

Board of Adjustment  
Minutes  
February 3<sup>rd</sup>, 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, February 3, 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, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: KEITH LA FORGIA.

Chrmn Zecchino advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

Upon motion made by Comr Louis DeStefano, seconded by Comr Stephen Christopher, the Minutes of the January 20, 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 without date pending re-scheduling for a special meeting. It was suggested that the matter be listed for hearing on March 9, 2016, pending approval of the use of the Council Chambers and availability of all parties in interest.

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 previously continued by the Board until the March 16, 2016, meeting of the Board.

### NEW HEARINGS

1. **MONEER SALMON**, 95 Pilgrim Drive,  
Variance Block 39.09, Lot 28 – RA2 – Variance  
required to expand existing curb cut  
to 20' wide where a maximum of 12'  
is permitted.

The applicant, residing at 95 Pilgrim Drive, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Salmon testified that he requests variance approval to expand an existing curb cut to 20 feet where a maximum of 12 feet is permitted; that his driveway is 20 feet wide; however, the opening is only 9 feet; that his family has two cars, and they are unable to exit the driveway safely without hitting the curb cut; that all the other driveways in the area have curb cuts expanded to 20 feet.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval for the variance. The motion was seconded by Comr Stephen Christopher. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, 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. **CARLOS VELEZ**, 211 Madison Avenue,  
Variances Block 12.13, Lot 11 – RB1 – Variances  
required to extend the front of the  
garage: 1. Garage proposed 0.5' from  
left side lot line where 5' is required;

2. Separation between house and garage proposed at 5' where 10' is required.

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

Mr. Velez testified that he requests variance approval to extend the front of his garage 11 feet in length and 14 feet wide; that the garage will be approximately .5 feet from the left side lot line where 5 feet is required; that the separation between the house and the garage proposed is at 5 feet where 10 feet is required; that the purpose of the expansion is to allow him to park his car in the garage along with storing outside furniture and other household items.

Comr Graupe, after questioning the applicant, opined that the garage is too close to the property line.

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 Stephen Christopher. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, and Chrmn Mark Zecchino. Voting in the negative 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.

3. DONNA HIGGINS, 79 Hazel Street,

Variance                      Block 24.10, Lot 6 – RA3 – Variance  
                                         required for a 6’ high fence installed  
                                         in the back yard where a maximum  
                                         of 5’ high fence is permitted.

The applicant, along with her husband, John Higgins, residing at 79 Hazel Street, Clifton, New Jersey, were present and sworn. There were no objectors.

Mrs. Higgins testified that she requests variance approval for a 6-foot-high fence installed where a maximum of 5 feet high fence is permitted; that she and her husband have lived at the premises for 18 years; that the fence is a 5-foot-high fence with decorative lattice; that the fence cannot be seen from the street; that the fence beautifies the yard.

Offered into evidence which was marked “A-1” are ten photographs of the fence to the rear of the property and the rear yard.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, 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.                              JENNFIR ESTRELLA, 169 Ackerman  
Use                              Avenue, Block 4.09, Lot 1 – RB3 –  
Variance;                      Variances required to add the sale of  
Variance                      coffee and sandwiches to an existing

grocery store: 1. Expansion of an existing nonconforming commercial use within a residential zone; 2. Additional parking required for “take-out food business” and none provided.

The applicant, residing at 169 Ackerman Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Estrella stated that he requests variance approval to expand an existing, non-conforming commercial use within a residential zone by selling coffee and sandwiches; that the present use is that of a delicatessen; that additional parking is required, however none provided for the current use as well as the proposed use; that he has operated the business for the past four years; that his hours of operation are from 7 A.M. to 10:30 P.M., seven days a week.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the parking variance and use variance. The motion was seconded by Comr Daniel Trenk. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, 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.

## 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 Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, Stephen Christopher, Roy

Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution AFFIRMING the 2016 Annual Report of the Clifton Zoning Board of Adjustment prepared by Gregory Associates, LLC, was adopted.

2. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of LUCY SPIEWAK for bulk variances for the construction of a rear, second story addition at 301 Luddington Avenue, Block 19.12, Lot 2, was adopted.

3. Upon motion made by Comr Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of H.A.A.L. (HOMELESS ANIMAL ADOPTION LEAGUE) for use variance to operate a facility for the adoption of cats at 236 Delawanna Avenue, Block 59.06, Lot 88, was adopted.

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Roy Noonburg, and affirmed by Comrs Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of UNIVERSAL SUPERMARKET for a use variance, parking variance, building setback variance, and buffer as well as preliminary site plan approval for a retail supermarket at 550 Lexington Avenue, Block 7.07, Lot 1, was adopted.

5. Upon motion made by Comr Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, Stephen Christopher, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the

application of AVI & DEBORAH UNGER for variances for an addition and alterations at 38 Alvin Court, Block 57.04, Lot 10, was adopted.

