

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, June 7, 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, 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 Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the May 10, 2017, special meeting were adopted with the unanimous approval of the entire Board.

Upon motion made by Comr Stephen Christopher, seconded by Comr Louis DeStefano, the Minutes of the May 17, 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; 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. 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" – Driscoll); and Ira E. Weiner, Esq., with offices at 50 Chestnut Ridge Road, Montvale, New Jersey, appeared on behalf of MMSR Realty, LLC (Steve Rich), Delawanna Realty (Richard Jenny), and Glen Mills, Inc.

This is a continued hearing from the meetings of May 18, 2016, June 15, 2016, July 20, 2016, November 16, 2016, January 4, 2017, February 1, 2017, March 8, 2017, and April 19, 2017.

Present and sworn on behalf of the objectors was Jennifer Beahm, PP, AICP, of CME Associates with offices at 1460 Route 9 South, Howell, New Jersey. Ms. Beahm testified as a planner and stated that in preparation for her testimony, she reviewed the ordinances of the City of Clifton as well as the Master Plan and visited the site on several occasions; that the applicant is seeking a use variance for a use not permitted in the zone as well as a D-6 height variance; that there are also bulk variances for lot area, lot width, and sign setback; that in her opinion, the site is not particularly suited

for the proposed use; that the master plan dated 2008 did not address the site for redevelopment; that Section 461.14 speaks of a required buffer; that generally speaking, a 40 foot buffer is required between residential and industrial uses; that the buffer is not provided by the applicant; that Goal 6 of the Master Plan suggests continuation of non-residential uses to maintain a balance of uses; that the Master Plan does speak of increasing residential uses, however, the site in question is not proposed for residential use; that the applicant has failed to sustain the burden of proof to show that the site is particularly suited for the intended use.

With respect to the positive criteria, there was no testimony from the applicant's planner as to how the proposed use would promote the public good or promote the safety; that it is not an appropriate development for site; that it does not promote transportation and free flow of traffic; that there are other industrial uses in the zone which function according to the requirements of the zone; that the appropriate density is set forth in the master plan for such a site is approximately 8 units; that the creation of apartment buildings in an industrial zone does not further zoning; that there are uses presently located in the industrial zone which operate successfully.

With regard to the negative criteria, the City's Master Plan does not encourage residential development in industrial areas; that there is no change recommended to this area for residential use in the industrial zone; that there is inadequate buffering between the residential and industrial uses; that residential and industrial uses are incompatible; that the applicant does not have a 40 foot buffer between residential and industrial uses; that the policy statement of the Master Plan proposes a balance of uses, and this particular use is in conflict with the Master Plan; that the proposal does not provide for any open space; that the Board previously granted on June 19, 2013, an outdoor storage of construction equipment in the area.

Said Resolution dated June 19, 2013, permitting outdoor storage of construction equipment for MMSR Realty was marked into evidence as "O-10."

Ms. Beahm continued to testify that the area is in an industrial-type area; that the noise creates a negative impact; that the proposal will be a burden on existing permitted uses in the zone; that the site is not particularly suited; that the use will create negative impacts.

Ms. Beahm continued to testify that with respect to the D-6 height variance, the requirement is 3 stories or 35 feet in the zone, and the applicant is proposing 40 feet;

that with respect to the bulk variances, there are too many deviations in the application; that the proposal is not suitable because of the numerous deficiencies; that it is inappropriate to apply the argument that it cannot be developed for an industrial use; that the site will survive as a non-residential use; that in her opinion, the site could be developed for a contractor's yard; that if the applicant had to erect a 40-foot buffer, an additional 40 or 50 feet of width would be required; that there is a substantial portion of the City zoned for residential uses where the proposed use could be located; that the industrial users would have to comply with the residential noise requirements.

On cross-examination by Mr. Tombalakian, Ms. Beahm did reference Page No. 16 and Page No.24 of the Master Plan; that she did not testify when the Master Plan was adopted in 2008; that she is unaware of an application which was granted for a school in an industrial zone.

At this point in the hearing, Chrmn Mark Zecchino continued the matter until the July 19, 2017, meeting of the Board.

2.	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.

(a/ka CAPSTONE REALTY GROUP)

At the request of the attorney for the applicant, Robert A. Gaccione, Esq., this matter was continued to the June 21, 2017, meeting of the Board.

