

Board of Adjustment
Minutes
February 1st, 2017

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, February 1, 2017. 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, STEPHEN CHRISTOPHER, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR KEITH LA FORGIA.

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 Vice-Chrmn Gerard Scorziello, the Minutes of the January 18, 2017, regular meeting was adopted with the unanimous approval of the entire 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.

Chrmn Zecchino acknowledged receipt of communication from counsel for the applicant requesting that the record previously made in the within proceeding be declared null and void due to a conflict of interest by the Board's consulting engineer. The Board also received a communication from counsel for the objectors requesting payment of legal fees and other expenses as a result of the alleged conflict of interest.

It was unanimously agreed that the matter would be reviewed, and a decision on the same would be made on March 1, 2017, and both attorneys will be given written notice of the hearing.

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 bulk/dimensional
 variances under N.J.S.A. 40:55D-70c
 for the following:
 (1) 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;
 (2) to permit a lot width of 125.5
 feet whereas a minimum of 250 feet is
 required;
 (3) to permit a monument sign to be installed
 fifteen (15) feet from the front property line
 and within the front yard setback, whereas
 signs are required to have a 30 foot
 front yard setback;
 (4) to permit lighting levels in off-street

parking areas to exceed 0.0 foot-candles at the property line;

(5) to allow LED lighting for exterior lighting fixtures instead of the required high pressure sodium lighting;

(6) to provide internal parking lot landscaping less than the required 20 square feet for each proposed parking space; and

(7) to provide trees of 2 inch to 2.5 inch caliper which is less than the minimum 4 inch to 4.5 inch caliper required.

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. A public hearing on this application was held by the Zoning Board of Adjustment ("Board") on May 18, 2016. [& June 15, 2016 and July 20, 2016]. A resumed public hearing before the Board on this application to allow further consideration of a revised site plan depicting a realigned driveway.

Steven R. Tombalakian, Esq., with offices at 629 Parsippany Road, Parsippany, New Jersey, appeared on behalf of the applicant. Glenn S. Pantel, Esq., with offices at 600 Campus Drive, Florham Park, New Jersey, appeared on behalf of the objector, 6W BP Opportunity LLC ("Stro"); and Ira E. Weiner, Esq., with offices at 50 Chestnut Ridge Road, Montvale, New Jersey, appeared on behalf of MMSR Realty, LLC, Delawanna Realty, and Glen Mills, Inc. The following were present in objecting to the application: Lawrence Waxman, 81 Colin Avenue, Clifton, New Jersey; and James Lascar of 74 Delawanna Avenue, Clifton, New Jersey.

This is a continued hearing from the meetings of November 16, 2016, and January 4, 2017.

A. Brook Crossan was qualified as a principal environmental engineer whose qualifications were offered into evidence as “O-2.” Mr. Crossan testified as to the Noise Ordinance, a copy of which was offered into evidence as “O-3.” Offered into evidence as “O-4” was a noise monitoring location exhibit; that the decibel limit of 50 dba is acceptable during the day; that Exhibit “O-5” was offered into evidence showing a chart of readings from the mid 60’s to the low 70’s; that there are loading docks facing the site in question on the west side of the building; that another exhibit offered into evidence as “O-6” shows the readings taken at the direct line of site indicating readings of 64 to 71 dba; that another exhibit offered into evidence as “O-7” showed the results of a site line measurement of noise ranging from 65 to 68 with a high point of 80 dba; that the monitoring was conducted for several hours; that the refrigerated area of the objector’s building is approximately 50 percent; that he is not familiar with the operation of Driscoll Foods; that the purpose of his testimony is to show that noise levels from Driscoll Foods would violate the noise level permitted by law for the proposed multi-family residential use, thereby impairing the operation of the objector’s business.

Mr. Crossan further testified that if windows were open on the second floor, the noise assessment at the line of site would be approximately 12 to 15 decibels greater; that the measurements were taken based upon visual observations by him; that the noise from the operation of Driscoll Foods is greater than the noise from a passing train; that under the regulations, trains are exempt from the decibel readings; that vegetation does not absorb much noise; that weather conditions do not impact the readings; that the measurements were taken on two nights, Monday, August 8, 2016; and Friday, August 12, 2016; that the measurements were taken at the dwelling, not the property line; that if the residential use were permitted, then the objector’s property would be detrimentally affected.

