

Board of Adjustment
Minutes
May 11th, 2016

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, May 11, 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, AND CHRMN MARK ZECCHINO.

ABSENT: VICE-CHRMN GERARD SCORZIELLO.

EXCUSED: COMRS DANIEL TRENK AND GEORGE FOUKAS.

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.

There were several objectors present: Donald Chappa, 314 South Parkway; M. Sadrakula, 340 Dwasline Road; Lois Doremus, 415 Main Avenue; Vito J. Addabbo, 46 Oak Ridge Road; George Putykewycz, 289 South Parkway; Vincent A. D'Arrigo, 347 S. Parkway; Henry E. Cholewczynski, 37 Phyllis Place; Maurizio A. Marsilla, 17 High Street; Louise Ulan, 265 Terhune Avenue, Passaic; Joe Addabbo, 45 St. James Place; and Kelly Eckert, 203 Edgewood Avenue, all of the City of Clifton except where noted.

There were several supporters present: Marcel Schloss, 52 Dakota Street, Passaic; Peretz Rapopokl, 104 S. Parkway; Dovid Bobker, 463 Passaic Avenue, Passaic Park; A. Schechter, 46 Patricia Place; Alan Cohen, 456 S. Parkway; David Dukersky, 8 Toth Court; Michael Fruchter, 475 S. Parkway; Gloria Clyman, 392 Rutherford Blvd.; David Clyman, 392 Rutherford Blvd.; Aaron Silberberg, 35 Ravona St.; Craig M. Ne, 4 Patricia Place, Passaic; Scott Friedman, (38 Reid

Ave., Passaic) 120 Edgewood Ave.; Ephraim Yablok, 95 Virginia Ave.; Abraham Levenspil, 19 Swift Court; Eliezer Krohn, 354 South Parkway; Jonathan Kessel, 43 Ravona Street; David Lisler, 55 Ravona Street; Yocheurl Lisler, 55 Ravona Street; Mark Kantor, 35 Allwood Place; Stefan Wolkenfeld, 10 Woodward Avenue; Shlomo Mayer, 289 Park Avenue; Meredith Benschor, 39 Ravona Street; Yechiel Hirth, 128 Ascension Street, Passaic; Meir Kaniel, 174 Rutherford Blvd.; Tal S. Benschar, 39 Ravona Street; Ed Harris, 22 Woodward Avenue; Elisha Schwab, 50 Edgewood Avenue; Dina Mensch, 410 South Parkway; Rebecca Golombeck, 408 South Parkway; Chana Schwab, 50 Edgewood; Penina Rhine, 4 Autumn Street; Yechiel Rhine, 4 Autumn Street; Claig Solg, 355 Rutherford Blvd.; Barry Hammer, 384 Dwasline Road; Chana H. Hammer, 384 Dwasline Road; Shiffie Avnld, 164 South Parkway; Chaya Gubitz, 112 South Parkway; Melissa Zegerman, 36 Belmont Ave.; Michal Friedman, 378 South Parkway; Soshie Gopin, 350 Rutherford Boulevard; Elana Einhorn, 379 South Parkway; David Einhorn, 379 South Parkway; Uri Gruber, 119 Virginia Avenue; Judy Yehudis Herzfeld, 390 Dwasline Road; Mark Weinstock, 8 Garfield Avenue; Joseph Seidenfeld, 9 Garfield Avenue; David Bruna, 560 Passaic Avenue; Jason Klein, 77 Ravona Street; D. Mayer, 33 Belmont Avenue; Abraham Kartaginer, 556 Passaic Avenue; Joshua Rubin, 24 West Parkway; Yossi Newman, 49 Ravona Street; Mordechai Rindenow, 410 Rutherford Boulevard; Tyvia & Rivky Liberman, 483 South Parkway; Alan Gutmann, 56 Allwood Place; Rachel Gutmann, 56 Allwood Place; Susan Steinplev, 15 Nugent Drive; Rikki Gross, 92 Edgewood Avenue; Cheryl Gross, 42 West Parkway; A. Friedman, 707 Passaic Avenue; Baruch Z. Halberstam, 52 Ravona Street; David Brunov, 560 Passaic Ave.; A. Swertloff, 64 Laurel; David Heschiz, 11 Loumar; David Markowitz, 29 Edgewood Ave.; Irv Kreitanberg, 19 West Parkway; Eliezer Weisenfeld, 50 Heights Road; Scott Rothenberg, 16 Annabelle Ave.; Daniel Schwab, 61 Edgewood Avenue; Naftali Salomon, 487 Dwasline Road; Bertzlion Cohen, 150 South Parkway; Marc (Mosha) Lieberman, 94 Virginia Avenue; James Stone, 406 Rutherford Boulevard; Eli Stone, 406 Rutherford Boulevard; Stewart Ackerman, 22 Edgewood Avenue; Andrew Wedeck, 350 South Parkway; David Goder, 30 Woodward Avenue; Chaim Bodner, 35 Laurel Ave.; Kenneth Rosen, 540 Fenlon Blvd.; Mr. and Mrs. Moshe Azer, 202 Cresthill; Larry Hersh, 63 Ravona Street; Bernard Fisch, 35 Cresthill Avenue; David Gross, 42 West Parkway, all of the City of Clifton except where noted. Note: names copied from sign-in sheet as appears.

