

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 21, 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, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: NONE.

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 Keith LaForgia, seconded by Comr Louis DeStefano, the Minutes of the February 7, 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.	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.

5.	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.

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| 6. | 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.

7. **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).

The applicant, residing at 23 Fernwood Court, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Gandhi testified that he requests variance approval for a second story addition at the subject premises; that the left side yard setback requirement is 6 feet, and he is proposing 4.7 feet; that the combined side yard setback requirement is 16 feet, and he is proposing 15 feet.

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 variances requested. The motion was seconded by Comr Daniel

Trenk. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, 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. **ERNESTO A. PIMENTEL**, 50 Olympia Street,
Variances Block 9.16, Lot 35 – RB1 – Applicant proposes
a rear yard deck. Following variances are
required: ~~1) Right side yard proposed at 8'4"~~
~~where 6' is required;~~ 2) Lot coverage proposed
at 29.5% where a maximum of 27% is permitted.

The applicant, residing at 50 Olympia Street, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Pimentel testified that he requests approval for a rear yard deck; that the only variance that is requested is a lot coverage variance where the maximum lot coverage permitted is 27 percent, and he is requesting 29.5 percent.

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 lot coverage variance. The motion was seconded by Comr Daniel Trenk. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, 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.

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upon which this decision is based.

2. YISROEL WOLFF, 76 Ravona Street, Block 57.04,
Variances Lot 8 – RA3 – Applicant proposes a rear two-story addition and a second floor addition over the existing house. Second story addition is proposed at 4.8' from the left side lot line where 6' is required. Extension proposed onto the existing nonconforming driveway.

The applicant, residing at 76 Ravona Street, Clifton, New Jersey, was present and affirmed to give testimony. Also present was William J. Martin of 25 Boulevard, Westwood, New Jersey, an architect and professional planner. There were no objectors.

The applicant testified that he requests variance approval for a rear two-story addition and a second floor addition over the existing house at the subject premises; that the second story addition is proposed at 4.8 feet from the left side lot line where 6 feet is required; that the extension proposed will be in the existing, non-conforming driveway.

William Martin testified that the first floor of the home currently exists in a non-conforming location; that the proposed second floor addition will align with the existing first floor; that the applicant will expand its driveway to allow for additional vehicles to be parked off the street; that the applicant previously did receive approval for a variance to convert a garage to living space at the subject premises on February 16, 2005.

Offered into evidence as "A-1" were plans and photographs of the subject premises.

Comr Michael Molner suggested that the applicant eliminate the driveway in front of the house and extend it to the right side of the premises.

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 stipulation that the existing driveway be eliminated in front of the dwelling house and extended to the right side of the premises. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

3. AHUVA & YEHUDA WILLIG, 128 Edgewood
Variance Avenue, Block 57.07, Lot 24 – RA3 – Applicant
proposes to convert a portion the existing
garage to living space. Remainder will be
storage area. Application for this proposal and
an attic bathroom was denied by the Board on
November 15, 2017. This application eliminates
the bathroom in the attic. Variance required for
a driveway in the front of the house not serving
a garage.

The applicants, residing at 128 Edgewood Avenue, Clifton, New Jersey, were present and affirmed to give testimony. There were no objectors.

Chrmn Zecchino stated that the applicants were before the Board previously and their application was denied, and the applicants now appear before the Board requesting variance approval; that the applicants are required to overcome the doctrine of res judicata which provides that a cause of action which was properly heard cannot be re-heard in a new proceeding if there was a full and fair opportunity to be heard before the Board.

Counsel Pogorelec indicated the elements required for the doctrine of res judicata to be applicable:

1. That the second application is substantially similar to the first;
2. The same parties are involved;
3. There must be no substantial change in the application itself or conditions surrounding the property;
4. There must have been an adjudication on the merits in the first case; and
5. Both applications involve the same cause of action.

Mr. Willig testified that the initial application was for an attic bathroom and driveway in front of the house not serving a garage; that now the applicant has removed his request for an attic bathroom and is seeking a variance for driveway in front of the house not serving a garage.

After hearing the testimony presented by the applicant, Comr Roy Noonburg moved to allow the applicant to present his case, overcoming the doctrine of res judicata. The motion was seconded by Comr Daniel Trenk. Voting for the motion were Comrs Roy Noonburg and Daniel Trenk. Voting against the motion were Comr Louis DeStefano who stated that it is the same request for a variance for a driveway in front of a house not serving a garage which was adjudicated; Comr Keith LaForgia; Comr John Foukas who stated that it was the same application; Vice-Chrmn Gerard Scorziello who stated that there was no change in the circumstances and the Board previously adjudicated the matter; and Chrmn Mark Zecchino who stated that the applicant was given the opportunity by the Board to withdraw the variance for an attic bathroom but insisted on having the matter heard as well as the request for a conversion of the portion of the existing attached garage to living space and the remainder would be for storage; that a variance would be required for a driveway in front of the house not serving a garage. There were two votes in favor of the motion and five against the motion. Therefore, the motion failed.

