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, December 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, 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 Daniel Trenk, the Minutes of the November 29, 2017, special meeting were adopted with the unanimous approval of the entire Board.

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

CONTINUED HEARINGS

1.	**CLIFTON CHICKEN LLC d/b/a POPEYE'S**
Use	**LOUISIANA KITCHEN**, 6 Main Avenue,
Variance;	Block 82.06, Lot 15 – P-MU – Use variance
Variances;	relief pursuant to N.J.S.A. 40:55D-70d,
Site Plan	bulk variance relief pursuant to N.J.S.A. 40:55D-70c and site plan approval.

The property is presently developed with a one-story commercial structure (currently unoccupied, previously utilized as a bank with drive-thru lanes) and accessory paved/parking areas.
Per Chapter 461 of the City of Clifton Zoning Ordinance, restaurants with drive-through facilities or counter service is not a permitted use in the zone.
The Applicant proposes to improve the property and utilize the existing structure as a dine-in and drive-thru restaurant. Accessory improvements (inclusive of façade improvements, site lighting, installation of exterior business signage, shrubs/ planted areas, fencing repair, and parking area striping) are also proposed.

The applicant seeks the following variance relief from the Board:
use variance relief for the proposed restaurant and its associated drive-thru use,

business signage/memo boards (use not permitted in zone); and bulk variance relief for the proposed front yard setback along Main Avenue (29.1' proposed, 35' required); improved lot coverage (77% proposed, 75% permitted); open space (23% proposed, 25% minimum required); parking setback in corner/side yard (1' proposed, 10' required); and parking setback in rear (2.4' proposed, 5' required). The applicant will also seek any additional variances, waivers, interpretation or relief that may be required by the Board at the time of the public hearing.

This matter was previously continued by the Board until the January 17, 2018, meeting of the Board.

2.	**CARLOS SUAREZ & NELY ALTAMIRANO,**
Use	42 Paterson Avenue, Block 82.02, Lot 64
Variance	-- RA3 – Applicant proposes a rear addition on to an existing nonconforming two-family home. A use variance is required for the expansion of a nonconforming use. A new detached garage is also proposed at 440 sq. ft. where a maximum of 300 sq. ft. is permitted.

This matter was previously continued by the Board until the January 3, 2018, meeting of the Board.

3.	**UNITED AMERICAN MUSLIM**
Use	**ASSOCIATION INC.**, 492 Clifton
Variance;	Avenue, Block 12.01, Lot 24
Variances	-- 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 January 17, 2018, meeting of the Board.

4. Use Variances; Variances

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 until the February 7, 2018, meeting of the Board.

5. **299 ROUTE 3 EAST, LLC**, 299 Route 3 East,

Use Variance

Block 83.01, Lot 2.01 – M-3 or P-MU option – 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 previously continued by the Board until the January 3, 2018, meeting of the Board.

6. **ISAAC FELICIANO**, 103 Harding Avenue,

Variances

Block 12.03, Lot 2 – RB1 – Applicant proposes to extend the front of the detached garage roof to create a carport area. The following variances are requested:

1) Garage and proposed roof are a total of 800 sq.ft. where a maximum of 700 sq.ft. is permitted.
2) Roof is proposed at 8.5' from the house where 10' is required.
3) Garage and proposed roof is 1.8' from the right side lot line where 5' is required.

The applicant, residing at 103 Harding Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approvals to extend the front of the detached garage roof to create a carport area; that the garage and proposed roof are a total of 800 square feet where 700 square feet is permitted; that the roof is proposed at 8.5 feet from the house where 10 feet is required; that the garage and proposed roof is 1.8 feet from the right side lot line where 5 feet is required; that he plans to park his antique car in the carport.

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 Daniel Trenk. 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.

NEW HEARINGS

1. Variances — **KAITLYN PIRRELLO**, 226 Edison Street, Block 26.02, Lot 20 – RA3 – Variances required for a rear yard deck: 1) Left side

yard proposed at 3.5' where 6' is required;
2) Rear yard proposed at 34' where 35' is
required.

The applicant, residing at 226 Edison Street, Clifton, New Jersey, was present and sworn. Also present and sworn on behalf of the applicant was Thomas J. Mesuk, architect, with offices at 197 Valley Road, Wood-Ridge, New Jersey. There were no objectors.

The applicant testified that she requests variance approvals for a rear yard deck; that the left side yard setback is proposed at 3.5 feet where 6 feet is required; that the rear yard is proposed at 34 feet where 35 feet is required; that the deck replaces an existing deck that is deteriorating.

After a review of the testimony, Comr Daniel Trenk moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting 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.

RESOLUTIONS

Chrmn Zecchino stated that the next order of business would be the adoption of the Resolutions as set forth on the Agenda.

