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, April 5, 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 MICHAEL MOLNER, DANIEL TRENK, LOUIS DE STEFANO, STEPHEN CHRISTOPHER, GEORGE FOUKAS, ROY NOONBURG, KEITH LA FORGIA, 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 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 March 8, 2017, special meeting were adopted with the unanimous approval of the entire Board.

Upon motion made by Comr Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the March 15, 2017, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. **206 CLIFTON PARTNERS LLC,**
Use 206 Delawanna Avenue, Block 60.14,
Variances; Lot 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. A resumed public hearing before the Board on this application to allow further consideration of a revised site plan depicting a realigned driveway.

This matter was previously continued by the Board to the April 19, 2017, meeting of the Board.

2. Use Variance; Variances	**CLIFTON CHEDER, INC.**, 1333 Broad Street, Block 76.01, Lot 5 – B-A – Variances required for religious elementary school: 1) Conditional 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.

This matter was previously continued by the Board to a special meeting on May 10, 2017.

3. **PASSAIC CLIFTON COMMUNITY KOLLEL**

Use **CONGREGATION**, 411 Main Avenue, Block

Variance; 59.03, Lot 17 – B-B – Applicant proposes to

Variances convert an existing chiropractor's office to a Rabbinical Study/School Center. The lot also contains an attached two-family structure. Following variances are required:

1) Conditional use variance for School (Existing lot does not meet bulk requirements).

2) Use variance required for more than one use on a lot (school and residential use, prior use was a two family house and an office).

3) 9 parking spaces supplied and 16 required (1 staff, 11 student, 4 residential).

4) Lot coverage proposed at 27.52 where a maximum of 20% is permitted.

5) Parking spaces proposed at 9' x 18' where 9' x 19' are required.

6) Site plan approval required.

7) Such other variances as may be required.

This matter was previously continued by the Board to the April 19, 2017, meeting of the Board.

NEW HEARINGS

1. **JAN KIEDZIUCH**, 180 Doherty Drive,

Variance Block 53.03, Lot 2 – RA2 – Variance required to extend driveway:

1) Driveway proposed 3' in front of the house in an area not serving a

garage.

The applicant, residing at 180 Doherty Drive, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to extend the driveway at the subject premises three feet into the front of the house in an area not serving a garage; that the purpose is to take a vehicle off the street; the request is for the convenience of the family; that there will be no safety hazard created as a result of the extension of the driveway.

After a review of the testimony, Comr Keith La Forgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, 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 compete testimony presented to the Board and upon which this decision is based.

2.	**LYLLY BEAUTY AND NAIL SALON LLC/**
Use	**ANALILIA ESPEJO**, 1 Madison Avenue,
Variance;	Block 8.01, Lot 13 – RB1 – Applicant
Variance	proposes to convert the first floor commercial space from a Herb-A-Life store to a nail salon. Use variance required as property is located within an RB-1 residential zone, and for two uses on a lot (Three apartments and a commercial

space). Nine parking spaces required and none provided (2 per dwelling unit 3 x 2 = 6 and 1 per 250 sq. ft. of commercial space.

Victor Urbaez, Esq., with offices at 311 South Washington Avenue, Bergenfield, New Jersey, appeared on behalf of the applicant. Present and sworn were Mark Irizarry of 90 Ivy Street, Kearny, New Jersey (owner of the property), and Dennis Ross of Feltstone Drive, North Haledon, New Jersey. There were no objectors.

Mr. Urbaez stated that the applicant proposes to convert the first floor commercial space from a Herb-A-Life store to a nail salon at the subject premises; that a use variance is required since the property is located within a R-B1 residential zone and for two uses on a lot; that there are 3 apartments and a commercial space; that 9 parking spaces are required and none are provided; that on December 15, 2010, the Board previously granted a use variance for the Herb-A-Life store.

Mr. Irizarry testified that the hours of operation will be from Monday through Saturday, 9 a.m. to 6 p.m.; that there will be two or three people working in the nail salon; that there is municipal parking across the street from the subject premises; that the nail salon will accept walk-in customers and appointments; that the treatment for nails lasts approximately 45 minutes; that most of the customers are foot traffic.

After review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the use and bulk variances being requested. The motion was seconded by Comr Stephen Christopher. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, 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 compete testimony presented to the Board and upon which this decision is based.

