

Board of Adjustment
Minutes
May 18th, 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, May 18, 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 LOUIS DE STEFANO, KEITH LA FORGIA, STEPHEN CHRISTOPHER, ROY NOONBURG, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS PAUL GRAUPE AND 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 Stephen Christopher, seconded by Comr Louis DeStefano, the Minutes of the May 4, 2016, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

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| 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 June 29, 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.

Chrmn Zecchino announced that the Board was in receipt of a communication from Frank A. Carlet, Esq., the attorney for the applicant, requesting that the matter be withdrawn without prejudice.

Thereupon, Comr George Foukas moved to dismiss the matter without prejudice and instructed the Counsel Secretary to prepare the proper Resolution. The motion

was seconded by Comr Louis DeStefano with the unanimous approval of the entire Board 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. **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 previously continued by the Board to the June 1, 2016, meeting of the Board.

4. **IVO RODRIGUEZ & VANIA RODRIGUEZ,**
Use **H/W – TRIMBLE AUTO BODY, 214 Trimble**
Variance **Avenue, Block 6.16, Lot 5 – B-C – Existing**
 auto body shop proposes to add wholesale
 auto sales as accessory use. Two uses
 proposed on one lot, use variance
 required. Any other use deemed necessary
 by the Board.

Matthew J. Trella, Esq., with offices at 1135 Broad Street, Suite 104, Clifton, New Jersey, appeared on behalf of the applicant. The applicant, Ivo Rodriguez, of 37 Bergen Street, Garfield, New Jersey, was present and sworn. There were no objectors.

Mr. Trella stated that the applicant requests use variance approval for a wholesale auto dealer use at the premises; that presently, there is an auto body shop, and the applicant is proposing an auto body shop with a wholesale auto dealer use; that the applicant wants to be able to go to auction, buy vehicles, bring them to his place, fix inside the facility, then take them back out to the action and sell them; he will not sell them on the property; all work will be done inside the shop; nothing will be done outside; that the house of operation are 8 A.M. to 5 P.M., Monday through Friday and 8 A.M. to 1 P.M. Saturday.

The Board members expressed their concern that they do not want the premises looking like a used car lot.

Mr. Rodriguez concurred with Mr. Trella's testimony and agreed to comply with any stipulations imposed by the Board.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the following stipulations:

1. Maximum of three (3) vehicles (wholesale) not registered on the premises.
2. No working on vehicles on the outside of the premises.
3. All work to be performed inside the premises on the vehicles at issue.
4. No retail sales on the property.
5. No vehicles left outside on the street during the day and overnight, specifically the front area on the Route 46 side and on Trimble Avenue.

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.

NEW HEARINGS

1. ALDEN TRANSPORTATION CORPORATION,
Use 82 Circle Avenue, Block 15.14, Lot 33 – M-2 –
Variance; Applicant proposes to build a school bus
Variance storage and repair facility. Use variance
required for a dispatch service within an M-2
district. Bulk variance relief from front yard
setback, maximum lot coverage, parking in
the front yard.

At the request of Glenn Peterson, Esq., the attorney for the applicant, this
matter was continued to the June 15, 2016, meeting of the Board.

2. 206 CLIFTON PARTNERS LLC,
Use 206 Delawanna Avenue, Block 60.14,
Variances; Lots 13 and 33 – M-2 & M-3 – 1. Use
Variances variance under N.J.S.A. 40:55D-70d(1)
to permit multi-family residential uses
in the M-2 and M-3 zones whereas
residential uses are not permitted in
these zones and a use variance under
N.J.S.A. 40:55D-70d(6) to permit a
building height of 46.33 feet whereas
only 40 feet is permitted; 2. Preliminary
and final site plan approval pursuant to
N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-
50 to allow a four (4) story, eighty (80)
unit apartment building consisting of
sixty-six (66) one-bedroom apartment
units and eight (8) two-bedroom
apartment units with a total of 146
off-street parking spaces (as required
by and conforming with the Residential
Site Improvement Standards); 3. In
addition, applicant seeks dimensional
variances under N.J.S.A. 40:55D-70c
for the following: to permit a lot area of

4.3 acres for buildings 41 to 80 feet in height within the M-3 zone whereas a minimum of 5 acres is required; to permit a lot width of 125.5 feet whereas a minimum of 250 feet is required; and to permit a monument sign to be installed ten (10) feet from the front property line and within the front yard setback, whereas signs are required to have a 30 foot front yard setback. The applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the applicant or the Board, and which may arise during the course of the hearing process.

Steven R. Tombalakian, Esq., with offices at 629 Parsippany Road, Parsippany, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Charles Thomas, Jr., Site Engineer, 54 Horsehill Road, Cedar Knolls, New Jersey; David J. Minno, Architect, 80 Lambert Lane, Lambertville, New Jersey; Lee K. Klein, Traffic Engineer, 156 Walker Road, West Orange, New Jersey; and David Karlebach, Planner, 38 E. Ridgewood Avenue, Suite 396, Ridgewood, New Jersey. There was one interested party who was present and sworn: Henry Cholewczynsky, 37 Phyllis Place, Clifton, New Jersey.