At this point in the hearing, there was a discussion concerning a special meeting. Without agreement by the parties as to a date, the Board continued this matter until the February 15, 2017, meeting of the Board.

3.	eCUBe 237 LLC, 237 Dayton Avenue,
Use	Block 4.23, Lot 1.00 – PD1 – Application
Variance;	for the construction of a building
Minor Sub.	containing: Commercial and seven residential units, minor subdivision,

use variance required for residential
use in a PD1 zone and such other
variances as may be required.

Bennett Wasserstrum, Esq., with offices at 3 Botany Village Square West, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey. There were no objectors.

This is a continued hearing from the meetings of November 16, 2016, and January 4, 2017.

Mr. Wasserstrum stated that he has reviewed with his client the proposal of a commercial use on the first floor and a residential on the upper floors limited to five units instead of seven units as requested, thereby eliminating the need for a height variance, and the same was acceptable to his client.

Thereupon, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the structure be a three-story structure with a commercial use on the first floor and residential uses on the second and third floor limited to five units and compliance with the report of Neglia Engineering dated November 9, 2016. The motion was seconded by Comr Roy Noonburg. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, 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.

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| 4. | CLIFTON CHEDER, INC., 1333 Broad Street, |
| Use | Block 76.01, Lot 5 – B-A – Variances required |
| Variance; | for religious elementary school: 1) Conditional |
| Variances | use variance required. 2) Existing lot width is |
| | 133’ where 150’ is required. 3) Existing lot |

coverage is 24.74% where 20% is required.

4) Existing left side yard is 18.87' where 20' is required. 5) Site plan approval required.

6) Any other variances deemed necessary by the Board.

Gerald G. Friend, Esq., with offices at 1000 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Joseph Golden of DMC Associates Engineers of Sparta, New Jersey. Mitchell W. Abrahams, Esq., of 25 Main Street, Hackensack, New Jersey, appeared on behalf of Bankers Financial Corp. of 1339 Broad Street, Clifton, New Jersey.

Present in favor of the application were the following: Gary Klotzkin, 43 Hampton Road, Clifton, NJ; Allen Levit and Melissa Levit, 549 Broadway, Passaic, NJ; Chana Keryan, 557 Passaic Ave., Clifton, NJ; Aliza Zidell, 1380 North Avenue #422, Elizabeth, NJ; Bina Zarkhin, 61 The Circle, Passaic, NJ; Mark Zarklin, 61 The Circle, Passaic, NJ; Dr. Walt Krawiec, 227 Beverly Hill Road, Clifton, NJ; Jonah G. Lazar, 8 Solond Road, Monsey, NY; Isaac Kagan, 557 Passaic Ave., Clifton, NJ; Adam Buckstein, 56 Amsterdam Ave., Passaic, NJ; Chanania Orent, 176 Patricia Place, Clifton, NJ; Aaron Rosenfeld, 85 Crescent Ave., Passaic, NJ; Kenneth Rosen, 540 Fenlon Blvd., Clifton, NJ; Eli Gelb, 40 Lafayette Ave., Passaic, NJ; Nechama Gelb, 40 Lafayette Ave., Passaic, NJ; Nossan Silbermintz, 358 Brook Ave., Passaic, NJ; Joshua Wilk, 132 Park Ave., Passaic, NJ; Carolyn Silver, 103 Virginia Ave., Clifton, NJ; Carl Silver, 103 Virginia Ave., Clifton, NJ; Daniel Stromber, 417 Terhune, Passaic, NJ.

Present in opposition to the application were the following: Beverly Carey, 142 Chittenden Road, Clifton, NJ; Jean E. Labriola, 200 Chittenden Road, Clifton, NJ; Jean Ann Labriola, 200 Chittenden Road, Clifton, NJ; and John A. Labriola, 200 Chittenden Road, Clifton, NJ, some of whom were present and sworn.

Present and sworn as concerned citizens were the following: Gerald Zecker, 55 McCosh Road, Clifton, NJ; and Raymond Robentello, 66 Woodlawn Avenue, Clifton, NJ.