Chrmn Mark Zecchino called for another motion. Thereupon, Comr Louis DeStefano moved to deny the application on the grounds that the applicant has failed to overcome the doctrine of res judicata and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Foukas.

Voting for the motion were Comrs Louis DeStefano, Keith LaForgia, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting against the motion were Comrs Daniel Trenk and Roy Noonburg. By a five to two vote, the motion carried, and the application was denied on the grounds that the applicant failed to overcome the doctrine of res judicata 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. **JOE ARCA, 10 Atkins Court, Block 32.02,**
Variances Lot 56 – RA3 – Applicant proposes to add an addition to the rear of the house and a second story addition. Existing lot is irregular shape. Variances required for rear yard setback, proposed at 17’ where 35’ is required and front yard setback, 10’ proposed (existing) where 25’ is required. Any other relief deemed necessary by the Board.

The applicant, residing at 10 Atkins Court, Clifton, New Jersey, was present and sworn. Also present and sworn was David Bailey, an architect, with offices at 214 Paul Street, Westfield, New Jersey. There were no objectors.

The applicant testified that he requests variance approval to add an addition to the rear of the existing dwelling and a second story; that variances are required for a rear yard setback where 35 feet is required and 17 feet is proposed and front yard setback where 25 feet is required and 10 feet is proposed.

David Bailey testified as an architect and stated that the existing lot is an irregular triangle-shaped reverse corner lot; that the existing house does not conform to the required setback; that the proposed house will not be too large for the neighborhood, and the irregular shape of the lot makes it impossible to conform with the requirements of the zone ordinance.

After a review of the testimony, Comr George Foukas moved to grant the application, citing the fact that the applicant's hardship is the irregular shape of the lot and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Keith La Forgia. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, 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.

5. **PRAKASH RANA**, 786 Bloomfield Avenue,
Use Block 56.07, Lot 13 & 14 – M-2 – Applicant
Variance received a use variance for the construction
 of a building containing a retail store and a
 fast food delicatessen in 1998. Applicant now
 requests an amendment to the original
 resolution that limited the hours of operation
 and proposes 24 hour operation. The uses
 will remain the same. Use variance required,
 and any other relief deemed necessary by
 the Board.

Matthew J. Trella, Esq., with offices at 1135 Broad Street, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey; Prakash Rana and his son, Prakash Rana, Jr., of 786 Bloomfield Avenue, Clifton, New Jersey. There were two objectors, Frank Gaccione of 790 Bloomfield Avenue; and Edward Welsh of West Second Street, Clifton, New Jersey.

Comr Foukas excused himself from participating in the matter, and Comr Michael Molner sat in his place and stead. Counsel Pogorelec excused himself from rendering any legal decision in the matter.

Mr. Trella stated that the applicant received a use variance for the construction of a building containing a retail store and fast food delicatessen in 1998; that the applicant now requests an amendment to the original Resolution that limited the hours of operation and proposes a 24-hour operation; that the uses at the site will remain the same; that a use variance is required since the use is not permitted in the zone.

Frank Mileto testified as a planner and stated that the applicant proposes to operate his business 24 hours a day, seven days a week; that the previous application limited his hours of operation from 6 A.M. to 11 P.M.; that the purpose of the increase in hours is to service his customers during the evening hours; that the applicant voluntarily consented to the 11 P.M. closing; that the Resolution approving the use variance was granted on August 19, 1998.

In response to questions raised by Board members concerning the applicant's hardship, Mr. Mileto stated that the M-2 zone permits 24-hour operation; that the 11 P.M. closing was self-imposed by the applicant; that there will be no negative impacts; that the applicant's son will now help his father to run the business; that the 11 P.M. restriction is unfair to the applicant.

In objecting to the application, Frank Gaccione stated that the applicant has been in operation for the last 15 years; that he is concerned about a 24-hour operation will result in a truck stop; that it will be a tremendous inconvenience; that it will attract the wrong crowd; that the only other facility that is operated 24 hours is Quick Chek on Market Street.

Prakash Rana's son testified that that he will assist his father in the operation of the same business; that he will run the business during the night hours; that there is security in place at the site.

