

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, September 6, 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 Comr Louis DeStefano, the Minutes of the August 16, 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 to the October 4, 2017, meeting of the Board.

2.	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 to the September 20, 2017, meeting of the Board.

3. **SCHOLARS & LEADERS ACADEMY**
Use (K-12), 558/600 Getty Avenue, Block
Variance 9.04, Lot 22 – M-3/PDO-2 –Applicant
is a K-12 school and proposes to use
the premise formerly used by Dover
Business School as its educational
facility. The property is uniquely suited
for this use. Use variance required
because the PDO-2 zone does not
specifically permit schools as a permitted
use; 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 Aros Konjhodzic, Ph.D., of 110 Orly Street, Rochelle Park, New Jersey; George A. Held, an architect, with offices at 587 Getty Avenue, Clifton, New Jersey; and William P. Stimmel, a traffic engineer, with offices in Rutherford, New Jersey. There were no objectors. This is a new application.

Mr. Sala stated that the applicant is seeking use variance approval for a Kindergarten through Grade 12 school at premises formerly used by Berkeley College; the premises are uniquely suited for the proposed use.

Offered into evidence which was marked “A-1” the notice of the hearing published in The Herald-News.

Dr. Konjhodzic testified that the school has 14 instructors and 77 students; that the hours of operation are from 8 A.M. to 3 P.M., Monday through Friday; that there are some activities on Saturday and Sunday; that they hope the school will grow to 200 students.

Offered into evidence which was marked "A-2" a brochure which included documentation from the State of New Jersey and the Internal Revenue Service.

George Held testified as an architect and stated that the area in question is on the second floor of the structure and previously was occupied by Berkeley College and had classes day and night with approximately 250 students; that the parking is much less demanding than the Berkeley College student body; that 27 parking spaces will be dedicated for pick-up and drop-off; that there are no buses that bus the students to school; that there are a number of car pools.

William Stimmel testified as a traffic engineer, and his report marked "A-3" into evidence along with the site plan which was marked "A-4."

Mr. Stimmel testified that the parking requirement for the school is 18 cars; that there are 436 parking spaces which exceed what is necessary; that there will be 14 parking spaces to the west and 13 spaces to the south which would be dedicated for drop-off and pick-up; that the parking lot has a low utilization and enough parking spaces to accommodate staff as well as pick-up and drop-off operations; that the school is an inherently beneficial use.

At this point, Comr Louis DeStefano requested that a report be received from the Fire Department.

After discussion, Vice-Chrmn Gerard Scorziello moved to grant the application with the stipulation that only small buses be permitted to transport students and further contingent upon a favorable report received from the Fire Department of the City of Clifton. The Counsel Secretary was instructed to prepare the proper Resolution. The motion was seconded by Comr Stephen Christopher. 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 a decision is based.

NEW HEARINGS

1.
- Valter Kote, 351 Mt. Prospect Ave.,
Block 48.01, Lot 94 – RA2 – Variances
required for a proposed open front
porch with a roof: 1) Front yard setback
proposed at 20.28’ where 25’ is required;
2) Building coverage proposed at 33.1%
where 30% is permitted.

The applicant, residing at 351 Mt. Prospect Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a proposed open front porch with a roof at the subject premises; that the front yard setback requirement is 25 feet, and he is proposing 20.28 feet; that the building coverage proposes at 33.1 percent where 30 percent is permitted; that the proposed roof will be aesthetically pleasing and provide cover from adverse weather.

After a review of the testimony, Comr Roy Noonburg 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 a decision is based.

2. TARKAN KAYAR, 22 East 7th Street,
Variance Block 1.30, Lot 18 – RB1 – Applicant
proposes a 6’ high solid fence along the
left side of their property where a 5’ high
fence is permitted in the rear yard and a
4’ high, 50% open fence is permitted.

The applicant, residing at 22 East Seventh Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a 6-foot-high solid fence along the left side of his property where a 5-foot-high fence is permitted in the rear yard and a 4-foot-high 50% open fence is permitted; that the purpose of the fence is to house have his two dogs fenced in as well as provide a barrier from the next door neighbor who objects to his two children playing in the yard.

Chrmn Zecchino stated that the Board has concerns about the height of the fence at 6 feet and that perhaps a fence at 5 feet might be more acceptable. The applicant insisted that he continues his application for a 6 foot fence.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to deny the application on the grounds that the applicant has shown no hardship to justify the grant of the variance requested. The motion was seconded by Comr George Foukas. Voting for denial 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 denied in the form as more fully appears at the these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which a decision is based.

3. YANIK FURMAN, 11 Combee Lane,
Variances Block 65.05, Lot 52 – RA3 – Variances
required to construct a rear yard deck:
1) Rear yard proposed at 19' where 35'
is required; 2) Combined side yards
proposed at 10.8' (at deck) where 16'
is required; 3) Lot coverage proposed
at 35% where 27% is permitted.

