

Board of Adjustment
Minutes
February 17th, 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 17, 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, LOUIS DE STEFANO, KEITH LA FORGIA, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR DANIEL TRENK.

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 February 3, 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. **CHUCK ROSENKRANZ, 870 Allwood**
Variances Road, Block 65.02, Lot 27 – RB1 – Variances
required to remove existing structure and
build a new single family home: 1. Rear
yard proposed at 4.35' where 35' is required;
2. Right side yard proposed at 2.63' where
6' is required; 3. Left side yard proposed at
8.66' where 10' is required; 4. Combined
side proposed at 11.29' where 16' is
required; 5. Lot coverage proposed at
42.13% where a maximum of 27% is
permitted.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Charles Rosenkranz of 825 Bloomfield Avenue, Clifton, New Jersey. There were no objectors.

Chrmn George Foukas excused himself from participating, and Comr Paul Graupe sat in his place and stead.

Mr. Sala offered into evidence which was marked "A-1" the Affidavit of Publication.

Through direct examination by Mr. Sala, Mr. Rosenkranz stated that he requests variance approval to remove an existing structure and build a new single-family dwelling at the subject premises; that the rear yard setback requirement is 35 feet, and he is proposing 4.35 feet; that the right side yard setback requirement is 6 feet, and the applicant is proposing 2.63 feet; that the left side yard setback is 10 feet, and the applicant is proposing 8.66 feet; that the combined side yard requirement is 16 feet, and the applicant is proposing 11.29 feet; that the permitted lot coverage is 27 percent, and the applicant is requesting 42.13 percent; that he intends to remove a non-conforming structure; that the entrance to the garage is on Sycamore Road.

Mr. Sala stated that the proposed new structure will upgrade the area and provide a benefit to the surrounding residences.

After a review of the testimony, Comr Roy Noonburg moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, and Chrmn Mark Zecchino. Voting in the

negative was Vice-Chrmn Gerard Scorziello, indicating lot coverage was a problem. By a six to one vote, 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. **DOREEN DEOCK, 18 Plymouth Road,**
Variance **Block 40.01, Lot 49 – RA2 – Variance**
required for a fence: 1. 5' high solid fence
proposed along right side of the house
where 4' high, 50% open fence is
permitted.

The applicant, residing at 18 Plymouth Road, Clifton, New Jersey, was present and sworn. There were several interested parties in favor of the application, some of whom were sworn to give testimony: Margot Villanova, 12 Plymouth Road; William Kondel, 24 Plymouth Road; William Rosal, 33 Plymouth Road; and Regan Lehman, 575 Grove Street, Unit G6; all of the City of Clifton, New Jersey.

Mrs. Deock testified that she requests variance approval for a 5-foot-high solid fence proposed along the right side of the house where a 4-foot-high, 50 percent open fence is permitted; that the purpose of the fence is to contain her dogs on her premises; that she has lived in the house for over 50 years.

Both interested parties Margot Villanova and William Kondel testified in favor of the application and stated that the fence was an asset to the neighborhood.

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.

3. **JACLYN LONGO SANTOS, 23 Surrey**
Variances Lane, Block 67.01, Lot 32 – RA3 –
 Variances required for the construction
 of a rear dormer: 1. Left side proposed
 at 4.9’ where 6’ is required; 2. Combined
 side yards proposed at 9.5’ where 16’
 is required.

The applicant, residing at 23 Surrey Lane, Clifton, New Jersey, was present and sworn along with her father, Anthony Longo, of Mountainside Terrace, Clifton, New Jersey. There were no objectors.

The applicant testified that she requests variance approval for the construction of a rear dormer; that the left side yard setback requirement is 6 feet, and she is proposing 4.9 feet; that the combined side yard setback requirement is 16 feet, and she is proposing 9.5 feet; that the purpose of the dormer is for a bedroom and bath.

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 requested. The motion was seconded by Comr Keith LaForgia. 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. **WILLIAM VAN ECK, 144 Roosevelt Avenue,**
Variances **Block 1.06, Lot 23 – RB1 – Variances**
required to build a rear yard addition:
1. Combined side yards proposed at 11'
where 16' is required.