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

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY

MEETING OF FEBRUARY 3, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MONEER SALMON  
for premises known as: 95 Pilgrim Drive, Block 39.09, Lot 28  
be and the same is hereby: GRANTED a variance to expand existing curb cut to 20 feet wide.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 3, 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 to expand an existing curb cut to 20 feet wide at premises located at 95 Pilgrim Drive, Block 39.09, Lot 28, which premises are located in an RA2 zone; and

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

- a. The applicant requests variance approval to expand the existing curb cut to 20 feet where 12 feet is permitted;
- b. The applicant's driveway is 20 feet wide;
- c. The applicant is experiencing difficulty in accessing and egressing the site which has a curb cut of 9 feet;
- d. The surrounding residences have curb cuts of 20 feet;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested; 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 other driveways in the neighborhood; and

WHEREAS, the Board further finds that the proposal will help promote the health, safety, and general welfare of the neighborhood by allowing the applicant to safely

ingress and egress the premises;

NOW THEREFORE, BE IT RESOLVED that the proposal to expand the existing driveway curb cut to 20 feet wide at premises located at 95 Pilgrim Drive, Block 39.09, Lot 28, be and the same is hereby approved and the 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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr STEPHEN CHRISTOPHER.

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

MEETING OF FEBRUARY 3, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: **CARLOS VELEZ**  
for premises known as: **211 Madison Avenue, Block 12.13, Lot 11**  
be and the same is hereby: **GRANTED** variances to extend the front of the garage; left side yard setback; and separation between house and garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 3, 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 as aforesaid to extend the front of the garage at premises located at 211 Madison Avenue, Block 12.13, Lot 11, which premises are located in an RB1 zone; and

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

- a. The applicant proposes to extend the front of the garage, creating a setback variance from the left side yard of .5 feet where 5 feet is permitted;
- b. The extension will also create another variance for distance between the house and the garage which is proposed at 5 feet where 10 feet is required;
- c. The purpose of the extension is to permit the applicant to park his vehicle plus storage;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested; 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 extend the front of the garage at premises located at 211 Madison Avenue, Block 12.13, Lot 11, be and the same is hereby approved and the variances for left side lot line and distance between house and garage 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 ROY NOONBURG.

Seconded by: Comr STEPHEN CHRISTOPHER.

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

MEETING OF FEBRUARY 3, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DONNA HIGGINS  
for premises known as: 79 Hazel Street, Block 24.10, Lot 6  
be and the same is hereby: GRANTED variance approval for a 6-foot-high fence installed in the back yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 3, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval for a 6-foot-high fence installed in the back yard at premises located at 79 Hazel Street, Block 24.10, Lot 6, 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 erroneously had erected by a contractor a 6-foot-high fence installed in the back yard;
- b. The maximum permitted is 5 feet high fence;
- c. The applicant does have a 5-foot-high fence with a 1-foot-high lattice;
- 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 since the fence cannot be seen from the street; and

WHEREAS, the Board further finds that the proposal will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a 6-foot-high fence in the back yard at premises located at 79 Hazel Street, Block 24.10, Lot 6, be and the same is hereby approved and the variance be and the same is hereby granted subject to such further governmental approvals as may be required by law AND 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 GEORGE FOUKAS.

Seconded by: Comr LOUIS DE STEFANO.

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

MEETING OF FEBRUARY 3, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JENNIFER ESTRELLA  
for premises known as: 169 Ackerman Avenue, Block 4.09, Lot 1  
be and the same is hereby: GRANTED parking variance and use variance to add the sale of coffee and sandwiches to an existing grocery store.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 3, 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-Chairman Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant seeks a use variance and parking variance to add the sale of coffee and sandwiches to an existing grocery store at premises located at 169 Ackerman Avenue, Block 4.09, Lot 1, which premises are located in an RB3 zone; and

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

- a. The applicant conducts a grocery store business at the site in question and has done so for the past four years;
- b. The applicant proposes to add the sale of coffee and sandwiches to the existing grocery store use;
- c. The proposal creates an expansion of a non-conforming use;
- d. There are no parking spaces provided for the existing site and the proposal;
- e. The grocery store does service the surrounding neighborhood, and therefore, the applicant has satisfied the positive criteria;
- f. The applicant has testified that the bulk of his customers are within walking distance from the neighborhood and, therefore, parking is not a problem which satisfies the negative criteria;
- g. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- h. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal is in accord with the intent and purpose of the master plan since the delicatessen does provide a benefit to the surrounding neighborhood; 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 add the sale of coffee and sandwiches to an existing grocery store at premises located at 169 Ackerman Avenue, Block 4.09, Lot 1, be and the same is hereby approved and the use variance for the expansion of a non-conforming use and parking variance 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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr DANIEL TRENK.

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