

Board of Adjustment
Minutes
Feb 22nd, 2017

Minutes of a SPECIAL 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, February 22, 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 PAUL GRAUPE, LOUIS DE STEFANO, KEITH LA FORGIA, STEPHEN CHRISTOPHER, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT AND EXCUSED: COMR DANIEL TRENK.

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.

CONTINUED HEARING

3. **CLIFTON CHEDER, INC.**, 1333 Broad Street,
Use Block 76.01, Lot 5 - B-A - Variances
Variance required for religious elementary school:
Variances

- 1) Conditional use variance required.
- 2) Existing lot width 133' where 150' is required.
- 3) Existing lot coverage is 24.74% where 20% is required.
- 4) Existing left side yard is 18.87' where 20' is required.
- 5) Site plan approval required.
- 6) Any other variances deemed necessary by the Board.

Gerald G. Friend, Esq., with offices at 1000 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Mitchell W. Abrahams, Esq., with offices at 25 Main Street, Hackensack, New Jersey, appeared on behalf of Bankers Financial Corp. of 1339 Broad Street, Clifton, New Jersey.

Present in favor of the application were the following: Isaac Kagan, 557 Passaic Ave., Clifton, NJ;

Aaron Rosenfeld, 85 Crescent Ave., Passaic, NJ; Alexander Vinniu, 17 Dawson Ave., Passaic, NJ; Deb Oatz, 425 Terhune Ave., Passaic, NJ; Lauren Wenenby, 41 Bond St., Passaic, NJ; Debra Goldberg, 18 Edgemart Rd., West Orange, NJ; Aliza Zidell, 1380 North Ave. #422, Elizabeth, NJ; Carol Gousher, 140 Elmwood Ave., Passaic, NJ; Mendy Kirsh, 28 Bruck Ct., Spring Valley, NY; Amy Klein, 314 Terhune Ave., Passaic, NJ; Yaakov Levine, 25 Randolph St., Apt. 1, Passaic, NJ; Oran Levin, 41 Garfield Ave., Clifton, NJ; Kenneth Rosen, 540 Fenlon Blvd., Clifton, NJ; Jonah G. Lazar, 8 Solond Rd., Monsey, NY; Chaninia Orent, 176 Patricia Pl., Clifton, NJ; Daniel Strimber, 417 Terhune Ave., Passaic, NJ; Tamar Bacon, 139 Terhune Ave., Passaic, NJ; Michael Buchman, 136 Boulevard, Passaic, NJ; Erica Buchman, 136 Boulevard, Passaic, NJ; David Sukenik, 39 Allwood Place, Clifton, NJ; Tania Wolf, 9 Garfield Ave., Clifton, NJ; Menachen Wiederman, 195 Elmwood Ave., Passaic, NJ; Yaukov Plittman, Brook Ave., Passaic, NJ; Gud Klotckin, 43 Hampton Rd., Clifton, NJ; Melissa Levit, 549 Broadway, Passaic, NJ; Allen Levit, 549 Broadway, Passaic, NJ; Avraham Baruchov, 30 Allwood Place, Clifton, NJ; Altet Baruchov, 30 Allwood Place, Clifton, NJ; Jennifer Lowy, 18 Conover Ct., Clifton, NJ; Deborah Rothenberg, 70 Patricia Pl., Clifton, NJ; Saloman Menache, 44 Kensington Terr., Passaic, NJ; Avi Mazaud, 84 Reid Ave., Passaic, NJ; Yitz Rubin, 238 Aycrigg Ave., Passaic, NJ; Elehanan Erlanger, 94 Brook Ave., Passaic, NJ; Ron Shacham, 50 Ridge, Passaic, NJ; Chaya Lerd, 228 Brook Ave., Passaic, NJ; Chaa Kegan, 557 Passaic Ave., Clifton, NJ; Riki Kushnir, 411 Union Ave., Passaic, NJ; Adam Buckstein, 56 Amsterdam Ave., Passaic, NJ; Shai Bayut, 190 Garfield Ave., Passaic, NJ; Jarred Kaver, 45 Palmer St., Passaic, NJ; Lyuda Shulman, 318 Van Houten Ave., Passaic, NJ; Vadim Shulman, 318 Van Houten Ave., Passaic, NJ; Naftali Schwartz, 82 Heights Rd., Clifton, NJ; Edward Rudolph, 60 Annabelle Ave., Clifton, NJ; Joseph Seldewitz, 115 Lafayette Ave., Passaic, New Jersey.

