

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, November 1, 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 Louis DeStefano, seconded by Comr George Foukas, the Minutes of the October 18, 2017, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. 206 CLIFTON PARTNERS LLC,
Use 206 Delawanna Avenue, Block 60.14,

Variances; Lots 13 and 33 – M-2 & M-3 – 1. Use

Variances variance under N.J.S.A. 40:55D-70d(1) to permit multi-family residential uses in the M-2 and M-3 zones whereas residential uses are not permitted in these zones and a use variance under N.J.S.A. 40:55D-70d(6) to permit a building height of 46.33 feet whereas only 40 feet is permitted; 2. Preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 to allow a four (4) story, eighty (80) unit apartment building consisting of sixty-six (66) one-bedroom apartment units and eight (8) two-bedroom apartment units with a total of 146 off-street parking spaces (as required by and conforming with the Residential Site Improvement Standards); 3. In addition, applicant seeks bulk/dimensional variances under N.J.S.A. 40:55D-70c for the following:

(1) to permit a lot area of 4.3 acres for buildings 41 to 80 feet in height within the M-3 zone whereas a minimum of 5 acres is required;

(2) to permit a lot width of 125.5 feet whereas a minimum of 250 feet is required;

(3) to permit a monument sign to be installed fifteen (15) feet from the front property line and within the front yard setback, whereas signs are required to have a 30 foot front yard setback;

(4) to permit lighting levels in off-street

parking areas to exceed 0.0 foot-candles at the property line;

(5) to allow LED lighting for exterior lighting fixtures instead of the required high pressure sodium lighting;

(6) to provide internal parking lot landscaping less than the required 20 square feet for each proposed parking space; and

(7) to provide trees of 2 inch to 2.5 inch caliper which is less than the minimum 4 inch to 4.5 inch caliper required.

The applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the applicant or the Board, and which may arise during the course of the hearing process. A public hearing on this application was held by the Zoning Board of Adjustment ("Board") on May 18, 2016. A resumed public hearing before the Board on this application to allow further consideration of a revised site plan depicting a realigned driveway.

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

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

Present and sworn on behalf of the objectors was Steve Millifin of 40 Norton Avenue, Ridgewood, New Jersey.

Mr. Millifin testified that he is a real estate investor and part of the Limited Liability Company 6W BP Opportunity, LLC that owns the premises adjacent to the applicant; that there would a significant loss in value if the application was approved; that there is a potential loss of approximately \$15 Million Dollars; that there will be a loss of \$300,000 in taxes; that the subject premises is a Class A warehouse industrial facility; that the site was built in 2001 and is an attractive facility for the right tenant; that potential tenants have indicated an interest in the premises on condition that there are no residential adjacent to the site; that any tenant would not want a residential neighbor; that this is a huge impediment.

Mr. Tombalakian cross-examined and challenged the opinion of Mr. Millifin concerning the relationship of residential to the proximity of a warehouse.

In summation, Glenn Pantel, Esq., on behalf of 6W BP Opportunity, LLC ("Stro") stated that he prepared a memorandum dated October 23, 2017, setting forth his client's position concerning the opposition to the application of 206 Clifton Partners LLC for use variances, bulk variances, and site plan approval at 206 Delawanna Avenue, Block 60.14, Lots 13 and 33; that the applicant has failed to meet the burden of proof for the grant of a use variance; that there are no special reasons for the grant; that the enhanced quality of proof standard has not been satisfied; that the applicant has failed to satisfy the positive and negative criteria required for the grant of a use variance; that the objectors' testimony has rebutted all the claims made by applicant's experts; that there was unrebutted testimony from Stro's noise impact expert; that the applicant has failed to sustain the burden of proof; that all the arguments set forth in the memorandum dated October 23, 2017, are incorporated herein by reference and made a part hereof.

