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, October 4, 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, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS DANIEL TRENK, KEITH LA FORGIA, STEPHEN CHRISTOPHER AND ROY NOONBURG.

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 20, 2017, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. **206 CLIFTON PARTNERS LLC,**

Use Variances; Variances	206 Delawanna Avenue, Block 60.14, Lots 13 and 33 – M-2 & M-3 – 1. Use variance under N.J.S.A. 40:55D-70d(1) to permit multi-family residential uses in the M-2 and M-3 zones whereas residential uses are not permitted in these zones and a use variance under N.J.S.A. 40:55D-70d(6) to permit a building height of 46.33 feet whereas only 40 feet is permitted; 2. Preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 to allow a four (4) story, eighty (80) unit apartment building consisting of sixty-six (66) one-bedroom apartment units and eight (8) two-bedroom apartment units with a total of 146 off-street parking spaces (as required by and conforming with the Residential Site Improvement Standards); 3. In addition, applicant seeks bulk/dimensional variances under N.J.S.A. 40:55D-70c for the following: (1) to permit a lot area of 4.3 acres for buildings 41 to 80 feet in height within the M-3 zone whereas a minimum of 5 acres is required; (2) to permit a lot width of 125.5 feet whereas a minimum of 250 feet is required; (3) to permit a monument sign to be installed fifteen (15) feet from the front property line and within the front yard setback, whereas signs are required to have a 30 foot front yard setback;

(4) to permit lighting levels in off-street parking areas to exceed 0.0 foot-candles at the property line;
(5) to allow LED lighting for exterior lighting fixtures instead of the required high pressure sodium lighting;
(6) to provide internal parking lot landscaping less than the required 20 square feet for each proposed parking space; and
(7) to provide trees of 2 inch to 2.5 inch caliper which is less than the minimum 4 inch to 4.5 inch caliper required.
The applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the applicant or the Board, and which may arise during the course of the hearing process. A public hearing on this application was held by the Zoning Board of Adjustment ("Board") on May 18, 2016. A resumed public hearing before the Board on this application to allow further consideration of a revised site plan depicting a realigned driveway.

Steven R. Tombalakian, Esq., with offices at 629 Parsippany Road, Parsippany, New Jersey, appeared on behalf of the applicant. Glenn S. Pantel, Esq., with offices at 600 Campus Drive, Florham Park, New Jersey, appeared on behalf of the objector, 6W BP Opportunity LLC ("Stro" – Driscoll); and Ira E. Weiner, Esq., with offices at 50 Chestnut Ridge Road, Montvale, New Jersey, appeared on behalf of MMSR Realty, LLC (Steve Rich), Delawanna Realty (Richard Jenny), and Glen Mills, Inc.

This is a continued hearing from the meetings of May 18, 2016, June 15, 2016, July 20, 2016, November 16, 2016, January 4, 2017, February 1, 2017, March 8, 2017, April 19, 2017, and June 7, 2017, and July 19, 2017.

Mr. Weiner presented Joseph Burgis of Burgis Associates, 25 Westwood Avenue, Westwood, New Jersey, to give testimony as the planner. Mr. Burgis testified as to his qualifications and stated that he reviewed the site plan prepared by the applicant, the Master Plan, and the ordinances of the City of Clifton; that the site in question is 4.3 acres and the applicant proposes to erect a four story 80-unit apartment dwelling.

Offered into evidence were the following exhibits:

"O-12" is an aerial view of the site;
"O-13" aerial view of the adjoining properties;
"O-14" photographs of the adjacent properties;
"O-15" aerial view of the site including access highways and railroad.