3. **KASANG THING**, 36 Standish Drive,
Variance Block 39.09, Lot 17 – RA2 – Applicant
 proposes to build a rear deck and
 wheelchair ramp on the rear of the home.
 Variance required for rear yard setback
 proposed at 21’ where 35’ is required.

Chairman Zecchino called the matter, and no one appeared. Thereupon, as a courtesy to the applicant, the matter was continued to the July 19, 2017, meeting, and if there is no further appearance, the matter will be dismissed accordingly.

4. **CLIFTON CHICKEN LLC d/b/a POPEYE’S**
Use **LOUISIANA KITCHEN**, 6 Main Avenue,
Variance; Block 82.06, Lot 15 – P-MU – Use variance
Variances;relief pursuant to N.J.S.A. 40:55D-70d,
Site Plan bulk variance relief pursuant to N.J.S.A.
 40:55D-70c and site plan approval.

The property is presently developed with a one-story commercial structure (currently unoccupied, previously utilized as a bank with drive-thru lanes) and accessory paved/parking areas. Per Chapter 461 of the City of Clifton Zoning Ordinance, restaurants with drive-through facilities or counter service is not a permitted use in the zone.

The Applicant proposes to improve the property and utilize the existing structure as a

dine-in and drive-thru restaurant. Accessory improvements (inclusive of façade improvements, site lighting, installation of exterior business signage, shrubs/planted areas, fencing repair, and parking area striping) are also proposed.

The applicant seeks the following variance relief from the Board:
use variance relief for the proposed restaurant and its associated drive-thru use, business signage/memo boards (use not permitted in zone); and bulk variance relief for the proposed front yard setback along Main Avenue (29.1’ proposed, 35’ required); improved lot coverage (77% proposed, 75% permitted); open space (23% proposed, 25% minimum required); parking setback in corner/side yard (1’ proposed, 10’ required); and parking setback in rear (2.4’ proposed, 5’ required). The applicant will also seek any additional variances, waivers, interpretation or relief that may be required by the Board at the time of the public hearing.

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

NEW HEARINGS

1.

Variance
- GIUSEPPE & DANIELLE DE GENNARO,

52 Tufts Road, Block 27.06, Lot 19

-- RA2 – Variance required to extend driveway to the right side of the property.

Proposed right side driveway setback is 2’ where 5’ is required.

Giuseppe DeGennaro, residing at 52 Tufts Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to extend his driveway to the right side of the property line; that the right side yard setback is 5 feet, and he proposes 2 feet; that the purpose of the extension is to provide for vehicles to be parked on the site.

After a review of the testimony, Comr George Foukas 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 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.

2. **LUEAY HAMDAN, 225 Luddington Avenue,**
Variances **Block 19.13, Lot 11 – RA3 – Applicant**
seeking combined side yard setback
variance for rear addition – 13.26’ provided
where 16’ is required; and front addition –
11.26’ provided where 16’ is required,
originally proposed garage has been
eliminated, variance required for a driveway
in front of the home not serving a garage.
Existing nonconforming lot width; such
other variances as may be required.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was the applicant, temporarily residing at 174 Barkley Avenue, Clifton, New Jersey; and Frank D. Mileto, AIA, PP, of 14 Beaver Brook Drive, Long Valley, New Jersey.

Mr. Sala offered into evidence which was marked "A-1" the Affidavit of Publication.

Mr. Sala stated that the applicant is seeking combined side yard setback variances for a rear addition; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 13.26 feet; that the front yard setback is 16 feet, and the applicant is proposing 11.26 feet; that the applicant did receive approval for a garage from the Building Department, and then said garage was eliminated and a variance is required for a driveway in front of the home not serving a garage; that the applicant did not understand what his architect was doing.

Mr. Sala offered into evidence which was marked "A-2" a photo of the premises where the garage was eliminated.

Chrmn Zecchino noted for the record that the applicant created his own hardship by changing the garage space to a family den without receiving proper municipal approval.

Mr. Mileto testified that under the circumstances and the misinformation received by the applicant from his architect, that the proposal is reasonable and will not be detrimental to the neighborhood.