3.	**MOUNT PROSPECT PARK, LLC,**
Use	62-66 Mt. Prospect Avenue, Block 36.01,
Variance;	Lot 11.01 – B-A – Preliminary and final
Variances	site plan approval and variances. This application is to demolish the existing one (1) story building and remove all concrete curbing, concrete sidewalks, fencing, asphalt, and fencing and to permit construction of a three (3) story residential building consisting of one (1) bedroom units, and an additional three (3) story residential building consisting of one (1) bedroom and two (2) bedroom units. Applicant proposes associated site improvements consisting of asphalt parking areas, concrete curbing, concrete sidewalks, ADA curb ramps, concrete patios, walls, drainage, utilities, landscaping, and lighting. In addition, the applicant proposed two (2) shared parking easements and one (1) water utility easement. An application has been filed for the following variances in regard to this matter: -Use – applicant proposes a residential use in the B-A zone, where such uses are not listed as being permitted; -Rear Yard Setback – 10.83 feet proposed, whereas 30 feet is required; -Building Height – 3 stories/38.8 feet is proposed whereas 2 stories/30 feet is permitted; -Parking – applicant's plan proposes parking spaces for the proposed residences not in compliance with the minimum required by the City's Code; -and any or all other variances and/or

waivers as may be deemed necessary by the Zoning Board for the processing of this application;
-Parking Lot Landscaping – applicant cannot meet the Code requirement of 20 square feet of interior parking lot landscaping for each parking space.

David Kessler, Esq., with offices at 9 Eisenhower Parkway, Livingston, New Jersey, appeared on behalf of the applicant. Present and sworn were the following Mitchell Adelstein of Capstone Realty Group, 1 Engle Street, Englewood, New Jersey; Steven M. Lydon, of Burgis Associates, Inc., applicant's landscape architect) 25 Westwood Avenue, Westwood, New Jersey; Perry E. Frenzel, PE, PP, of Michels & Waldron Associates, LLC, applicant's engineer, 645 Westwood Avenue, River Vale, New Jersey; and Keith A. Michels, AIA, of Michels & Waldron Associates, LLC, applicant's architect, 645 Westwood Avenue, River Vale, New Jersey. There were three objectors, Angela Swanson, 62 Cloverdale Road, Clifton, New Jersey (Sargeant Avenue); Andrew Tuorto, 56 Penobscot Street, Clifton, New Jersey; and Robert Soto, Jr., 79 Mt. Prospect Avenue, Clifton, New Jersey.

Mr. Kessler stated that the applicant requests use and bulk variances, site plan approval, preliminary and final site plan approval to demolish an existing building at the subject premises and construct 2 three-story buildings with 42 residential units consisting of 33 one-bedroom units and 9 two-bedroom units; that the premises are located in a B-A, business and professional office zone; that a use variance is required; that a height variance is required; that variances are required for rear yard setback and number of stories; that the applicant proposes 75 parking spaces.

Mr. Adelstein testified that on November 2, 2005, the Zoning Board of Adjustment of the City of Clifton did grant a use variance, minor subdivision, site plan approval and bulk variances for a 24-unit townhouse development; that the applicant was unable to complete the project; that the applicant now comes before the Board requesting approval for 33 one-bedroom apartments and 9 two-bedroom apartments; that the general trend is geared toward young working professionals; that the site in question is a good location near a train station; that the neighborhood consists of one- and two-family dwellings; that there is a need for

this type of use; that the structures will be three stories instead of two stories; there are 75 parking spaces proposed; that 105 are required.

Perry Frenzel testified as a professional engineer and stated that the approximate area of the project is 101,503 square feet; that the project fronts along Mount Prospect Avenue and Sargeant Avenue to the west; the site is located in a BA, business professional office district; that the applicant proposes to demolish the existing one-story building at the site and construct 2 three-story residential buildings consisting of 42 residential units, 33 of which will be one- bedroom apartments and 9 will be two-bedroom apartments; that the applicant proposes site improvements of asphalt, parking areas, concrete curbing, concrete sidewalk, ADA curb ramp, concrete patios, walls, drainage, utilities, landscaping and lighting; that the floor plan for each unit is a typical layout.

Mr. Frenzel continued to testify concerning the report of Neglia Engineering dated February 7, 2017, and revised March 31, 2017; that the applicant has submitted a proposed easement plan; that Passaic County Planning Board approval is required; that the applicant will obtain an access easement from the adjacent property owner; that a modular block wall is proposed which will not conflict with the existing fire hydrant valves and standpipe to the east; that the applicant will provide spot grades at all building corners, curb islands, sidewalks, and ADA accessible routes; that a drainage easement will be provided for the adjacent property owners; that the applicant will provide a storm management report as requested; that a Stormwater Operations and Maintenance Manuel will also be provided; that circulation and turning ability tests will be performed; that the location of all roof leaders will be set forth on the plans; that the applicant will provide the rim and invert elevations of all proposed sanitary manholes; that the applicant will specify the pipe material for the water lines; that the applicant will provide calculation for the projected sewer demand and water demand for the project; that the proposed water quality structure shall be relocated outside of the right-of-way; that with respect to the traffic, it has been determined that there will be 15 total vehicle trips in the morning peak hour and 19 trips for the evening peak hour.

