

Board of Adjustment
Minutes
January 18th, 2017

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 18, 2017. 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, GEORGE FOUKAS, ROY NOONBURG, 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 January 4, 2017, 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> 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 <u>N.J.S.A. 40:55D-70d(6)</u> 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 by the Board to the February 1, 2017, meeting.

- | | |
|------------|---|
| 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 by the Board to the February 1, 2017, meeting.

- | | |
|-----------|--|
| 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 by the Board to the February 1, 2017, meeting.

NEW HEARINGS

- 1. **THE LACKLAND COMPANIES, 196 Piaget Avenue, Block 10.17, Lot 20 – M-2 – A parking variance for number of parking spaces (59 required, 42 proposed), in order to comply with the Fire Department’s requirement that the fire lane surrounding the previously approved proposed self-storage warehouse facility be at least 20 feet wide. In all other respects, the previously approved Site Plan will be unchanged. The 42 proposed parking spaces far exceed the number of spaces recommended by Parking Generation, 4th Edition, published by the Institute of Transportation Engineers, which requires for the peak hour .14 spaces per 1,000 square feet of building, or 16.24 spaces, rounded to 17. Therefore, more than two and one-half times the number of recommended spaces is provided. In addition, an amendment to the previously approved Site Plan is required to reflect the change in number of parking spaces proposed.**

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: David Newkirk, an engineer, with offices at 420 Route 46 East, Fairfield, New Jersey; Hal Simoff, a traffic expert, with offices at 2 Shunpike Road, Madison, New Jersey; and

Michael F. Lackland of 126 Alden Avenue, Metuchen, New Jersey. There was one interested party: Barbara Declet of 29 Franklin Avenue, Clifton, New Jersey.

Mr. Carlet stated that the applicant has re-filed its application as requested by the Board due to changes made in the site plan as required by the City of Clifton Fire Department.

Mr. Newkirk testified that the plans have been changed and revised to comply with the City of Clifton Fire Department requirements; that the applicant initially proposed 63 parking spaces and, due to the revisions, the number of parking spaces has been reduced to 42; that there is a deficit from the required 59 spaces of 17 spaces; that access lanes have been provided and parking lot width of 20 feet is also provided; that the three fire hydrants have been relocated; that in his opinion, there is an adequate fire flow requirement for the proposed building; that the Fire Department will have access around the entire building; that the applicant is seeking a parking variance and approval of an acceptable water flow; that the Neglia report dated January 4, 2017, revised January 13, 2017, also required a standpipe system to be provided; that drainage has been corrected to reduce build-up of water by creating a detention system; that the applicant will comply with all requirements of the Fire Department in its report dated January 13, 2017, and the aforesaid Neglia reports with regard to grading, lighting, and stormwater drainage.

Hal Simoff testified that the Institute of Transportation Engineers has a regulation for self storage parking; that based upon that regulation, the parking requirement for the site would be 16 spaces; that access to the site will be from Piaget Avenue and not any of the interior roadways.

Barbara Declet was concerned that there would be access to the neighborhood from Franklin Avenue. Mr. Simoff stated that there would be no such access.

Comr Noonburg suggested the elimination of the ten parking spaces provided for recreational vehicles and U-haul vehicles. After discussion, Michael F. Lackland stated that as an accommodation, he would eliminate seven spaces and provide three spaces for rental trucks; that the area where the seven spaces are removed would be landscaped.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the following stipulations:

1. The removal of the seven parking spaces provided for recreational vehicles and U-haul, leaving three spaces for rental trucks.
2. Compliance with all the requirements of the City of Clifton Fire Department in its report dated January 13, 2017; and
3. Compliance with all items set forth in the Neglia report dated January 4, 2017, revised January 13, 2017.

The motion was seconded by Comr Stephen Christopher. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, George Foukas, 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.

2. **SASHO MOMIROSKI**, 62 Rowland Avenue,
Variance Block 50.03, Lot 58 – RB1 – Variance required
for the installation of a new driveway: 1) Driveway
proposed 1.1' from the left side lot line where
5' is required.

The applicant, residing at 62 Rowland Avenue, Clifton, New Jersey, was present and sworn. There were two objectors, Karin Prosinski of 64 Rowland Avenue, Clifton, New Jersey, and Debbie Prosinski of 10 Emanuel Avenue, Wayne, New Jersey.