After a review of the testimony, Comr Roy Noonburg to deny the application, stating that the applicant has shown no hardship to justify the grant of the variances requested and requested the Counsel Secretary to prepare the proper Resolution for denial. The motion was seconded by Comr George Foukas who stated that the parking of a vehicle in front of the home not serving a driveway is a negative factor. Voting for denial were Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino. Voting against denial was Vice-Chrmn Gerard Scorziello. By a six to one vote, the motion carried, and the application was denied 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.

3.	HUSSEIN SHAQRA, M.D., 539 Clifton Avenue, Block 20.19, Lot 1 – BA1 –
Use	
Variance;	Applicant proposes to build a two-story addition on the left side of the building.
Variances	Use variance required for two uses on one lot, professional office on the first floor and a residence on the second floor. Eight parking spaces required for the office and two spaces required for the residential use, total ten spaces required and six provided; existing, non-conforming parking lot area and a street side yard setback; any other relief deemed necessary by the Board.

Thomas P. DeVita, Esq., with offices at 452 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the applicant, Hussein Shaqra, M.D., of 222 Lighthouse Road, Edgewater, New Jersey; Nassir Almukhtar, RA, of Heritage Madison Architecture, LLC, with offices at 1171 Madison Avenue, Suite 201, Paterson, New Jersey; and Roger DeNiscia, P.P., Urban Planning Consultant, with offices at 347 Upper Mountain Avenue, Upper Montclair, New Jersey. There was one objector, Ellen DeLosh of Clifton Avenue, Clifton, New Jersey.

Mr. DeVita stated that the applicant requests use variance and bulk variance approval to build a two-story addition on the left side of a structure at 539 Clifton Avenue; that the use variance is required for two uses on one lot, a professional office on the first floor and a residence on the second floor; that eight parking spaces are required for the office and two spaces required for the residential use for a total of ten spaces, and the applicant is providing six spaces.

Dr. Shaqra testified that he maintains a medical office; that his normal hours are Tuesday and Thursday from 11 A.M. to 6 P.M. and every other Saturday from 9 A.M. to 2 P.M.; that there will be five examining rooms; that there are

approximately 30 to 40 patients seen on a daily basis; that there are approximately five patients per hour.

Nassir Almkhtar testified as an architect and stated that the doctor needs the expansion for his office use; that it will be a two-story addition to the left of the building; that there will be five examining rooms, a waiting room, a handicap bathroom, and a regular bathroom; that the signs will be conforming; that the exterior will be all new and will improve the site and make it aesthetically pleasing.

Roger DeNiscia testified as a planner and offered into evidence which was marked "A-1" an exhibit showing three photographs and two google maps of the site.

Mr. DeNiscia testified that the property is approximately 65- by 140-feet for a total of 5,267 square feet; that the building setback from Clifton Avenue is 12 feet; that the side yard setback is over 25 feet; that the present footprint of the building is 952 square feet on the first floor and a studio apartment of 572 square feet on the second floor; that the proposed renovation will upgrade the building; that the expansion will add 659 square feet for a total of 1,611 square feet of office space; that there will be a remaining side yard of 10 feet; that the second floor studio apartment will increase to 1,600 square feet and include three bedrooms; that the proposal will benefit the community in that it will provide for health services to residents and there will be an upgrade of the premises.

Ms. DeLosh testified that she is concerned with the parking at the site; that the office was previously utilized for a doctor's office; however, it has been inactive for several years.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval with the stipulation that the doctor and the manager stack park their vehicles in order to allow more parking at the site. The motion was seconded by Comr Daniel Trenk. Voting for approval were Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, and Chrmn Mark Zecchino. Voting in the negative were Comrs Roy Noonburg and Vice-Chrmn Gerard Scorziello who stated that they were concerned with the inadequate parking at the site. By a five to two 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 next order of business is the adoption of the Resolutions set forth on the Agenda.

1. Upon motion made by Comr Louis DeStefano, seconded by Comr Stephen Christopher, and affirmed by Comrs Michael Molner, Louis DeStefano, Stephen Christopher, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of CLIFTON CHEDER, INC. for a religious elementary school at 1333 Broad Street, Block 76.01, Lot 5, was adopted. B-A

2. Upon motion made by Comr Roy Noonburg, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AMIE & JOSEPH KOLODZIEJ for variances for existing, non-conforming lot width and area, front yard, right side yard, combined side yards, and maximum building height (3 stories) for new addition, new deck, and new portico at 109 McCosh Road, Block 62.05, Lot 4, was adopted. RA1