In summation, Ira Weiner, Esq., who represents MMSR Real Estate, LLC (SREC), Delawanna Realty Co./Richard Jenny (Alpha), and Delawanna 220 Clifton, LLC (Glen Mills) stated that he prepared a written summation of the objections raised by his clients dated October 23, 2017, which is incorporated herein by reference and made a part hereof; that the proposal made by the applicant does not fit and will not be integrated with the surrounding uses in the zone; that the proposed use is not harmonious with an industrial zone; that the applicant has failed to satisfy the positive and negative criteria required for the grant of a use variance; that all the testimony presented by the objectors' experts contradict the testimony presented by the applicant's experts; that the site is not suitable for the proposed residential use; that noise created by the objectors' three businesses presently have no limits on the noise that may be generated regarding other surrounding industrial properties but will have a significant, severe, and substantial impact on all the objectors' businesses; that the noise standards for residential use will negatively effect all neighboring industrial sites which operate under property regulation but will be required to comply with more stringent regulations; that there will be substantial impairment of the zone plan and zone ordinance; that the applicant has failed to satisfy the proofs required for an enhanced quality as set forth in the Medici case; that the proposed multi-family residential use will have a substantial negative impact to the zone ordinance.

Mary Sadrakula of Dwasline Road, Clifton, New Jersey, testified that she is opposed to the application; that there will be substantial noise and there is also a railroad track which is not conducive for a residential use; that the residents of the proposed multi-family dwelling would complain about the noise generated from the industrial users who are permitted in the zone; that the proposal threatens the health, safety, and general welfare of the neighborhood.

In summation, Steven Tombalakian, Esq. stated that he prepared a written memorandum dated October 20, 2017, which is incorporated herein by reference and made a part hereof setting forth the applicant's proofs to justify the approval of the application; he stated that the relevant testimony of the experts presented by the applicant were reviewed; that response rebuttal was made by the objections by the applicants' experts; that based upon the applicant's proofs, the Board should find that

the applicant has satisfied the positive and negative criteria required for the grant of a use variance; that the proposal will advance some of the purposes set forth in N.J.S.A. 40:55D-2(a), (b), (g), (h), (i), and (n); that the use does promote the general welfare; that the applicant has proved that the proposed use will not be detrimental to the public good; that the applicant satisfies the statutory criteria for the grant of the use variance and site plan approval.

After a review of all the testimony, the argument of counsel, and the written summations, Comr Roy Noonburg moved to deny the application, citing the fact that residential use is not permitted in the zone; that the noise is a contributing factor and will be detrimental to the existing permitted uses in the zone; that there are problems with the easements; that the height of the structure is too tall. Comr Noonburg further instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Foukas who stated that the proposed residential structure will be erected in a narrow space and conflicts with the permitted industrial users; that there is no Master Plan reconciliation; that the noise testimony leads to the conclusion that the permitted users in the M-2 zone will be adversely affected. Voting for denial were Comrs Michael Molner who stated that the size, the density, and incompatibility of the residential use in an industrial zone are significant factors; Comr Louis DeStefano who stated that there were noise issues, traffic issues, the location is not suitable for the proposed residential use, and that the sound expert's testimony was not rebutted by the applicant; Comr Stephen Christopher who stated that the site is not suitable for the proposed use, a residential use is not compatible with the other uses in the zone and will impair the intent and purpose of the master plan and the zone ordinance, and that the noise issue will be detrimental to existing industrial users who are in compliance with the present noise standards.

Vice-Chrmn Gerard Scorziello voted against the motion to deny, indicating that there are many sites in the City of Clifton where residential abuts industrial properties, he cited Brighton Road and Delawanna Avenue, that residential next to industry works in the City of Clifton, that the objectors only complaint is financial, that the interests of the City of Clifton are to develop the site for a new residential building which will attract young professionals, that industry is not coming back to Clifton, and the proposed residential use is the best use for the property.

Chrmn Mark Zecchino stated that he is voting for denial because of the noise issue, that the residential use is not compatible with the industrial use. that the proposal is not fair to the objectors who presently are in compliance with the zone ordinance, that the applicant has failed to sustain the burden of proof required for the grant of a use variance.

There were six affirmative votes, one negative vote, the motion carried, and the application was denied in the form as more fully appears at the end of these Minutes.

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

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.

Lawrence A. Calli, Esq., with offices at 3 Briarcliff Terrace, Kinnelon, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant was Marc C. Walker of Dykstra Walker Design Group, 21 Bowling Green Parkway, Lake Hopatcong, New Jersey.