Mr. Momiroski stated that he requests variance approval to install a new driveway next to the house on the left side with a distance of 40 feet in length and 9 feet wide; that the driveway proposed will be 1.1 feet from the left side lot line

where 5 feet is required; that the purpose of the driveway is to take vehicles off the street; that he intends to park two cars immediately next to his house.

Karin Prosinski objected to the application, stating that, in her opinion, it would be difficult for the applicant to enter the driveway; that once the driveway is paved, water from the driveway may come into her garage; that there may be an additional problem with snow removal.

After a review of the testimony, Comr George Foukas moved to deny the application, citing the fact that the size of the property lot is too small to accommodate the driveway and instructed the Counsel Secretary to prepare the proper Resolution for denial of the variance requested. The motion was seconded by Comr Keith LaForgia. Voting for denial were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was denied in the form as more fully appears at the end of these Minutes.

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

3. **EKREM GUVEN**, 303 Crooks Avenue, Block 5.05,
Use Lot 5 – B-C – Applicant owns a two-family home
Variance; on Crooks Avenue. He wants to live on the
Variances second floor and use the first floor as a barber
shop. Applicant is a licensed New Jersey barber.
Use variance required for two principal uses on
property; two parking spaces provided, seven
spaces required; nonconforming lot width; and
such other variances as may be required by law.

At the request of the attorney for the applicant, A. William Sala, Jr., Esq., this matter was continued to the February 1, 2017, meeting of the Board.

4. **RISTO NIKOLOVSKI**, 30 Vernon Avenue,
Variances Block 6.23, Lot 21 – RB1 – Bulk variances

requested in connection with an addition to a two-family dwelling: 1) a left side yard setback variance to allow 2.7 feet where 12 feet is required; 2) a combined side yard setback variance to allow 16.31 feet where 24 feet is required; 3) a front yard setback variance to allow 21.5 feet where 25 feet is required; 4) a lot coverage variance to allow 28.76% where 25% is permitted; 5) a lot area variance to allow the existing non-conforming 5,000 square feet to continue where 7,500 square feet is required; 6) a lot width variance to allow the existing non-conforming 50 feet to continue where 75 feet is required; and 7) such other variances, if any, relating to the application as the same may be amended.

Joseph C. Petriello, Esq., with offices at 30 Galesi Drive, Wayne, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Frank D. Mileto of 14 Beaverbrook Drive, Long Valley, New Jersey, an architect and planner; and the applicant, Risto Nikolovski, residing at 85 Fifth Avenue, Unit 3, Paterson, New Jersey, were present and sworn. There were no objectors.

Mr. Petriello stated that the applicant requests variance approval to add a second floor addition to the two-family dwelling at 30 Vernon Avenue; that the applicant is seeking a left side yard setback variance where 12 feet is required and the applicant is proposing 2.7 feet; a combined side yard setback variance where 24 feet is required and 16.31 feet is provided; a front yard setback variance where 25 feet is required and 21.5 feet is provided; a lot coverage variance is requested where 25 percent is permitted and 28.76 percent is requested; that the majority of the variances are pre-existing; that the lot is 50- by 100-feet and that a lot area variance is requested to allow the existing 5,000 square feet to continue where 7,500 square feet is required and that there is an existing, non-conforming lot width of 50 feet where 75 feet is required.

Risto Nikolovski testified that the existing footprint will not change; that the RB1 zone does allow two-family dwellings; that the present home is an existing two-

family dwelling; that he intends to upgrade the premises with new exterior siding, new windows, and other amenities.

Mr. Mileto testified as an architect and planner and stated that the subject premises is a cape cod home which was converted to a two-family dwelling; that the applicant will build upon the existing footprint; that the property will be upgraded with the second level; that there will be a two-car garage built in the rear; that basically, the addition is a dormer; that there are many two-family dwellings in the area; that there will be no parking in the front yard setback; that the driveway will be five feet off the property line.

At the request of Comr Louis DeStefano, Mr. Mileto stated that the side door to the basement will be eliminated.

