

Board of Adjustment

Minutes

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

ABSENT: COMR ROY NOONBURG.

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 Keith LaForgia, the Minutes of the February 17, 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.

This matter was continued to a special meeting to be held on March 9, 2016.

2.

Amended Site Plan

CLIFTON CENTRE COMMERCE III,
65 Industrial South and 35 Bloomfield Ave.,
Block 56.08, Lots 4 and 13 – M-1 – Amended
site plan approval required to permit
relocation and increase of existing and
proposed loading docks as shown on
Amended Site Plan.

This matter was continued by the Board until the March 16, 2016, meeting of the Board.

NEW HEARINGS

1.

Variance

AGNIESZKA PIETRAS, 92 Mountainside
Terrace, Block 22.03, Lot 12 – RA3 – Applicant
proposes to build a roof over their existing

front porch. New roof will be 10’ 4” from the front lot line where a minimum of 21’ is required.

The applicant, residing at 92 Mountainside Terrace, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she requests front yard setback variance to build a roof over her existing front porch; that the minimum front lot line is 21 feet, and she is proposing 10 feet 4 inches; that she presently has a roof over the front door but it is metal and damaged so that in the Winter, water freezes on her front stairs; that the dimensions of the proposed new roof are similar to the roof that is there now.

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. The motion was seconded by Comr Daniel Trenk. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, Stephen Christopher, 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. VINCENT SAURO, 37 Harding Avenue,
Variances (1150 Main Avenue), Block 12.05, Lot 1
– B-C – Variances required to convert existing tenant space into a comedy club/ restaurant use. 1. Comedy Club not listed as permitted use-use variance required. 2. Applicant space requires 45 parking spaces plus parking for two other tenant areas within the building no on-site parking provided. 3. Existing nonconforming building setback and lot coverage.

Chrmn Zecchino announced that the Board was in receipt of a written communication from the attorney for the applicant, Bennett Wasserstrum, Esq., requesting an adjournment to the April 6, 2016, meeting. Thereupon, the Board unanimously carried the matter to the April 6, 2016, meeting.

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| 3. | NOURI PROPERTY MANAGEMENT, LLC, |
| Use | 180 Getty Avenue, Block 11.03, Lot 49 and |
| Variance | Block 11.22, Lot 1 – M-2 – Use variance
required to permit second floor office space
as a principal use within an M-2 zone; use
variance required for more than one
principal use on one lot. Parking provided
on adjacent lot. |

At the request of the applicant, the matter was unanimously carried by the Board to the March 16, 2016, meeting of the Board. Present were the following objectors: Amer Hamad and Samer Hamad of 18 Union Avenue, Clifton, New Jersey.

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| 4. | NOURI PROPERTY MANAGEMENT, LLC, |
| Use | 180 Getty Avenue, Block 11.03, Lot 49 and |
| Variance | Block 11.22, Lot 1 – M-2 – Use variance
required for proposed School Bus company.
Parking and storage of buses outside and
light maintenance (cleaning) of buses proposed
inside the building. Use variance required for
more than one principal use on lot.
Application was previously heard on 11/18/2015.
Applicant has made changes that will be
explained to the Board. |

At the request of the applicant, the matter was unanimously carried by the Board to the March 16, 2016, meeting of the Board. Present were the following objectors: Amer Hamad and Samer Hamad of 18 Union Avenue, Clifton, New Jersey.

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 Keith LaForgia, seconded by Comr Louis DeStefano, and affirmed by Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CHUCK ROSENKRANZ for bulk variances to remove existing structure and erect a new single-family dwelling at 870 Allwood Road, Block 65.02, Lot 27, was adopted. RB1

2. Upon motion made by Comr Keith LaForgia, seconded by Comr Louis DeStefano, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DOREEN DEOCK for variances for a 5-foot-high solid fence along the right side of the house at 18 Plymouth Road, Block 40.01, Lot 49, was adopted. RA2

3. Upon motion made by Comr George Foukas, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JACLYN LONGO SANTOS for left side yard and combined side yard variances for the construction of a rear dormer at 23 Surrey Lane, Block 67.01, Lot 32, was adopted. RA3

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of WILLIAM VAN ECK for a combined side yard setback variance to build a rear addition at 144 Roosevelt Avenue, Block 1.06, Lot 23, was adopted. RB1

5. Upon motion made by Comr Louis DeStefano, seconded by Comr Keith LaForgia, and affirmed by Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MURTADA AL MALLAH for

bulk variances for a front porch, rear yard addition, and rear deck at 144 Silleck Street, Block 22.15, Lot 32, was adopted. RB1

6. 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, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ADAUTO ALLANTARA for a second floor addition and front porch at 178 Cresthill Avenue, Block 57.08, Lot 22, was adopted. RA3

7. 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 TAREQ ELSHALABI for a use variance and bulk variances to convert a two-story mixed use building to a residential dwelling with three units at 322 Hope Avenue, Block 4.16, Lot 67, was adopted. RB3

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 MARCH 2, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AGNIESZKA PIETRAS
for premises known as: 92 Mountainside Terrace, Block 22.03, Lot 12
be and the same is hereby: GRANTED front yard setback variance to build a roof over the existing front porch.

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 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 Keith LaForgia moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests front yard setback variance approval as aforesaid to build a roof over the existing front porch at premises located at 92 Mountainside Terrace, Block 22.03, Lot 12, which premises are located in an RA3 zone; and

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

- a. The applicant presently has a metal roof over the front porch but it is damaged and, in the Winter, water freezes on the front stairs;
- b. The applicant proposes to build a roof over the existing front porch which will extend 10 feet 4 inches into the front yard setback where a minimum of 21 feet is required;
- c. The dimensions of the proposed roof are similar to the existing roof presently at the site;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to build a roof over the existing front porch at premises located at 92 Mountainside Terrace, Block 22.03, Lot 12, be and the same is hereby approved and the front yard 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 KEITH LA FORGIA.

Seconded by: Comr DANIEL TRENK.

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