Present were the following objectors, some of whom were sworn to give testimony: Richard Leonardis; Bernard Fevrier, 10 Austin Pl., Clifton, NJ; Steven Kattwinkel, 3 Essex St., Clifton, NJ; Robin Speer, 19 Princeton St., Clifton, NJ; Gladys Shefchik, 38 Hall St., Clifton, NJ; Olga Alexis Regal, 122 Princeton St., Nutley; Olga Regal, 122 Princeton St., Nutley; Alex Kattwinkel, 3 Essex St., Clifton, NJ; Jeffrey Vallo, 43 Princeton St., Clifton, NJ; Tanya Poliakova, Sunflower Spa, 684 Passaic Ave., Nutley; Laura Varvaro, 44 Hall St., Clifton; Russell Burgess, 9

Clay St., Clifton; Judith Burgess, 9 Clay St., Clifton; Scott Burgess, 9 Clay St., Clifton; Angela Marinaro, 23 Paterson Ave., Clifton; Phyllis Sibello, 80 Princeton St., Clifton; Eileen Vernaleken, 40 Hall St.; George Metzger, 54 Hall St.; Ralph Savastano, 695 Passaic Ave., Nutley; Danny Zhang, 658-664 Passaic Ave., Nutley; Pam Leonardis, 10 Main Avenue, Clifton; Dial Wheler, 67 Princeton St., Clifton; Robn Wheler, 67 Princtn St., Clifton. (The objector's names and addresses are typed as hand-written.)

This is a continued hearing from the meetings of May 17, 2017, and July 19, 2017.

Mary Sadrakula of Dwasline Road, Clifton, New Jersey, stated that she objects to the notice served by the applicant; that the notice does not indicate that a parking variance is required; that the application should be dismissed because the Board lacks jurisdiction. Mr. Cali stated that the "D" variance requested by the applicant consumes all bulk variances.

Counsel Pogorelec ruled that the objection made to notice should have been made prior to the first hearing which was held on May 17, 2017; that there was also another hearing on July 19, 2017; that the notice does indicate at the bottom that "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." Counsel Pogorelec advised the applicant that his client may be at risk in the event that there is an approval of the application and a Court may find that there was inadequate notice. Mr. Cali stated that he was willing to proceed with that admonition.

Mr. Cali had marked into evidence a site layout prepared by the Marc G. Walker, P.E., as "A-3." Mr. Walker testified to changes made to the plan, indicating that 35 parking spaces are required and 17 parking spaces are provided; that there is a change in the ingress and egress; that the maximum impervious coverage variance is also eliminated.

There were questions raised by objectors Bernard Fevrier, Jeffrey Vallo, Frank Fusco, Richard Leonardis, Mary Sadrakula, Olga Regal, Gladys Shefchik, Tanya

Poliakova, and Danny Zhang over traffic, lack of parking, the location of the proposal next to the day care facility center, and concerns about overflow of traffic.

Ms. Poliakova had marked for identification “O-2” a communication to the City of Clifton outlining the objections to the application. Mr. Cali objected, stating that he does not have the right to cross-examine all those individuals who support what is written in the communication. Counsel Pogorelec indicated that the matter has been marked for identification and is not in evidence.

Chrmn Zecchino indicated that the Board would request an updated Police Report concerning a review of the revised site plan.

At this point in the hearing, the matter was continued to the December 6, 2017, meeting of the Board.

3.	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.

Chrmn Zecchino read into the record a communication received from the applicant’s attorney requesting an adjournment. There was a representative from the law firm requesting the adjournment. Chrmn Zecchino noted that the matter

has been on for hearing several times and stated that the Board would allow the request for an adjournment and set the matter for hearing on January 3, 2018, at which time the matter will proceed or be dismissed without prejudice.

4.

UNITED AMERICAN MUSLIM ASSOCIATION INC., 492 Clifton Avenue, Block 12.01, Lot 24

-- B-C – Applicant seeks to eliminate one apartment and create a study area for cultural and enrichment programs for young students:

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.

This matter was previously continued by the Board to the November 15, 2017, meeting of the Board.

5.