After a review of the testimony, Comr Stephen Christopher moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application with the elimination of the side door to the basement. The motion was seconded by Comr Keith LaForgia. Voting for approval were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, and Chrmn Mark Zecchino. Voting against the motion were Comrs George Foukas and Vice-Chrmn Gerard Scorziello. By a five to two 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. **JAMES MONTELBANO**, 55 Walman Avenue,
Use Block 24.08, Lot 9 – M1 – Applicant proposes
Variance to use the first floor of this industrial use building
 for the office and storage for an electrical
 contractor. A use variance is required as the
 proposed use is a conditional use in an M-2
 zone. Existing, nonconforming lot width and
 building setbacks. (no changes proposed).

The applicant and his wife, Elizabeth, residing at 1 Eaglewood Vista Lane, Pine Island, New York, were present and sworn. There were four objectors: Lucia and Roland Buchholz, 14 and 15 Wiedemann Avenue, Clifton, New Jersey; Joe DeStefano, 9 Wiedemann Avenue, Clifton, New Jersey; and Theresa Porcaro of 9 Wiedemann Avenue, Clifton, New Jersey.

The applicant requests variance approval to use the first floor of an industrial use building for the office and storage for an electrical contractor; that a use variance is required as the proposed use is a conditional use in an M2 zone; that there is an existing, non-conforming lot width and building setbacks; that he employs six electricians and two office personnel; that he has four vehicles; that the hours of operation are from Monday through Friday 9 A.M. to 5 P.M.; that his work includes industrial, commercial, and residential electrical work; that the second floor is occupied by a company which is engaged in manufacturing; that his wife owns the property.

In objecting to the application, Theresa Porcaro stated that she was concerned with tractor trailers backing up to the garage in the rear which is directly adjacent to her property.

Roland Buchholz stated that the area where the premises are located was supposed to be a buffer zone between the two-family dwelling and the industrial use; that there is noise from the dumpster utilized for the part manufacturing use; that trucks come to the site through the residential zone; that there is inadequate ingress and egress for fire trucks to access the premises in the event of a fire. Offered into evidence which was marked "O-1" was an aerial view of the site and two-family dwellings.

The applicant stated that the proposed use is less intense than the existing and other permitted uses; that he wants an office use and storage for electrical contractor equipment.

At this point in the hearing, Chrmn Mark Zecchino requested Zoning Officer Daniel Howell to research and furnish additional information to the Board regarding the application.

Thereupon, the matter was continued by the Board until the February 15, 2017, meeting of the Board.

RESOLUTIONS

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

1. Upon motion made by Comr Keith LaForgia, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of TAHIR KHAN for front yard setback variance to construct a new home at 640 Grove Street, Block 52.05, Lot 14, 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 JANUARY 18, 2017.

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 warehouse facility and for the rental of motor vehicles and bulk variances for building height, rear yard setback for ground signs, curb cut, parking, and preliminary and final site plan approval.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 18, 2017. 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, on October 19, 2016, the applicant did receive use variance approval for a self-storage warehouse facility and for the rental of motor vehicles at premises located at 196 Piaget Avenue, Block 10.17, Lot 20, which premises are located in a M-2 zone; and

WHEREAS, subsequently, the applicant was required to revise its plan to comply with the requirements of the Fire Department of the City of Clifton; and

WHEREAS, the Board instructed the applicant to file a complete amended plan requesting a parking variance and a revised site plan to reflect the change in the number of parking spaces proposed; and

WHEREAS, the Board, after hearing the testimony presented by the applicant's expert and the interested party, has made the following factual findings:

- a. The Board incorporates herein by reference and makes a part hereof all the findings set forth in a Resolution adopted on October 19, 2016;
- b. Based upon the testimony of the applicant's traffic expert, the recommended parking as published by the Institute of Transportation Engineers requires .14 spaces per 1,000 square feet of building, or a total of 16.24 spaces, rounded to 17;

- c. That the applicant is providing 42 parking spaces which far exceeds the number of spaces recommended by the Institute of Transportation Engineers;
- d. The applicant has stipulated that the ten parking spaces which were previously allocated to five for recreational vehicles and five for rental trucks or U-hauls be reduced to three spaces for U-haul or rental trucks, and the balance of the seven parking spaces be eliminated and landscaping added in its place;
- e. That the applicant comply with all requirements of the Fire Department in its communication dated January 13, 2017, and Neglia Engineering in its reports dated January 4, 2017, revised January 13, 2017;
- f. The applicant has satisfied the positive and negative criteria required for the grant of the use variance;
- g. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- h. The benefits of the application outweigh the detriments, if any; and

(CONTINUED)