Mr. Tombalakian offered the following as exhibits:

- “A-1” Aerial of the existing conditions of the property in question;
- “A-2” Site plan rendering;
- “A-3” Lighting colored template;
- “A-4” Colored elevations (west side elevations);
- “A-5” Colored elevations (east side elevations);
- “A-6” Colored elevations (north and south); and
- “A-7” Aerial and ground photographs.

Mr. Thomas testified that he prepared the Preliminary and Final Site Plan dated March 21, 2016, and the Stormwater Management Report dated March 21, 2016, and reviewed same; that the property in question consists of an approximate area of 4.3 acres and is located on Block 60.14, Lots 13 and 33, commonly known as 206 Delawanna Avenue, Clifton, New Jersey; that the site is situated on the north side of Delawanna Avenue and is located in the M-2 General Industrial and M-3 Special Industrial zoning districts; that the subject property is bounded by industrial uses to the north and east, the NJ Transit Delawanna Station to the south, and the Conrail (Norfolk Southern corporation) railroad line to the west; that the subject property is currently developed as a landscape supply yard with one (1) two-story and five (4) one-story buildings; that existing on-site improvements include asphalt and concrete pavement, gravel areas, fencing, lighting, retaining walls, stairs, storage binds, concrete docks, and storm sewer improvements; that the applicant proposes to consolidate the two lots, remove all existing improvements on the site, and develop the property with a single, four (4) story, eighty (80) unit apartment building; that the proposed site improvements include asphalt parking lot with curb, concrete sidewalk, security access gate, decorative fencing, concrete patio, decorative concrete seating area, site lighting, site utilities, stormwater system, retaining walls, and landscaping; that the proposed off-site improvements include concrete along a portion of the frontage where existing concrete pavers of various designs are located.

Mr. Thomas addressed the Neglia Engineering Associates report dated May 5, 2016, engineering comments, issues of grading, drainage, and utility comments, and lighting and landscaping comments.

Mr. Minno testified that he prepared the Architectural Plans dated March 7, 2016, and reviewed same; that he is the architect who designed the plans, giving specific information about the proposed project. Mr. Minno also addressed the plan's compliance with the Fire Code and other zoning code and handicapped requirements.

Mr. Minno testified as to the concept and building plans; that the building has 23 garages in the front; that every unit is handicapped adaptable; he described three typical apartment units; that the proposals are first class dwelling units; that the proposal furthers the principle of smart growth; that towns should be proposing residential developments near train stations; that the development is an

appropriately located example; that the building height is 46 feet 4 inches; and he described how the applicant determined the number of units at 80.

Interested party Henry Cholewczynsky questioned the carbon monoxide alarms, the sprinkler system, and the fire hydrants.

Mr. Klein testified that he co-prepared the Traffic engineering evaluation plan dated March 11, 2016, and reviewed same; that the proposed development of 80 mid-rise apartments would have a nominal impact on traffic operations at the studied intersections during the weekday A.M. and P.M. peak commuting hours; that the incremental impact of the additional site generated traffic results in only a small increase in the average delay at the intersection of Delawanna Avenue with Oak Street; that this slight increase would result in an average vehicle delay of approximately one second and would not materially impact the operations of this intersection or change the level of service; that calculated levels of services for the proposed site driveway would be LOS C or better; that it is his professional opinion that, based upon the traffic engineering evaluation, the proposed redevelopment will provide for safe and efficient traffic operations without affecting the quality of flow along the nearby local roadways; that the proposed site plan conforms to standards from a traffic engineering viewpoint; that circulation and access to and from the site, as well as within the property, are adequate; that the proposed site access point provides more than adequate sight distance along Delawanna Avenue; that in conclusion, this residential redevelopment project would have a minimal impact on the traffic operations of studied intersections; that the design of the development will adequately serve the needs of this facility's residents and guests.

The report of the City of Clifton Department of Fire dated May 6, 2016, was addressed and highlighted.

The Board noted that the applicant's plans show the parking stall size as 9- by 18-feet, and the Board members unanimously agreed that the parking stall size should be changed to 9- by 19-feet.

Mr. Karlebach testified that the within application is for a "d" and "c" variance and site plan approval; that the premises in question is located in the M-2 General

industrial Zone and the M-3 Special Industrial Zone; that the premises in question is relatively rectangular in shape with frontage along Delawanna Avenue; that the applicant proposes to demolish the existing improvements on the site and construct a 4-story, 80-unit multi-family residential building with 146 parking spaces; that of the 80-units, 72 will be one-bedroom units and 8 will be two-bedroom units. Mr. Karlebach explained the planning insight with regard to the D(1) use variance for use not permitted in zone; D(6) height variance; and "C" variances for lot area, lot width, and sign setback. He discussed how the positive and negative criteria were met with respect to this application; the positive criteria has been satisfied because special reasons have been met—the use promotes the general welfare because the proposed site is particularly suited for that use; the proposal is an investment in the community; that the proposal advances the positive interest of smart growth. Mr. Karlebach stated how the proposal furthers the purposes of zoning set forth in the ordinance; that with respect to the negative criteria, the variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zone ordinance.