1. 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 UPPER MONTCLAIR

COUNTRY CLUB for D(2) use variance for expansion of a non-conforming use, D(6) building height variance, bulk variances for curb cut, parking stall dimensions, number of parking spaces, parking in the front yard area, and site plan approval to expand the golf course clubhouse at 177 Hepburn Road, Block 77.01, Lot 1, was adopted. RA1

2. Upon motion made by Comr Roy Noonburg, seconded by Comr George Foukas, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, and Vice-Chrmn Gerard Scorziello, the Resolution DENYING the application of AHUVA & YEHELA WILLIG for use variance for attic powder room and variance for driveway proposed in front of the house not serving a garage at 128 Edgewood Avenue, Block 57.07, Lot 24, was adopted. RA3

3. Upon motion made by Comr Roy Noonburg, seconded by Comr Louis DeStefano, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution DENYING the application of JAMES & DAWN ENZE for a 6-foot-high solid fence along the rear property line of the premises at 10 Sperling Road, Block 38.02, Lot 5, was adopted. RA3

4. Upon motion made by Comr Stephen Christopher, seconded by Comr Daniel Trenk, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LAUREN SHEHATA for variance to install a driveway on the left side of the property line at 67 Merselis Avenue, Block 2.06, Lot 21, was adopted. RB1

5. Upon motion made by Comr Stephen Christopher, seconded by Comr Louis DeStefano, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of 65 INDUSTRIAL CLIFTON, LLC for height variance and amended site plan approval for a proposed commercial bakery at 65 Industrial South and 35 Bloomfield Avenue, Block 56.08, Lots 4 and 13, was adopted. M-1

6. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING JOHN D. POGORELEC as

Counsel Secretary to the Clifton Zoning Board of Adjustment for the calendar year 2018 was adopted.

7. Upon motion made by Comr Stephen Christopher, seconded by Comr Louis DeStefano, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING GREGORY ASSOCIATES, LLC, KATHRYN M. GREGORY, PP, AICP, as Planner to the Clifton Zoning Board of Adjustment for the calendar year 2018 and to prepare the annual report for 2017 was adopted.

8. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Engineer for the calendar year 2018 was adopted.

9. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Landscape Architect for the calendar year 2018 was adopted.

10. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Traffic Consultant for the calendar year 2018 was adopted.

11. Upon motion made by Comr Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING DR. BRUCE A. EISENSTEIN as its Cell Tower/Telecommunications Expert for the calendar year 2018 was adopted.

12. Upon motion made by Comr Stephen Christopher, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Stephen Christopher, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING LAURA A.

CARUCCI, C.S.R., R.P.R., LLC as its Certified Shorthand Reporter for the calendar year 2018 was adopted.

- - - - -

Chrmn Zecchino thanked Comr Stephen Christopher for his dedicated and loyal service to the Zoning Board during his many years of service. Comr Stephen Christopher thanked the Board for the courtesies and cooperation extended to him during his time of service.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF DECEMBER 20, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ISAAC FELICIANO
for premises known as: 103 Harding Avenue, Block 12.03, Lot 2
be and the same is hereby: GRANTED maximum square footage, distance of roof to house, and distance of garage and roof to right side lot line variances to extend the front of the detached garage roof to create a carport area.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 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, Comr Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to extend the front of the detached garage roof to create a carport area at premises located at 103 Harding Avenue, Block 12.03, Lot 2, which premises are located in a RB1 zone; and

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

a. The garage and proposed roof creating carport area are a total of 800 square feet where a maximum of 700 square feet is permitted;

b. The roof is proposed 8.5 feet from the house where 10 feet is required;

c. The garage and proposed roof are 1.8 feet from the right side lot line where 5 feet is required;

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 carport area 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 carport area will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to extend the front of the detached garage roof to create a carport area at premises located at 103 Harding Avenue, Block 12.03, Lot 2, be and the same is hereby approved and the variances for maximum square footage, distance of roof to house, and distance of garage and roof to right side lot line 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 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 DECEMBER 20, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: KAITLYN PIRRELLO
for premises known as: 226 Edison Street, Block 26.02, Lot 20
be and the same is hereby: GRANTED left side yard and rear yard setback variances to erect a rear yard deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 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, Comr Daniel Trenk moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to erect a rear yard deck at premises located at 226 Edison Street, Block 26.02, Lot 20, 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 intends to replace an existing rear deck which is deteriorating;
b. The left side yard setback is proposed at 3.5 feet where 6 feet is required;
c. The rear yard setback is proposed at 34 feet where 35 feet is required;
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 rear deck will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that the has been testimony presented to show that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood since the rear deck replaces an existing rear deck;

NOW THEREFORE, BE IT RESOLVED that the application to erect a rear yard deck at premises located at 226 Edison Street, Block 26.02, Lot 20, be and the same is hereby approved and the variances for left side yard setback and rear yard setback 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 DANIEL TRENK.

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.