This is a continued hearing from the meeting of January 4, 2017.

Joseph Golden continued to testify from the previous hearing and addressed the issues raised in the report of the Clifton Fire Department dated December 30, 2016, and January 31, 2017. He further addressed various improvements to the lot and parking areas and further addressed the general engineering comments set forth in the report of Neglia Engineering dated December 7, 2016, revised January 27, 2017, as well as the grading, drainage, and utility comments along with landscaping and lighting; that the applicant will comply with all the recommendations set forth in the Neglia Engineering report as aforesaid.

On cross-examination by Mr. Abrahams, Mr. Golden stated that he does not know the size of the building; that there are two locations for pick-up and drop-off of students.

In response to a question from Gerald Zecker, Mr. Abrahams testified that he did not know the size of the building, and Mr. Zecker suggested that it would be approximately 22,000 square feet.

In response to a question raised by Beverly Carey, Mr. Golden stated that there would be no increase in sewage.

In response to questions raised by Jean Ann Labriola, Mr. Golden stated that he does not know whether there would be parking on Chittenden and Anderson Drive; that his concern is for the safety of the children.

Raymond Robentello expressed his concern with parking on the westerly side of Broad Street. Mr. Friend offered into evidence which was marked "A-1" an aerial map from Google Earth of the site in question and the area surrounding same.

Chrmn Zecchino stated that the Board will require the exact square footage of the building.

Thereupon, the matter was continued by the Board until the March 1, 2017, meeting of the Board.

5.	EKREM GUVEN, 303 Crooks Avenue, Block 5.05,
Use	Lot 5 – B-C – Applicant owns a two-family home
Variance;	on Crooks Avenue. He wants to live on the

Variances second floor and use the first floor as a barber shop. Applicant is a licensed New Jersey barber. Use variance required for two principal uses on property; two parking spaces provided, seven spaces required; nonconforming lot width; and such other variances as may be required by law.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were Michael Romanik of 291 Crooks Avenue, Paterson, New Jersey, an architect and planner; and Atakan Guven of 303 Crooks Avenue, Paterson, New Jersey. Present and sworn was one objector, David J. Brown of 313 Crooks Avenue, Clifton, NJ. Present in favor of the application were the following: George Aboughanan (LG Properties), 301 Crooks Avenue, Clifton, NJ; Caner Ozgur, 361 Crooks Avenue, Clifton, NJ; Selahtih Angis, 311 Crooks Avenue, Clifton, NJ; and Kevin Maultsby, 311 Crooks Avenue, Clifton, NJ.

Mr. Sala offered into evidence which was marked "A-1" proof of publication.

Mr. Sala stated that the applicant owns a two-family home on Crooks Avenue; that the applicant requests approval to live on the second floor and use the first floor as a barber shop; that the applicant is a licensed New Jersey barber; that a use variance is required for two principal uses on the property; that seven parking spaces are required and the applicant will be providing two parking spaces.

Mr. Romanik testified that the premises is in a B-C zone and the barber shop use is a permitted use; that of the 16 properties in the area, 15 are non-conforming; that six have residences over business; that in his opinion, there will be no detrimental effect on the neighborhood; that the application satisfies the positive and negative criteria; that the applicant will stipulate that the two parking spaces on the site will be for customer use and that the hours of operation will be from 9 A.M. to 5 P.M., Monday through Saturday and 9 A.M. to 1 P.M. on Sunday.

David J. Brown stated that he opposes the application; that parking is a problem in the neighborhood, and the proposal will exacerbate parking.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that there be two parking spaces on the site for customer use and that the hours of operation be from 9 A.M. to 5 P.M., Monday through Saturday and 9 A.M. to 1 P.M. on Sunday. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting for denial was Comr Daniel Trenk. By a six to one 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.

6. **JAMES MONTELBANO**, 55 Walman Avenue,
Use Block 24.08, Lot 9 – M1 – Applicant proposes
Variance to use the first floor of this industrial use building
for the office and storage for an electrical
contractor. A use variance is required as the
proposed use is a conditional use in an M-2
zone. Existing, nonconforming lot width and
building setbacks. (no changes proposed).

This matter was previously continued by the Board to the February 15, 2017, meeting of the Board.