At this point in the hearing, Chairman Zecchino set the matter down for inspection and decision on June 15, 2016, subject to a site inspection by the Board members, and the applicant was specifically instructed to revise its plans in accordance with the Neglia Engineering report dated May 5, 2016, and the Fire Department report dated May 6, 2016; and further the applicant is to secure consent that Neglia Engineering Associations approves of all revisions and the Clifton Fire Department approves of all revisions prior to the June 15, 2016, meeting.

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 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 GRANTING the application of PUBLIC SERVICE ELECTRIC AND GAS COMPANY for a D3 conditional use variance to permit the expansion of a utility installation within 500 feet of a residential district and bulk

variance for building height together with proposed lightning mast at Athenia Switching Station, Mt. Prospect Avenue and 84 Runyon Road, Block 41.08, Lots 1 and 2 and Block 41.05, Lot 95, was adopted. M2, RA2 and RA3

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 GRANTING the application of JOHN AND LINDA CORIGLIANO for a rear yard setback variance for a rear deck at 13 Rutgers Place, Block 27.08, Lot 16, was adopted. RA2

3. 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 PERFECT STEAM CORPORATION for use variance for a steam cleaning services business at 1115 Bloomfield Avenue, Block 79.04, Lot 3, was adopted. M-1

There being no further business before the Board, Comr Keith LaForgia 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 MAY 18, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: CLIFTON CENTRE COMMERCE III, LLC
for premises known as: 65 INDUSTRIAL SOUTH, BLOCK 56.08,
LOTS 4 AND 13
be and the same is hereby: DISMISSED WITHOUT PREJUDICE to permit
relocation and increase of existing and proposed loading docks.

Comr George Foukas moved to dismiss the matter without prejudice on the
basis of the following Resolution:

WHEREAS, Frank A. Carlet, Esq., the attorney for the applicant, requested on
behalf of the applicant that this matter be dismissed without prejudice; and

WHEREAS, the applicant requests amended site plan approval to permit
relocation and increase of existing and proposed loading docks at premises located
at 65 Industrial South, Block 56.08, Lots 4 and 13, which premises are located in
a M-1 zone;

NOW THEREFORE, BE IT RESOLVED that the application to permit relocation
and increase of existing and proposed loading docks at premises located at 65
Industrial South, Block 56.08, Lots 4 and 13, be and the same is hereby
dismissed without prejudice.

Resolution moved by: Comr GEORGE FOUKAS.

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 MAY 18, 2016.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: IVO RODRIGUEZ AND VANIA RODRIGUEZ,
H/W – TRIMBLE AUTO BODY
for premises known as: 214 Trimble Avenue, Block 6.16, Lot 5
be and the same is hereby: GRANTED use variance to add wholesale auto
dealer use as an accessory use to an auto body shop.

Testimony concerning the aforesaid application was taken by the Board at its
meeting on May 18, 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 use variance approval as aforesaid to add
wholesale auto dealer use as an accessory use to an auto body shop at premises
located at 214 Trimble Avenue, Block 6.16, Lot 5, which premises are located in a
B-C zone; and

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

- a. At present, the applicant operates an auto body shop at the premises;
- b. The applicant requests approval to conduct a wholesale auto dealer use so
that he can go to auction, buy vehicles, bring them back to his shop, repair them,
and then take them back to the auction to sell them;
- c. All work to the vehicles will be done inside the shop, and the applicant has
agreed to comply with all stipulations imposed by the Board;
- d. The positive and negative criteria has been satisfied since the use will not
impact the surrounding neighborhood in that the amount of vehicles will be limited,
all work will be completed inside the shop, there will be no overnight parking of
vehicles in specific areas, and there will be no retail sales at the site;
- e. The applicant has shown sufficient hardship to justify the grant of the use
variance requested;
- f. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the wholesale auto dealer 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;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application to add wholesale auto dealer use as an accessory use at premises located at 214 Trimble Avenue, Block 6.16, Lot 6, 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 and subject to the following stipulations:

1. Maximum of three (3) vehicles (wholesale) not registered on the premises.
2. No working on vehicles on the outside of the premises.
3. All work to be performed inside the premises on the vehicles at issue.
4. No retail sales on the property.
5. No vehicles left outside on the street during the day and overnight,
specifically the front area on the Route 46 side and on Trimble Avenue.

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 LOUIS DE STEFANO.

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