The applicant and his wife, Mary Van Eck, residing at 144 Roosevelt Avenue, Clifton, New Jersey, were present and sworn. There were two interested parties, one of whom was sworn to give testimony: Herman Vega and Daniela Guimaraks, both of 142 Louise Street, Clifton, New Jersey. There were no objectors.

Mr. VanEck testified that he requests variance approval to build a rear yard addition; that the combined side yard setback requirement is 16 feet, and he is proposing 11 feet; that the purpose of the addition is to expand the kitchen.

One of the interested parties, Mr. Vega, testified that he has no objections to the addition.

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 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.

5.
Variances
- MURTADA AL MALLAH, 144 Silleck Street, Block 22.15, Lot 32 – RB1 –
Variances required to build a front porch, rear yard addition, and rear deck:
1. Left side yard proposed at 1.6’ where 6’ is required; 2. Right side yard proposed at 5’ where 6’ is required; 3. Combined side yards proposed at 6.6’ where 16’ is required; 4. Front yard proposed at 5’ where 21’ is required; 5. Lot coverage proposed at 37% where 27% is permitted; 6. Existing, nonconforming lot area and width.

The applicant, along with his son, residing at 144 Silleck Street, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant testified that he requests variance approval to build a front porch, rear yard addition, and a rear deck at the subject premises; that the left side yard setback requirement is 6 feet, and he is proposing 1.6 feet; that the right side yard setback requirement is 6 feet, and he is proposing 5 feet; that the combined side yard setback requirement is 16 feet, and he is proposing 6.6 feet; that the front yard

requirement is 21 feet, and he is proposing 5 feet; that the lot coverage permitted is 27 percent, and he is requesting 37 percent; that the premises has an existing, non-conforming lot area and lot width.

After a review of the testimony, Comr Louis DeStefano 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 Keith LaForgia. 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.

6. **ADAUTO ALLANTARA, 178 Cresthill**
Variances Avenue, Block 57.08, Lot 22 – RA3 –
Variances required for a second floor
Add-a-level and front porch: 1. Front
yard proposed at 22.73’ where 25’ is
required; 2. Left side yard proposed at
4.63’ where 6’ is required; 3. Combined
side yards proposed at 15.45’ where
16’ is required; 4. Front porch proposed
at 20.73’ from front and 17’ wide where
21’ is required and 8’ width permitted.

The applicant, residing at 178 Cresthill Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a second floor add-a-level and a front porch at the subject premises; that the front yard setback requirement is 25 feet, and is proposing 22.73 feet; that the left side yard setback requirement is 6 feet, and he is proposing 4.63 feet; that the combined side yard setback requirement is 16 feet, and he is proposing 15.45 feet; that the front porch is proposed at 20.73 feet from the front and 17 feet wide where 21 feet is required and 8-foot width permitted; that there are similar homes in the area that have the same configuration.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution to approve of the variances requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. 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.

7. TAREQ ELSHALABI, 322 Hope Avenue,
Use Block 4.16, Lot 67 – RB3 – Applicant
Variance proposes converting an existing tavern
 to a residential unit. A density variance
 is required for a total of three residential
 units in the building. Six parking spaces
 required and none provided. Existing
 nonconforming lot width and area. Any
 other relief deemed necessary by the
 Board. 2. Application for four residential
 units was denied by the Board on May 20,
 2015.

The applicant, residing at 178 Garfield Place, Maplewood, New Jersey 07040 was present and sworn. There was one objector, Dana Lavcanska of 100 Center Street, Clifton, New Jersey.

Chrmn Zecchino noted for the record that the applicant had previously been before the Board for a variance with the same premises which was denied on May 20, 2015, and inquired as to the substantial changes as required by the doctrine of *res judicata*. Mr. Elshalabi stated that the previous application was for four residential units; that the within application has been reduced to three residential units, with the conversion of a tavern to a residential unit on the first floor. After review of the substantial changes, Comr Keith LaForgia moved to hear the application. The motion was seconded was Vice-Chrmn Gerard Scorziello. Voting for the motion 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 applicant was instructed to proceed.

The applicant testified that he requests use variance approval to convert a non-conforming use, which is a tavern, on the first floor and two residential units on the second floor to three rental units, eliminating the tavern on the first floor; that the first floor will be converted to one residential unit; that the second floor which exists at the present time, consists of two rental units.

