Board of Adjustment

Minutes

4-20-2016

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 20, 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, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR GEORGE FOUKAS.

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 April 6, 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 May 11, 2016.

2.	**CLIFTON CENTRE COMMERCE III**,
Amended	65 Industrial South and 35 Bloomfield Ave.,
Site	Block 56.08, Lots 4 and 13 – M-1 – Amended
Plan	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 to the May 4, 2016, meeting of the Board.

4. Variances

MOHAMED ALY, 113 East 6th Street, 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.

Kenneth A. Wanio, Esq., with offices at 1035 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. 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.

The Board was in receipt of a memo regarding what is shown on the tax record of the City of Clifton.

Mr. Wanio stated that the records of the City of Clifton show that the structure on the premises has been a two-family dwelling since at least 1970; that there was

a total of 7 bedrooms previously; that the applicant is proposing a two-family dwelling with 6 bedrooms, three in each unit, that the proposed two-family dwelling is a less intensive use with a more desirous appearance of the property than what was there previously.

Mr. Almukhtar testified that the lot is 50- by 100-feet; that the previous structure that was destroyed by fire was larger than the proposed structure; that the driveway curb cut will not be widened and will remain the same as is presently at the site.

Offered into evidence as “A-1” is a picture of the previous structure; and “A-2” which is an aerial view of the neighborhood.

Mr. Smeriglio echoes his previous objections from the last meeting; that the proposed structure is too close to his property; he objected to the curb cut and objected to the size of the dwelling.

After a review of the testimony, Comr Roy Noonburg moved to deny the application. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting for denial were Comrs Daniel Trenk, Roy Noonburg, and Vice-Chrmn Gerard Scorziello. Voting against denial were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, and Chrmn Mark Zecchino. There were three affirmative votes and four negative votes, and therefore, the motion failed.

Chrmn Zecchino called for another motion. Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Louis DeStefano. Voting for approval were Comrs Louis DeStefano, Keith LaForgia, Stephen Christopher, and Chrmn Mark Zecchino, those voting in favor stating that it was a less intensive use and not over-development. Voting against the motion were Comrs Daniel Trenk, Roy Noonburg, and Vice-Chrmn Gerard Scorziello. By a four to three 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. **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 to 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.

The applicant, residing at 139 Notch Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to install a 6-foot-high solid fence on the right side yard where a 4-foot-high, 50% open fence is permitted; that he replaced the old fence which was there with a new fence with the same height and shape; the his property is a corner property; that he has four children; that his neighbor has a dog that his family is scared of; that the fence provides privacy and safety for his family.

Marked into evidence as “A-1” was an assortment of photographs of the new fence installed at the property. Also marked into evidence was “A-2” the listing page showing the previous fence at the property.

In Board discussions, it was determined that there was no hardship shown by the applicant; that if this Board were to grant a 6-foot-high fence for this applicant, then it would set a dangerous precedent down the line for other applicants who would want it as well.

After a review of the testimony, Chrmn Mark Zecchino moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Louis DeStefano. Voting for denial were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was denied in the form as more fully appears at the end of these Minutes.

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

2. Variances

KRESHNIK KLARI & ERAND MOLLA, 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 garage previously begun.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were Kreshnik Klari and Errand Molla of 55 Adams Street, Clifton, New Jersey. Present and sworn were the following objectors: Maureen Sergi, 58 Inwood Street; Cynthia Polzer, 34 Inwood Street; and George Vasilik, 48 Inwood Street, all of the City of Clifton, New Jersey.

Mr. Carlet stated that the applicant requests variance approval for a detached garage already built; that a side yard setback variance is required where 6 feet is required and 2 feet is proposed; that a rear yard setback variance is required where 35 feet is required and 7 feet is proposed; that the applicants are contractors who completely renovated the house and obtained all previously required building permits; that they mistakenly presumed that the other partner had obtained a building permit for the garage; that the requested variances can be granted without substantial detriment to the public good or Clifton zone plan because there is no real zone plan in the area, across the street are heavy industrial buildings, including the Public Service storage yard and the remnants of the Green Sky Industries property; that a half a block away is an office building located in an M-1 zone, and behind that is a landscapers' storage yard recently approved by this Board; that there are a substantial number of houses that have detached garages in the rear; that permitting one more such garage to be added in the area will do no harm.

Mr. Carlet offered into evidence as "A-1" the site plan; and "A-2" a tax map of the area highlighting properties that had one-car, two-car, and one-car-carports in the area.

The objectors testified that there were partitions in the garage; that it looked like the applicant was going to operate a business out of the garage; that a commercial truck has been parked on the property.

In discussions, the Board was disturbed that no permit was obtained; that the applicant was not replacing a previous garage, but erecting a new one; that there was never a garage at that location.

