

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, April 4, 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, LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS DANIEL TRENK AND KEITH LA FORGIA.

Chrmn Zecchino advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

Upon motion made by Comr Louis DeStefano, seconded by Comr George Foukas, the Minutes of the February 21, 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.

NOTE: REVISED PLAN ON FILE

Lawrence A. Calli, Esq., with offices at 3 Briarcliff Terrace, Kinnelon, New Jersey, appeared on behalf of the applicant. Sean R. McGowan, Esq., with offices at 777 Terrace Avenue, Hasbrouck Heights, New Jersey, appeared on behalf of objector, Hickory Lake Associates, LLP; and Frank Fusco, Esq., of 15 Princeton Street, Clifton, New Jersey.

This is a continued hearing from the meetings of May 17, 2017, July 19, 2017, November 1, 2017, and January 17, 2018.

Mr. McGowan stated that he was recently retained to represent an objector, Hickory Lake Associates, LLP, the owner of two properties within 200 feet of the subject premises; that although his clients received notice of the prior meetings, they were not aware of the hearings going on in the within matter; that on behalf of his client, an adjournment is requested to provide him with time to review transcripts of the previous hearings on the matter to determine whether experts should be retained to appear before the Board.

Mr. Calli objected to the request for an adjournment, stating that the matter has been before the Board for almost one year; that the applicant has provided experts to come to the meeting this evening to give further testimony as requested by the Board; that this request is extremely prejudicial to the applicant.

Chrmn Zecchino requested an opinion from Counsel Pogorelec concerning the proposed request. Counsel Pogorelec stated that the applicant still has not completed its case; that Mr. McGowan was recently retained and should be given the opportunity to review the transcripts and participate in any cross-examination of

the witnesses Mr. Calli has; that the cross-examination should be limited to the testimony presented by the applicant's experts; that the Clifton Zoning Board is known for its fairness to all applicants and objectors; that if this matter were to go to Court and Mr. McGowan complained on behalf of his client that he was not given an opportunity to participate in the cross-examination of Mr. Calli's witnesses, then it is apparent that the Court would remand the matter back to give him an opportunity to do so. The doctrine of fairness to all parties governs the within matter.

Thereupon, Chrmn Zecchino requested that the Board members be polled to determine whether the request for an adjournment should be granted. Voting to grant the request for an adjournment were Comrs Scott Sochon, Michael Molner, Roy Noonburg, and Chrmn Mark Zecchino. Voting against the request for an adjournment were Comrs Louis DeStefano and Vice-Chrmn Gerard Scorziello. There were four Commissioners in favor of the adjournment and two opposed to the adjournment. Thereupon, Chrmn Zecchino granted the adjournment and set the matter for hearing on June 6, 2018, with no further adjournments.

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

This matter was continued without date. Chrmn Zecchino requested Zoning Officer Daniel D. Howell to schedule a hearing date with notice to all interested parties.

3.	UNITED AMERICAN MUSLIM
Use	ASSOCIATION INC., 492 Clifton
Variance;	Avenue, Block 12.01, Lot 24

Variances -- B-C -- Applicant seeks to eliminate one apartment and create a study area for cultural and enrichment programs for young students:

- 1) Conditional use variance required (lot and building do not meet conditional use requirements.
- 2) Use variance required for mixed use building (residential on second floor) accessory use
- 3) Bulk variances for existing conditions including
 - a) parking within front yard setback;
 - b) parking isles deficient;
 - c) parking within rear yard setback;
 - d) parking stalls deficient in size.
- 4) Such other variances as may be required.

Chrmn Zecchino read into the record a request received from the applicant's attorney to have the matter dismissed without prejudice. Thereupon, Comr Louis DeStefano moved to have the matter dismissed without prejudice. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Louis DeStefano, 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 dismissed without prejudice 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. 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 by the Board until the April 18, 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.