Mr. Burgis continued to testify that the noise regulations would have an adverse effect on the objector's premises; that the Master Plan designates the site for industrial use; that the number of units is excessive and exceeds the Master Plan density of eight units per acre; that the proposed residential development violates the intent and purpose of the Master Plan; that there is no set aside for low income housing proposed; that in reviewing the testimony given by the applicant's planner, he questions and contradicts the reasons given for the positive and negative criteria; that in his opinion, the grant of an approval will be detrimental to the owners of the industrial properties adjacent to the site; that the applicant's proposal does not provide for open space as required by the Master Plan; that the proposal is inconsistent with the Master Plan and Zone Ordinance; that with respect to the positive and negative criteria, the applicant's planner has failed to give testimony required by the Medici case which requires a reconciliation why the use is not permitted in the zone; that he is not in agreement with the applicant's planner's testimony concerning the reasons set forth in N.J.S.A. 40:55D-2 concerning the purposes of zoning; that with respect to the negative criteria, in addition to the negative impacts on the industrial owner, the proposal will create traffic issues; that the applicant is also seeking a height variance where 40 feet is permitted and the applicant is requesting 46.33 feet; that with respect to the bulk variances required, the applicant has shown no hardship to justify the grant of the variances requested; that in his opinion, the property may be utilized for its zoned uses; that the application should be denied.

Mr. Tombalakian had no cross-examination for Mr. Burgis.

At this point in the hearing, Chrmn Zecchino continued the matter until the November 1, 2017, meeting of the Board to provide for any objections from the public and summations by counsel.

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 by the Board to the November 1, 2017, meeting of the Board.

3. **CARLOS SUAREZ & NELY ALTAMIRANO**, 42 Paterson Avenue, Block 82.02, Lot 64 -- 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.

Use
Variance

The applicant requested that the matter be carried to the November 1, 2017, meeting since there were only five Commissioners present and the applicant is seeking a use variance and requests that an entire Board hear the matter.

4. **TYTEN 1 LLC**, 53 Clifton Boulevard, Block 31.06, Lot 20 – M-2 –

Use

Variance; Site Plan; Variance	Preliminary and final site plan approval and use variance to permit 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.

This matter was continued by the Board until the October 18, 2017, meeting at the request of the objectors to the application.

NEW HEARINGS

1. Variances	**AURELIJE ZOVKO**, 133 Robin Hood Road, Block 52.04, Lot 4 – RA1 – Variances required for an addition to the existing attached garage and rear left side addition: 1) Right side yard proposed at 7.8' where a minimum of 10' is required, extending an existing condition. 2) Combined side yards proposed at 18' where a minimum of 24' is required.

The applicant, Aurelije and Elizabeta Zovko, residing at 133 Robin Hood Road, Clifton, New Jersey, was present and sworn. There were no objectors.

Mrs. Zovko testified that variances are required for an addition to the existing attached garage and rear left side addition at the subject premises; that the right side yard setback requirement is 10 feet, and the applicant is proposing 7.8 feet;

that the combined side yard setback requirement is 24 feet, and the applicant is proposing 18 feet; that the purpose of the addition is to add one more car to the garage at the location.

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 variances requested. The motion was seconded by Comr Louis DeStefano. Voting for the motion were Comrs Michael Molner, Louis DeStefano, and Vice-Chrmn Gerard Scorziello. Voting against the motion were Comrs George Foukas and Chrmn Mark Zecchino. By a three to two vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

2. Variance

MARCIN FERENC, 38 Urma Avenue, Block 40.05, Lot 34 – RA3 – Applicant proposes to enclose and roof an open front porch. A variance is required for front yard setback, 15' proposed and 25' required.

Marcin and Joanna Ferenc, residing at 18 Urma Avenue, Clifton, New Jersey, were present and sworn. There were no objectors.

Marcin Ferenc testified that the applicant requests variance approval to enclose and add a roof to an open front porch at the subject premises; that the front yard setback requirement is 25 feet, and the applicant is proposing 15 feet.

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 requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Michael Molner, Louis

DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a five 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. Variances

JOSEPH M. PONTE, 38 Chatham Terrace, Block 63.01, Lot 58 – RA1 -- Variance required to build a front porch addition and expand driveway: 1) Front yard proposed at 30' where 35' is required; 2) Curb cut proposed at 18' where 12' is permitted.

The applicant, residing at 38 Chatham Terrace, Clifton, New Jersey, was present and sworn. There was one interested party, Cigia Gerges of 32 Chatham Terrace, Clifton, New Jersey.

Mr. Ponte stated that he requests variance approval to build a front porch addition and expand the driveway at the subject premises; that the front yard setback requirement is 35 feet, and he is proposing 30 feet; that the curb cut permitted is 12 feet, and he is requesting an expansion to 18 feet.