E CUBE 240 LLC & AMERICAN ANALYTICAL ASSOCIATION, LLC,

247/245 Parker Avenue, Block 4.16,

Lot 33/31 – PD-1 – Applicant proposes to renovate and build additions to the existing applicant store and Bank building to create a four story mixed use property. Applicant also proposes to

merge lots 31 and 33. Building will consist of 3 retail stores on the first floor and 29 apartments. The following variances are required:

- 1) Use variances required for mixed use and residential in a PD-1 Zone.
- 2) Rear yard setback proposed at 0' where 10' is required.
- 3) Lot coverage proposed at 100% where 90 is permitted.
- 4) Building height proposed at 40'7" where 30' is permitted.
- 5) 4 stories proposed where 2 stories are permitted.
- 6) Such other variances as may be required.

This matter was previously continued by the Board to the December 6, 2017, meeting of the Board.

NEW HEARINGS

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| 1.
Variance | EDGAR Y. RUIZ & ROSA VALENTIN-RUIZ,
342 Union Avenue, Block 19.16, Lot 33
-- RA3 – Applicant proposes to expand the driveway. Variance required for driveway to be set back 1'0" from right side lot line where 5'0" is required. |
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Edgar Ruiz of 342 Union Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to expand the driveway to be set back 1 foot from the right side lot line where 5 feet is required; that the purpose of widening the driveway to 1 foot from the right side is so that the

applicant can open the doors of his car since there are retaining walls on both sides of the driveway.

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 for the variance. The motion was seconded by Comr Daniel Trenk. 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 this decision is based.

2. **SCOTT BARRETT, 32 Peru Road, Block 55.13,**
Variances Lot 17 – RA3 – Applicant proposes a rear, second floor dormer. The following variances are required:
- 1) Right side yard proposed at 4.73' and left side yard proposed at 4.83' where a minimum of 6' each is required.
 - 2) Combined side yards proposed at 9.59' where 16' is required.
 - 3) Existing, nonconforming lot width and area.

Scott Barrett, residing at 32 Peru Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that the proposal is the same application that was previously approved on April 1, 2015 by the Board; however, no action was taken; however, that the proposal is for a rear, second floor dormer; that variances are required for the right side yard setback proposed at 4.73 feet and the left side yard setback proposed at 4.83 where a minimum of 6 feet on each side yard is

required; that the combined side yard requirement is 16 feet, and the applicant is proposing 9.59 feet; that the structure has an existing, non-conforming lot width and area.

After a review of the testimony, Comr Roy Noonburg moved to grant the application, citing the fact that the Board previously had approved this application, and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

3. **MANOJ DESAI**, 407 Mt. Prospect Avenue,
Variances Block 55.05, Lot 77 – RA2 – Applicant
proposes to construct an addition to the
rear right side of the home. The following
variances are required:
- 1) Right side yard proposed at 4.83’ where
6’ is required.
 - 2) Combined side yards proposed at 9.82’
where 16’ is required.

The applicant, residing at 407 Mt. Prospect Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to construct an addition to the right side of the structure; that the right side yard setback requirement is 6 feet, and he is proposing 4.83 feet; that the combined side yard

setback requirement is 16 feet, and he is proposing 9.82 feet; that the purpose of the addition is for a master bedroom and bathroom.

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. 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 this decision is based.

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| 4. | 299 ROUTE 3 EAST, LLC, 299 Route 3 East, |
| Use | Block 83.01, Lot 2.01 – M-3 or P-MU option – |
| Variance | A use variance to permit two (2) principal
uses on the same lot being the existing gas
station and conversion of the existing
automobile service building into a coffee shop. |

This matter was continued by the Board due to a defective notice to the November 15, 2017, meeting of the Board.

RESOLUTIONS

Chrmn Zecchino announced that the next order of business is the adoption of the Resolutions set forth on the Agenda.

1. Upon motion made by Comr Louis DeStefano, 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 DISMISSING WITHOUT PREJUDICE the application of TYTEN 1 LLC to permit use of the property for the storage and servicing of school buses at 53 Clifton Avenue, Block 31.06, Lot 20, was adopted. M-2

2. 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 RC FITNESS LLC T/A CRUNCH FITNESS for use variance approval to operate a gym on a portion of the existing building and for mixed use on the site at 895 Paulison Avenue, Block 20.06, Lot 1, 7, 8, 9, and 10, was adopted. B-C

