

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, November 29, 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, KEITH LA FORGIA, STEPHEN CHRISTOPHER, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

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.

NEW HEARING

1.	UPPER MONTCLAIR COUNTRY CLUB,
Use	177 Hepburn Road, Block 77.01, Lot 1
Variance;	-- RA1 – Applicant seeks to expand the
Variances	golf course clubhouse which requires a
	Use Variance for the expansion of a
	non-conforming use in an RA1 zone.

Bulk variances are required for building height, curb cut width, parking stall dimensions, numbers of parking spaces, parking in front area and such other variances as may be required.

Thomas P. DeVita, Esq., with offices at 452 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: F. J. Rawding, AIA, 141 Morris Street, Morristown, New Jersey, an architect; George Wheatle Williams, PP, AICP, of Nishuane Group, LLC, 105 Grove Street, Montclair, New Jersey, a professional planner; Charles D. Olivo, PE, PTOE, of Stonefield Engineering & Design, LLC, 75 Orient Way, Rutherford, New Jersey, professional engineer; and from the Upper Montclair Country Club, Charlie Dimpfl, CCM, General Manager, Chief Operating Officer, and Michael J. Brunelle, CGCS, Golf Course Superintendent, 177 Hepburn Road, Clifton, New Jersey.

Mr. DeVita stated that the applicant requests D(2) use variance expansion of a non-conforming use, D(6) building height, and "C" variances for number of parking spaces, parking in the front yard, curb cut width, and size of parking stalls to expand the existing clubhouse on the site and reconfigure parking and driveway areas.

F. J. Rawding testified as an architect, and submitted into evidence were the following:

- A-1 is a proposed perspective of the project;
- A-2 is the architectural rendering;
- A-3 is the main floor plan;
- A-4 is the upper floor plan.

Mr. Rawding testified as to the rear, side, and front elevations, ingress and egress, and the proposed expansion of 13,959 square feet to the existing clubhouse which is 15,292 square feet; that there will also be added a porch area consisting of 8,607 square feet; that the parking will be reconfigured and access to

the site will be improved; that the site in question consists of 92.8 acres; that 6.60 acres will be disturbed; that the impervious coverage will increase by .32 acres.

Charlie Dimpfl testified as the General Manager and Chief Operating Officer of the Upper Montclair Country Club and testified as to the purpose of the addition and the upgrading of the site; that there will be no negative traffic impact; that valet parking may be considered; that there will be an expansion of the driveway, a reconfiguration of the parking and driveway areas; that there is sufficient access for fire trucks; that the present membership consists of more than 250; that the club is quite active from April to December; that there is adequate parking at the site; that during the construction, the club will maintain operations with consideration for parking, deliveries, safety of visitors, guests, members, and personnel and emergency access.

Charles Olivo testified as a traffic engineer and offered into evidence which was marked A-5 a construction overlay exhibit showing proposed member parking area. Mr. Olivo testified that the applicant proposes to have a 13,959 square foot clubhouse expansion and an 8,607 square foot member porch area, and the on-site parking will be expanded from 216 spaces to 265 spaces; that the size of the parking stalls would be 9- by 18-feet; that access to the site is from Hepburn Road, right in and right out; that the site circulation is sufficient to accommodate the vehicles anticipated to maneuver on the site; that the proposed development would not have a significant impact on the traffic operations of the adjacent roadways; that the site driveways and on-site layout have been designed to provide for effective access to and from the subject property; that the parking supply is sufficient to support typical non-event parking demand at the country club, and valet parking would be utilized during events to increase the parking supply for accommodating the parking demand.

In reviewing this matter, the Board had the benefit of the report of its planner, Gregory Associates, dated November 17, 2017; the report of the Fire Department dated November 22, 2017; and the report of Slaby Engineering Associates, Inc., its engineering consultant, dated November 17, 2017, November 18, 2017, and November 22, 2017. In addition, the Board had the Traffic Assessment Report dated September 14, 2017, prepared by Stonefield Engineering & Design;

Environmental Impact Statement dated September 20, 2017, prepared by Stonefield Engineering & Design; and Storm Water Management Statement dated September 20, 2017, also prepared by Stonefield Engineering & Design.

Mr. Olivo stated that the applicant would stipulate to comply with all requirements of the Fire Department as set forth in its report dated November 22, 2017.

In comments from the Board's engineering consultant, Lou Slaby, there was discussion concerning the modification of the proposed gate and other parking issues. It was agreed that Mr. Slaby and Mr. Olivo will confer and agree to the comments.

George Wheatle Williams testified as a planner and stated that the applicant proposes to expand the existing clubhouse on the site, reconfigure the parking and driveway area; that the proposal represents a small addition to the site which consists of 92.8 acres; that a use variance is required for an expansion of a non-conforming use; that a D-6 height variance is required where the applicant is proposing 27.3 feet and 20 feet is permitted; that the applicant is also seeking variances for number of parking spaces where 432 are required and 263 are proposed; that the applicant also requests parking in the front yard which is not permitted; that the curb cut requirement permitted is 30 feet and the applicant is requesting 60 feet; that the size of the parking stalls are 9- by 18-feet where the ordinance requires 9- by 19-foot spaces; that the applicant satisfies the special reasons set forth in subsection (a) and (i) of N.J.S.A. 40:55D-1 *et seq.*; that the proposal is particularly suited for the site; that it satisfies a number of goals to the Master Plan, especially Goal No. 15; that the benefits of the application outweigh the detriments, if any; that the site is irregular in shape which constitutes a hardship for the applicant; that the amount of disturbance is *de minimis* compared to the 92.8 acres at the site; that with respect to the negative criteria, in his opinion, the variances may be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zone ordinance since the expansion of the non-conforming use does not involve substantial impairment of the zone plan; that all of the relief requested by the applicant is within the interior of the site and will not have any effect on the public or the