At this point, Chrmn Zecchino stated that a traffic study must be conducted by Neglia Engineering.

Mr. Frenzel continued to testify concerning the landscaping and lighting comments set forth in the Neglia report and stated that a comment response letter will be prepared and submitted addressing all the comments and recommendations set forth by Neglia Engineering.

Keith A. Michels testified as an architect and stated that the floor plans for the one- and two-bedroom apartments are typical; that the building will be fully sprinkled; that balconies will be provided; that the site is suitable since occupants will be able to walk to the train station; that it is anticipated that the one-bedroom apartments will have one to two occupants; that two staircases are provided for access and egress; that there will be no elevators; that the ground floor units are handicap accessible, and the entry doors will be 3 feet wide; that the project will be in four unit groupings; that the three stories proposed will require a height elevation variance; that the project complies with the setback from Mt. Prospect Avenue of 25 feet; that there will be no air-conditioning units on the rooftop; that each unit will have its own air-conditioning.

Steven Lydon of Burgis Associates testified as to “Exhibit A-1” which is eight photographs exhibiting structures in the area; that there is an office building three-stories in height; that there is a residential building three-stories in height; that the Master Plan at Page 10 does support what the applicant is proposing; that the proposed project will generate three school children.

There were numerous inquiries by the Board concerning the height of the project, the lack of an elevator, the available of all units to handicap individuals, the parking layout, the issue of adequacy of handling sewer and potential water flooding.

Objector Angela Swan was concerning about the water problem, the lack of parking, and the inadequacy of the site to accommodate what the applicant is proposing.

Objector Andrew Tuorto stated that he is concerning with the adequacy of the sewer, notwithstanding that the applicant stated it will use a camera to determine the adequacy of the sewer system.

At this point in the hearing, Chrmn Zecchino continued the matter until the May 3, 2017, meeting of the Board.

CONTINUED RESOLUTION

Chrmn Zecchino announced that the next order of business is the adoption of the Resolutions set forth on the Agenda.

1. Upon motion made by Comr Stephen Christopher, seconded by Comr Louis DeStefano, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of EKATERINA BYKOVA for use variance, conditional use variance, and parking variance for a dance studio and school at 227 Lakeview Avenue, Block 2.11, Lot 67, was adopted. B-C

RESOLUTIONS

1. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of DARKO RALOSKI for use and bulk variances for a three-story structure, three-fixture bathroom in basement, and two finished rooms in basement at 105 Van Riper Avenue, Block 3.04, Lot 2, was adopted.

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

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JAN KIEDZIUCH
for premises known as: 180 Doherty Drive, Block 53.03, Lot 2
be and the same is hereby: GRANTED a driveway extension of 3 feet in front of the house in an area not serving a garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 5, 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 Keith LaForgia moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to extend his driveway 3 feet in the front of the house in an area not serving a garage at premises located at 180 Doherty Drive, Block 53.03, Lot 2, which premises are located in an RA2 zone; and

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

a. The applicant proposes to extend his driveway 3 feet in front of the house in an area not serving a garage;

b. The existing driveway does not provide enough room for the applicant to exit his vehicle on the passenger side without stepping on the neighbor's property;

c. The proposed expansion will enable the applicant to park his vehicle off the street;

d. That the widening of the driveway will provide a convenient and safety feature;

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

f. 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; 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;

NOW THEREFORE, BE IT RESOLVED that the application to expand the driveway 3 feet in front of the house in an area not serving a garage at premises located at 180 Doherty Drive, Block 53.03, Lot 2, be and the same is hereby approved and the 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.

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 KEITH LA FORGIA.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF APRIL 5, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LYLLY BEAUTY AND NAIL SALON LLC/ ANALILIA ESPEJO

for premises known as: 1 Madison Ave., Block 8.01, Lot 13

be and the same is hereby: GRANTED a use variance to convert the first floor commercial space from a Herb-A-Life store to a nail salon.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 5, 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 approval as aforesaid to concert a commercial space to a nail salon at premises located at 1 Madison Avenue, Block 8.01, Lot 13, which premises are located in a RB1 zone; and

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

a. The Zoning Board of Adjustment did, on December 15, 2010, grant a use variance for the existing Herb-A-Life store at the subject premises;

b. The applicant requests use variance approval to conduct a nail salon at the subject premises;

c. The premises previously had a retail store at the site;

d. A use variance is required for a mixed use building;

e. The hours of operation will be from 9 A.M. to 6 P.M., Monday through Saturday with two to three operators on site;

f. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;

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

h. The benefits of the application outweigh the detriments; 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; 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;

NOW THEREFORE, BE IT RESOLVED that the application to conduct a nail salon at premises located at 1 Madison Avenue, Block 8.01, Lot 13, be and the same is hereby approved and the use variance and parking variance be and the same are 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.

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 STEPHEN CHRISTOPHER.

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