Chrmn Zecchino noted for the record that the Board is in receipt of a
communication dated March 1, 2018, from John Inglesino, Esq., attorney for Donald L.

Chappa, an objector to the application; that his client recently suffered a heart attack and will undergo bypass surgery; that a 90-day adjournment is requested.

Subsequently, the Board received a communication dated March 6, 2018, from Gail L. Price, Esq., attorney for the applicant, consenting to the request for an adjournment.

Thereupon, Chrnm Zecchino scheduled the matter for hearing on July 18, 2018, subject to availability of both counsel and witnesses for the scheduled date.

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).

NOTE: REVISED PLAN ON FILE

This matter was continued to the April 18, 2018, meeting of the Board at the request of Frank A. Carlet, Esq., the attorney for the applicant.

7. PARKWAY IRON & METAL, INC.,
Interpre- 613-639 Route 46 East, Block 19.01,
tation; or Lot 1 – M-3 – To request the
Use following relief:
Variance; (i) An interpretation from the Board
Variances of Section 289-14 of the City of Clifton
Code that would authorize the Zoning
Officer of the City of Clifton to issue a
zoning permit under 40:55D-70(b),
40:55D-4 and 40:55D-18 approving the
height and composition of the perimeter
wall enclosure that currently exists at
the subject property; alternatively,
(ii) For the Board to grant a use variance
to permit the existing perimeter wall to
remain at the subject property pursuant
to 40:55D-70(d)(1) and (2) and/or for a
bulk variance as to the height and
composition of the perimeter wall
pursuant to 40:55D-70(c)(2); and
(iii) For any other variances and/or
waivers as may be determined by the
Board.

This matter was previously continued to the April 18, 2018, meeting of the Board.

8. LEVIN MANAGEMENT CORP.,
Use 1010 Route 46 a/k/a Route 46 West
Variance; and Van Houten Avenue, Block 39.01,

Variances Lot 23 – B-D – Amended simultaneous preliminary and final site plan approval and sign variances, for colors, size, location, height over roof line, number of signs and signs on a new façade, parking space size, location and number, and a conditional use variance to permit the operation of a Restaurant/Café in a proposed new supermarket, all specifically as otherwise provided in the City’s Ordinances and any other applicable variances from the requirements of the land use development ordinances for the City of Clifton or waivers and/or exceptions that may be required so as to permit operation of a 16,060 sq. ft. supermarket with a Restaurant/Café with approximately 88 seats in the mall known as Clifton Plaza.

Francis J. DeVito, Esq., with offices at 280 Moonachie Road, Moonachie, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Joseph Yannucci, a professional engineer, with offices at 300 Kimball Drive, Parsippany, New Jersey, of Langan Engineering; and Sean Moronski, professional planner and senior project manager, with offices at 300 Kimball Drive, Parsippany, New Jersey, also of Langan Engineering; Maxim Gagneron of 127 Mercer Place, South Orange, New Jersey, of Levin Management. There was one objector: Edward Gasior of 27 Elm Hill Road, Clifton, New Jersey.

Mr. DeVito stated that the applicant requests conditional use variance approval to permit the operation of a restaurant and café in a proposed new supermarket at premises located at 1010 Route 46; that the supermarket will have 16,060 square feet with a restaurant and café with approximately 88 seats; that the premises are located in the mall known as Clifton Plaza.

Mr. Yannucci testified as a professional engineer and stated that the applicant is seeking preliminary and final site plan approval as well as a conditional use variance to permit the operation of a restaurant/café in a proposed new supermarket at the subject premises; that the site in question is known as Clifton Plaza and has previously been developed as a 95,549 square foot shopping center with a combination of various uses, including retail, restaurant, fitness, and a bank; that the applicant proposes a 16,060 square foot supermarket with a restaurant/café which will house approximately 88 seats; that the proposed space for the supermarket will be 16,060 square feet and the café will contain 3,231 square feet.