3. 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 DENIZ BURTON for use variance and bulk variances for lot area, lot width, front yard setback, and left side yard setback to convert an office to a two-family dwelling at 442 Clifton Avenue, Block 12.02, Lot 20, was adopted. BA1

4. Upon motion made by Comr George Foukas, 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 GARDEN STATE REALTY & INVESTMENT INC. for bulk variances for pre-existing side yard setback and lot coverage to convert an office use on the first floor to three residential apartments at 139 Ackerman Avenue, Block 4.10, Lot 7, was adopted. RB3

5. Upon motion made by Vice-Chrmn Gerard Scorziello, 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 RAFAEL CUELLAR for variance for a driveway in front of a home not serving a garage 50 feet in width at 358 Grove Street, Block 39.04, Lot 16, was adopted. RA1

6. 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 APPOINTING LOUIS R. SLABY, PE, PP of Slaby Engineering Associates, Inc., as engineer for the Clifton Zoning Board of Adjustment for the application of UPPER MONTCLAIR COUNTRY CLUB, 177 Hepburn Road, Block 77.01, Lot 1, was adopted.

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Chrmn Mark Zecchino stated that the Board has received notices from both attorneys indicating no objection to Louis Slaby, P.E., acting as the engineer for the application of YESHIVA KTANA OF PASSAIC, INC., 288, 292, 296, 300 & 304 South Parkway, Block 59.01, Lots 8, 11, 13, 15, and 17; that Neglia Engineering has recused itself from reviewing the application; that the Board proposes that Louis Slaby, a professional engineer, be designated to review the application and a Resolution appointing him be submitted accordingly. Thereupon, Comr Stephen Christopher moved to engage the services of Louis Slaby for this application. The motion was seconded by Comr Louis DeStefano with the unanimous approval of the entire Board. Thereupon, Louis Slaby was designated as the consulting engineer for the YESHIVA KTANA OF PASSAIC, INC. project.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF NOVEMBER 1, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: 206 CLIFTON PARTNERS LLC

for premises known as: 206 Delawanna Avenue,
Block 60.14, Lots 13 and 33

be and the same is hereby: DENIED D(1) use variance for use not permitted in zone, D(6) height variance, and preliminary and final site plan approval for a 4-story 80-unit multi-family residential apartment building and bulk variances for lot area; lot width; monument sign in front yard setback; permit lighting levels in off-street parking areas; allow LED lighting for exterior lighting fixtures; provide internal parking lot landscaping less than required; and provide trees of a caliper which is less than minimum required.

Testimony concerning the aforesaid application was taken by the Board at its meetings on May 18, 2016; June 15, 2016; July 20, 2016; November 16, 2016; January 4, 2017; February 1, 2017; March 8, 2017; April 19, 2017; June 7, 2017; July 19, 2017; October 4, 2017, and November 1, 2017. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Roy Noonburg moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variances, site plan, and bulk variance approvals as aforesaid to permit a multi-family residential apartment building consisting of 4-stories with 80 units at premises located at 206 Delawanna Avenue, Block 60.14, Lots 13 and 33, which premises are located in an M-2 and M-3 Industrial zones; and

WHEREAS, the Board heard testimony from the following expert witnesses on behalf of the applicant:

1. CHARLES THOMAS, P.E. – Site Engineer, who testified regarding the existing site and the proposed site improvements; site circulation; on-site parking; landscaped features; LED lighting in lieu of high pressure sodium lighting; and impervious

coverage.

2. DAVID J. MINNO, R.A. – Architect, who testified regarding the building design and related amenities—such as, a gym and outdoor patio area;

3. LEE R. KLEIN, P.E. – Traffic Engineer, who testified regarding the parking scheme; ingress and egress; off-tract impacts; acceptable levels of service; and adequate site distance was available as shown on the plans.

4. DAVID KARLEBACH, P.P. – Planner, who testified as to the positive and negative criteria; that the project satisfies Purposes A, B, G, H, N, I, and E of the Municipal Land Use Law N.J.S.A. 40:55D-2; that the negative criteria was satisfied and that relief can be granted without substantial detriment to the public good; that the application promotes the goals and objectives of the Master Plan; that with respect to the height variance, the purpose is to add to the building's aesthetics; and

WHEREAS, the Board heard testimony from the following expert witnesses on behalf of the objector, 6W BP Opportunity, LLC (“Stro”):

5. HAL SIMOFF, P.E. – Traffic Engineer, who testified as to insufficient sight distances; inadequate driveway offset; and that the site was particularly unsuitable and was a substantial detriment to the public good.