general neighborhood; that the expansion of the clubhouse, modifications to the parking, and the proposed driveway ingress and egress will be aesthetically pleasing and upgrade the premises.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution subject to compliance with the recommendations set forth in the report of Slaby Engineering Associates, Inc. dated November 17, 2017, November 18, 2017, and November 22, 2017; compliance with the report of the Clifton Fire Department dated November 22, 2017; approval from the Hudson-Essex-Passaic Soil Conservation District; and any other approvals required by any other Municipal, County, and State entities. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Louis DeStefano, Keith LaForgia, 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.

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

MEETING OF NOVEMBER 29, 2017.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: UPPER MONTCLAIR COUNTRY CLUB
for premises known as: 177 Hepburn Road, Block 77.01, Lot 1
be and the same is hereby: GRANTED 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.

Testimony concerning the aforesaid application was taken by the Board at a special meeting on November 29, 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 D(2) and D(6) use variances and C variances for number of parking spaces, parking in the front yard, curb cut width, and size of parking stalls to expand the existing golf clubhouse on the site and reconfigure the parking and driveway areas at premises located at 177 Hepburn Road, Block 77.01, Lot 1, which premises are located in an RA1 zone; and

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

- a. The site in question consists of a total lot area of 92.8 acres and contains the Upper Montclair Country Club golf range, golf course, and clubhouse with associated parking;
- b. The site is irregular in shape and of the 92.8 acres, 6.60 acres will be disturbed and impervious coverage will increase by .32;
- c. On the site presently exists a clubhouse containing 15,292 square feet, and the proposal requests an additional expansion of 13,959 square feet along with an 8,607 square foot member porch area;
- d. Testimony was presented by the applicant from an architect, planner, traffic

engineer, and general manager of the applicant which the Board finds is credible;

e. The Board had the benefit of review of the application by its planning consultant, Gregory Associates, LLC in its report dated November 17, 2017; report of the Fire Department of the City of Clifton dated November 22, 2017; and reports of Slaby Engineering Associates, Inc., its engineering consultant, dated November 17, 2017, November 18, 2017, and November 22, 2017;

f. The Board also reviewed the reports prepared by Stonefield Engineering & Design, the applicant's engineering and traffic consultant, which reports are dated September 14, 2017, Environmental Impact Statement dated September 20, 2017, and a Stormwater Management Statement dated September 20, 2017;

g. Based upon the testimony of the applicant's experts, the applicant has satisfied the positive and negative criteria required for the grant of a D(2) expansion of a non-conforming use variance and D(6) building height use variance;

h. The applicant has shown sufficient hardship to justify the grant of the C bulk variances for number of parking spaces, parking in the front yard, cub cut width, and size of parking stalls;

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

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j. Based upon the report of the traffic engineer, the proposed development will not have a significant impact on the traffic operations of the adjacent roadway network; the site driveways and on-site layout are designed to provide for effective access to and from the subject property; that the parking is sufficient to support the parking demand of the Country Club;

k. A review of the plans indicates that the proposal will be aesthetically pleasing to the neighborhood; and

WHEREAS, the Board finds from the testimony presented that the proposal will be

in accord with the intent and purpose of the master plan and the zone ordinance since the site presently exists and the expansion does not contemplate any new non-conforming use; and

WHEREAS, the Board further finds that the testimony presented by the applicant's traffic expert shows that the proposal will help promote the health, safety, and general welfare of the neighborhood and will not have a significant impact on the traffic operations of the adjacent roadway network;

NOW THEREFORE, BE IT RESOLVED that the application for a 13,959 square foot clubhouse addition and an 8,607 square foot member porch area at premises located at 177 Hepburn Road, Block 77.01, Lot 1, be and the same is hereby approved and the D(2) use variance for expansion of a non-conforming use, D(6) building height use variance, and C bulk variances for number of parking spaces, parking in the front yard, curb cut width, and size of parking stalls and site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with all recommendations set forth in the report of Slaby Engineering Associates, Inc., dated November 17, 2017, November 18, 2017, and November 22, 2017;
2. Compliance with all requirements of the Fire Department set forth in its report dated November 22, 2017;
3. Approval from the Hudson-Essex-Passaic Soil Conservation District; and
4. Any other approvals required by any Municipal, County and State entities of the State of New Jersey.

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

THIS RESOLUTION, IF NOT ACTED UPON (OBTAIN A BUILDING PERMIT) WITHIN ONE (1) YEAR OF THE DATE OF ADOPTION OF THIS RESOLUTION, SHALL BECOME NULL AND VOID, OR AS AMENDED.

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE REQUIRED COUNCIL ON AFFORDABLE HOUSING (COAH) FEE AS DETERMINED BY THE REQUIRED MUNICIPAL OFFICIALS AND THE MUNICIPAL HOUSING LIASON IS PAID. THIS WILL APPLY TO EITHER THE APPLICANT OR THE OWNER UPON SUBMISSION OF REQUIRED PLANS FOR BUILDING PERMITS.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr KEITH LA FORGIA.

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