Objector Edward Gasior was concerned with noise from trucks coming to the site in the morning; that two or three times a week, trucks come between the hours of 4 and 5 A.M. and disrupt the neighborhood.

Sean Moronski testified as a professional planner and project manager of the site. Mr. Moronski stated that a conditional use variance is requested since one of the conditions is parking which is not satisfied by the applicant; that at the present time, there are 450 parking spaces available; that the proposed addition of the café within the supermarket would increase the required number by an additional 42 parking spaces, for a total of 492 parking spaces required; that studies conducted by Langan Engineering show that the parking variance may be granted based upon a parking survey summary which shows that during the peak hour on Wednesday, November 9, 2017, at 5:30 P.M., there were 182 vehicles which represented a parking occupancy of 40 percent of the premises; that the peak hour on Saturday, which was 2 P.M., studies show that on November 4, 2017, there were a total of 216 vehicles which represent approximately 47 percent of parking occupancy; that a variance for the parking deficit of 36 spaces could be granted with no negative effect on the operations of the shopping center.

At this point in the hearing, Chrmn Zecchino stated that the Board will request a report from its planning consultant and will also request testimony from the operations manager. Thereupon, the matter was continued by the Board until the May 16, 2018, meeting of the Board.

NEW HEARINGS

1. 354 ALLWOOD ROAD, LLC, 354 Allwood
Use Road, Block 69.01, Lot 14 – M-2 – A use
Variance variance to permit the outdoor storage of
 new motor vehicles and the indoor storage
 for repair and service of motor vehicles
 together with preliminary and final site
 plan approval together with any other
 variances or approvals which may be
 determined to be required.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were Wayne R. Hall of 225 River Drive, Passaic, New Jersey, Manager of Garden State Honda; Richard J. Adelsohn of 101 South Harrison Street, East Orange, New Jersey, consulting civil engineer; and Peter Steck of 80 Maplewood Avenue, Maplewood, New Jersey, a professional planner. There were no objectors.

Mr. Carlet stated that the applicant requests use variance approval to permit the outdoor storage of new motor vehicles and the indoor storage for repair and service of motor vehicles together with preliminary and final site plan approval for premises located at 354 Allwood Road, which premises are in an M-2 zone.

Mr. Hall testified that he is the daily Manager at Garden State Honda; that the proposal is to occupy approximately 1.0 acres at premises with a frontage of 193 feet on Allwood Road and a depth of 421 feet on Book Court for the preparation and service of new motor vehicles and storage of vehicles both indoors and outdoors; that the hours of operation will be from 7 A.M. to 9 P.M. Monday through Saturday and on Sunday from 8 A.M. to 2 P.M.; that there will be one employee at the site; that the site currently contains a 25,651.3 square foot one-story building along with 76 parking spaces; that the site and the parking area will be re-striped with 16 rows of parking, estimated at 128 storage vehicles, 13 employee spaces, 31 in-service vehicle parking spaces, and 2 accessible parking spaces.

Mr. Adelsohn testified as a consulting civil engineer and stated that the property in question consists of a rectangular-shaped lot with an area of 8,054 square feet and is located within an M-2 zone; that the property is bound by commercial properties to the west and east; that the subject premises is currently developed with an existing one-story brick building which was previously occupied by Verizon for the repair and service of its vehicles but is currently vacant; that the applicant requests the issuance of a variance to permit the outdoor storage of motor vehicles and the indoor storage for repair and service of motor vehicles.

Mr. Adelsohn testified that he reviewed the report of Neglia Engineering Associates dated March 21, 2018, regarding the existing and proposed pavements, grading, drainage, utility, storm runoff, and location of roof leaders; that the applicant will consult with Neglia Engineering and comply with all recommendations satisfactory to both the applicant and Neglia Engineering.