NEW HEARINGS

1. **SAM ZUCKERMAN**, 37 Conover Court,
Variance Block 71.03, Lot 10 – RA3 – Variance
required for the construction of a
12' x 20' rear deck. 1) Rear yard setback
proposed at 26' where 29' is required.

The applicant, residing at 37 Conover Court, Clifton, New Jersey, was present and sworn. There were no objectors.

Comr Louis DeStefano excused himself, and Comr Paul Graupe sat in his place and stead.

The applicant testified that he requests variance approval for the construction of a 12- by 20-foot rear deck at the subject premises; that the rear yard setback requirement is 29 feet, and he is proposing 26 feet.

After a review of the testimony, Comr Daniel Trenk moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance requested. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Paul Graupe, Daniel Trenk, Stephen Christopher, George Foukas, 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.

RESOLUTIONS

Chrmn Zecchino announced that the Board would act upon the Resolutions set forth on the Agenda.

1. Upon motion made by Comr Roy Noonburg, seconded by Comr Stephen Christopher, and affirmed by Comrs Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of THE LACKLAND COMPANIES for use variances for a self-storage warehouse facility and for the rental of motor vehicles and bulk variances for building height, rear yard setback for ground signs, curb cut, parking, and preliminary and final site plan approval at 196 Piaget Avenue, Block 10.17, Lot 20, was adopted. M-2

2. Upon motion made by Comr George Foukas, seconded by Comr Stephen Christopher, and affirmed by Comrs Louis DeStefano, Stephen Christopher, George

Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of SASHO MOMIROSKI for side yard setback variance for a proposed driveway at 62 Rowland Avenue, Block 50.03, Lot 58, was adopted. RB1

3. Upon motion made by Comr Stephen Christopher, seconded by Comr DeStefano, and affirmed by Comrs Louis DeStefano, Stephen Christopher, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of RISTO NIKOLOVSKI for left side yard setback, combined side yard setback, front yard setback, lot coverage, lot area and lot width to construct an addition to a two-family dwelling at 30 Vernon Avenue, Block 6.23, Lot 21, was adopted. RB1

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF FEBRUARY 1, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: eCUBe 237 LLC
for premises known as: 237 Dayton Avenue, Block 4.23, Lot 1.00
be and the same is hereby: GRANTED construction of a three-story building containing commercial on the first floor and five residential units on the second and third floor, minor subdivision, and use variance for residential use.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 16, 2016, January 4, 2017, and February 1, 2017. 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 George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance and bulk variances, site plan approval, and subdivision approval to demolish a portion of the existing building, subdivide the lot into two undersized lots, and construct a mixed use commercial and residential building of three stories at premises located at 237 Dayton Avenue, Block 4.23, Lot 1.00, which premises are located in a PD1 zone; and

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

- a. The subject property is located in a PD1 planned development zone and is irregular in shape;
- b. The applicant proposes to demolish a portion of the existing building, subdivide the lot into two undersized lots, and construct a mixed use commercial and residential building of three stories;
- c. A use variance is required because a residential use is not permitted in a PD1 zone;
- d. Variances are required for a minimum lot area, minimum depth, and minimum rear yard;

- e. The applicant has shown sufficient hardship to justify the grant of the bulk variances due to the irregular shape of the property;
- f. Based upon the testimony of the applicant's planner, the positive and negative criteria have been satisfied;
- g. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance since there are a number of three-story buildings in the immediate area; and

WHEREAS, the Board further finds that the proposal will help promote the health, safety, and general welfare of the neighborhood and provide needed housing in the area;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to demolish a portion of the existing building, subdivide the lot into two undersized lots, and construct a mixed use commercial and residential building of three stories at premises located at 237 Dayton Avenue, Block 4.23, Lot 1.00, be and the same is hereby approved and the use variance, minor subdivision, preliminary and final site plan approval and bulk variances be and the same are hereby granted subject to such

further governmental approvals as may be required by law subject to the following:

1. The structure will be three stories in height;
2. There will be five residential units;
3. Compliance with all recommendations of Neglia Engineering in its report dated November 9, 2016.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED. THE ZONING BOARD SHALL RETAIN JURISDICTION TO RECONSIDER, REVISE, MODIFY, ADD AND VARY THE TERMS OF ANY CONDITIONS HEREIN IMPOSED UPON ANY USE VARIANCE, VARIANCES, AND/OR SITE PLAN GRANTED HEREIN.