Present in opposition to the application were the following: Doris Loreng, 70 Bogert Pl.; Teresa Thiruvathukal, 56 Rabkin Dr.; Mike Pasino, 20 Bogert Pl.; Jean Labriola and Jeen A. Labriola, 200 Chittenden Rd.; Rose Kenning, 235 Haddenfield Rd.; Valerie Pecora, 229 Haddenfield Rd.; Valerie Riggi and Robert Riggi, 40 McCosh Rd.; Sheila Wesby and Dennis Wesby, 282 Burgess Pl.; E. Winsta, 280 Burgess Pl.; S. Munk, 274 Burgess Pl.; Amisha Desai, 4 Peterson Ct.; John Labriola, 200 Chittenden Rd.; Randall Miller and Patty Miller, 60 Bogert Pl.; Larry Zahn and Linda Zahn, 73 Bogert Pl.; Thomas Davey, 5 Janice Terr.; Catherine Murtha, 32 Bogert Pl.; Emilia Soltis, 224 Haddenfield Rd.; Lucy Stathopoulos and Sam Stathopoulos, 50 Chatham Terr.; Jennifer Algieri and Robert Algieri, 116 Woodlawn Ave.; Anne Neczeper and Dan Neczeper, 52 Anderson Dr.; Pat Lake and Diana Lake, 52 Anderson Dr.; Dawn Miller, 49 Haddenfield Rd.; Donna Freeswick, 18 Northfield Terr.; Geralyn Plaskon, 42 Tancin Ct.; Vivian Semeraro, 6 Walsh Ct.; Cathy Kartanos, 31 Anderson Dr.; Rich Wojtczak, 15 Anderson Dr.; Rich Loreng, 70 Bogert Pl.; Robert Priegue, 50 Brantwood Pl.; Fran Warren and Don Warren, 15 Walsh Ct.;

Emily Diamond, 14 Walsh Ct.; Blesson Samuel, 30 Ehrle Pl.; Atul Sabharwal, 24 Ehrle Pl.; Petor Sagui, 20 Daniels Dr.; Randy Clark, 33 Haussler Terr.; Joyce Feigenbaum, 33 Haussler Terr.; Frank Carlet, 14 Malcolm Ct.; Bavin Patel, 4 Malcolm Dr.; Caitlin White, Vincent Dr.; Raymond Robertello, 66 Woodlawn Ave.; Michael Leach, 185 Chittenden Rd.; Peter Saai, 20 Daniels Dr.; Jeannie Labriola, 200 Chittenden Rd.; Barbara Cacouliclis, 86 Vincent Drive; Blessan Samuel, 30 Ehrle Pl.; George Hariton, 32 Rolling Hills Rd.; Melanie Shefchik, 53 Daniels Dr.; Beverly Carey, 142 Chittenden Rd.; and Emilia Soltis, 224 Haddenfield Rd.; all of the City of Clifton, NJ.

Present and sworn was Joseph Staiger of 245 Main Street, Chester, New Jersey, a traffic expert.

This is a continued hearing from the meetings of January 4, 2017, and February 1, 2017.

Mr. Staiger was qualified and testified as a traffic expert on behalf of the applicant; he indicated that he prepared a traffic report dated December 22, 2016, and testified as to the existing conditions at the site; future conditions and future traffic increases; future capacity, analysis, calculations; site access and circulation; and parking and internal circulation of the site; that the student population of the school is 170 and 30 students start arriving at 7:40 A.M.; 140 students arrive one hour later at 8:40 A.M.; that in the afternoon, 50 students are dismissed at 3 P.M., 80 students are dismissed at 4 P.M., and 40 students are dismissed at 5 P.M.; that the staggering of arrivals and dismissals has a lessening effect on trip generations; that his findings are that the school will generate 118 entering trips and 96 exiting trips during the morning peak hour and 81 entering trips and 92 exiting during the evening peak hour; that access to the site will be provided through one ingress only driveway and one egress only driveway along Broad Street; that in his opinion, with the addition of the site-generated traffic, the individual intersection movement will operate at a favorable level during the A.M. and P.M. peak hour; that in his opinion, with the addition of the site-generated traffic, the individual intersection movement of Broad Street and the egress site driveway will operate at acceptable levels; that the proposed site driveways and internal circulation have been designed to provide for safe and efficient movement of vehicles on site; that the proposed parking supply of 71 vehicles and design is sufficient to support the maximum anticipated demand; that in his opinion, the proposed school will not have an adverse effect in the area from a traffic standpoint; that the site driveways are located to provide safe and efficient access to the adjacent roadway system.