(CONTINUED)

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 will be a substantial upgrade to the premises; and

WHEREAS, the Board further finds that the compliance by the applicant with the recommendations of the Clifton Fire Department and consulting engineer, Neglia Engineering, 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 variance and bulk variances for building height, rear yard setback for ground signs, curb cut, and parking 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 conditions:

1. The self-storage facility rental will be limited to tenants only;
2. The rental space for U-haul or rental trucks shall be no more than three spaces and intended for the use of tenants;
3. There shall be no rental space for recreational vehicles;
4. 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 January 4, 2017, revised January 13, 2017;
8. Subject to compliance with all recommendations of the Clifton Police Department and Clifton Fire Department in its report dated January 13, 2017.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED. THE ZONING BOARD SHALL RETAIN JURISDICTION TO RECONSIDER, REVISE, MODIFY, ADD AND VARY THE TERMS OF ANY CONDITIONS HEREIN IMPOSED UPON ANY USE VARIANCE, VARIANCES, AND/OR SITE PLAN GRANTED HEREIN.

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 STEPHEN CHRISTOPHER.

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

MEETING OF JANUARY 18, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SASHO MOMIROSKI
for premises known as: 62 Rowland Avenue, Block 50.03, Lot 58
be and the same is hereby: DENIED side yard setback variance for a proposed driveway.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 18, 2017. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr George Foukas moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for the installation of a driveway at premises located at 62 Rowland Avenue, Block 50.03, Lot 58, which premises are located in a RB1 zone; and

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

- a. The applicant proposes a driveway 1.1 feet from the left side lot line where 5 feet is required;
- b. The driveway will be 40 feet in length and 9 feet wide;
- c. The size of the property is inadequate to accommodate the driveway;
- d. The applicant has shown no hardship to justify the grant of the variance requested;
- e. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood since water from the driveway will flow into the adjacent propertyowner's garage;

NOW THEREFORE, BE IT RESOLVED that the application for a new driveway at premises located at 62 Rowland Avenue, Block 50.03, Lot 58, be and the same is hereby disapproved and the side yard setback variance be and the same is hereby denied.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

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

MEETING OF JANUARY 18, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RISTO NIKOLOVSKI
for premises known as: 30 Vernon Avenue, Block 6.23, Lot 21
be and the same is hereby: GRANTED left side yard setback, combined side yard setback, front yard setback, lot coverage, lot area and lot width to construct an addition to a two-family dwelling.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 18, 2017. 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 Stephen Christopher moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests bulk variances as aforesaid for an addition to a two-family dwelling at premises located at 30 Vernon Avenue, Block 6.23, Lot 21, which premises are located in a RB1 zone; and

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

- a. The applicant proposes an addition to a two-family dwelling which will basically be a dormer;
- b. The left side yard setback requirement is 12 feet, and the applicant is proposing 2.7 feet;
- c. The combined side yard setback requirement is 24 feet, and the applicant is proposing 16.31 feet;
- d. The front yard setback requirement is 25 feet, and the applicant is proposing 21.5 feet;
- e. The lot coverage permitted is 25 percent, and the applicant is proposing 28.76 percent;
- f. The applicant has a 50- by 100-foot lot which requires a lot area of 7,500 square feet and a lot width of 75 feet.
- g. The applicant proposes to use the footprint of the building;
- h. The applicant proposes to erect a two-car garage in the rear;

- i. The majority of the variances requested are pre-existing;
- j. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- k. 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 there are many two-family dwellings in the area as testified to by the planner; 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;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid for an addition to a two-family dwelling at premises located at 30 Vernon Avenue, Block 6.23, Lot 21, be and the same is hereby approved and the variances for left side yard setback, combined side yard setback, front yard setback, lot coverage, lot area, and lot width be and the same are hereby granted subject to such further governmental approvals as may be required by law subject to the condition that the side door to the basement be eliminated.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED. THE ZONING BOARD SHALL RETAIN JURISDICTION TO RECONSIDER, REVISE, MODIFY, ADD, AND VARY THE TERMS OF ANY CONDITIONS HEREIN IMPOSED UPON ANY USE

VARIANCE, VARIANCES, AND/OR SITE PLAN GRANTED HEREIN.

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 STEPHEN CHRISTOPHER.

Seconded by: Comr KEITH LA FORGIA.

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