Peter Steck testified as a planner and submitted a 5-page report for review by the Board which consists of the following: On Page No. 1, a photograph showing the aerial view of the subject premises and a photograph showing the front view of the subject premises; Page No. 2, three photographs showing the frontage, the rear, and the side of the premises; Page No. 3, three photographs showing the review of the premises as well as the view of the interior of the subject building looking north; Page No. 4, portions of the Clifton Ordinance concerning uses permitted and schedule of regulations as to bulk, height, and other requirements; and Page No. 5, a diagram of the existing building showing no landscaping in the parking area, the side yard setback of 4.7 feet, and a front sign setback of 10.9 feet; that a D-1 use variance is requested; that there is low activity at the premises; that the proposal satisfies Sections a, g, h, l, and m of the purposes of the Land Use Law, N.J.S.A. 40:55D-2; that the proposed use is a better use of the property than the prior use; that the size of the parking stalls are 9- by 18-feet instead of 9- by 19-feet; that there will be no washing of motor vehicles at the site; that there will be garbage collected by a waste disposal operator.

After a review of the testimony, Comr Roy Noonburg moved to grant the application subject to stipulation that the applicant receive a satisfactory report from the Fire Department as well as the filing of final plans to the Board and Comr

Noonburg instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Louis DeStefano, 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.

2.
- Use

GHOSH HAWK BREWING COMPANY LLC,
321 River Road, Block 73.03, Lot 54 – BC –
- Variances

Variances required to operate a microbrewery:
1) Use variance to operate with a retail
element within a B-C zone; 2) More than one
principal use on the lot; 3) Any other relief
deemed by the Board.

Thomas P. DeVita, Esq., with offices at 452 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Chris Sheehan of 321 River Road, Clifton, New Jersey; Thomas Ruchalski of 52 Hillcrest Avenue, Lodi, New Jersey; and Frank D. Mileto of 14 Beaverbrook Drive, Long Valley, New Jersey, a planner. There were no objectors.

Mr. DeVita stated that the applicant requests use variance approval to occupy a portion of the subject premises with a microbrewery with no site changes.

Mr. Ruchalski testified that the present unit is vacant; that the applicant proposes to operate a microbrewery at the site to produce high-quality artisanal beer which will be batch and barrel-aged and handcrafted; that the site in question was previously approved for a contractor's shop and storage building in 2007 and then in 2014, the site was approved to operate a micro-distillery with a retail element; that the applicant proposes to operate a microbrewery from Wednesday to Sunday; that the hours of brewing will be from 9 A.M. to 4 P.M. and then from 5 P.M. to 8 P.M., the premises will be open to the public; that there will be three employees; that scrubbers will be utilized to reduce the smell of beer; that there will also be installed interior fans; that State and Federal licenses are required; that no more than six people may be permitted during the public session at one time; that the cost of a 16 ounce container will be approximately \$5.00.

Mr. Sheehan testified that he is a master brewer; that he has been involved in ten other previous microbreweries, and this is his eleventh; that he will be in charge of production; that the equipment provided will include a fermentation unitank, a kettle whirlpool and mash unit and a walk-in cooler; that from start to finish, it takes approximately one month to brew the beer; that the aroma will be kept within the building; that the brewing staff will consist of approximately three to four individuals; that deliveries to the site will be every two or three weeks.

Mr. Mileto testified as a planner and stated that the applicant proposes to occupy 2,732 square feet of the existing building with a microbrewery; that the site is not proposed to change in any way; that a total of 19 parking spaces are provided on the site; that in his opinion, the applicant satisfies the positive criteria in that it will be a positive benefit to the community and the site is uniquely suited for its use; that with respect to the negative criteria, there will be no noise, odors, noxious fumes, smoke, or dust emanating from the site, nor will there be any traffic issues; that the proposal is a good, clean use of a vacant commercial piece of property; that the benefits of the application outweigh any detriments.

