

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 20, 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, LOUIS DE STEFANO, KEITH LA FORGIA, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS DANIEL TRENK AND STEPHEN CHRISTOPHER.

Chrmn Zecchino advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

Upon motion made by Comr Louis DeStefano, seconded by Comr George Foukas, the Minutes of the September 6, 2017, regular meeting were adopted with the unanimous approval of the entire Board.

ADOPTION OF ANNUAL REPORT – 2016

Chrmn Zecchino called the Board's attention to the 2016 Annual Report

prepared by Gregory Associates, LLC, in compliance with the provisions of N.J.S.A. 40:55D-70.1 calling for annual decisions by the Board on applications and appeals for variances. Upon adoption of the report, copies of same shall be forwarded to the Governing Body and Planning Board.

Thereupon, Comr Keith LaForgia moved to approve the report. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Michael Molner, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the 2016 Annual Report was adopted.

In furtherance thereof, Counsel Pogorelec was instructed to prepare the proper Resolution and forward copies of the report to the Governing Body and the Planning 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 until the October 4, 2017, meeting of the Board.

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| 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 continued until the November 1, 2017, meeting of the Board, at the request of the attorney for the applicant.

3.

Use
- CARLOS SUAREZ & NELY ALTAMIRANO,

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 previously continued by the Board until the October 4, 2017, meeting.

NEW HEARINGS

1. DONALD OLSON, 25 Mayflower Street,
Variance Block 40.02, Lot 32 – RA2 – Variance required for a driveway expansion:
1) Driveway proposed at 0’ from left side yard where a minimum of 5’ is required.

The applicant, residing at 25 Mayflower Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to expand his driveway at the subject premises; that the driveway proposed is at 0 feet from the left side yard setback where a minimum of 5 feet is required; that the purpose of the expansion is to assist in the creation of a ramp for his handicap mother-in-law.

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. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Michael Molner, Louis De Stefano, Keith La Forgia, 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. ROBERT HOWE, 38 Industrial Road,
Use Block 56.09, Lot 3 – M-1 – Variances
Variances; required for a “Dog Day Care” and
Site Plan Kennel within the M-1 zone: 1) Use
 variance required, as proposed use
 is not specifically permitted; 2) Use
 variance required for two uses on a
 lot; 3) Site plan approval required;
 4) Any other variances the Board
 deems necessary.

The applicant, residing at 192 Pershing Road, Clifton, New Jersey, was present and sworn. There was one interested party, Jane F. Purdy, 6 Collura Lane, Clifton, New Jersey, an employee of Eng Scientific, Inc. of 82 Industrial East, Clifton, New Jersey.

Mr. Howe testified that he is seeking a use variance to use a space provided at 38 Industrial West for a pet day care, grooming, training, and boarding/kenneling facility; that the location is particularly suited for the proposed use; that the residents of the City of Clifton will have a place to bring their pets; that a use variance is also required since there will be two separate uses on the lot; that the current use of the premises is for an industrial warehouse; that the hours of operation will be from 7 A.M. to 7:30 P.M. seven days a week; that the maximum number of dogs at any one time would be 75 to 80 dogs; that there is a veterinarian available as needed; that the proposed use is less intense than a 24-hour use; that there will be approximately eight employees to care for 75 dogs; that there are nine parking spaces available; that he has reviewed the report of Neglia Engineering dated September 12, 2017, and will comply with all recommendations set forth in said report; that prior to coming before the Board, he did go before the Economic Development Committee of the City of Clifton who recommended that the proposed use is suited for the M-1 zone.

Jane F. Purdy of Henry Eng Enterprises stated that she was concerned about the amount of traffic that would be generated; that there are trucks all over the place; that she is concerned that the proposed use will be detrimental to the area.

Subsequently, the applicant stated that the proposed use is less intense than the use that existed at the site; that he is willing to have personal communication with any neighbors concerning any of their concerns.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application subject to compliance by the applicant with all requirements set forth in the report of Neglia Engineering dated September 12, 2017, and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Michael Molner, Louis De Stefano, Keith La Forgia, 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. LUEAY HAMDAN, 225 Luddington Avenue,
Variances Block 19.13, Lot 11 – RA3 – Variances
required for the following based on
addition and alterations to the existing
house: 1) Right side yard proposed at
5.52’ where 6’ is required; 2) Left side
yard proposed at 4.58’ where 6’ is
required; 3) Combined side yards
proposed at 10.1’ where 16’ is required;
4) Roof over front stoop proposed at
18.4’ where 21’ is required; 5) Application
was previously denied by the Zoning
Board, this application removes the variance
for a driveway not serving a garage
(garage to be put back as it was).