3. Upon motion made by Comr Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DANIEL SCHIMEL AND NICOLE KATZ for combined side yards and lot coverage variances to erect a second floor addition and two-story rear addition at 44 Annabelle Avenue, Block 71.02, Lot 11, was adopted. RA3

4. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of TOM MC LAUGHLIN for

variance to install a 5-foot-high solid wood fence along Allwood Road at 2 Burlington Road, Block 68.09, Lot 4, was adopted. RA3

5. Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LESZEK AND MARIA TOKARCZYK for combined side yards, right side yard, and front yard variances to erect a two-story addition and second floor addition at 135 Beverly Hill Road, Block 55.05, Lot 25, was adopted. RA3

6. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AVRAHAM SACKTON for rear yard setback variance to build a rear yard deck at 35 Belmont Avenue, Block 70.03, Lot 19, was adopted. RA3

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 JUNE 7, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: GIUSEPPE & DANIELLE DE GENNARO
for premises known as: 52 Tufts Road, Block 27.06, Lot 19
be and the same is hereby: GRANTED variance to extend driveway.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 7, 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 variance approval to extend a driveway to the right side of the property at premises located at 52 Tufts Road, Block 27.06, Lot 19, 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 right side yard setback requirement is 5 feet;
- b. The applicant is proposing a right side yard setback of 2 feet;
- c. The purpose of the extension is to take vehicles off the street;
- 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 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 extend the driveway to the right side at premises located at 52 Tufts Road, Block 27.06, Lot 19, 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 GEORGE FOUKAS.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF JUNE 7, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LUEAY HAMDEN
for premises known as: 225 Luddington Avenue, Block 19.13, Lot 11
be and the same is hereby: DENIED side yard setback variances for a rear addition and driveway in front of home not serving a garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 7, 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 Roy Noonburg moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for side yard setback variances for a rear addition at premises located at 225 Luddington Avenue, Block 19.13, Lot 11, as well as a driveway in the front of the home not serving a garage, which premises are located in a RA3 zone; and

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

- a. The applicant originally proposed a garage at the premises;
- b. There has been a miscommunication between the applicant and his architect;
- c. The applicant has created his own hardship by changing the garage space to a family den;
- d. The applicant has shown no hardship to justify the grant of the variances requested;
- e. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid for combined side yard setback variances for rear addition and variance for a driveway in front of the home not serving a garage at premises located at 225 Luddington Avenue, Block 19.13, Lot 11, be and the same are hereby disapproved and the variances be and the same are hereby denied.

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr GEORGE FOUKAS.

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

MEETING OF JUNE 7, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: HUSSEIN SHAQRA, M.D.
for premises known as: 539 Clifton Avenue, Block 20.19, Lot 1
be and the same is hereby: GRANTED use variance and parking variance to erect a two-story addition on the left side of the building.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 7, 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 Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for a two-story addition to the left side of the existing structure and a parking variance at premises located at 539 Clifton Avenue, Block 20.19, Lot 1, which premises are located in a BA1 zone; and

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

- a. The applicant proposes a two-story addition on the left side of the existing building with a professional office on the first floor and a residence on the second floor of the structure;
- b. The applicant is required to provide eight parking spaces for the office and two parking spaces for the residents for a total of ten spaces, and the applicant is providing six spaces;
- c. The premises were previously used as a medical office and a residence;
- d. Based upon the testimony of the architect, the exterior of the premises will be newly-renovated and become more aesthetically pleasing;
- e. Based upon the testimony of the planning 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;
- 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 since the mixed use previously existed; and

WHEREAS, the Board further finds that although the applicant is deficient in

parking, the Board has conditioned parking of the doctor and it's manager as stacked parking and there is sufficient off-street parking to accommodate any vehicles;

NOW THEREFORE, BE IT RESOLVED that the application to build a two-story addition on the left side of the building at premises located at 539 Clifton Avenue, Block 20.19, Lot 1, be and the same is hereby approved and the use variance and bulk variances and parking variance be and the same are hereby granted subject to such further governmental approvals as may be required by law subject to Passaic County Planning Board approval; and further subject to the following:

1. The physician and the manager at the premises stack their parking vehicles to allow for more parking at the site.

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 LOUIS DE STEFANO.

Seconded by: Comr DANIEL TRENK.

Affirmed by: Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, and Chrmn Mark Zecchino.