6. A. BROOK CROSSAN, PhD., P.E. – Noise Impact Expert, who testified that there would be clear violations of State Noise Control Regulations (N.J.A.C. 7:29-1.1 *et*

seq.) would result from introducing the applicant's proposed residential use adjacent to Stro's existing commercial use; that the site is not particularly suitable for the proposed use; that the anticipated noise violations would seriously impact the use of the operations of the objector's tenants.

7. JON BRODY, C.R.E. – Counselor of Real Estate, Property Appraiser Expert, who testified that the site was a substantial detriment to the public good; that due to the anticipated noise violations established by Mr. Crossan, the clear prospect of residential complaints resulting therefrom, and the market's disfavoring industrial sites adjacent to residential uses, the value of Stro's property would be significantly reduced since the enhanced noise regulations would, at the very least, dramatically impact the objector's adjacent cold storage and distribution center operations.

8. JENNIFER BEAHM, P.P., A.I.C.P. – Planner, who testified that grant of the use variance would be contrary to the City's 2008 Master Plan Re-examination Report; that the grant of the use variance would be contrary to the purposes of the Zoning Ordinance Section 461-14 which requires industrial uses to have a 40 foot buffer from residential developments; that there is inadequate sight distances which will result in unsafe access impeding the free flow of traffic; that increased density is in direct violation of the 2008 Master Plan Re-examination Report which recommends 8 units per acre and the applicant is proposing 18.6 units per acre; that the applicant has failed to satisfy the positive and negative criteria and the site is particularly unsuited for the proposed residential use; and

WHEREAS, the Board heard testimony from the following expert witnesses on behalf of the objectors, MMSR Real Estate, LLC (SREC), Delawanna Realty Co./Richard Jenny (Alpha), and Delawanna 220 Clifton, LLC (Glen Mills):

9. JOSEPH BURGIS, P.P., A.I.C.P. – Planner, who gave testimony challenging the accuracy of the testimony presented by David Karlebach, P.P., for the applicant; that the applicant has failed to satisfy the positive and negative criteria required for the grant of a use variance; that the applicant's planner failed to give testimony concerning the enhanced quality of proof that a use variance applicant is required to show why the proposed use is not permitted in the zone and why the Governing Body did not permit the use in the zone; and

WHEREAS, the applicant was represented by Steven R. Tombalakian, Esq., of the firm of Weiner Law Group LLP; the objector 6W BP Opportunity, LLC (“Stro”) was represented by Glenn S. Pantel, Esq., of the firm of Drinker Biddle & Reath LLP; and the objectors MMSR Real Estate, LLC (SREC), Delawanna Realty Co./Richard Jenny (Alpha), and Delawanna 220 Clifton, LLC (Glen Mills) were represented by Ira E. Weiner, Esq., of the firm of Beattie Padovano LLC; and

WHEREAS, reports were received from Neglia Engineering Associates dated May 5, 2016, revised June 8, 2016, revised July 14, 2016, revised November 14, 2016; Gregory Associates LLC dated May 17, 2016; and City of Clifton Fire Department dated May 6, 2016, June 10, 2016, and July 13, 2016; and

WHEREAS, the Board received into evidence on behalf of the applicant and the objectors the following exhibits:

LIST OF EXHIBITS

EXHIBIT DESIGNATION	Applicant/Objector	Description
A-1	A	Aerial of the existing conditions
A-2	A	Site plan rendering
A-3	A	Lighting colored template
A-4	A	Colored elevations (west site elevations)
A-5	A	Colored elevations (east side elevations)
A-6	A	Colored elevations (north and south)
A-7	A	Aerial and ground photographs
AX-1	A	Wayne Planning Board Minutes Dated January 12 th , 2015
AX-2	A	Excerpt from Driscoll Foods Site Plan before the Wayne Planning Board
AX-4	A	North Jersey.Com Article

