Washington Avenue, Block 18.11, Lot 9, 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 driveway at the subject premises;
- b. The driveway proposed is 1.4 feet from the right side lot line;
- c. The side yard setback requirement is 5 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that the proposal will help promote the health, safety, and general welfare of the neighborhood by removing two cars from the street;

NOW THEREFORE, BE IT RESOLVED that the application for a variance for a driveway installation at premises located at 211 Washington Avenue, Block 18.11, Lot 9, be and the same is hereby approved and the right side yard setback 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 KEITH LA FORGIA.

Seconded by: Comr LOUIS DE STEFANO.

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

MEETING OF JANUARY 6, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MCP ASSOCIATES, L.P.
for premises known as: 790 ROUTE 3 WEST, BLOCK 80.01, LOT 15
be and the same is hereby: GRANTED bulk variances to replace existing monument sign on Allwood Road with a pylon sign 18 feet high with no setback from Allwood Road.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 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 to replace an existing monument sign on Allwood Road with a pylon sign 18 feet high and with a setback of 0 feet from Allwood Road at premises located at 790 Route 3 West, Block 80.01, Lot 15, which premises are located in a PD-HC zone; and

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

- a. The premises in question presently has a sign which, due to the bend in the road and the topography of the site, is difficult for the sign to be seen;
- b. The applicant proposes to raise the sign to 18 feet high where 6 feet is permitted;
- c. The applicant proposes no setback from Allwood Road where 5 feet is required;
- d. Based upon the testimony of the applicant's expert, the proposed height of the sign is consistent with existing signs along Allwood Road and it will fit in with the aesthetics, character, and scale of the signage of the other commercial developments on Allwood Road;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

it is consistent with the height of other signs on Allwood Road; and

WHEREAS, the Board further finds that the relocation of the signs will help promote the health, safety, and general welfare of the area by avoiding accidents of people trying to find the location of the premises;

NOW THEREFORE, BE IT RESOLVED that the application to replace an existing monument sign on Allwood Road with a pylon sign 18 feet high and 0 feet setback from Allwood Road at premises located at 790 Route 3 West, Block 80.01, Lot 15, be and the same is hereby approved and the variances be and the same are hereby granted subject to such further governmental approvals as may be required by law
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 ROY NOONBURG.

Seconded by: Comr KEITH LA FORGIA.

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