The applicant, residing at 11 Combee Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to construct a rear deck at the subject premises; that the rear yard setback requirement is 35 feet, and he is proposing 19 feet; that the combined side yard setback requirement at the deck is 16 feet, and he is proposing 10.8 feet; that the permitted lot coverage is 27 percent, and he is seeking 35 percent.

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 of the variances requested. The motion was seconded by Comr Stephen Christopher. 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 a decision is based.

4. **CLARIBEL REYES-GARCIA & FERNANDO**
Variance **GARCIA, 106 Clifton Avenue, Block 3.11,**
Lot 16 – RB2 – Proposed rear yard deck
requires a variance for rear yard setback.
14’x14’ deck is proposed at 27’ from the
rear lot line where 35’ is required.

Joseph S. DiMaria, Esq., of 36 Fairview Terrace, Paramus, New Jersey, appeared on behalf of the applicant. Claribel Reyes-Garcia was present and sworn.

The applicant testified that she requests variance approval for a rear yard deck which was previously built; that the size of the deck is 14- by 14-feet; that the rear

yard setback requirement is 35 feet, and she is proposing 27 feet; that the existing porch was unsafe, and she hired a licensed contractor to build the deck; that she was not aware that he did not secure the appropriate permit; that she spoke with her neighbors who have no objections to the application.

Offered into evidence as "A-1" are three photographs of the deck.

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 for approval of the variance requested. the motion was seconded by Comr George Foukas. 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 a decision is based.

5. **LAWRENCE LA RAIA, 91 Viola Avenue,**
Variances Block 20.16, Lot 5 – RB1 – Variances
 required for two rear yard decks:
 1) Right side yard proposed at 4.0' where
 6.0' is required. 2) Combined side yards
 proposed at 10' where 16' is required.
 3) Lot coverage proposed at 33.4%
 where a maximum of 27% is permitted.

Glenn Peterson, Esq., with offices at Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. The applicant, residing at 91 Viola Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Peterson stated that the applicant requests variance approval for two rear yard decks; that the right side proposed is 4 feet where 6 feet is required; that the

combined side yard setback requirement is 16 feet, and the applicant is proposing 10 feet; that the lot coverage permitted is 27 percent, and the applicant is seeking 33.4 percent; that the two decks will be installed on the first floor level of the existing home.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances for the two decks. The motion was seconded by Comr George Foukas. 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 a decision is based.

6. **LEAMBRO LORA (APPLICANT),**
Variances **FELICITA BRANCATO (OWNER)**
92 East 3rd Street, Block 5.14, Lot 35
– RB1 – Variances required for a
rear yard Gazebo:
1) Lot coverage proposed at 43.9%
where a maximum of 27% is permitted.
2) Rear yard coverage proposed at
52% where 30% is permitted.

The applicant, residing at 92 East Third Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a rear yard Gazebo; that the permitted lot coverage is 27 percent, and he is seeking 43.9 percent; that the rear yard coverage permitted is 30 percent, and he is seeking 52 percent; that the purpose of the Gazebo is to have shade on his property.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to deny the application on the grounds that it represents a gross overuse of the premises. The Counsel Secretary was instructed to prepare the Resolution. The motion was seconded by Comr Daniel Trenk. Voting for denial 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 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 a decision is based.

7.	CARLOS SUAREZ & NELY ALTAMIRANO,
Use	42 Paterson Avenue, Block 82.02, Lot 64
Variance	-- RA3 – Applicant proposes a rear addition

on to an existing nonconforming two-family home. A use variance is required for the expansion of a nonconforming use. A new detached garage is also proposed at 440 sq. ft. where a maximum of 300 sq. ft. is permitted.

This matter was continued by the Board until the October 4, 2017, meeting at the request of the applicant.

8. **BENTZION COHEN, 150 South Parkway,**
Variance Block 60.04, Lot 2 – RA3 – Rear yard
 deck already constructed requires a
 variance for rear yard setback, 35’
 required and 31’ provided.

The applicant, residing at 150 South Parkway, Clifton, New Jersey, was present and affirmed to give testimony. There were no objectors.

The applicant testified that he has a rear deck which has already been constructed; that the rear yard setback requirement is 35 feet, and he is proposing 31 feet; that the purpose of the deck is to be able to watch his children play in the back yard.