There was some discussion concerning the sewer line, and it was agreed that the applicant would communicate with Neglia Engineering to check the sewer line laterals.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application, stating that it will be a positive benefit to the community and instructed the Counsel Secretary to prepare the proper Resolution for approval of the use variance. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Louis DeStefano, 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.	WIESLAW SERAFIN, 420 Highland Avenue,
Use	Block 21.02, Lot 65 – RB2 – Applicant
Variance	proposes to use the basement of an existing condo unit for living space and a three-fixture bathroom. Use variance required for the three-fixture bathroom. Zoning Board resolution dated April 20, 1988 has a stipulation stating “The basement to be used for storage purposes only.” Applicant requests this stipulation be removed. And such other variances as required by law.

This matter was continued to the May 2, 2018, meeting of the Board due to defective notice.

CONTINUED RESOLUTION

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

1. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, 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, was adopted. PD-1

RESOLUTIONS FROM 02/21/2018

1. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of HIRAL & SURESH GANDHI for left side yard and combined side yard setback variances for a second story addition at 23 Fernwood Court, Block 17.04, Lot 30, was adopted. RA3

2. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, George Foukas Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ERNESTO A. PIMENTEL for lot coverage variance for a rear yard deck at 50 Olympia Street, Block 9.16, Lot 35, was adopted. RB1

3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of YISROEL WOLFF for 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 at 76 Ravona Street, Block 57.04, Lot 8, was adopted. RA3

4. Upon motion made by Comr Louis DeStefano, seconded by Comr George Foukas, and affirmed by Comrs Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of AHUVA & YEHUDA WILLIG for variance required for a driveway in front of the house not serving a garage at 128 Edgewood Avenue, Block 57.07, Lot 24, on the grounds of res judicata was adopted. RA3

5. Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JOE ARCA for rear yard setback variance and front yard setback variance for an addition to the rear of the house and a second story addition at 10 Atkins Court, Block 32.02, Lot 56, was adopted. Ra3

6. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Roy Noonburg, and affirmed by Comrs Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of PRAKASH RANA for amendments to the original Resolution limiting the hours of operation and proposing a 24 hour operation at 786 Bloomfield Avenue, Block 56.07, Lot 13 and 14, was adopted. M-2

7. Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of IVO RODREGUEZ for use variance to operate a car detailing shop in an existing mixed use site at 197 Christie Avenue, Block 6.15, Lot 13, was adopted. M-2

8. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of 1629 MAIN AVENUE ASSOCIATES, LLC for 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 at 1639 Main Avenue, Block 9.06, Lot 6, was adopted. B-C

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF APRIL 4, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: UNITED AMERICAN MUSLIM ASSOCIATION
for premises known as: 492 Clifton Avenue, Block 12.01, Lot 24
be and the same is hereby: DISMISSED WITHOUT PREJUDICE to eliminate one apartment and create a study area for cultural and enrichment programs for young students.

At the request of the attorney for the applicant to have this matter dismissed without prejudice, Comr Louis DeStefano moved to dismiss the matter without prejudice based upon the following Resolution:

WHEREAS, the applicant has requested conditional use variance and use variance to eliminate one apartment and create a study area for cultural and enrichment programs for young students; and

WHEREAS, the applicant has requested that the matter be withdrawn without prejudice; and

WHEREAS, the Board accepts the statement from counsel for the applicant and agrees to dismiss the matter without prejudice;

NOW THEREFORE, BE IT RESOLVED that the application for conditional use variance and use variance to eliminate one apartment and create a study area for cultural and enrichment programs for young students at premises located at 492 Clifton Avenue, Block 12.01, Lot 24, which premises are located in a BC zone, be and the same is hereby dismissed without prejudice and the conditional use variance and use variance required for mixed use building be and the same is hereby dismissed without prejudice.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr GEORGE FOUKAS.

Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF APRIL 4, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: 354 ALLWOOD REALTY, LLC
for premises known as: 354 Allwood Road, Block 69.01, Lot 14
be and the same is hereby: GRANTED use variance together with preliminary
and final site plan approval to permit the outdoor storage of new motor vehicles
and the indoor storage for repair and service of motor vehicles.