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 George Foukas.

Seconded by: Comr Roy Noonburg.

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

MEETING OF FEBRUARY 1, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: **EKREM GUVEN**
for premises known as: **303 Crooks Avenue, Block 5.05, Lot 5**
be and the same is hereby: **GRANTED** use variance and parking variance to convert a two-family dwelling to a residential use on the second floor and a barber shop on the first floor.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 1, 2017. 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, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance and parking variance approval to convert a two-family dwelling to a barber shop on the first floor and a residence on the second floor at premises located at 303 Crooks Avenue, Block 5.05, Lot 5, which premises are located in a B-C zone; and

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

- a. The applicant proposes to convert the two-family dwelling that he resides in to an apartment on the second floor which he will continue to reside in and use the first floor as a barber shop;
- b. A use variance is required for two principal uses on the premises;
- c. A parking variance is required where the applicant is providing two parking spaces and seven spaces are required;
- d. The barbershop use is a permitted use in the zone;
- e. Based upon the testimony of the applicant's expert, the applicant has satisfied

the positive and negative criteria required for the grant of a use variance;

f. The applicant has shown sufficient hardship to justify the grant of the parking variance requested;

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

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance since a barbershop is a permitted use in the zone; and

WHEREAS, the Board further finds that the designation of two off-street parking spaces for customers will help promote the health, safety, and general welfare of the neighborhood;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application to convert a two-family dwelling to a residence and a barber shop at premises located at 303 Crooks Avenue, Block 5.05, Lot 5, be and the same is hereby approved and the use variance for two principal uses and a parking variance be and the same are hereby granted subject to such further governmental approvals as may be required by law subject to the following:

1. That there be two (2) parking spaces on site designated for customer parking for the barbershop;

2. That the hours of operation will be limited from 9 A.M. to 5 P.M. Monday through Saturday and 9 A.M. to 1 P.M. on Sunday; and

3. Passaic County Planning Board approval.

NO PERMITS ARE TO ISSUE UNLESS AND UNTIL THE FINAL SEALED PLANS REFLECTING ANY CHANGES OR AMENDMENTS HAVE BEEN SUBMITTED AND APPROVED. THE ZONING BOARD SHALL RETAIN JURISDICTION TO RECONSIDER, REVISE, MODIFY, ADD AND VARY THE TERMS OF ANY CONDITIONS HEREIN IMPOSED UPON ANY USE VARIANCE, VARIANCES, AND/OR SITE PLAN GRANTED HEREIN.

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 Vice-Chrmn Gerard Scorziello.

Seconded by: Comr Louis DeStefano.

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

MEETING OF FEBRUARY 1, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SAM ZUCKERMAN
for premises known as: 37 Conover Court, Block 71.03, Lot 10
be and the same is hereby: GRANTED rear yard setback variance for a rear deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 1, 2017. 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 Daniel Trenk moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests rear yard setback variance approval to construct a 12- by 20-foot deck at premises located at 37 Conover Court, Block 71.03, Lot 10, which premises are located in a RA3 zone; and

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

- a. The applicant proposes the construction of a 12- by 20-foot rear deck to the subject premises;
- b. The rear yard setback requirement is 29 feet, and the applicant is proposing 26 feet;
- c. The deficiency of 3 feet on the rear yard setback is *de minimis*;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the rear deck 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 rear deck will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a rear deck at premises located at 37 Conover Court, Block 71.03, Lot 10, be and the same is hereby approved and the rear yard setback variance be and the same is hereby granted 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. THE ZONING BOARD SHALL RETAIN JURISDICTION TO RECONSIDER, REVISE, MODIFY, ADD AND VARY THE TERMS OF ANY CONDITIONS HEREIN IMPOSED UPON ANY USE VARIANCE, VARIANCES, AND/OR SITE PLAN GRANTED HEREIN.

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.

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Resolution moved by: Comr Daniel Trenk.

Seconded by: Comr George Foukas.

Affirmed by: Comrs Paul Graupe, Daniel Trenk, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.