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 for approval of the variance requested. The motion was seconded by Comr Roy Noonburg. Voting for approval 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 a 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 Roy Noonburg, seconded by Comr George Foukas, and affirmed by Comrs George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution DENYING the application of MOUNT PROSPECT PARK, LLC (CAPSTONE REALTY GROUP) for use variance for use not permitted in zone, D(6) height variance, bulk variance for number of stories for a 3-story building with 42 residential units at 62-66 Mt. Prospect Avenue, Block 36.01, Lot 11.01, was adopted. B-A

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, 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 TFJ KINGSLAND LLC for use variance for a self-storage warehouse facility, bulk variances for left side yard setback, height variance, and site plan approval at 1 Blanjen Terrace, Block 82.06, Lot 62, was adopted. M-2

3. Upon motion made by Comr Louis DeStefano, 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 JENNIFER & ALEX ORTIZ for variance for a 5-foot-high solid fence along the side yard facing LeSter Place at 93 Rolling Hills Road, Block 75.03, Lot 9, was adopted. RA1

4. Upon motion made by Comr Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, 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 JAMES & NANNA SESSIONS for rear yard setback variance to build a pergola over existing rear yard deck and variance for distance between the above-ground pool and the deck at 9 Wells Court, Block 63.05, Lot 18, was adopted. RA1

5. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, 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 PEOPLES BAPTIST CHURCH, INC. for use variance to convert existing one-family home to be used for Sunday School classes, Bible classes, youth activities, storage, and church offices at 14 Joyce Lane, Block 66.02, Lot 27, was adopted. RA3

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

MEETING OF SEPTEMBER 6, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SCHOLARS & LEADERS ACADEMY (K-12)
for premises known as: 558/600 Getty Avenue, Block 9.04, Lot 22
be and the same is hereby: GRANTED the use variance to use the second floor of premises for a Kindergarten to Grade 12 school.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 6, 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 conduct a Kindergarten to Grade 12 school at the second floor of premises located at 558/600 Getty Avenue, Block 9.04, Lot 22, which premises are located in an M-3 and PDO-2 zone; and

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

- a. The applicant proposes to conduct a Kindergarten to Grade 12 school on the second floor of premises which were previously utilized by Berkeley College;
- b. The PDO-2 zone does not specifically permit schools, and a use variance is required;
- c. The applicant submitted the testimony of an architect, the principal of the school, and a traffic engineer in support of the use variance;
- d. Based upon the testimony of the applicant's expert, the Board finds that the school is an inherently beneficial use which satisfies the positive criteria;
- e. Based upon the testimony of the applicant's traffic engineer, the Board finds that the applicant has satisfied the negative criteria required for the grant of a use variance;
- f. The benefits of the application outweigh the detriments, if any, since the second

floor facility was previously utilized by Berkeley College during the day and evening hours with more students than projected by the applicant; 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 was an educational facility which utilized the second floor of the subject premises as a school; and

WHEREAS, the Board further finds that based upon the testimony of the applicant's traffic expert, there is sufficient parking at the site and there will be spaces dedicated for drop-off of students at the school which will help promote the health, safety, and general welfare of the neighborhood;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application to conduct a Kindergarten through Grade 12 school on the second floor of premises located at 558/600 Getty Avenue, Block 9.04, Lot 22, be and the same is hereby approved and the use variance be and the same is hereby granted subject to such further

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

1. That bus transportation, if any, to the site will be with small buses only; and
2. Subject to a favorable report received from the Fire Department of the City of Clifton.

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

MEETING OF SEPTEMBER 6, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: VALTER KOTE
for premises known as: 351 Mt. Prospect Avenue, Block 48.01, Lot 94
be and the same is hereby: GRANTED front yard setback and building coverage
variances for an open front porch with a roof.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 6, 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 grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for an open front porch at premises located at 351 Mt. Prospect Avenue, Block 48.01, Lot 94, which premises are located in a RA2 zone; and

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

- a. The applicant proposes an open front porch with a roof at the subject premises;
- b. The front porch presently exists;
- c. The front yard setback requirement is 25 feet, and the applicant is proposing 20.28 feet;
- d. The building coverage permitted is 30 percent where the applicant is proposing 33.1 percent;
- e. The deficiencies testified to are *de minimis*;
- f. The applicant has shown sufficient hardship to justify the grant of the variances 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; 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 erect an open front porch with a roof at premises located at 351 Mt. Prospect Avenue, Block 48.01, Lot 94, be and the same is hereby approved and the variances for front yard setback and building coverage be and the same is hereby granted subject to such further governmental approvals as may be required by law and further subject to Passaic County Planning Board approval, if required.

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 ROY NOONBURG.