Cigia Gerges, the neighbor to the right of the applicant, stated that she objects to the air conditioner installed by the applicant facing the bedroom of her home. Mr. Ponte stated that he would erect shrubbery to block any noise complained of by the neighbor.

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 variance. The motion was seconded by Comr Michael Molner. Voting for the motion were Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a five 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. Variance

BRUCE SUFIAN, 55 Annabelle Avenue, a/k/a 79 Lorrie Lane, Block 71.04, Lot 24 – RA3 – Applicant proposes to build a second floor addition directly over the existing first floor. A variance is required for rear yard setback. 25' rear yard required and 17.9' provided.

Nicholas J. Palma, Esq., with offices at 1445 Broad Street, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was the contractor, Vincent Stanziale.

Mr. Palma stated that the applicant proposes to build a second floor addition directly over the existing first floor; that a variance is required for the rear yard setback; that the rear yard permitted is 25 feet, and the applicant is providing 17.9 feet.

Mr. Palma stated that the applicant could not be present and signed an Affidavit requesting Mr. Palma to appear on his behalf.

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 variance requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Michael Molner, Louis DeStefano, George Foukas Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a five 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.

5. **RC FITNESS LLC T/A CRUNCH FITNESS**
Use Variance — 895 Paulison Avenue, Block 20.06, Lot 1, 7, 8, 9 & 10 – B-C – Applicant proposes to operate a gym which requires a use variance for the use and for mixed use on the site.

At the request of the applicant's attorney, this matter was continued until the October 18, 2017, meeting due to the lack of a full Board to hear the matter which requests a use variance.

6. **DENIS BURTON**, 442 Clifton Avenue,
Use Variance; Variances — Block 12.02, Lot 20 – BA1 – Applicant proposes to use the existing structure as a two-family dwelling. Structure was previously used as a residential home, and was converted to office for a period of time, applicant has been unable to rent out the building as an office. No structural changes proposed. Variances required as follows: 1) 7500 sq. ft. lot area required and 6325 sq. ft. provided. 2) 50' lot width and 75' required. 3) 11.35' front yard setback and 25' required. 4) Left side yard is 10.2' and 12' required.

At the request of the applicant's attorney, this matter was continued until the October 18, 2017, meeting due to the lack of a full Board to hear the matter which requests a use variance.

7.		**UNITED AMERICAN MUSLIM**
Use	**ASSOCIATION INC.**, 492 Clifton	
Variance;	Avenue, Block 12.01, Lot 24	
Variances	-- B-C – 1) Conditional use variance required (lot and building do not meet conditional use requirements. 2) Use variance required for mixed use building (residential on second floor) accessory use 3) Bulk variances for existing conditions including a) parking within front yard setback; b) parking isles deficient; c) parking within rear yard setback; d) parking stalls deficient in size. 4) Such other variances as may be required.	

The applicant's notice was defective in that it did not adequately state what was requested, and therefore, the matter was continued to the October 18, 2017, meeting of the Board.

8.	**GARDEN STATE REALTY &**
Variances	**INVESTMENT INC.**, 139 Ackerman Avenue, Block 4.10, Lot 7 – RB3 – Bulk variances needed for minimum lot width, minimum side yard,

total side yards and lot coverage.

The applicant's notice was defective in that it did not adequately state what was requested, and therefore, the matter was continued to the October 18, 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 Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPROVING the Annual Report of Clifton Zoning Board of Adjustment for the calendar year 2016 prepared by Gregory Associates, LLC, was adopted.

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DONALD OLSON for variance for a driveway expansion at 25 Mayflower Street, Block 40.02, Lot 32, was adopted. RA2

3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ROBERT HOWE for use variance for a dog day care

and kennel within the M-1 zone and use variance for two uses on a lot at 38 Industrial Road, Block 56.09, Lot 3, was adopted. M-1

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LUEAY HAMDAN for 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 at 225 Luddington Avenue, Block19.13, Lot 11, was adopted. RA3

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Chrmn Zecchino stated that the Board is in receipt of a communication from Thomas P. DeVita, Esq., concerning a special meeting request for the application of the UPPER MONTCLAIR COUNTRY CLUB to be heard on November 29, 2017. The Board unanimously approved the scheduling of a special meeting, with the applicant incurring all expenses.

