

Minutes of a special 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 13, 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, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

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

Gail L. Price, Esq., with offices at 50 Tice Boulevard, Woodcliff Lake, New Jersey, appeared on behalf of the applicant. John P. Inglesino, Esq., with offices at 600 Parsippany Road, Parsippany, New Jersey, appeared on behalf of objector, Donald Chappa. Mary Sadrakula of 345 Dwasline Road, Clifton, New Jersey, appeared *pro se*. There were several objectors present, some of whom were sworn to give testimony: Donald Chappa, 314 South Parkway; Lois Doremus and Patrick Doremus, 415 Main Avenue; Vito J. Addabbo and Joseph Addabbo; George Putykewycz, 289 South Parkway; Vincent D'Arrigo; Henry E. Cholewczynski; Thomas Foppiani, 311 South Parkway; Arlene Bayeux, 69 Marlboro Road; Glenn Fennell, 7 High Street; Ellen Moran, 7 High Street; Maurizio A. Marsilla, 17 High Street; Michael J. Pessolano, 140 Elmwood Avenue, Bogota; and Louise Ulan, 265 Terhune Avenue, Passaic; all of the City of Clifton except where noted.

Comrs Daniel Trenk and George Foukas excused themselves from participating in the hearing.

This is a continued hearing from the meetings of October 7, 2015, November 4, 2015, and January 6, 2016.

Present and sworn on behalf of the applicant was Robert L. Costa of 325 South River Street, Hackensack, New Jersey, a professional engineer and planner.

Through direct examination by Attorney Price, Mr. Costa testified that revised plans were prepared by him, and they were marked into evidence as "A-13"; "A-14" is sheet 5FD1; "A-15" is sheet 5FD2; and "A-16" is sheet 5FD3 of the revised plans dated January 25, 2016, which were forwarded to the Fire Department of the City of Clifton for review and comment.

Marked into evidence as "A-17" is a communication from the City of Clifton Fire Department signed by Kevin McCarthy, Fire Chief dated February 22, 2016, setting forth the comments to the plans submitted by the applicant. Mr. Costa read into the record the report of the Fire Chief dated February 22, 2016; that no application for development has been submitted to the City of Passaic Board of Adjustment or Planning Board.

Comr Noonburg inquired as to whether a report was received from the Fire Department of the City of Passaic. Mr. Costa stated that he would provide said report.

In reviewing the report of the Fire Department, Comr Graupe noted that there was no mention of a hook and ladder truck. Mr. Costa responded that he received information from the Fire Department as to the size of the trucks to be utilized for review.

A question was raised concerning the issue of how the proposed parking lot attaches to the alleged inherently beneficial use of the school without an application being made to the City of Passaic. Chrmn Zecchino requested that both counsel respond to the question as to whether the parking lot attaches to the inherently beneficial use and whether the lot is a stand-alone use which does not attach to the inherently beneficial use. The issue becomes whether the Sica review should be made by the Board or the Medici review should be made by the Board.

David Juzmeski, a professional engineer with Neglia Engineering Associates, the consulting engineers for the Board, was present and made inquiry concerning outstanding items in the revised report dated April 11, 2016, of the Neglia Report. Mr. Costa reviewed the same and testified that the applicant would comply with the recommendations set forth therein.

On cross examination by Mr. Inglesino, Mr. Costa testified as to the uses set forth in the RB2 zone; that parking lots are not permitted in the RB2 zone; that he does not have the surrounding uses on the site plan; that the five lots are not attached to the principal lot; that there are approximately 900 students attending the school at the present time; that there are 94 staff members and, if the proposal for expansion is obtained, then an additional 28 staff members will be added; that he does not know the total area of the school facility; that there has been no application for development submitted to the City of Passaic; that the existing parking spaces are 68 or 70; that 52 parking spaces are presently provided on the Passaic site; that the parking requirement is one space per two employees; that from the computations made, it appears that there is more parking at the Passaic school than required; that there will be no ingress or egress on Terhune, only on Main Avenue; that there is no landscaping for the interior lot; that there is no setback area along the rear line.

In response to questions raised by Maurizio A. Marsilla, Mr. Costa stated that he was not instructed to utilize a hook and ladder truck for review to the Fire Department; that he was at the site; however, he was not there at dismissal time; that he was there in the A.M. morning hour.

In response to questions raised by Henry E. Cholewczynski, Mr. Costa said that there was no memorandum received after the February 22, 2016, meeting; that access to the site from South Parkway will be for emergency purposes; that a rolling gate is proposed.

In response to questions raised by Kenneth H. Nydan, Mr. Costa stated that there is curbing at the driveway; that he is not in a position to provide testimony why the applicant decided to come to the City of Passaic before the City of Clifton before receiving approval from the City of Passaic; that the addition of 73 additional spaces in Clifton is a zoning requirement.

In response to questions raised by Patrick Doremus, Mr. Costa stated that the Fire Department requires access to the site; that the site will be utilized for emergency purposes.

In response to questions raised by Louise Ulan, Mr. Costa stated that he cannot respond to the question of pressure from the hydrant in Passaic; that there will be no access to the site, except for emergency purposes, on South Parkway.

In response to questions raised by Mary Sadrakula, Mr. Costa stated that he does not remember the dates that he met with Clifton and Passaic Fire Departments; that the meetings were not taped; that snow removal is taken care of by the applicant.

In response to questions raised by Lois Doremus, Mr. Costa stated that there has been no approval received for the expansion from the City of Passaic; that the access to the site will be off of Main Street; that according to the Passaic and Clifton Fire Departments, there is access for fire trucks to the site.

Vincent A. D'Arrigo attempted to testify as to the human element; however, Chrmn Zecchino stated that now is the time for cross-examination of Mr. Costa.

At this point in the hearing, Chrmn Zecchino inquired as to the availability of counsel for a continuation to a special meeting to be held on May 11, 2016, at 7 P.M. All parties agreed that the time and date were acceptable subject to availability of the Counsel Chambers to be confirmed by Zoning Officer Daniel D. Howell.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY