

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, September 14, 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, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT AND EXCUSED: COMR DANIEL TRENK AND 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.

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.

AS PUBLISHED AND UPDATED BY APPLICANT:

The Property (approximately 0.737 acres) is located within the R-B2 Residential Zone District ("R-B2 Zone") and is currently improved with 5 residential dwellings, 4 of which are owned by the Applicant and 1 of which is under contract of sale with the Applicant. Applicant seeks Preliminary and Final Site Plan Approval with associated conditional and/or use variance and other related waiver and variance relief for the construction and use of a parking area consisting of 73 +/- spaces, together with associated landscaping, fencing and other site enhancements, all accessory to the Applicant's school facility, which is located in the City of Passaic and is adjacent to the Subject Property. All vehicular ingress and egress is proposed to be through the Applicant's Property in Passaic, other than a 20' "clear" opening gate for

emergency access from South Parkway (southwestern corner of property) for use by and as requested the Clifton Fire Department for emergency personnel. Certain other plan amendments have been made at the request of the Fire Department, including but not limited to installation of a new hydrant on school property, addition of a 4' wide swing gate in the southeastern corner of the property for emergency responder access (non-vehicular), provision for Knox paddocks for Fire Department perimeter area access and creation/labeling of a "fire lane – no parking" areas. The following additional variances are required for the proposed parking area, which is accessory to the inherently beneficial religious and educational school:

1. §461-47: fence along front and side property lines to rear of main structure to be no more than 4' height and to be 50% open – proposed: fence 6' height board-on-board construction with 50% open along side (note no building on Property), inclusive of the fencing and gates to be installed in two locations along the South Parkway frontage, as requested in location and design by the Clifton Fire Department;
2. §461-60(E): no parking to be located within front yard – proposed: parking within front yard setback;
3. §461-60(F): no parking to be located within 10' of rear line – proposed: parking within rear yard setback;
4. §461-60(J): no parking or standing of automobiles within front, rear or side yards in residential districts – proposed: parking within front yard setback;
5. §461-60(N): parking lots in excess of 10,000 sf to provide interior landscaping (20 sf/space)

- proposed: no interior landscaping but significant side and front perimeter buffer.

In addition to the foregoing described approvals, the Applicant will also seek approval for any and all variances, exceptions, waivers, and other incidental relief that may be required or deemed necessary by the Zoning Board of Adjustment after or during its continued review of this Application, together with any further relief that may be deemed necessary by the Applicant during the hearing process, including that which may be generated by way of revised plans and submission of same. Measurements, percentages and other calculations provided in this notice are in accordance with the development plans filed with the Application. Please note that to the extent plan and/or Application revisions are made during the hearing process, these measurements, percentages and other calculations will likely change, as may the associated relief required per the City Code. The Applicant reserves the right to amend its application accordingly.

Gail L. Price, Esq., with offices at 50 Tice Boulevard, Suite 380, Woodcliff Lakes, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the plaintiff was Nick Verderese of Dynamic Traffic, LLC, 1904 Main Street, Lake Como, New Jersey. John P. Inglesino, Esq., with offices at 600 Parsippany Road, Parsippany, New Jersey, appeared on behalf of objector, Donald Chappa. Mary Sadrakula of 340 Dwasline Road, Clifton, New Jersey, appeared *pro se* along with the other *pro se* objectors: Kelly Eckert, 203 Edgewood Avenue; Louise Wan, 265 Terhune Ave., Passaic; Arlene Bayeux, 69 Marlboro Road; Donald Chappa, 314 S. Parkway; Vincent A. D'Arrigo, 347 South Parkway; George Putykewycz, 289 South Parkway; Louis Doremus, Main Avenue; Joseph Addabbo, St. James Place; Vera J. Addabbo, 46 Oak Ridge Road; Maurizio A. Marsilla, 17 High Street; Glenn Fennell, 7 High Street; Henry Cholewczynski, 37 Phyllis Place,

all of Clifton except where noted. There were several supporters present: Marcel Sculloss, 52 Dakota Street, Passaic; Yossi Hirth, 37 Barry Place, Passaic; Moshi Hirth, 37 Barry Place, Passaic; Leah Hirth, 37 Barry Place, Passaic; Rabbi Hirth, 150 Ascension Street, Passaic, New Jersey.

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

This is a continued hearing from the meetings of October 7, 2015, November 4, 2015, January 6, 2016, and March 9, 2016.