After a review of the testimony, Comr Roy Noonburg moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting for denial were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was denied in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete

testimony presented to the Board and upon which this decision is based.

3.	**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.

Thomas P. DeVita, Esq., with offices at 452 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was James Scannella, President of the applicant; and David Newkirk, engineer, with offices in Fairfield, New Jersey. Present and sworn were the following objectors: Frank and Phyllis Bobowski, 716 Bloomfield Ave.; Marian Stobierski, 720 Bloomfield Ave.; Aida Claveria, 724 Bloomfield Ave.; and Rose Ahera, 165 Rowland Ave., all of the City of Clifton, New Jersey.

Mr. DeVita stated that the applicant requests conditional use variance and site plan approval for storage of contractor's equipment

Mr. Newkirk testified that the applicant seeks approval for the outdoor storage of contractor's material and equipment in the rear portion of the property with no changes to the warehouse building at the site; that site plan approval is required for conditional uses, and he testified as to the site plan; that the applicant seeks to utilize approximately 20,000 square feet of a parcel consisting of 517,181 square feet as outdoor storage for contractors, material, and equipment; that the parcel proposed to be used consists of approximately 3.8 percent of the entire parcel and is a de minimus area of the site; that the application can be granted since it will have no negative effect on the Clifton zoning plan or the surrounding area and is a 100- by 200-foot area in the far rear of the site; that this is an allowable conditional use in an M-2 zone but the site does not meet the requirements in 461-36E.

Mr. Scannella testified that he would use the facility for storage; that he would bring in materials with a truck approximately once a month.

The objectors stated that trucks are constantly coming back and forth, and there is constant traffic with regard to the operation of the business; that it was destroying the peace and enjoyment of the neighbors.

After a review of the testimony, Comr Stephen Christopher moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval subject to the facility's hours will be from Monday through Friday from 9 A.M. to 5 P.M., and on Saturday and Sunday in the event of an emergent situation, and subject to Passaic County Planning Board approval. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

COMMUNICATIONS

1. With respect to Attorney Trella's request for an adjournment of the TRIMBLE AUTO BODY application of IVO RODRIGUEZ and VANIA, 214 Trimble Avenue, Block 6.16, Lot 5, from May 4th to May 18th, the Board unanimously granted the adjournment request.

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, Vice-Chrmn 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. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of KENNETH AND LESLIE KROPINACK for variance to install a 5-foot-high solid fence along the rear of the property line which abuts Grove Street at 77 Abbe Lane, Block 33.09, Lot 35.04, was adopted. RA2

3. Upon motion made by Comr Stephen Christopher, seconded by Comr Louis DeStefano, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of NAZEEH ABUHADBA for right side yard setback and lot coverage variances for a rear deck at 261 Harding Avenue, Block 20.05, Lot 3, was adopted. RB1

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF APRIL 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MOHAMED ALY
for premises known as: 113 EAST 6TH STREET, BLOCK 1.25, LOT 5
be and the same is hereby: GRANTED minimum lot width, minimum lot area and left side lot line setback for driveway variances to erect a two-family dwelling.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 20, 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 to rebuild a two-family house at premises located at 113 East Sixth Street, Block 1.25, Lot 5, which premises are located in an RB1 zone; and

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

a. The applicant requests variance approval for minimum lot width where 75 feet is required and 50 feet is proposed; minimum lot area where 7,500 square feet is required and 5,000 square feet is proposed; and driveway proposed at 0 feet from left side lot line where a 5-foot-setback is required.

b. The applicant proposes to erect a two-family dwelling which is smaller, less intensive, and more aesthetically pleasing than the previous two-family dwelling which was destroyed by fire;

c. The applicant previously had seven bedrooms at the site, and the new two-family dwelling will have six bedrooms, three in each unit;

d. The applicant has agreed to maintain the same curb cut which presently exists at the site;

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

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

WHEREAS, the Board finds from the testimony presented that the two-family dwelling will be in accord with the intent and purpose of the master plan and the zone ordinance since it is replacing a two-family dwelling that was destroyed by fire at the site with a less intrusive and more desirous-appearing dwelling; and

WHEREAS, the Board further finds that based upon the testimony presented, the

two-family dwelling will not be detrimental to the health, safety, and general welfare of the neighborhood since the use as a two-family has existed at the site since at least 1970;

NOW THEREFORE, BE IT RESOLVED that the application to rebuild a two-family house at premises located at 113 East Sixth Street, Block 1.25, Lot 5, be and the same is hereby approved and the variances for minimum lot width, minimum lot area, and left side lot line for driveway be and the same are hereby granted with the curb cut remaining the same 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, and Chrmn Mark Zecchino.

