Board of Adjustment

Minutes

April 6th, 2016

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held at the Council Chambers, City Hall, Clifton, New Jersey, on Wednesday, April 6, 2016. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

ABSENT: COMR 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 March 16, 2016, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. **YESHIVA KTANA OF PASSAIC, INC.,** Variances; Use Variance — 288, 292, 296, 300 & 304 South Parkway, Block 59.01, Lots 8, 11, 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 April 13, 2016.

2. **CLIFTON CENTRE COMMERCE III**,
Amended Site Plan
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 to the May 18, 2016, meeting of the Board.

3. **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.

This matter was continued until the May 4, 2016, meeting of the Board.

4. **MOHAMED ALY**, 113 East 6th Street,
Variances Block 1.25, Lot 5 – RB1 – Applicant proposes a new two-family house to replace the two-family house destroyed by fire. The following variances are required: 1. Minimum lot width is 75' and 50' is provided; 2. Minimum lot area is 7500 sq.ft. and 5000 sq.ft. is provided; 3. Driveway proposed at 0' from left side lot line where a 5' setback is required; 4. Curb cut proposed at 16' where a maximum of 12' is permitted.

Present and sworn was Mohamed Aly residing at 11 Lincoln Place, Wayne, New Jersey. Also present and sworn was Nassir Almukhtar, R.A., with offices at 1172 Madison Avenue, Paterson, New Jersey, architect. There was one objector who was present and sworn: Louis Smeriglio of 109 East Sixth Street, Clifton, New Jersey.

This is a continued hearing from the meeting of April 6, 2016.

5. **PUBLIC SERVICE ELECTRIC & GAS**
Use **COMPANY**, Athenia Switching Station,
Variances; Mt. Prospect Avenue & 84 Runyon Road,

Variances — Block 41.08, Lots 1 and 2, Block 41.05, Lot 95 – M2, RA2, and RA3 – For a conditional use and D3 use variance to permit the expansion of a utility installation within 500 feet of a residential district or school (46 feet proposed), and a bulk variance for building height (40 feet permitted, 50 feet proposed), together with a proposed lightning mast 101 feet tall.

This matter was continued until the May 4, 2016, meeting of the Board.

NEW HEARINGS

1. **IHAB DAVID**, 139 Notch Road,
Variance — Block 53.02, Lot 37 – RB2 – Variance required to install a 6' high, solid fence on the right side yard where a 4' high 50% open fence is permitted.

2. **KRESHNIK KLARI & ERAND MOLLA**,
Variances — 55 Adams Street, Block 15.11, Lot 35 -- RB1 – Side yard setback required (6 feet required, 2 feet proposed) and rear yard setback required (35 feet required, 7 feet proposed) to complete construction of a garage previously begun.

3. **SCAFAR CONTRACTING INC.**,
Use Variance; Site Plan — 750 Bloomfield Avenue, Block 49.11, Lot 30 and 31 – M-2 – Conditional use variance required for the storage of contractor's equipment in the rear portion of the property (conditions not met). Site plan approval required

for conditional uses.

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 Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, George Foukas, Vice-Chairman Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ADAM ROSENBLUM, FILED BY CONTRACTOR BRYAN ROSERO, for left side lot line and curb cut variances to expand the driveway at 11 Lorrie Lane, Block 71.04, Lot 40, was adopted. RA3

2.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF APRIL 6, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ADAM ROSENBLUM FILED BY CONTRACTOR BRYAN ROSERO

for premises known as: 11 LORRIE LANE, BLOCK 71.04, LOT 40

be and the same is hereby: GRANTED left side lot line and curb cut variances to expand the driveway.

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

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

WHEREAS, the applicant requests variance approval to expand a driveway at premises located at 11 Lorrie Lane, Block 71.04, Lot 40, 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, through his contractor, Bryan Rosero, requests variance approval to expand the driveway at the subject premises;

b. The proposed driveway will be 1.5 feet from the left side lot line where 5 feet is required;

c. The curb cut proposed by the applicant is 14 feet wide where 12 feet wide is permitted;

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 the expansion of the driveway will allow the applicant to park vehicles in his driveway and take them off the roadway which will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to expand the driveway at premises located at 11 Lorrie Lane, Block 71.04, Lot 40, be and the same is hereby approved and the variances for left side yard lot line setback and curb cut 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 VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF APRIL 6, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: KENNETH AND LESLIE KROPINACK
for premises known as: 77 ABBE LANE, BLOCK 33.09, LOT 35.04
be and the same is hereby: GRANTED variance to install a 5-foot-high solid fence along the rear of the property line which abuts Grove Street.

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

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

WHEREAS, the applicant requests variance approval to install a 5-foot-high solid fence along the rear of premises located at 77 Abbe Lane, Block 33.09, Lot 35.04, which premises are located in a RA2 zone; and

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

a. The applicant wishes to replace an existing 4-foot-tall chain link fence at the subject premises near the rear of the property adjacent to Grove Street;

b. The applicant proposes a 5-foot-high solid fence;

c. The ordinance permits a 4-foot-high 50% open fence;

d. The purpose of the fence is for security and prevention of noise and debris from Grove Street;

e. The applicant has shown sufficient hardship to justify the grant of the variance requested;

f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that the proposed 5-foot-high fence will

not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a 5-foot-high solid fence at the rear of premises located at 77 Abbe Lane, Block 33.09, Lot 35.04, abutting Grove Street 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 GEORGE FOUKAS.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF APRIL 6, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: NAZEEH ABUHADBA
for premises known as: 261 HARDING AVENUE, BLOCK 20.05, LOT 3
be and the same is hereby: GRANTED right side yard setback and lot coverage variances for a rear deck.

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

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

WHEREAS, the applicant requests variance approval as aforesaid to erect a rear deck at premises located at 261 Harding Avenue, Block 20.05, Lot 3, which premises are located in a RB1 zone; and

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

a. The applicant requests approval for a rear yard deck at the subject premises;

b. The right side yard setback requirement is 6 feet, and the applicant is proposing 4.6 feet;

c. The lot coverage permitted is 27 percent, and the applicant is requesting 28 percent;

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 the variances requested are de

minimus and will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a rear deck at premises located at 261 Harding Avenue, Block 20.05, Lot 3, be and the same is hereby approved and the right side yard setback variance and lot coverage 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 STEPHEN CHRISTOPHER.

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.