The applicant, residing at 174 Barkley Avenue, Clifton, New Jersey, was present and sworn. Also present and sworn was Nassir Almukhtar with offices at 1171 Madison Avenue, Paterson, New Jersey. There were no objectors.

Chrmn Zecchino stated that the subject application was previously denied by the Board and requested that the applicant show substantial changes in order to overcome the doctrine of *res judicata*.

Mr. Almukhtar stated that the garage will be returned as it was, thereby removing the variance for a driveway not serving a garage; that the roof of the front stoop porch has also been changed from the prior application.

After hearing the changes proposed, Comr George Foukas moved to hear the application since substantial changes have been shown to overcome the doctrine of *res judicata*. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Michael Molner, Louis De Stefano, Keith La Forgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the applicant continued to present its application.

Mr. Almukhtar stated that in addition to the garage being put back as it was, the applicant is seeking a variance for the roof over the front which is proposed at 18.4 feet where 21 feet is required; that the right yard setback requirement is 6 feet, and the applicant is proposing 5.52 feet; that the left side yard setback requirement is 6 feet, and the applicant is proposing 4.58 feet; that the combined side yards requirement is 16 feet, and the applicant is proposing 10.1 feet; that the applicant proposes to have four bedrooms and three and a half baths at the subject premises.

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 application. The motion was seconded by Comr Louis De Stefano. Voting in the affirmative were Comrs Michael Molner, Louis De Stefano, Keith La Forgia, 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.

4.	TYTEN 1 LLC, 53 Clifton Boulevard,
Use	Block 31.06, Lot 20 – M-2 –
Variance;	Preliminary and final site plan
Site Plan;	approval and use variance to permit
Variance	use of property for the storage and

servicing of school buses and a bulk variance to permit parking in the required side and rear yards' setback areas.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant was Edward Thomas of 24 Beckwith Avenue, Paterson, New Jersey; and Matthew Evans, an architect and planner, with offices at 470 Chamberlain Avenue, Paterson, New Jersey. There were a number of objectors: Vito DeRobertis, 61 Clifton Blvd., Clifton; Terry McMan, 64 Clifton Blvd.; Carolyn De Robertis, 65 Clifton Blvd.; John Miksits, 29 2nd St., Clifton; and Pino Angioli, Jr., 53 Clifton Blvd. (names are typed as hand-written on sign-in sheet).

Mr. Carlet stated that a use variance is required to permit the applicant to occupy the site with a bus and van storage and repair facility; that the use is not a permitted use in the zone; that bulk variances are required for parking in the required side yard and rear yard setback areas; that the proposed use is an inherently beneficial use; that school buses are necessary to transport children to their schools; that the buses must be stored somewhere, and the proposed location is well-suited for such use; that the property is presently occupied by Penske Truck Rental which has rental trucks coming in and out all day long; that the bulk variances which are required are side yard setback; that there is 25 feet between the property line and the 25-foot access easement on the abutting property; that the only use that will be the maneuvering for the parking of employee vehicles between the building and the access area and the ingress and egress of the buses; that a rear yard setback variance is required for parking of vehicles up to the rear property line which abuts another industrial user; that the proposed use will not have any adverse effect whatsoever on the neighborhood.

Edward Thomas testified that he is the owner of Trans El Business Company; that he presently maintains a lot in Paterson, New Jersey; that the hours of operation generally are from 6:30 A.M. to 9 A.M. and 1:30 P.M. to 3 P.M.; that the garage will be open for repairs from 6 A.M. to 5 P.M.; that the facility will house

46 full size buses and 9 vans; that there is space to park 8 buses inside the premises.

Marked into evidence as "A-1" is a site plan showing a flag lot with frontage along Clifton Boulevard to the northeast; that the existing shed within the property is to be removed and relocated; that there will be 11 employees at the site; that he has contracts with the Towns in Montclair, Passaic Valley, and Teterboro; that buses generally leave the site between the hours of 6:30 A.M. and 7 A.M.