There being no further business before the Board, Comr Louis DeStefano moved to adjourn. The motion was seconded by Vice-Chrmn Gerard Scorziello with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF OCTOBER 4, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AURELIJE ZOVKO for premises known as: 133 Robin Hood Road, Block 52.04, Lot 4 be and the same is hereby: GRANTED variances for right side yard setback and combined side yards for an addition to the existing attached garage and rear left side addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 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 an addition to the existing attached garage and rear left side addition to premises located at 133 Robin Hood Road, Block 52.04, Lot 4, which premises are located in an RA1 zone; and

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

a. The applicant requests an addition to the existing attached garage and rear left side addition.

b. The right side yard setback minimum requirement is 10 feet, and the applicant is proposing 7.8 feet;

c. The combined side yard requirement is 24 feet, and the applicant is proposing 18 feet;

d. The applicant has shown sufficient hardship to justify the grant of the variances requested;

e. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposed additions 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 as aforesaid for an addition to the existing attached garage and rear left side addition at premises located at 133 Robin Hood Road, Block 52.04, Lot 4, be and the same is hereby approved and the variances for right side yard and combined side yards 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 DeStefano, and Vice-Chrmn Gerard Scorziello.

MEETING OF OCTOBER 4, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MARCIN FERENC
for premises known as: 38 Urma Avenue, Block 40.05, Lot 34
be and the same is hereby: GRANTED front yard setback variance to enclose and add a roof to an open front porch.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 2017. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to enclose and add a roof to an open front porch at premises located at 38 Urma Avenue, Block 40.05, Lot 34, 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 to enclose the front porch and add a roof to the porch;

b. The front yard setback requirement is 25 feet, and the applicant is proposing 15 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 front porch enclosure 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 front porch enclosure will be detrimental to the health, safety, and

general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to enclose and add a roof to an open front porch at premises located at 38 Urma Avenue, Block 40.05, Lot 34, be and the same is hereby approved and the front 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 GEORGE FOUKAS.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

Affirmed by: Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 4, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOSEPH M. PONTE
for premises known as: 38 Chatham Terrace, Block 63.01, Lot 58
be and the same is hereby: GRANTED front yard setback variance to expand a front porch and curb cut variance to expand driveway.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 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 erect a front porch addition and expand the driveway at premises located at 38 Chatham Terrace, Block 63.01, Lot 58, which premises are located in a RA1 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 build a front porch addition and expand his driveway at the subject premises;

b. The front yard setback requirement is 35 feet, and the applicant is proposing 30 feet;

c. The curb cut permitted is 12 feet, and the applicant is proposing 18 feet;

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 the interested party complained of noise from the air-conditioning system which is properly set back, and the applicant has agreed to add shrubbery to help promote the health, safety, and general welfare of the

neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to build a front porch addition and expand the driveway at premises located at 38 Chatham Terrace, Block 63.01, Lot 58, be and the same is hereby approved and the front yard setback variance and curb cut width variance be and the same are hereby granted subject to such further governmental approvals as may be required by law.

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

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

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr MICHAEL MOLNER.

Affirmed by: Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 4, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: BRUCE SUFIAN
for premises known as: 55 Annabelle Avenue a/k/a 79 Lorrie Lane,
Block 71.04, Lot 24
be and the same is hereby: GRANTED rear yard setback variance for a second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 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 through his attorney requests rear yard setback variance approval to build a second floor addition at premises located at 55 Annabelle Avenue, also known as 79 Lorrie Lane, Block 71.04, Lot 24, which premises are located in a RA3 zone; and

WHEREAS, the Board, after hearing the proposal from counsel for the applicant, has made the following factual findings:

a. The applicant proposes to build a second floor addition directly over the existing first floor;

b. A variance is required for the rear yard setback;

c. The rear yard setback requirement is 25 feet, and the applicant is proposing 17.9 feet;

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 second floor addition 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 second floor addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to build a second floor addition at premises located at 55 Annabelle Avenue, also known as 79 Lorrie Lane, Block 71.04, Lot 24, 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 LOUIS DE STEFANO.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

Affirmed by: Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.