AX-5	A	Reported Opinion by the New Jersey Appellate Division, <u>Board of Ed versus Zoning Board</u> , New Jersey Superior Court Reporter, 409 N.J. Super.
O-1	O	Site distance study and shows two photographs depicting Delawanna Avenue looking west at one of the proposed driveway locations and Delawanna Avenue looking east at another proposed driveway on Delawanna Avenue
O-2	O	Resume of Brook Crossan
O-3	O	Figure 1, 174 Delawanna Avenue and adjacent properties
O-4	O	Figure 2, Noise Monitoring Locations
O-5	O	Table, Driscoll Foods Receptors
O-6	O	Figure 4, Noise Sources in Relation to proposed Apartments
O-7	O	Driscoll Foods, Site 1, Instantaneous Sound Levels
O-8	O	Driscoll Foods, Site 1, Instantaneous Sound Levels
O-9	O	File Memorandum of Mr. Brody
O-10	O	Resolution dated June 19, 2013, permitting outdoor

		storage of construction equipment for MMSR Realty
O-11	O	Letter of Mr. Patel
O-12	O	Aerial view of the site
O-13	O	Aerial view of the adjoining properties
O-14	O	Photographs of the adjacent properties
O-15	O	Aerial view of the site including access highways and railroad
R-1	O	Resolution for 222 Delawanna Avenue dated June 19 th , 2013

and

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

- a. The applicant has submitted an application for a D(1) use variance; a D(6) height variance; “C” variances; and site plan approval to construct a 4-story, 80-unit multi-family residential building with 146 parking spaces;
- b. Based upon the testimony of the objectors’ planners, Jennifer Beahm and Joseph Burgis, the applicant has failed to satisfy the positive and negative criteria required for the grant of a use variance;
- c. The applicant’s planner never addressed nor gave testimony to satisfy the enhanced quality of proof required by Medici where the applicant must reconcile why the proposed use is not permitted in the zone and that the proposed use would be consistent with the intent of the Master Plan;

d. The increase in density from 8 units per acre to 18.6 units per acre violates the 2003 Master Plan and 2008 Re-Examination Report and is inconsistent with the Land Use Goals and Land Use Objectives set forth in these documents;

e. Based upon the testimony of objector's traffic expert, there is insufficient sight distance as required by the American Association of State Highway and Transportation Officials (AASHTO) and that the driveway offset from the New Jersey Transit driveway and the applicant's driveway is 90 feet, failing to comply with RSIS: N.J.A.C. 5:21-4.19(b)(2);

f. Based upon the objector's noise expert testimony, the objector would be unfairly subject to the State noise control regulations which will seriously impact their operations and result in substantial penalties and a potential shut down of critical warehouse operations;

g. Based upon the testimony of objector's expert appraiser, the anticipated noise violations and the location of a residential use adjacent to a warehouse use will dramatically reduce the value of the objector's property and will be a detrimental effect on the permitted operations in the M-2 and M-3 zone;

h. The Board accepts the testimony of objectors' planners Beahm and Burgis who concluded in their testimony that the proposed development does not further the purposes of the Municipal Land Use Law as testified to by the applicant's planner Karlebach and are incompatible and inconsistent with many of them;

i. The site is unsuitable for the proposed residential use since the Governing Body of the City of Clifton did not intend for a multi-family use to be in the existing zone;

j. The applicant has failed to present any rebuttal testimony to the objector's

appraiser, the objector's traffic expert, the objector's noise expert, and the objectors' planning experts;

k. The testimony presented by the noise expert demonstrates the problems related to having a permitted use function effectively with a residential use which is not permitted in the zone. This makes the site unsuitable for the proposed residential development and creates a substantial detriment to the public good;

l. With regard to the bulk variances requested, the applicant has shown no hardship to justify variances for lot area, lot width, and sign setback;

m. The detriments of the residential application to the permitted industrial users outweighs the benefits, if any based upon all of the testimony presented by the objectors' expert testimony; and

WHEREAS, the Board finds from the testimony presented that the proposed residential use will not be in accord with the intent and purpose of the Master Plan and the Zone Ordinance since residential uses have been omitted by the Governing Body in the M-2 and M-3 zone; and

WHEREAS, the Board further finds that the testimony of the objector's traffic expert that there are unsafe sight distances and unsafe offsets as required by AASHTO and RSIS will not promote the health, safety, and general welfare of the neighborhood and that there will be a substantial detriment to the public good; that the objectors will be subjected to complaints from individual tenants on a regular basis because of noise and this will cause disruption of the objector's operations which are permitted in the zone, all of which will not promote the health, safety, and general welfare of the area;

NOW THEREFORE, BE IT RESOLVED that the application to construct a 4-story, 80-unit multi-family residential apartment building at premises located at 206 Delawanna Avenue, Block 60.14, Lots 13 and 33, be and the same is hereby disapproved and the use variances, site plan approval, and bulk variances as aforesaid be and the same are hereby denied.