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 SEPTEMBER 6, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: TARKAN KAYAR
for premises known as: 22 East 7th Street, Block 1.30, Lot 18
be and the same is hereby: DENIED variances for a 6-foot-high solid fence.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 6, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a 6-foot-high solid fence along the left side of his property at premises located at 22 East 7th Street, Block 1.30, Lot 18, 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 applicant proposes a 6-foot-high solid fence along the left side of his property where a 5-foot-high fence is permitted in the rear yard and a 4-foot-high 50% open fence is permitted;
- b. The applicant has shown no hardship to justify the grant of the variance requested;
- c. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the 6-foot-high solid fence will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds from the testimony presented that the 6-foot-high solid fence will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a 6-foot-high fence at premises located at 22 East 7th Street, Block 1.30, Lot 18, be and the same is hereby disapproved and the variances be and the same are hereby denied.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr GEORGE FOUKAS.

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

MEETING OF SEPTEMBER 6, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: YANIK FURMAN
for premises known as: 11 Combee Lane, Block 65.05, Lot 52
be and the same is hereby: GRANTED rear yard setback, combined side yards, and lot coverage variances to construct a rear yard deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 6, 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 to construct a rear deck at premises located at 11 Combee Lane, Block 65.05, Lot 52, 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 has lived at the subject premises for 35 years and proposes to erect a rear yard deck;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 19 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 10.8 feet;
- d. The lot coverage permitted is 27 percent, and the applicant is proposing 35 percent;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. 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 to erect a rear yard deck at premises located at 11 Combee Lane, Block 65.05, Lot 52, be and the same is hereby approved and the variances 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 LOUIS DE STEFANO.

Seconded by: Comr STEPHEN CHRISTOPHER.

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

MEETING OF SEPTEMBER 6, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CLARIBEL REYES-GARCIA & FERNANDO GARCIA for premises known as: 106 Clifton Avenue, Block 3.11, Lot 16 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 September 6, 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 variance approval as aforesaid for a 14- by 14-foot rear deck at premises located at 106 Clifton Avenue, Block 3.11, Lot 16, which premises are located in a RB2 zone; and

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

- a. The applicant is requesting approval of a deck 14- by 14-feet which was constructed to replace an unsafe deck at the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 27 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance;
- d. 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 106 Clifton Avenue, Block 3.11, Lot 16, 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 and subject to Passaic County Planning Board approval, if required.

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 GEORGE FOUKAS.

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

MEETING OF SEPTEMBER 6, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LAWRENCE LA RAIA
for premises known as: 91 Viola Avenue, Block 20.16, Lot 5
be and the same is hereby: GRANTED right side yard setback, combined side yards, and lot coverage variances for two rear yard decks.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 6, 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 grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for two decks at premises located at 91 Viola Avenue, Block 20.16, Lot 5, 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 applicant proposes two rear yard decks at the subject premises;
- b. The right side yard proposed is 4.0 feet where 6.0 feet is required;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 10 feet;
- d. The lot coverage permitted is 27 percent, and the applicant is proposing 33.4 percent;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

NOW THEREFORE, BE IT RESOLVED that the application to erect two rear decks at premises located at 91 Viola Avenue, Block 20.16, Lot 5, be and the same is hereby approved and the rear yard, combined side yards, and lot coverage variances 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 ROY NOONBURG.

Seconded by: Comr GEORGE FOUKAS.

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

MEETING OF SEPTEMBER 6, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: **LEAMBRO LORA (APPLICANT)**

FELICITA BRANCATO (OWNER)

for premises known as: 92 East 3rd Street, Block 5.14, Lot 35

be and the same is hereby: **DENIED** a rear yard setback variance for a Gazebo.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 6, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests a rear yard setback variance approval for a Gazebo at premises located at 92 East Third Street, Block 5.14, Lot 35, 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 applicant proposes a rear yard Gazebo;
- b. The lot coverage permitted is 27 percent, and the applicant is seeking 43.9 percent;
- c. The rear yard coverage permitted is 30 percent, and the applicant is seeking 52 percent;
- d. The proposal represents a gross overuse of the premises;
- e. The applicant has shown no hardship to justify the grant of the variances requested;
- f. The detriments of the application outweigh the benefits, if any; and

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

WHEREAS, the Board further finds from the testimony presented 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 erect a rear Gazebo at premises located at 92 East 3rd Street, Block 5.14, Lot 35, be and the same is hereby disapproved and the lot coverage and rear yard coverage variances be and the same are hereby denied.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

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 SEPTEMBER 6, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: BENTZION COHEN
for premises known as: 150 South Parkway, Block 60.04, Lot 2
be and the same is hereby: GRANTED a rear yard setback variance for a rear yard deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 6, 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 variance approval as aforesaid for a rear yard deck at premises located at 150 South Parkway, Block 60.04, Lot 2, 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 yard deck at the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 31 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the rear yard 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 yard 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 yard deck at premises located at 150 South Parkway, Block 60.04, Lot 2, 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.

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 ROY NOONBURG.

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