Testimony concerning the aforesaid application was taken by the Board at its
meeting on April 4, 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 use variance approval as aforesaid to permit
the outdoor storage of new motor vehicles and the indoor storage for repair and
service of motor vehicles, together with preliminary and final site plan approval at
premises located at 354 Allwood Road, Block 69.01, Lot 14, which premises are
located in an M-2 zone; and

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

- a. The site in question was previously utilized by Verizon Communications for
the repair and service of its vehicles and the outdoor parking of such vehicles;
- b. The site in question is presently vacant;
- c. The proposed use is substantially similar to the use of the premises by the
prior occupant, except that the outdoor vehicles to be stored in the parking lot will
be a great deal more attractive than the Verizon service vehicles;
- d. Based upon the testimony of the applicant's planner, the applicant has
satisfied the positive and negative criteria required for the grant of a use variance;
- e. The site in question is particularly suited for the proposed use;
- f. The testimony of the applicant's planner satisfied all the requirements of

Medici v. BPR Co.;

- 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 since it is substantially similar to the previous use of the premises; and

WHEREAS, the Board further finds from the testimony presented that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood since it is a passive use based upon the testimony of the applicant's planner;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application for a use variance to permit the outdoor storage of new motor vehicles and indoor for repair and service of motor vehicles at premises located at 354 Allwood Road, Block 69.01, Lot 14, be and the same is hereby approved and the use variance, preliminary and final site plan approval, together with sign setback variance, parking stall size

variance and side yard setback variance be and the same are hereby granted subject to such further governmental approvals as may be required by law subject to:

1. Receipt of a satisfactory report from the Fire Department of the City of Clifton;
2. Submission of final plans to the Board; and
3. Subject to 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 ROY NOONBURG.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF APRIL 4, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: GHOST HAWK BREWING COMPANY LLC
for premises known as: 321 River Road, Block 73.03, Lot 54
be and the same is hereby: GRANTED use variances to operate a
microbrewery and more than one principal use on the lot.

Testimony concerning the aforesaid application was taken by the Board at its
meeting on April 4, 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 requests use variance approval as aforesaid to
operate a microbrewery at premises located at 321 River Road, Block 73.03, Lot
54, which premises are located in a B-C zone; and

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

- a. The site in question was previously granted a use variance for a
contractor's shop and storage building on September 19, 2007;
- b. On November 19, 2014, the Board granted a use variance to operate a
micro-distillery with a retail element and more than one principal use on the lot;
- c. The applicant proposes to occupy 2,732 square feet of the existing building
with a microbrewery;
- d. The hours of operation are from 9 A.M. to 4 P.M. to brew the beer and
from 5 P.M. to 8 P.M. open to the public, Wednesday through Sunday;
- e. There will be three employees at the site;
- f. Based upon the testimony of applicant's planner, the applicant has satisfied
the positive criteria that the use will be a positive benefit to the community;
- g. The applicant has satisfied the negative criteria in that there will be no
odors, noise, noxious fumes, smoke, or dust emanating from the site;

h. 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 similar use variances have been granted at the site; and

WHEREAS, the Board further finds from the testimony presented that the proposal will not be detrimental to the health, safety, and general welfare of the community since there will be no odors, noise, noxious fumes, smoke, or dust created by said use nor will there be any traffic issues based upon the testimony of the applicant's planner;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application to operate a microbrewery with a retail element and also conducting more than one principal use on the premises located at 321 River Road, Block 73.03, Lot 54, be and the same is hereby approved and the use variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following stipulations:

1. That the applicant utilize scrubbers and fans to control the odor;
2. The hours of operation will be Wednesday through Sunday from 9 A.M. to 4 P.M. for brewing and 5 P.M. to 8 P.M. for the public;
3. Subject to approval by Neglia Engineering Associates with regard to sewer line laterals; and
4. Subject to 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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr SCOTT SOCHON.

Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.