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

A-22 Applicant's Affidavit of Publication for the September 14, 2016, meeting;

A-23 Development application of City of Passaic for proposed addition to school with experts' resumes, cover letter of Gail L. Price, Esq., dated May 11, 2016;

A-24 Follow-up letter to City of Passaic Zoning Board of Gail L. Price, Esq., dated August 3, 2016, Historical Background of Passaic;

A-25 Resolution dated January 22, 1990, of Board of Adjustment, Passaic, New Jersey;

A-26 Resolution dated May 17, 1993, of Board of Adjustment, Passaic, New Jersey;

A-27 Resolution dated May 18, 1998, of Board of Adjustment, Passaic, New Jersey;

A-28 Resolution dated June 7, 1999, of Board of Adjustment, Passaic, New Jersey;

A-29 Resolution dated February 7, 2000, of Board of Adjustment, Passaic, New jersey;

A-30 Resolution dated November 15, 2001, of Passaic Board of Adjustment;

A-31 Resolution dated October 15, 2007, of Passaic Board of Adjustment;

A-32 Lease dated February 12, 2007, between Congregation Bnai Torah and Yeshiva Ktana of Passaic to use 45 parking spaces at 1 Main Avenue, Passaic, New Jersey, for a 10 year period;

A-33 Traffic Impact Study dated September 1, 2016, of Dynamic Traffic, LLC;

A-34 Report of Neglia Engineering Associates dated September 14, 2016.

Mr. Verderese set forth his qualifications, and he was received by the Board as a expert in traffic engineering; that a report was prepared dated September 1, 2016, concerning the premises in question; that a review of the existing roadway conditions near the proposed site was conducted at Terhune Avenue, Passaic Avenue, South Parkway, and Main Avenue; that existing traffic volumes were conducted from Friday, June 17, 2016, to Wednesday, June 22, 2016, during the morning peak hours of 8 A.M. to 9 A.M. and the afternoon peak hours from 4:30 P.M. to 5:30 P.M.; that the level of service criteria is categorized from A to F with level service A average control of delay from 0.0 to 10.00; B from 10.1 to 15.0; C from 15.01 to 25.00; D from 25.1 to 35.00; E from 35.1 to 50.00; and F greater than 50.00; that he made observations of arrival and dismissal procedures which are very controlled at the school; that he utilized a 40 percent trip generation increase which is a proportional increase in the number of students of 40 percent; that the project will generate approximately 105 and 90 additional trips; that the studies show all intersections in the site vicinity will continue to operate at acceptable levels of service with the proposed changes; that he observed the pick-up after school, and it took approximately 25 minutes; that the existing traffic operates at a level of service of "C" or better during the analyzed peak periods; that he also evaluated detailed conditions at the site and concluded that based upon the traffic generation volumes at the aforesaid locations with the additional site traffic, the individual intersection movement will operate at level C service or better during the A.M. and P.M. peak periods.

Brian Intindola of Neglia Engineering Associates, the traffic consultant for the Board, reviewed the September 1, 2016, report of Dynamic Traffic, LLC, and in a

communication dated September 14, 2016, a number of revisions and further information was requested, including the turning radii; the redistribution of truck and bus traffic to the site; turning movements; level of service at Main Avenue; a comprehensive traffic study for all modes of transportation and site access; the trip generation studies; parking utilization counts; and a snapshot of the site parking demand.

At this point in the hearing, Chrmn Zecchino stated that the Board would require an independent study of the site, with traffic conditions to be conducted by Neglia Engineering.

On cross-examination by Mr. Inglesino, Mr. Verderese stated that there has been no report from Passaic County; that the date that his report was filed with the City of Clifton was September 2, 2016; that all traffic counts were taken in late June; that there is no video of traffic observations; that the increase in school space and classrooms was taken into consideration; that he verified the date given by representatives of Dynamic Traffic, LLC; that he did not review the past history of traffic in the area.

On questions raised by Maurizio A. Marsilla, Lois Doremus, Henry Cholewczynski, Joseph Addabbo, Donald Chappa, and Mary Sadrakula, Mr. Verderese testified as to dropping off and picking up children at the site; that there is no dropping off and picking up on South Parkway; that the traffic counts were taken while school was in session; that their firm was hired a day before the traffic counts were completed.

There was no further re-direct or re-cross examination or any further comment from the objectors.

Thereupon, Chrmn Zecchino stated that the Board would schedule a special meeting for Wednesday, October 26, 2016, which was agreed to by all the parties.

There being no further business before the Board, Comr Louis DeStefano moved to adjourn. The motion was seconded by Vice-Chrmn Gerard Scorziello with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY