

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 21, 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, KEITH LA FORGIA, STEPHEN CHRISTOPHER, GEORGE FOUKAS, ROY NOONBURG, 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 June 7, 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.

This matter was previously continued by the Board to 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)

Robert A. Gaccione, Esq., with offices at 524 Union Avenue, Belleville, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: 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. The following objectors were present, some of whom were sworn to give testimony: Angela Swanson, 62 Cloverdale Road, Clifton, New Jersey (165 Sargeant Avenue and 50 Mt. Prospect Avenue); Boguslaw Swieca, 66 Cloverdale Road; Arnaldo Rodriguez, 73 Cloverdale Road; Karen Rodriguez, 73 Cloverdale Road; Rita Malaret, 73 Cloverdale Road, Seweryn Rys, 74 Cloverdale Road; Patrycia Lupinska, 74 Cloverdale Road; and Thomas A. Cupo (Alhambra Plaza), 50 Mt. Prospect Avenue, all of the City of Clifton, New Jersey.

This is a continued matter from the meeting of April 5, 2017.

Keith Michels testified as an architect and stated that the applicant has made substantial changes to the presentation which was made to the Board previously on April 5, 2017; that the applicant proposes to demolish the existing building on the site and construct one three-story building with 42 residential units and 80 parking spaces; that previously, there were two buildings with the same amount of units with 76 parking spaces; that the rear yard setback variance which was previously requested has been eliminated; that the building height has been reduced to 32.8 feet from 38 feet with two entrances.

Offered into evidence which was marked “A-2” was an architectural drawing showing four sides of the building.

Mr. Michels continued to testify that the prior plan did not provide for any elevators, now there will be one elevator; that there will be a three-story walk-up; that there will be handicap and barrier free access from the interior; that trash will be directed to containers; that the building still is a three-story structure, however, four more units per floor have been added to replace the second building; that the prior approval given by the Board given many years ago was for a senior citizen housing development; that air-conditioning will be for each apartment which will

have its own utility closet; that in his opinion, one elevator is satisfactory for the building.

Perry Frenzel, the professional engineer, testified as to the landscape changes; that the building has been moved forward; that there is approximately 120 feet from the rear of the building to the rear of the property line; that there have been changes made in ingress, egress, and parking.

The Board had for its review the report of Gregory Associates dated March 24, 2017, and revised April 27, 2017; report of its engineering consultant, Neglia Engineering with its report of February 7, 2017, and revised June 21, 2017; and the report from the Fire Department of the City of Clifton dated June 19, 2017.

Addressing the items outstanding in the Neglia report, Mr. Frenzel testified concerning the site operations, the easement agreement between property owners; driveway improvements on the adjacent lot to the northeast; manual gates or chain with Knox padlock at the access driveway to adjacent Lot 10.1; additional contours throughout the entire property; revision to the grading plan; a drainage easement for the adjacent property owners; a provision for the storm management report, water quality, stormwater operations and maintenance manual; percolation pending building tests; grate and invert elevations of all proposed inlets; location of all roof leaders; reconstruction of all on-site inlets; location of all sanitary connections to the proposed building; confirmation concerning the current use of the manhole at the site; location of all proposed gas, water, electrical, and telecommunication utilities; calculations for the projected sewer demand and water demand; removal of sanitary piping under the proposed building; provision for maneuvering templates for fire apparatus; revised trip generation studies; landscaping of setback areas; buffer areas; and landscaping of the interior parking lot areas. A site lighting plan utilizing the City of Clifton's standard light fixture and pole.

With respect to the communication from the Fire Department dated June 19, 2017, Mr. Frenzel testified that the applicant will comply with all recommendations of the Fire Chief.

Tom Cupo of 66 Mt. Prospect Avenue, Clifton, New Jersey, inquired as to the location of a fence between the premises in question and the adjacent property at 66 Mt. Prospect Avenue.

Seweryn Rys was concerned with noise levels from garbage pick-up and the three-story height.

Angela Swan stated she was concerned with parking and traffic on Sargeant Avenue.

Arnaldo Rodriguez testified that he is concerned with the collection of garbage, pest control, and rodents.

Steven M. Lydon of Burgis Associates testified as a planning expert.

Offered into evidence as "A-3" is a Google map of the area.

Mr. Lydon testified that the existing site draws more traffic than what is proposed by the applicant; that 80 parking spaces are provided; that the traffic impact of the proposed project at the site are almost insignificant; that there will be 16 cars exiting the premises per hour in the AM and 19 vehicles entering per hour in the PM; that the proposed project satisfies several goals of the Master Plan which was adopted in 2003 and reaffirmed in 2008, especially with regard to encouragement of use of mass transportation where there is a railroad located near to the site; that the applicant has satisfied the positive criteria concerning

Paragraphs (a), (c), and (h) of N.J.S.A. 40:55D-2; that the number of parking spaces and the traffic studies indicate that the negative criteria has been satisfied.

At this point in the hearing, Chrmn Zecchino continued the matter until the August 16, 2017, meeting of the Board. Mr. Gaccione, on behalf of the applicant, did extend the time within which the Board is required to render a decision.

Thereupon, the matter was continued to the August 16, 2017, meeting of the Board.

3.
Variance

KASANG THING, 36 Standish Drive,
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.

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

4.
Use
Variance;
Variances;relief
Site Plan

**CLIFTON CHICKEN LLC d/b/a POPEYE’S
LOUISIANA KITCHEN**, 6 Main Avenue,
Block 82.06, Lot 15 – P-MU – Use variance
pursuant to N.J.S.A. 40:55D-70d,
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 of the Board.

NEW HEARINGS

1. **ZALMAN GURKOV**, 124 Edgewood Avenue,
Variance Block 57.07, Lot 23 – RA3 – Applicant proposes a two-story rear addition. The following variances are required: 1) Rear yard setback proposed at 32.4' where 35' is required.

The applicant, residing at 124 Edgewood Avenue, Clifton, New Jersey, was present and affirmed. There were no objectors.

The applicant testified that he requests rear yard setback variance approval to add a two-story addition to the subject premises; that the rear yard setback requirement is 35 feet, and the applicant is proposing 32.4 feet; that the applicant is deficient 2.6 feet; that the applicant complies with the lot coverage requirement.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval. 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 complete testimony presented to the Board and upon which this decision is based.

2. **GEORGE A. TUZZOLINO**, 57 Chelsea Road,
Variances Block 67.04, Lot 5 – RA3 – Variances required to build a rear addition: 1) Lot coverage proposed at 33.9% where a maximum of 27% is permitted. 2) Existing nonconforming lot width.

The applicant and his wife were present and sworn. There were no objectors.

Mr. Tuzzolino testified that on November 10, 2010 [November 3, 2010], he did receive a lot coverage variance to build a rear addition to the subject premises; that he never acted upon that variance, however, he is now seeking approval to build a rear addition at the subject premises; that the lot coverage proposed is 33.9 percent where a maximum of 27 percent is permitted.

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 Comr Roy Noonburg. 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 complete testimony presented to the Board and upon which this decision is based.

3.
Use
Variance;
Variance

TRUCARE ADULT MEDICAL DAY CARE LLC,
1111 Paulison Avenue, Block 19.03, Lot 1
-- M-1 – Use variance to permit an adult medical day care center and bulk variances for parking for a part of the building. Bulk variance required for parking (107 spaces required, 80 spaces provided), and site plan approval required.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue #104, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Kailash Gupta of 45 Forest Street, Closter, New Jersey; Peter Steck of 80 Maplewood Avenue, Maplewood, New Jersey; and Muhammad S. Umer, M.D. of 155 Cedar Lane, Teaneck, New Jersey. There were no objectors.

Mr. Carlet stated that the applicant requests use variance approval to permit an adult medical day care center and bulk variances for parking for part of the building located at 1111 Paulison Avenue, Clifton, New Jersey; that 107 parking spaces are required and 80 spaces are provided; that the applicant is also seeking site plan approval.

Kailash Gupta testified as a consultant and stated that she handled the application with the State of New Jersey which was marked into evidence as “A-1” where the State Department of Health did give approval on May 2, 2017; that the State requires one caregiver for nine guests; that there will be 13 caregivers; that there will be two full-time employees and an occasional doctor; that the participants will engage in physical therapy, have breakfast and lunch; that the activities include arts and crafts, tv, and card playing; that the facility will open 8:30 A.M. to 1 P.M.; that the maximum number of participants will be 120; that most patients are on Medicare and are evaluated on an annual basis; that some patients may be eligible for two days or three days or five days; that the facility will be licensed to give medication; that the facility will be open to not only Clifton residents, but others outside the City of Clifton.

Peter Steck testified as a planning expert and stated that the subject premises are irregular in shape, 1.59 acres on the west side of Paulison Avenue; that the site is largely paved and accommodates parking for 80 vehicles; that the building in question is occupied by Faber Industrial Technologies, All Care Pain and Rehab, and the Medical Imaging Center of North Jersey, Inc.; that the remaining 8,263 square feet of the building is currently vacant, and the applicant proposes to occupy this space; that the applicant will provide van service for pick-up clients and return them to their homes; that there will be two full-time employees and a visiting doctor as well as six caregivers initially; that within the 8,263 square feet of rental space will be a 3,600 square foot activity and dining area and a 586 square foot arts and craft room; that the facility operates both as social and medical functions; that nurses may administer medical needs; that the proposal satisfies Goals 6 and 9 of the Master Plan; that adult day care centers are not listed as permitted nor prohibited uses in any zone; that the use is an inherently beneficial use, and the site is particularly suited for the proposed use since that portion of the building is vacant; that the social benefit advances the public good; that the use will make the site functional; that the proposed use is less intense than any permitted use; that there is a low parking demand and that it is impractical for the site to satisfy fully the 150 parking space requirement; that the clients of the facility will arrive by van and

mini-buses; that the proposed use will not modify the building and will be a benefit to senior citizens as well as their families.

Dr. Umer testified that he will be actively engaged in the facility; that the doors will open at approximately 8 or 8:30 A.M. and close at approximately 2 P.M. for a five hour stay; that the facility will start with three or four buses and no more than two buses at one time; that the buses will be contracted out.

At this point in the hearing, there was discussion by the Board concerning any emergency situations and the requirement of the Fire Department to go to the site and pick-up any senior citizens who require hospitalization.

At this point in the hearing, Comr Roy Noonburg moved to hold the matter for inspection and decision and a report from the Fire Department. The motion was seconded by Comr Keith LaForgia. Voting for the motion were Comrs Keith LaForgia, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino. Voting against the motion were Comrs Louis DeStefano, Stephen Christopher, and Vice-Chrmn Gerard Scorziello. By a four to three vote, the motion carried, and the matter was set for inspection and decision on July 19, 2017.

4.	TFJ KINGSLAND LLC , 1 Blanjen Terrace,
Use	Block 82.06, Lot 62, Clifton, NJ and
Variance;	10 Kingsland Road, Nutley, NJ – M-1 –
Variances	Use variance required for a self-storage warehouse facility. Bulk variances required for left side setback (half the height of the building, but not less than 15 feet required; 0 feet proposed); height variance (2 stories permitted, 3 stories proposed) and site plan approval.

At the request of Frank A. Carlet, Esq., the attorney for the applicant, the Board continued the matter to the August 16, 2017, meeting of the Board.

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 George Foukas, 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 GRANTING the application of GIUSEPPE AND DANIELLE DE GENNARO for variance to extend driveway at 52 Tufts Road, Block 27.06, Lot 19, was adopted.

2. Upon motion made by Comr Roy Noonburg, seconded by Comr George Foukas, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution DENYING the application of LUEAY HAMDEN for side yard setback variances for a rear addition and driveway in front of home not serving a garage at 225 Luddington Avenue, Block 19.13, Lot 11, was adopted.

3. Upon motion made by Comr Louis DeStefano, seconded by Comr Daniel Trenk, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of HUSSEIN SHAQRA, M.D. for use variance and parking variance to erect a two-story addition on the left side of the building at 539 Clifton Avenue, Block 20.19, Lot 1, was adopted.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF JUNE 21, 2017.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **ZALMAN GURKOV**
for premises known as: **124 Edgewood Avenue, Block 57.07, Lot 23**
be and the same is hereby: **GRANTED** rear yard setback variance for a two-story rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 21, 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 a rear yard setback variance for a two-story rear addition to premises located at 124 Edgewood Avenue, Block 57.07, Lot 23, which premises are located in an RA3 zone; and

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

- a. The applicant recently purchased the premises and is upgrading the same;
- b. The applicant proposes a two-story rear addition;
- c. The rear yard setback requirement is 35 feet, and the applicant is proposing 32.4 feet
- d. The relief requested by the applicant is *de minimis*;
- 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 a two-story rear addition at premises located at 124 Edgewood Avenue, Block 57.07, Lot 23, be and the same is hereby approved and the variance for a 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.

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 JUNE 21, 2017.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **GEORGE A. TUZZOLINO**
for premises known as: **57 Chelsea Road, Block 67.04, Lot 5**
be and the same is hereby: **GRANTED** lot coverage variance for a rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 21, 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 lot coverage variance to build a rear addition to premises located at 57 Chelsea Road, Block 67.04, Lot 5, 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 a rear addition to the subject premises;
- b. The lot coverage permitted is 27 percent, and the applicant is seeking 33.9 percent;
- c. The applicant previously came before the Zoning Board, and received approval on November 3, 2010;
- 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 for a rear addition at premises located at 57 Chelsea Road, Block 67.04, Lot 5, be and the same is hereby approved and the lot coverage 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 ROY NOONBURG.

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