Dana Lavcanska testified that parking is a major problem in the neighborhood; that the proposal will exacerbate the parking situation.

Comr Graupe stated that entry and exit to the garage is a problem and may create a safety hazard.

After a review of the testimony, Comr Stephen Christopher moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the garage be rented only to a tenant at the premises and further that the entry and exit to the garage must be made by backing into the garage. 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 who stated that the entry and exit to the garage is a safety hazard. 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 stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda.

1. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Stephen Christopher, 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 MONEER SALMON for a variance to expand existing curb cut to 20 feet wide at 95 Pilgrim Drive, Block 39.09, Lot 28, was adopted.

2. Upon motion made by Comr Roy Noonburg, seconded by Comr Stephen Christopher, and affirmed by Comrs Louis DeStefano, Stephen Christopher, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CARLOS VELEZ for variances to extend the front of the garage, left side yard setback, and separation between house and garage at 211 Madison Avenue, Block 12.13, Lot 11, was adopted.

3. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, 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 DONNA HIGGINS for variance approval for a 6-foot-high fence installed in the back yard at 79 Hazel Street, Block 24.10, Lot 6, was adopted.

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Louis DeStefano, 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 JENNFIR ESTRELLA for parking variance and use variance to add the sale of coffee and sandwiches to an existing grocery store at 169 Ackerman Avenue, Block 4.09, Lot 1, 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 FEBRUARY 17, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CHUCK ROSENKRANZ
for premises known as: 870 Allwood Road, Block 65.02, Lot 27
be and the same is hereby: GRANTED bulk variances to remove existing structure and erect a new single-family dwelling.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 17, 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 remove an existing structure and build a new single-family dwelling at premises located at 870 Allwood Road, Block 65.02, Lot 27, 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 proposes a new single-family structure at the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 4.35 feet;
- c. The right side yard setback requirement is 6 feet, and the applicant is proposing 2.63 feet;
- d. The left side yard setback requirement is 10 feet where 8.66 feet is proposed;
- e. The combined side yard setback requirement is 16 feet, and the applicant is proposing 11.29 feet;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. 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, 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 erect a single-family

dwelling at premises located at 870 Allwood Road, Block 65.02, Lot 27, be and the same is hereby approved and the variances for rear yard setback, right side yard setback, left 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 further 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 Paul Graupe, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 17, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DOREEN DEOCK
for premises known as: 18 Plymouth Road, Block 40.01, Lot 49
be and the same is hereby: GRANTED variances for a 5-foot-high solid fence along the right side of the house.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 17, 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 5-foot-high solid fence along the right side of the premises located at 18 Plymouth Road, Block 40.01, Lot 49, which premises are located in an RA2 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant and interested parties in favor of the fence, has made the following factual findings:

- a. The applicant proposes a 5-foot-high solid fence along the right side of the house;
- b. A 4-foot-high 50% open fence is permitted;
- c. The applicant proposes the fence to contain her dogs;
- 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 for a 5-foot-high solid fence at premises located at 18 Plymouth Road, Block 40.01, Lot 49, 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 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 FEBRUARY 17, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JACLYN LONGO SANTOS
for premises known as: 23 Surrey Lane, Block 67.01, Lot 32
be and the same is hereby: GRANTED left side yard and combined side yard variances for the construction of a rear dormer.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 17, 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 as aforesaid for the construction of a rear dormer at premises located at 23 Surrey Lane, Block 67.01, Lot 32, 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 proposes the construction of a rear dormer;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 4.9 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 9.5 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variances 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 construct a rear yard dormer at premises located at 23 Surrey Lane, Block 67.01, Lot 32, be and the same is hereby approved and the variances for left side yard setback and combined side yard setback variances 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 GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

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

MEETING OF FEBRUARY 17, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: WILLIAM VAN ECK
for premises known as: 144 Roosevelt Avenue, Block 1.06, Lot 23
be and the same is hereby: GRANTED a combined side yard setback variance to build a rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 17, 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 as aforesaid for the construction of a rear addition at premises located at 144 Roosevelt Avenue, Block 1.06, Lot 23, 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 proposes to erect a rear yard addition;
- b. The combined side yard setback requirement is 16 feet, and the applicant is proposing 11 feet;
- c. The purpose of the addition is to expand the kitchen;
- 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 for a rear addition to premises located at 144 Roosevelt Avenue, Block 1.06, Lot 23, be and the same is hereby approved and the combined side 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 VICE-CHRMN GERARD SCORZIELLO.