In objecting to the application, Edward Welsh stated that he has observed the operation, and the site has recently not been opened past 7 P.M.; that there is a

coffee truck that goes to the two businesses that operate 24 hours a day; that he is concerned that someone else will come and make the business more intense if there is an approval of the 24 hour request.

After review of the testimony, Vice-Chrmn Gerard Scorziello moved to deny the application on the grounds that the applicant has failed to sustain the burden of proof to justify the grant of the increase in hours to 24 and instructed the Counsel Secretary to prepare the proper Resolution for denial of the variance. The motion was seconded by Comr Roy Noonburg who indicated that he saw no need for the operation to be open 24 hours a day. Voting for denial 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 denied in the form as more fully appears at the end of these Minutes.

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

6. IVO RODREGUEZ, 197 Christie Avenue,
Use Block 6.15, Lot 13 – M-2 – Applicant proposes
Variance to operate a car detailing shop in an existing
mixed use site. Use variance required for
use and for mixed use on one lot.

Matthew J. Trella, Esq., with offices at 1135 Broad Street, Clifton, New Jersey, appeared on behalf of the applicant. The applicant, residing at 214 Trimble Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Trella stated that the applicant proposes to operate a car detailing shop in an existing mixed use site at 197 Christie Avenue; that a use variance is required for use and for mixed use on one lot; that the applicant proposes to operate a car detailing shop, and the other use at the site is an auto body shop.

The applicant testified that he operates the auto body shop and desires to operate a car detailing use in one of the bays in the auto body shop.

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

7.	1629 MAIN AVENUE ASSOCIATES, LLC,
Use	1639 Main Avenue, Block 9.06, Lot 6 –
Variance;	B-C – Applicant proposes to convert 2480
Variances	sq. ft. portion of the existing building to a
	catalog sales warehouse. Applicant
	requires a use variance and bulk variances
	for existing side and rear yard setbacks.
	Any other relief the Board deems necessary.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Elvira Talentino on behalf of the applicant. There were no objectors.

Comr George Foukas excused himself, and Comr Michael Molner participated in his place and stead.

Mr. Peterson stated that the applicant proposes to convert a 2,480 square foot portion of the existing building to a catalog sales warehouse; that a use variance is required and bulk variances for the existing side and rear yard setbacks; that the applicant's operation will be from 8 A.M. to 4 P.M., five days a week; that there will be one or two employees at the site; that there will be no retail sales at the site; that there is a warehouse for materials in Paterson; that there will be no changes made to

the building footprint; that the proposed use is less intense than other permitted uses; that the proposed use is less intense from a noise and traffic standpoint of view.

Mr. Peterson offered into evidence which was marked "A-1" a brochure showing the engineered wood flooring which would be exhibited at the site; that the wood flooring is created by combining separate layers of hardwood as opposed to solid wood flooring single-layer; that each floor is made from 7 sub layers of birch hardwood known for strength and stability.

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 use variance and bulk variances. 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.

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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. With regard to the Resolution GRANTING the application of E CUBE 240 LLC & AMERICAN ANALYTICAL ASSOCIATION, LLC for 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 at 247/245 Parker Avenue, Block 4.16, Lot 33/31, the Resolution was held pending receipt of reports from the Police Department and Fire Department.

2. Upon motion made by Comr Roy Noonburg, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of UNIFOODS LLC for 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 at 364 East First Street, Block 5.02, Lot 12, was adopted. M-2

3. Upon motion made by Comr Louis DeStefano, seconded by Comr Keith LaForgia, and affirmed by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ANTHONY MANGARELLA for variance for a 5-foot-high solid fence on the right side yard at 281 Charles Street, Block 74.05, Lot 7, was adopted. RA1

4. Upon motion made by Comr Michael Molner, seconded by Comr Daniel Trenk, and affirmed by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of FRANCESCO & REGINA LO MARTIRE for rear yard setback variance for a rear deck at 58 Lindale Court, Block 41.01, Lot 41, was adopted. RA3

5. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SKENDER KOKAJ for 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 at 55 Mountainside Terrace, Block 22.02, Lot 21, was adopted. RA3

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF FEBRUARY 21, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: HIRAL & SURESH GANDHI
for premises known as: 23 Fernwood Court, Block 17.04, Lot 30
be and the same is hereby: GRANTED left side yard and combined side yard setback variances for a second story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, February 21, 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 left side yard and combined side yard setback variances for a second floor addition at premises located at 23 Fernwood Court, Block 17.04, Lot 30, 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 a second story addition at the subject premises;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 4.7 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 15 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a second story addition at premises located at 23 Fernwood Court, Block 17.04, Lot 30, be and the same is hereby approved and the left side yard and combined side yard setback variances be and the same are hereby granted subject to such further governmental approvals as may be required by law.

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, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 21, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ERNESTO A. PIMENTEL
for premises known as: 50 Olympia Street, Block 9.16, Lot 35
be and the same is hereby: GRANTED lot coverage variance for a rear yard deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, February 21, 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 for a rear yard

deck at premises located at 50 Olympia Street, Block 9.16, Lot 35, 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 applicant proposes to erect a rear yard deck;
- b. A lot coverage variance is required where 29.5 percent is proposed and a maximum of 27 percent is permitted;
- 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 for a rear deck at premises located at 50 Olympia Street, Block 9.16, Lot 35, be and the same is hereby approved and the lot coverage variance be and the same is hereby granted subject to such further governmental approvals as may be required by law.

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

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

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

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr DANIEL TRENK.

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

MEETING OF FEBRUARY 21, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: YISROEL WOLFF
for premises known as: 76 Ravona Street, Block 57.04, Lot 8
be and the same is hereby: GRANTED a rear two-story addition and a second floor addition with a left side yard setback variance and extension onto the existing non-conforming driveway.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, February 21, 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 proposes a rear two-story addition and a second floor addition over the existing house at premises located at 76 Ravona Street, Block 57.04, Lot 8, which premises are located in an 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 proposes a rear two-story addition and a second floor addition over the existing house at the subject premises;
- b. The second story addition is proposed at 4.8 feet from the left side lot line where 6' is required;
- c. The proposed addition is extended onto the existing non-conforming driveway;
- d. The applicant has stipulated to the elimination of the driveway in front of the house and extending it to the right of the premises;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a rear two-story addition and a second floor addition over the existing house at premises located at 76 Ravona Street, Block 57.04, Lot 8, be and the same is hereby approved and the left side yard setback variance be and the same is hereby granted subject to such further governmental approvals as may be required by law subject to the elimination of the driveway in front of the house and extending the driveway to the right of the premises.

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 LOUIS DE STEFANO.

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

MEETING OF FEBRUARY 21, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AHUVA & YEHUDA WILLIG
for premises known as: 128 Edgewood Avenue, Block 57.07, Lot 24
be and the same is hereby: DENIED variance required for a driveway in front of the house not serving a garage on the grounds of res judicata.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, February 21, 2018. Said testimony along with 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant made application to the Zoning Board of Adjustment for a proposal to convert a portion of the existing garage to living space and the balance for storage area which requires a variance for a driveway in front of the house not serving a garage, which application was denied by the Board on November 15, 2017; and

WHEREAS, the applicant now comes before the Board seeking a variance for a driveway in front of the house not serving a garage and proposing to convert a portion of the existing garage to living space and the remainder for storage space, which matter was heard by the Board and denied on November 15, 2017; and

WHEREAS, the Board, after hearing the testimony presented by the applicant concerning the substantial changes from the previous application denied on November 15, 2017, has made the following factual findings:

- a. There is no showing of any different circumstances or any change in the conditions of the surrounding area between the time of the denial of the first application and the filing of the petition for the second application;
- b. The same parties are involved;
- c. The second application is substantially similar to the first application;
- d. There was an adjudication on the merits in the first case;
- e. Both applications involve the same requests for relief, with the exception that in the first application, in addition to the same relief requested in the second application, there was also a request for an attic bathroom;
- f. The applicant has failed to sustain the burden of proof required to overcome

the doctrine of res judicata;

g. From a zoning standpoint of view, the applicant has shown no hardship to justify the grant of the variance requested;

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

WHEREAS, the Board finds from the testimony presented that in its previous Resolution the Board found that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that in its previous resolution the Board found that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to convert a portion of the existing garage to living space and the balance to storage area at premises located at 128 Edgewood Avenue, Block 57.07, Lot 24, be and the same is hereby denied for failure of the applicant to sustain the burden of proof to overcome the doctrine of res judicata.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr GEORGE FOUKAS.