Vito DeRobertis stated that he is concerned with cars parking in the right-of-way.

Terry McMan stated that he was concerned with access to the site over the area utilized as backup for trailers and inquired whether a traffic study was conducted.

Caroline DeRobertis expressed her concern about access to the site of the buses.

John Miksits stated that he is concerned with the parking of buses on the site.

Matthew Evans testified as an architect and planner and stated that the site is particularly suited for the proposed use; that he has reviewed the comments of Neglia Engineering Associates dated September 14, 2017, and the applicant will comply with all recommendations; that the proposed use is an inherently beneficial use; that there is adequate lighting on the site; that access to the site is 20 feet from the front property line and also 25 feet plus the access easement; that the present use of the premises is more intense than the proposed use; that the use of the premises is not a 24-hour operation and is restricted to the morning and afternoon delivery and pick-up hours.

Mr. DeRobertis stated that he is concerned that there are three other businesses there; that he is concerned that the use of the easement by the applicant will conflict with the other businesses. Mr. Evans responded that the

access should be coordinated with the other users; that the access is 25 feet and 24 feet is required by ordinance.

At this point in the hearing, Chrmn Mark Zecchino stated that the applicant should provide a copy of the access easement for review by the Board.

Thereupon, the matter was continued by the Board until the October 4, 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 Vice-Chrmn Gerard Scorziello, seconded by Comr Roy Noonburg, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SCHOLARS & LEADERS ACADEMY (K-12) a use variance to use the second floor of premises for a Kindergarten to Grade 12 school at 558/600 Getty Avenue, Block 9.04, Lot 22, was adopted. M-3 and PDO-2

2. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of VALTER KOTE for front yard setback and building coverage variances for an open front porch with a roof at 351 Mt. Prospect Avenue, Block 48.01, Lot 94, was adopted. RA2

3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of TARKAN KAYAR for variances for a 6-foot-high solid fence at 22 East 7th Street, Block 1.30, Lot 18, was adopted. RB1

4. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of YANIK FURMAN for rear yard setback, combined side yards, and lot coverage variances to construct a rear yard deck at 11 Combee Lane, Block 65.05, Lot 52, was adopted. RA3

5. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CLARIBEL REYES-GARCIA & FERNANDO GARCIA for rear yard setback variance for a rear deck at 106 Clifton Avenue, Block 3.11, Lot 16, was adopted. RB2

6. Upon motion made by Comr Roy Noonburg, seconded by Comr George Foukas, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LAWRENCE LA RAIA for right side yard setback, combined side yards, and lot coverage variances for two rear yard decks at 91 Viola Avenue, Block 20.16, Lot 5, was adopted. RB1

7. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Roy Noonburg, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of LEANBRO LORA (APPLICANT) FELICITA BRANCATO (OWNER) for a rear yard setback variance for a Gazebo at 92 East 3rd Street, Block 5.14, Lot 35, was adopted. RB1

8. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Roy Noonburg, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of BENTZION COHEN for a rear yard setback variance for a rear yard deck at 150 South Parkway, Block 60.04, Lot 2, was adopted. RA3

There being no further business before the Board, Comr Keith LaForgia 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 20, 2017.

R E S O L U T I O N

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C L I F T O N Z O N I N G B O A R D O F A D J U S T M E N T

WHEREAS, the Clifton Zoning Board of Adjustment is required by law to conduct an Annual Report which reviews its decisions on applications heard during the past year; and

WHEREAS, the Clifton Zoning Board of Adjustment did authorize Gregory Associates, LLC, Kathryn M. Gregory, PP, AICP, Principal Planner, City of Clifton, to prepare such report;

WHEREAS, Gregory Associates, LLC, Kathryn M. Gregory, PP, AICP, Principal Planner, did make her recommendations in Section 10.0 of the Annual Report for the calendar year 2016 which is attached hereto and made a part hereof; and

WHEREAS, the Clifton Zoning Board of Adjustment did review the Annual Report, and said Clifton Zoning Board of Adjustment concurs with the recommendations of Kathryn M. Gregory, PP, AICP, Principal Planner, City of Clifton, for zoning, ordinances, amendments, or revisions; and

NOW THEREFORE, BE IT RESOLVED that the Annual Report prepared by Gregory Associates, LLC, Kathryn M. Gregory, PP, AICP, Principal Planner, City of Clifton, be and the same are hereby adopted and that the report shall be forwarded to the Governing Body of the City of Clifton and Planning Board of the City of Clifton in accordance with N.J.S.A. 40:55D-70.1.

MOVED BY: COMR KEITH LA FORGIA.

SECONDED BY: COMR LOUIS DE STEFANO.

AFFIRMED BY: COMRS MICHAEL MOLNER, LOUIS DE STEFANO,
KEITH LA FORGIA, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN
GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

MEETING OF SEPTEMBER 20, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the
application of: DONALD OLSON
for premises known as: 25 Mayflower Street, Block 40.02, Lot 32
be and the same is hereby: GRANTED variance for a driveway expansion.

Testimony concerning the aforesaid application was taken by the Board at its
meeting on September 20, 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 to expand his driveway at premises located at 25 Mayflower Street, Block 40.02, Lot 32, 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 requests approval for a driveway expansion;
- b. The applicant proposes a driveway 0 feet from the left side yard where a minimum of 5 feet is required;
- c. The purpose of the expansion is to accommodate a ramp for a handicap individual;
- 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 proposed driveway expansion 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 driveway expansion will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a driveway expansion at premises located at 25 Mayflower Street, Block 40.02, Lot 32, 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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr GEORGE FOUKAS.

Affirmed by: Comrs Michael Molner, Louis De Stefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 20, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: **ROBERT HOWE**

for premises known as: **38 Industrial Road, Block 56.09, Lot 3**

be and the same is hereby: **GRANTED** use variance for a dog day care and kennel within the M-1 zone and use variance for two uses on a lot.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 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 variances as aforesaid to operate a dog day care and kennel service at premises located at 38 Industrial Road, Block 56.09, Lot 3, which premises are located in an M-1 zone; and

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

- a. The applicant proposes to convert the existing industrial use to a pet day care;
- b. Use variances are required since the proposed use is not specifically permitted and there will be two uses on a lot;
- c. The current use of the premises is an industrial warehouse, and the proposed use is less intense than the existing use;
- d. That the surrounding area is an industrial park, and the proposed use will not have any detrimental effect on same;
- e. That the site is particularly suited for the proposed use and provides a

convenience for the residents of the City of Clifton;

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

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

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

WHEREAS, the Board further finds that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood since the site is an industrial park and the proposed use will not be detrimental to the other users;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid for a dog day care and kennel within an M-1 zone and two uses on a lot at premises located at 38 Industrial Road, Block 56.09, Lot 3, be and the same are hereby approved and the use variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and further subject to compliance

by the applicant with all requirements set forth in the Neglia Engineering Associates report dated September 12, 2017.

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 KEITH LA FORGIA.

Affirmed by: Comrs Michael Molner, Louis De Stefano, Keith LaForgia, George

Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 20, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LUEAY HAMDAN

for premises known as: 225 Luddington Avenue, Block 19.13, Lot 11

be and the same is hereby: GRANTED variances for right and left side yard setback, combined side yard setback, roof over front stoop, and garage to be put back as was previously there.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 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 alterations at premises located at 225 Luddington Avenue, Block 19.13, Lot 11, which premises are located in an RA3 zone; and

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

- a. There are substantial changes from the application which was previously denied by the Board;
- b. The applicant proposes to place the garage back where it previously existed;
- c. The right yard setback requirement is 6 feet, and the applicant is proposing 5.52 feet;
- d. The left side yard setback requirement is 6 feet, and the applicant is proposing 4.58 feet;
- e. The combined side yard setback requirement is 16 feet, and the applicant is proposing 10.1 feet;
- f. The roof over the front stoop is proposed at 18.4 feet where 21 feet is required;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- h. 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 alterations at premises located at 225 Luddington Avenue, Block 19.13, Lot 11, be and the same is hereby approved and the bulk variances as aforesaid be and the same are hereby granted subject to such further governmental approvals as may be required by law.

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

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED. NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr LOUIS DE STEFANO.

Affirmed by: Comrs Michael Molner, Louis De Stefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.