Offered into evidence which was marked "A-2" is a site engineering plan shows stacking of vehicles after school; that the average delay for left-hand turns is 9 seconds; that the speed limit is 40 miles per hour; that the school

conducts an orderly process of egressing and ingressing for students.

Mr. Intindola of Neglia Engineering referred to the comment section of the report dated December 7, 2016, and revised January 27, 2017; that more empirical data is required of the applicant; that there should be discussion of alternate routes to the site; that the numbers testified to by Mr. Staiger are fair; that the best approach would be for a right in the south driveway and a right out in the north driveway; that Broad Street is a very busy area.

On cross-examination by Mr. Abrahams, Mr. Staiger testified that there is a 9 second of average delay making left turns from Broad Street to the site; that queuing of vehicles for the left turn will not exceed more than four or five vehicles; that on-site internal circulation provides for safe and efficient movement of vehicles.

Mr. Abrahams offered into evidence which was marked "O-1" a photograph of the site showing an overhead clearance of 6 feet 5 inches.

Mr. Staiger responded to various inquiries by the objectors as follows:

Beverly Carey was concerned with drop-off and pick-up; the impact on the quality of life for the residents in the neighborhood; whether buses or vans were going to be utilized.

Frank A. Carlet objected on the grounds that there are no studies of the intersections of Broad Street and Chittenden Road, Broad Street and Haddonfield Road, and Broad Street and Anderson Drive; that when the traffic study was conducted on December 22, 2016, Montclair State College was closed; that the last DOT studies were conducted in March of 2010; that this does not take into consideration the increase of population of Montclair State University; that further studies should be conducted by the traffic expert.

Jean Labriola indicated as a resident that she experiences difficulty making a left turn from Chittenden Road onto Broad Street.

Joyce Feigenbaum stated that there is direct access from Broad Street to Montclair State University; that more studies are needed on the interior streets.

Raymond Robertello was concerned about the Summer activities and the traffic impact on Summer months.

Caitlyn White was concerned about the availability of access of fire trucks to the site; that she is concerned that the school will significantly impact traffic at the site.

Valerie Pecora stated that there is a traffic buildup from the bus stop on Broad Street and Haddonfield Road; and she inquired as to whether there was any proposal for street lights.

Joseph Addamo expressed his concern about traffic impact from other schools in the area; that he has observed traffic at other schools which has been detrimental to the neighborhood.

Blesson Samuel was concerned about the speed limit of 40 miles per hour; that there should be a consideration of reduction of the speed limit to 25; that he has difficulty accessing Broad Street from Chittenden Road.

Barbara Cacouliclis inquired as to whether there was an assessment of traffic impact of the school on the neighborhood considering the office buildings in the area; that there are 325,000 square feet of office space which has not been taken into consideration in the area; that there has been an increase of population at Montclair State University from 2010 to 2017; that there also has been an increase in the park-and-ride on Allwood Road which contributes to traffic.

Jean Labriola expressed her concern about an accident which occurred on Broad Street where an individual was killed.

Emilia Soltis expressed concern about the number of parking spaces and the egress of cars from the site to Broad Street.

George Hariton was concerned about additional traffic created for Chittenden Road, Haddonfield Road, and Anderson Drive towards Montclair State University; that the addition of a medical school at Hoffmann LaRoche will also contribute to the problem; that there has been an increase of student populations at Montclair State from the year 2010 to 2017 which is the last time that the Department of Transportation conducted a study.

Mr. Staiger stated that he would return to the site and conduct the studies on the interior roads of Chittenden Road, Anderson Drive, and Haddonfield Drive and conduct traffic counts accordingly.

At this point in the hearing, Chrmn Zecchino inquired as to the availability of the parties concerning the special meeting. After discussion, it was agreed by all that the matter would be continued until May 10, 2017, with no further notice to the interested parties.

Mr. Friend, on behalf of his client, waived the time limitation within which the Board is required to make a decision.

There being no further business before the Board, Comr Louis DeStefano 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