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr GEORGE FOUKAS

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

MEETING OF NOVEMBER 1, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: EDGAR Y. RUIZ & ROSA VALENTIN-RUIZ for premises known as: 342 Union Avenue, Block 19.16, Lot 33 be and the same is hereby: GRANTED variance to expand driveway 1 foot from the right side lot line.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 1, 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 to expand the driveway at premises located at 342 Union Avenue, Block 19.16, Lot 33, which premises are located in an RA3 zone; and

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

- a. The applicant requests approval to expand his driveway at the subject premises 1 foot from the right side lot line where 5 feet is required;
- b. The purpose of the expansion is to permit opening and closing of the doors to his vehicles;
- 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 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 driveway expansion will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to expand the driveway at premises located at 342 Union Avenue, Block 19.16, Lot 33, 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 ROY NOONBURG.

Seconded by: Comr DANIEL TRENK.

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

MEETING OF NOVEMBER 1, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SCOTT BARRETT
for premises known as: 32 Peru Road, Block 55.13, Lot 17
be and the same is hereby: GRANTED right and left side yard setback approval, combined side yards for a rear, second floor dormer.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 1, 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 a rear, second floor dormer at premises located at 32 Peru Road, Block 55.13, Lot 17, 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 within application is the same application which was previously approved by the Board on April 1, 2015; however, the applicant failed to take any action on said approval;
- b. The proposal was for a rear, second floor dormer;
- c. The side yard requirement for each side is 6 feet, and the applicant is proposing 4.73 feet on the right and 4.83 feet on the left side yard;
- d. The combined side yard setback requirement is 16 feet, and the applicant is proposing 9.59 feet;
- 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 proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of

the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a rear, second floor dormer at premises located at 32 Peru Road, Block 55.13, Lot 17, be and the same is hereby approved and the variances for right side yard setback, left side yard setback, and combined side yard setbacks 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 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 NOVEMBER 1, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MANOJ DESAI
for premises known as: 407 Mt. Prospect Avenue, Block 55.05, Lot 77
be and the same is hereby: GRANTED right side yard setback and combined side yard setback variances for a rear right side addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 1, 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 an addition to the right side of the premises located at 407 Mt. Prospect Avenue, Block 55.05, Lot 77, 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 to construct an addition to the right side of the subject premises;
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 4.83 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 9.82 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 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 construct an addition to the right side of the premises located at 407 Mt. Prospect Avenue, Block 55.05, Lot 77, be and the same is hereby approved and the right side yard and combined side yard setback variances be and the same are hereby granted subject to such further governmental approvals as may be required by law subject to Passaic County Planning Board approval, 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 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 NOVEMBER 1, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the
application of: n/a
for premises known as: n/a
be and the same is hereby: n/a

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment
hereby appoints:

(1) Louis R. Slaby, PE, PP, of Slaby Engineering Associates, Inc., 6 Elder
Place, Denville, NJ 07834, as its Engineer and Landscape Architect;

for the singular application of YESHIVA KTANA OF PASSAIC, INC., for premises
located at 288, 292, 296, 300 & 304 South Parkway, Block 59.01, Lots 8, 11, 13,
15, & 17, which premises are located in an RB2 zone for demolition of five homes in
Clifton to create a parking lot adjacent to the school in Passaic. Preliminary and final
site plan approval with associated conditional and/or use variance and other related
waiver and variance relief; and

BE IT FURTHER RESOLVED that the City of Clifton will pay the invoices for
professional engineering services at the rate of \$150.00 per hour.

Resolution moved by: Comr STEPHEN CHRISTOPHER.

Seconded by: Comr LOUIS DE STEFANO.

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