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

MEETING OF FEBRUARY 21, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOE ARCA
for premises known as: 10 Atkins Court, Block 32.02, Lot 56
be and the same is hereby: GRANTED rear yard setback variance and front yard setback variance for an addition to the rear of the house and a second story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 21, 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 George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for an addition to the rear of the house and a second story addition at premises located at 10 Atkins Court, Block 32.02, Lot 56, which premises are located in an 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 proposes to add an addition to the rear of the house and a second story addition at the subject premises;
- b. Variances are required for the rear yard setback proposed at 17 feet where 35 feet is required and front yard setback proposed at 10 feet where 25 feet is required;
- c. The applicant's hardship is the irregular shape of the property;
- 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; and

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

NOW THEREFORE, BE IT RESOLVED that the application to add an addition to the rear of the house and a second floor addition to premises located at 10 Atkins

Court, Block 32.02, Lot 56, be and the same is hereby approved and the rear yard setback and front yard setback variances 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 GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

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

MEETING OF FEBRUARY 21, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: PRAKASH RANA
for premises known as: 786 Bloomfield Avenue, Block 56.07, Lot 13 & 14
be and the same is hereby: DENIED amendment to the original Resolution limiting the hours of operation and proposing a 24 hour operation.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 21, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests an amendment to an original Resolution that limited the hours of operation and proposes a 24 hour operation for a retail store and fast food delicatessen at premises located at 786 Bloomfield Avenue, Block 56.07, Lot 13 and 14, which premises are located in an M-2 zone; and

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

- a. The applicant did receive use variance approval in on August 19, 1998, and the amended Resolution did condition approval upon the hours of operation shall be from 6 A.M. to 11 P.M. which was stipulated to and accepted by the applicant;
- b. The applicant has failed to sustain the burden of proof to show the necessity of having a 24 hour operation inasmuch as the present operation of the business has closed at 7 P.M. in the evening;
- c. The applicant has shown no hardship to justify the expansion of the hours to a 24 hour operation;
- d. While the M-2 zone permits 24 hour operation, the applicant's use of the premises is by way of an approval of a use variance with the condition set forth therein;
- e. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to amend the original Resolution that limited the hours of operation and proposes a 24 hour operation at premises located at 786 Bloomfield Avenue, Block 56.07, Lot 13 and 14, be and the same is hereby disapproved and the application be and the same is hereby denied.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr ROY NOONBURG.

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

MEETING OF FEBRUARY 21, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: IVO RODREGUEZ
for premises known as: 197 Christie Avenue, Block 6.15, Lot 13
be and the same is hereby: GRANTED use variance to operate a car detailing shop in an existing mixed use site.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 21, 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 George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval to operate a car detailing shop in an existing mixed use site at premises located at 197 Christie Avenue, Block 6.15, Lot 13, which premises are located in an M-2 zone; and

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

- a. The applicant proposes to operate a car detailing shop in an existing mixed use site;
- b. The other uses at the site include an auto body shop;
- c. The car detailing use will use one bay of the auto body shop;
- d. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- e. The benefits of the application outweigh the detriments, if any; and

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

NOW THEREFORE, BE IT RESOLVED that the application to operate a car detailing shop in one of the bays used by the auto body shop at premises located at 197 Christie Avenue, Block 6.15, Lot 13, be and the same is hereby approved and the use 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 GEORGE FOUKAS.

Seconded by: Comr KETIH LA FORGIA.

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

MEETING OF FEBRUARY 21, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: 1629 MAIN AVENUE ASSOCIATES, LLC
for premises known as: 1639 Main Avenue, Block 9.06, Lot 6
be and the same is hereby: GRANTED use variance and bulk variances for existing side and rear yard setbacks to convert a 2,480 square foot portion of an existing building to a catalog sales warehouse.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 21, 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 as aforesaid to convert a 2,480 square feet portion of an existing building to a catalog sales warehouse exhibiting engineered wood flooring at premises located at 1639 Main Avenue, Block 9.06, Lot 6, which premises are located in a B-C zone; and

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

- a. The applicant proposes to convert a 2,480 square foot portion of the existing building to a catalog sales warehouse exhibiting engineered wood flooring;
- b. The hours of operation will be from 8 A.M. to 4 P.M. five days a week with one or two employees;
- c. There will be no retail sales at the premises;
- d. There will be no changes made to the footprint of the building;
- e. The applicant has satisfied the positive and negative criteria required for the

grant of the use variance;

f. The proposed use is less intense than a permitted use with respect to noise and traffic;

g. The applicant has shown sufficient hardship to justify the grant of the bulk variances;

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

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

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

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application to convert a 2,480 square foot building to a catalog sales warehouse exhibiting engineered wood flooring at premises located at 1639 Main Avenue, Block 9.06, Lot 6, be and the same is hereby approved and the use variance and bulk variances for existing side yard and

rear yard setbacks be and the same are hereby granted subject to such further governmental approvals as may be required by law and further subject to Passaic County Planning Board approval and Passaic County Planning Board approval, if required.

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

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

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

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr KEITH LA FORGIA.

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