This is a continued hearing from the meetings of October 7, 2015, November 4, 2015, January 6, 2016, and April 13, 2016.

Rabbi Heshie Hirth was present and affirmed to testify on behalf of the applicant.

The following exhibits were offered into evidence on behalf of the applicant:

A-17 report of the Clifton Fire Department dated May 11, 2016;

A-18 Hudson-Essex-Passaic Soil Conservation District report dated August 13, 2015;

A-19 Amended Order of Judgment of the Superior Court declaring the applicant as owner of the parcels of property in question dated April 21, 2016;

A-20 report of the Passaic Fire Department dated May 11, 2017 (sic);

A-21 letter to the Planning and Zoning Board Secretary regarding the application of the applicant before the Passaic Planning or Zoning Board.

Rabbi Hirth testified that the applicant chose to come before the Clifton Zoning Board rather than going before the Passaic Zoning Board because the requirement for parking is more stringent in the City of Clifton as opposed to the City of Passaic; that the Clifton parking ordinance requires one space per one teacher, and the Passaic parking ordinance requires one space for two teachers; that if the City of Passaic does not approve of the expansion proposed by the applicant, then they will not build the parking lot; that there are presently 900 boys attending the school in question; that 500 of them are from the City of Clifton; that the applicant proposes to add an additional 500 students for a total of 1,400 boys; that the present school is an all boys school; that the girls attend the school on Pennington Avenue; that generally speaking, the students arrive at the premises approximately 7:40 A.M. and attend a short religious service; that at 8:30 A.M. the classes are all in session; that at 3:40 P.M. there is a dismissal of students from Grades 1 up to 4; that at 4:30 P.M., there is a dismissal of students from Grades 4 to 8; that the older boys are dismissed at approximately 5:20 P.M.; that all teachers are gone

by 6 P.M.; that school is conducted Monday through Friday, and there is a session on Sunday; that there is no school on Saturdays; that presently, there are 94 members which includes teachers, staff, and maintenance; that it is proposed that if the expansion is approved, that this number will increase to 117; that the applicant will comply with all requirements of the Clifton Fire Department; that the applicant has not been served with any traffic citations; that the school has been in existence since 1987; that the applicant provides for landscaping and cleanup and have their own snow removal equipment; that the Parent-Teachers Association meets twice a year on Sunday afternoon; that the applicant will satisfy all requirements of the Neglia Engineering reports; that there is a nurse on site; that there are approximately 38 classrooms.

On cross-examination by Mr. Inglesino, Rabbi Hirth testified that the school operates from September until the end of June; that during the Summer months, there is a Summer Camp; that there are approximately 900 students presently at the site, and if the expansion is approved, an additional 500 students will attend; that with respect to the purchase of the five dwellings in question, the applicant used a straw man for two of the properties; that the other properties were all purchased directly; that the cost of two houses on South Parkway equals the cost of one home on Terhune Avenue; that he agrees with the testimony presented by Mr. Costa, his engineer; that the students attend Grades 1 through 8; that the temple on Terhune Avenue is allowed to use parking by agreement; that the applicant came to the Clifton Board since it's Ordinance with regard to parking is more stringent than the Passaic Board; that he has been given assurance that the expansion will be approved in Passaic; that the school is accredited and receives several funds; that the five lots pay approximately \$50,000.00 per annum in taxes; that the cost of a student for the City of Clifton is \$12,000.00; that the present school saves the City that amount of money for each student attending their school; that the proposal before the Board is advantageous to the school and residents on South Parkway; that he wants to make the people on South Parkway happy; that the expansion will cost approximately \$10 Million Dollars, and the applicant has approximately \$5 Million for the expansion; that it will take approximately two years to complete.

On questions raised by Maurizio Marsilla, Henry Cholewczynski, and Louise Ulan, Rabbi Hirth testified that he is not a traffic safety expert; that in his opinion, the use is compatible with the neighborhood; that 500 children from the City of

Clifton attend the school; that the tuition is \$10,000.00; that the proposed parking lot will be beneficial to the residents of South Parkway since it will take vehicles off the street and put them on the school's parking lot.

At this point in the hearing, Chrmn Zecchino stated that the matter should be continued, and all parties agreed that the date of June 29, 2016, was acceptable subject to availability of the Council Chambers.

There being no further business before the Board, Comr Louis DiStefano 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