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 FEBRUARY 17, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MURTADA AL MALLAH
for premises known as: 144 Silleck Street, Block 22.15, Lot 32
be and the same is hereby: GRANTED bulk variances for a front porch, rear yard addition, and rear deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 17, 2016. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid to build a front porch, rear yard addition, and rear deck to premises located at 144 Silleck Street, Block 22.15, Lot 32, 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 proposes to build a front porch, rear yard addition, and rear deck;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 1.6 feet;
- c. The right side yard setback requirement is 6 feet, and the applicant is proposing 5 feet;
- d. The combined side yard setback requirement is 16 feet, and the applicant is proposing 6.6 feet;
- e. The front yard setback requirement is 21 feet, and the applicant is proposing 5 feet;
- f. The lot coverage permitted is 27 percent, and the applicant is proposing 37 percent;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- h. 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 not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to build a front porch, rear addition, and rear deck at premises located at 144 Silleck Street, Block 22.15, Lot 32, be and the same is hereby approved and the left side yard setback, right side yard setback, combined side yard setback, front yard setback, and lot coverage variances 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 LOUIS DE STEFANO.

Seconded by: Comr KEITH LA FORGIA.

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

MEETING OF FEBRUARY 17, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ADAUTO ALLANTARA
for premises known as: 178 Cresthill Avenue, Block 57.08, Lot 22
be and the same is hereby: GRANTED a second floor addition and front porch.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 17, 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 second floor addition and a front porch at premises located at 178 Cresthill Avenue, Block 57.08, Lot 22, 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 proposes a second floor addition and a front porch;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 22.73 feet;
- c. The left side yard setback requirement is 6 feet, and the applicant is proposing 4.63 feet;
- d. The combined side yard setback requirement is 16 feet, and the applicant is proposing 15.45 feet;
- e. The front porch is proposed at 20.73 feet from the front and 17 feet wide where 21 feet is required and 8 feet width permitted;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. 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 not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a second floor addition and front porch at premises located at 178 Cresthill Avenue, Block 57.08, Lot

22, be and the same is hereby approved and the front yard setback, left side yard setback, combined side yard setback variances be and the same are hereby granted along with the proposal for a front porch of 20.73 feet from the front and 17 feet wide, 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 VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF FEBRUARY 17, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: TAREQ ELSHALABI
for premises known as: 322 Hope Avenue, Block 4.16, Lot 67
be and the same is hereby: GRANTED use variance and bulk variances to convert a two-story mixed use building to a residential dwelling with three units.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 17, 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 Stephen Christopher moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance to convert a non-conforming use to a conforming use at premises located at 322 Hope Avenue, Block 4.16, Lot 67, which premises are located in a RB3 zone; and

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

- a. The applicant initially came before the Board with a request for a use variance for four residential dwelling units;
 - b. The applicant was denied and has now reduced the number of units from four to three;
 - c. The applicant now proposes to convert the two story mixed use building to a conforming residential dwelling with three units at the subject premises;
 - d. There are two rental units above the existing first floor which previously was a tavern and now is proposed to be living quarters for one unit;
 - e. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
 - f. The proposal will eliminate a non-conforming use—that is, a tavern;
 - g. The benefits of the application outweigh the detriments, if any;
 - h. The applicant has shown sufficient hardship with regard to the lack of parking;
- 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 will eliminate a non-conforming use and introduce a conforming use; and

WHEREAS, the Board further finds that although the objector testified to parking as a detriment to the neighborhood, the conversion of a tavern to a residence is more in compliance with the zone plan and beneficial to the neighborhood; and

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to convert a non-conforming use to a conforming use at premises located at 322 Hope Avenue, Block 4.16, Lot 67, be and the same is hereby approved and the use variance be and the same is hereby granted subject to such further governmental approvals as may be required by law subject to the following stipulations:

1. That the garage at the site be rented solely to a tenant at the premises; and
2. The entry and exit to the garage must be made by the tenant backing into the garage.

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 STEPHEN CHRISTOPHER.

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.