

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, February 7, 2018. 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 SCOTT SOCHON, MICHAEL MOLNER, DANIEL TRENK, LOUIS DE STEFANO, KEITH LA FORGIA, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS GEORGE FOUKAS.

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 Michael Molner, the Minutes of the January 17, 2018, 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 to the March 7, 2018, meeting of the Board.

2.

Use

Variance
- CARLOS SUAREZ & NELY ALTAMIRANO,

42 Paterson Avenue, Block 82.02, Lot 64

-- RA3 – Applicant proposes a rear addition on to an existing nonconforming two-family home. A use variance is required for the expansion of a nonconforming use. A new detached garage is also proposed at 440 sq. ft. where a maximum of 300 sq. ft. is permitted.

This matter was previously continued to the March 21, 2018, meeting of the Board.

3.

Use

Variance;

Variances
- 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 to the March 21, 2018, meeting of the Board.

- 4. **E CUBE 240 LLC & AMERICAN ANALYTICAL ASSOCIATION, LLC,**
Use **ANALYTICAL ASSOCIATION, LLC,**
Variances; 247/245 Parker Avenue, Block 4.16,
Variances 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.

Bennett Wasserstrum, Esq., with offices at 999 McBride Avenue, Woodland Park, New Jersey, appeared on behalf of the applicant. Present and sworn were Neal Tanis of 12 Botany Village Square, Clifton, New Jersey; Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey; and Emanuel Hedvat of 284 Sheffield Street, Mountainside, New Jersey. There were no objectors.

This is a continued hearing from the meeting of October 18, 2017, meeting of the Board.

Mr. Wasserstrum stated that the applicant has made substantial changes from the prior plans which were introduced calling for a mixed use building consisting of 29 units; that the applicant has reduced the number of units from 29 to 18 with three commercial spaces consisting of three apartments and three stores on the first floor, seven apartments on the second floor, and eight apartments on the third floor.

Mr. Tanis testified as an architect and stated that the applicant proposes to construct a one-story addition on the existing two-story building presently at the site; that the applicant will also construct a three-story addition to the existing one-story building; that the applicant proposes to demolish the existing macadam parking lot and garage in order to construct a new two-story building above ten parking spaces and a one hundred ninety square foot refuse room and a seventy-eight square foot recycling room; that the proposed development will be a mixed use building consisting of eighteen residential units and three commercial spaces; that the applicant is seeking variances for rear yard which requires 10 feet and 0 feet are proposed; lot coverage and lot area were 90 percent is allowed and the applicant is proposing 100 percent; that the building height permitted is 30 feet and the actual height is 28 feet with a parapet; that a two-story structure is permitted and the applicant is requesting a three-story structure; that there will be a variance requested for parking stall size.

Frank D. Mileto testified as a planner and stated that there is no height variance required since the height of the building is 28 feet with a parapet; that the applicant reduced the number of floors from four to three; that mixed use retail and residential is prevalent in the neighborhood; that the proposal satisfies the positive and negative criteria and is a substantial improvement to what is located at the site at the present time; that there will be no impairment of the zone plan and the zone ordinance; that the applicant has made substantial improvements to the previous plans to make the site more appealing.

Chrmn Mark Zecchino called the applicant's attention to the report of Neglia Engineering dated October 17, 2017, and revised February 5, 2018. Mr. Mileto stated on behalf of the applicant that the applicant will comply with all requirements and recommendations set forth in the report; that the applicant will further obtain reports from the Clifton Fire Department and the Police Department and will comply with same.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulations as aforesaid, stating that the plan substantially improves the development of the site and will provide residential apartments which are in demand. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, 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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| 5. | 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 previously continued until the March 21, 2018, meeting of the Board.

6. YESHIVA KTANA OF PASSAIC, INC.

Variances 288, 292, 296, 300 & 304 South Parkway,
Block 59.01, Lots 8, 11, 13, 15 & 17

-- RB2 – Preliminary and Final Site Plan

Approval with associated conditional
and/or use variance and other related
waiver and variance relief, property
approximately 0.745 acres improved
with 5 residential dwellings, 4 of which
are owned by the applicant and 1 of
which is under contract of sale with the
applicant.

The Applicant seeks to demolish the homes and
construct and utilize a parking area consisting
73 spaces, together with associated landscaping,
fencing and other site enhancements, all to be
accessory to the Applicant's inherently
beneficial religious and educational school
facility, which is located in the City of Passaic
and which is adjacent to the Property. All
vehicular ingress and egress is proposed to be
through the Applicant's property in Passaic,
other than a 20' "clear" opening gate solely for
emergency access from South Parkway (southwestern
corner of property) for use by emergency
personnel as requested by the Clifton Fire
Department. Certain other plan amendments have
been made at the request of the Fire Department,
including but not limited to installation of a
new hydrant on school property, addition of a 4'

wide swing gate in the southeastern corner of the property for emergency responder access (non-vehicular), provision for Knox padlocks for Fire Department perimeter area access and creation/labeling of “fire lane – no parking” areas.

The Applicant requests relief from the following Code provisions for the accessory parking:

(1) §461-47A(1) – fence along front and side property lines to rear of main structure to be no more than 4’ height and to be 50% open – proposed: fence 6’ height board-on-board construction with 50% open along side (no building on Property);

(2) §461-47A(2) – fence erected along the side lines from the rear line of the main structure to the rear property line and along said rear property line shall not exceed 5’ and may be solid or in the nature of stockade or basket weave construction – proposed: 6’ board-on-board fence with 50% open space proposed along side property lines;

(3) §461-60(E) – no parking to be located within front yard – proposed: parking within front yard setback;

(4) §461-60(F) – no parking to be located within 10’ of rear line – proposed: parking within rear yard setback;

(5) §461-60(J) – no parking or standing of automobiles within front, rear or side yards in residential districts –

proposed: parking within front yard setback;

(6) §461-60(N) – parking lot in excess of 10,000 sf to provide interior landscaping (20 sf/space)-

proposed: no interior landscaping but
significant side and front perimeter buffer;
(7) §461-29; §461-27A – minimum lot size 1 acre
for conditional school use –

proposed: minimum lot size 34.456 sf in Clifton
(compliant with split municipal boundary
consideration);

(8) §461-29; §461-27-A – minimum lot depth 150' –
proposed: minimum lot depth 118.03' in Clifton
(compliant with split municipal boundary
consideration).

In addition to the foregoing described relief,
the Applicant will also seek approval for any and
all variances, exceptions, waivers, and other
incidental relief that may be required or deemed
necessary by the Board after or during its review
of this Application, together with any further
relief that may be deemed necessary by the
Applicant during the hearing process, including
that which may be generated by way of revised
plans and submission of same. Measurements,
percentages and other calculations provided in
this notice are in accordance with the
development plans filed with the Application.
Please note that to the extent plan and/or
Application revisions are made during the hearing
process, these measurements, percentages and
other calculations will likely change, as may the
associated relief required per the City Code.
The Applicant reserves the right to amend its
application accordingly.

This matter was previously continued by the Board without date, with an extension
of time within which the Board is required to render a decision given to the April 18,
2018, meeting date.

7. UNIFOODS LLC, 364 East First Street,
Variances Block 5.02, Lot 12 – M-2 – Applicant is a
company that processes cheese. The
property is located within the M-2 Zone
and will be totally renovated. Applicant
proposes a 492 sq.ft. addition in the
front of the building and a 790 sq.ft.
addition to the rear of the building. The
following variances are requested:
- 1) Rear yard proposed at .38' where 15'
is required.
 - 2) Building lot coverage proposed at 64.8%
where a maximum of 60% is permitted.
 - 3) Right side yard proposed at 11.8' where
15' is required.
 - 4) Left side yard at addition proposed at 5.1'
where 15' is required, extending existing
building wall.
 - 5) Existing nonconforming lot area and width.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were Alex C. Lopez of 19 Harding Place, Little Ferry, New Jersey; and Vincente Varela, Jr. of Arquitectura Varela Architecture & Design of 584 Main Street, Passaic, New Jersey. There were no objectors.

Mr. Sala stated that the applicant requests variance approval to erect two additions to the subject premises which are located in an M-2 zone for the purpose of conducting the business of the company that processes cheese.

Alex Lopez testified as the principal of the applicant and stated that the company processes and manufactures cheese and packaging which is then trucked to a warehouse; that the applicant proposes a 492 square foot addition to the front of the building and a 790 square foot addition to the rear of the building; that the entire

building will be renovated; that the applicant will employ approximately seven employees; that the hours of operation will be from 8 A.M. to 4 P.M., five days a week with some work on Saturday morning; that the applicant processes approximately 40,000 pounds of cheese a week, and the applicant has been in business for 15 years.

Mr. Varela testified as an architect and planner and stated that the applicant is seeking the following variances: rear yard setback where 15 feet is required and the applicant is proposing .38; lot coverage where 60 percent is permitted and the applicant is proposing 64.87; right side yard proposed at 11.8 feet where 15 feet is required; left side yard proposed at 5.1 feet where 15 feet is required; that the lot is non-conforming in lot area and width; that six parking spaces will be provided and are sufficient for the employees; that there will be no odors to disturb the neighborhood since the premises are located in an M-2 zone; that the cheese is processed without any odor; that the refrigeration unit is located on the roof of the premises; that the applicant intends to make renovations which cost approximately \$300,000.00.

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 of the variances requested and the additions proposed. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, 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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| 8. | RICHFIELD MEWS, LLC, 1187 Van Houten |
| Subdivision | Avenue, Block 40.05, Lot 1 – B-B & RA3 – |
| Use | Subdivision of the property commonly known |
| Variance; | as RICHFIELD FARMS into two (2) lots with |
| Variances | one lot fronting on Van Houten Avenue and |
| | having a size of 91.990 square feet being |

known as Lot 1.01 having lot dimensions of Front 438.59', Rear 431.31', Right Side 39.2' and Left Side 208.6'. The second lot is to be fronting on Doremus Avenue and is to be known as Lot 1.02 having a size of 112,796 square feet, a Front Yard of 289.89', Rear Yard 294.99", Right Side 411.29' and Left Side 356.99'. In addition, a use variance is required to permit construction of thirty-six (36) townhouses on proposed Lot 1.02 requiring the following bulk variances:

- minimum lot area per dwelling unit (5,000 square feet required, 3,233 square feet proposed),
- maximum lot coverage (27% permitted, 52.5% proposed for Lot 1.02 and 50.4% proposed for Lot 1.01),
- maximum building height (2 stories/30 feet permitted, 3 stories/31.92 feet proposed),
- rear yard setback (40 feet required, 38.5 feet proposed).

This matter was previously continued by the Board to the March 7, 2018, meeting of the Board.

NEW HEARINGS

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| 1.

Variance | ANTHONY MANGARELLA , 281 Charles Street, Block 74.05, Lot 7 – RA1 – Applicant requests a variance for a 5' high solid fence on the right side yard where 4' high, 50% open fence is permitted. |
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The applicant, residing at 281 Charles Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a 5-foot-high solid fence on the right side yard where a 4-foot-high 50% open fence is permitted; that the 5-foot-high solid fence is actually located to the rear of the subject premises and is not visible to the street; that the adjoining neighbor has approved and has made the request since his children play in the open back yard.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance requested. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, 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. **FRANCESCO & REGINA LO MARTIRE,**
Variance 58 Lindale Court, Block 41.01, Lot 41 – RA3 –
Applicant proposes to expand existing deck.
Variance required for rear setback which
is proposed at 30' where 35' is required.

Francesco LoMartire, residing at 58 Lindale Court, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. LoMartire testified that he requests variance approval to expand an existing deck in the rear yard; that the rear yard setback requirement is 35 feet, and he is proposing 30 feet; that the deck will not be detrimental to the neighborhood.

After a review of the testimony, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance. The motion was seconded by Comr Daniel Trenk. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith

LaForgia, 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. **SKENDER KOKAJ, 55 Mountainside Terr.,**
Variances Block 22.02, Lot 21 – RA3 – Variances
required for a rear two-story addition and a
second floor addition over the existing
house:
- 1) Front yard proposed at 7.91' where 25'
is required (over existing);
 - 2) Right side yard proposed at 4.16' where
6' is required;
 - 3) Combined side yards proposed at 14.67'
where 16' is required;
 - 4) Lot coverage proposed at 32.6% where a
maximum of 27% is permitted;
 - 5) Existing nonconforming lot width and
area.

The applicant, residing at 31 Ploch Road, Clifton, New Jersey, was present and sworn. Also present and sworn was Neal Tanis of 12 Botany Village Square, Clifton, New Jersey, an architect. There were no objectors.

Mr. Tanis testified that the applicant proposes to erect a rear two-story addition and a second floor addition over the existing house at premises located at 55 Mountainside Terrace; that the applicant is seeking variance approval for a front yard setback where 25 feet is required and the applicant is proposing 7.91 feet; that the right side yard setback requirement is 6 feet, and the applicant is proposing 4.16 feet; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 14.67 feet; that the lot coverage permitted is 27 percent, and the applicant is

proposing 32.6 percent; that the existing lot is non-conforming in lot width and area; that the proposal will upgrade the area and the entire outside will be sided to make the structure more pleasing to the neighborhood.

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 of the variances requested and the two-story addition in the rear and the second floor addition over the existing house. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, 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.

4. **HIRAL & SURESH GANDHI, 23 Fernwood**
Variances Court, Block 17.04, Lot 30 – RA3 – Variances
 required for a second story addition:
 1) Left side yard proposed at 4.7’ where 6’
 is required (over existing);
 2) Combined side yards proposed at 15’
 where 16’ is required (existing condition).

This matter was continued to the February 21, 2018, meeting of the Board.

RESOLUTION

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

1. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Michael Molner, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DANIEL SCHIMEL & NICOLE KATZ for

variance for driveway in front of the home not serving a garage at 44 Annabelle Avenue, Block 71.02, Lot 11, was adopted.

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Chrmn Zecchino also indicated that the Board was in receipt of a communication from CLIFTON CHEDER requesting a special meeting. It was suggested the dates of March 14th and 28th be recommended.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF FEBRUARY 7, 2018.

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

E CUBE 240 LLC & AMERICAN ANALYTICAL
ASSOCIATION, LLC

for premises known as: 247/245 PARKER AVENUE, BLOCK 4.16,
LOT 33/31

be and the same is hereby: GRANTED use variance and variances for mixed use commercial and residential in a PD-1 zone, rear yard setback, lot coverage, number of stories, and parking stall size for a mixed use building consisting of 18 residential units and three commercial units.

Testimony concerning the aforesaid application was taken by the Board at its meetings on October 18, 2017, and February 7, 2018. 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 initially submitted a proposal to the Board for a mixed use building consisting of 29 residential units and three commercial spaces four- stories in height at premises located at 245-247 Parker Avenue, Block 4.16, Lot 31 and 33, which premises are located in a PD-1 zone; and

WHEREAS, the applicant amended its plan to construct a three-story building with 18 residential units and three commercial spaces; and

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

- a. The applicant initially sought to renovate and build additions to the existing appliance store and bank building to create a 4-story mixed use property consisting of 29 apartments and 3 commercial spaces;
- b. The applicant subsequently amended its plan to reduce the number of units

from 29 to 18; the number of stories was reduced from 4 to 3; and refuse room and recycling room along with courtyard were added;

c. The applicant is seeking variances for rear yard setback where 10 feet is required and the applicant is proposing 0 feet; lot coverage where 90 percent is permitted and the applicant is requesting 100 percent; number of stories where two stories is permitted and the applicant is seeking three stories; and parking stall size;

d. Based upon the testimony of the applicant's planner, the applicant has shown sufficient hardship to justify the grant of the bulk variances requested;

e. Based upon the testimony of the applicant's planner, the applicant has satisfied the positive and negative criteria required for the grant of the use variance;

f. The testimony submitted by the architect also indicates that there is adequate parking at the site, and the amended units provided will be a substantial improvement to the Botany area;

g. 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 which will revitalize the Botany Village area; and

(CONTINUED)

(CONTINUED)

WHEREAS, the Board further finds that there is adequate parking provided by the applicant which will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a mixed use building consisting of three commercial retail stores and 18 residential apartments with three stories proposed at premises located at 245-247 Parker Avenue, Block 4.16, Lot 31 and 33, be and the same is hereby approved and the use variance and bulk variances be and the same are hereby granted subject to such further governmental approvals as may be required by law subject to the following conditions:

1. That the applicant comply with all recommendations and requirements set forth in the report of Neglia Engineering Associates dated October 17, 2017, and revised February 5, 2018;

2. Subject to satisfactory reports received from the Clifton Police Department and the Clifton Fire Department.

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 Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 7, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: UNIFOODS LLC
for premises known as: 364 East First Street, Block 5.02, Lot 12
be and the same is hereby: GRANTED variances for rear yard setback, lot coverage, right side yard setback, left side yard setback, non-conforming lot area and width for a 492-square-foot front addition and a 790-square-foot rear addition for the manufacturing, processing, and packaging of cheese.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 7, 2018. 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 to erect two additions to the premises for the purpose of conducting a manufacture and processing of cheese operation at premises located at 364 East First Street, Block 5.02, Lot 12, which premises are located in a M-2 zone; and

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

a. The use proposed by the applicant is an approved use since the premises are located in an M-2 zone;

b. The applicant is seeking variances for rear yard setback where 15 feet is required and the applicant is proposing .38 feet; lot coverage where 60 percent is permitted and the applicant is requesting 64.87 percent; right side yard setback variance where 15 feet is required and 11.8 feet is proposed; left side yard setback where 15 feet is required and 5.1 feet is proposed; the premises in question have a non-conforming lot width and lot area which requires the variances requested by the applicant;

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

d. 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 since it is in an M-2 zone; and

WHEREAS, the Board further finds that the operations of the facility and the processing and packaging of the cheese will help promote the health, safety, and general welfare of the neighborhood;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application for two additions to a cheese manufacturing and processing facility at premises located at 364 East First Street, Block 5.02, Lot 12, be and the same is hereby approved and the additions of

492 square feet in the front and 790 square feet in the rear are approved and the variances for rear yard setback, building lot coverage, right side yard setback, left side yard setback, and existing non-conforming lot area and width variances 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 LOUIS DE STEFANO.

Affirmed by: Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia,
Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 7, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ANTHONY MANGARELLA
for premises known as: 281 Charles Street, Block 74.05, Lot 7
be and the same is hereby: GRANTED variance for a 5-foot-high solid fence on the right side yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 7, 2018. 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 to erect a 5-foot-high solid fence on the right side yard where a 4-foot-high, 50% open fence is permitted at premises located at 281 Charles Street, Block 74.05, Lot 7, which premises are located in a RA1 zone; and

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

- a. The applicant proposes a 5-foot-high solid fence on the right side yard of his premises;
- b. A 4-foot-high 50% open fence is permitted;
- c. The purpose of the fence is for privacy and the adjoining neighbor has approved and requested the height of the fence since his children play in the yard;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposed fence 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 fence will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a 5-foot-high solid fence in the right side yard at premises located at 281 Charles Street, Block 74.05, Lot 7, 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 LOUIS DE STEFANO.

Seconded by: Comr KEITH LA FORGIA.

Affirmed by: Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 7, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: FRANCESCO & REGINA LO MARTIRE
for premises known as: 58 Lindale Court, Block 41.01, Lot 41
be and the same is hereby: GRANTED rear yard setback variance for a rear deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 7, 2018. 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 Michael Molner moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests rear yard setback variance for a rear deck to premises located at 58 Lindale Court, Block 41.01, Lot 41, which premises are located in a RA3 zone; and

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

- a. The applicant proposes to expand an existing deck at the subject premises;
- b. The rear yard setback requirement is 35 feet and the applicant is proposing 30 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposed 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 there has been no testimony presented to show that the proposed rear deck will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to expand an existing deck at premises located at 58 Lindale Court, Block 41.01, Lot 41, be and the same is hereby approved and the rear yard setback variance be and the same is hereby granted subject to such further governmental approvals as may be required by law.

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

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

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

Resolution moved by: Comr MICHAEL MOLNER.

Seconded by: Comr DANIEL TRENK.

Affirmed by: Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 7, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SKENDER KOKAJ
for premises known as: 55 Mountainside Terrace, Block 22.02, Lot 21
be and the same is hereby: GRANTED front yard setback, right side yard setback, combined side yard setbacks, lot coverage, and existing non-conforming lot width and area variances for a rear two-story addition and a second floor addition over the existing house.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 7, 2018. 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 for a front yard setback, right side yard setback, combined side yard setbacks, lot coverage, and existing non-conforming lot width and area to erect a rear two-story addition and a second floor addition over the existing house at premises located at 55 Mountainside Terrace, Block 22.02, Lot 21, which premises are located in a RA3 zone; and

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

a. The applicant requests approval for a rear two-story addition and a second floor addition over the existing house at the subject premises;

b. The front yard setback requirement is 25 feet and the applicant is proposing 7.91 feet; the right side yard setback requirement is 6 feet and the applicant is proposing 4.16 feet; the combined side yard setback requirement is 16 feet and the applicant is proposing 14.67 feet; the lot coverage permitted is 27 percent and the applicant is proposing 32.6 percent;

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

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

e. The applicant proposes to renovate and install siding compatible with the existing house; and

WHEREAS, the Board finds from the testimony presented that the proposed additions will be in accord with the intent and purpose of the master plan and the zone ordinance; and

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

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NOW THEREFORE, BE IT RESOLVED that the application for a rear two-story addition and a second floor addition over the existing house at premises located at 55 Mountainside Terrace, Block 22.02, Lot 21, be and the same is hereby approved and

the variances for front yard setback, right side yard setback, combined side yard setbacks, lot coverage, and existing non-conforming lot width and area variances 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 Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia,
Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.