MEETING OF APRIL 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: IHAB DAVID
for premises known as: 139 NOTCH ROAD, BLOCK 53.02, LOT 37
be and the same is hereby: DENIED variance approval for a 6-foot-high solid fence on the right side yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 20, 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, Chrmn Mark Zecchino moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to install a 6-foot-high solid fence along right side yard at premises located at 139 Notch Road, Block 53.02, Lot 37, which premises are located in a RB2 zone; and

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

a. The applicant requires a variance for a 6-foot high solid fence on the right side yard where a 4-foot high 50% open fence is permitted;

b. The applicant alleges that the new fence replaced an old fence with the same height and shape on his corner property;

c. The Board finds that even if applicant replaced the fence similar to the previous fence, there was never a variance approved for a 6-foot-high solid fence at the site, and to do so at this time would create a dangerous precedent;

d. The Board finds that the 6-foot-high solid fence at that particular location is excessive, and the applicant's need for privacy and security can be met with a 4-foot-high, 50% open fence permitted by the ordinance;

e. The applicant has shown insufficient hardship to justify the grant of the variances requested;

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

WHEREAS, the Board finds from the testimony presented that the 6-foot-high

solid fence will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that the 6-foot-high solid fence will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to permit a 6-foot-high solid fence along the right side yard at premises located at 139 Notch Road, Block 53.02, Lot 37, be and the same is hereby disapproved and the variances be and the same are hereby denied.

Resolution moved by: **Comr CHRMN MARK ZECCHINO.**

Seconded by: **Comr LOUIS DE STEFANO.**

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

MEETING OF APRIL 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: KRESHNIK KLARI & ERAND MOLLA
for premises known as: 55 ADAMS STREET, BLOCK 15.11, LOT 35
be and the same is hereby: DENIED side yard setback and rear yard setback variances for a detached garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 20, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to keep a detached garage erected at premises located at 55 Adams Street, Block 15.11, Lot 35, which premises are located in a RB1 zone; and

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

a. The applicant requests variance approval for side yard setback where 6 feet is required and 2 feet proposed; and rear yard setback where 35 feet is required and 7 feet is proposed to keep a detached garage erected at the site;

b. The detached garage erected by the applicants does not replace any previous garage at the site, and the applicants failed to obtain the necessary permits to erect the garage;

c. Based upon the testimony of the objectors, it appears that there are partitions in the garage; it appears that the applicant was going to operate a business out of the garage; and a commercial truck was being parked in the driveway;

d. The applicant has shown insufficient hardship to justify the grant of the variances requested;

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

WHEREAS, the Board finds from the testimony presented that the detached

garage will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been 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 keep a detached garage at premises located at 55 Adams Street, Block 15.11, Lot 35, be and the same is hereby disapproved and the variances for side yard setback and rear yard setback be and the same are hereby denied.

Resolution moved by: **Comr ROY NOONBURG.**

Seconded by: **Comr VICE-CHRMN GERARD SCORZIELLO.**

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

MEETING OF APRIL 20, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SCAFAR CONTRACTING INC.
for premises known as: 750 BLOOMFIELD AVENUE, BLOCK 49.11, LOT 30 AND 31,
be and the same is hereby: GRANTED CONDITIONAL USE AND SITE PLAN APPROVAL FOR STORAGE OF CONTRACTOR'S EQUIPMENT IN THE REAR PORTION OF THE PROPERTY.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 20, 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 conditional use and site plan approval to store contractor's equipment in a rear portion of the property as depicted in the site plan at premises located at 750 Bloomfield Avenue, Block 49.11, Lot 30 and 31, which premises are located in a M-2 zone; and

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

a. The applicant requires conditional use variance and site plan approval for the storage of contractor's equipment in the rear portion of the property;

b. The application is for outdoor storage of contractor's material and equipment with no changes to the warehouse building at the site;

c. The applicant has testified that there would be deliveries to the site approximately once a month;

d. Based upon the testimony of the applicant's expert, the proposed use is suitable for the site and will not substantially impair the intent and purpose of the M-2 zone plan and zoning ordinance and will promote the general purposes of zoning,

and thus the applicant satisfies the positive and negative criteria required for the grant of a conditional use variance;

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

WHEREAS, the Board finds from the testimony presented that the use 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 since the applicant testified that there will be limited deliveries to the site, approximately once-a-month by truck;

(Continued)

(Continued)

NOW THEREFORE, BE IT RESOLVED that the application for storage of contractor's equipment in the rear portion of the property at premises located at 750 Bloomfield Avenue, Block 49.11, Lot 30 and 31, be and the same is hereby approved and the conditional use variance and site plan approval 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. SUBJECT to the facility hours of operation are Monday through Friday from 9 A.M. to 5 P.M. and Saturday and Sunday in the event of an emergent situation; and

2. 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 STEPHEN CHRISTOPHER.

Seconded by: Comr KEITH LA FORGIA.

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