

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, June 27, 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.

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 June 6, 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

This matter was previously continued by the Board until the July 18, 2018, meeting.

2. 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 to the July 18, 2018, meeting of the Board.

NEW HEARINGS

1. SOHEL KHAN, 712 Grove Street,
Variances Block 62.06, Lot 12 – RA1 – Applicant
proposes to build a second floor
addition over the existing garage
and a roof over the existing deck.
The following variances are
requested:
1) Rear yard setback proposed at
14.9’ where 35’ is required.
2) Right side yard proposed at
8.5’ where 10’ is required.

The applicant, residing at 712 Grove Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant stated that he proposes to build a second floor addition over the existing garage and a roof over the existing deck; that the rear yard setback is proposed at 14.9 feet where 35 feet is required; that the right side yard setback is proposed at 8.5 feet where 10 feet is required.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval. 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.

2. ALLWOOD INVESTMENT COMPANY,
Use A PARTNERSHIP, 925-955 Allwood
Variances; Road, Block 66.01, Lot 1 & 5 – B-D –
Variances Applicant proposes to eliminate the
restaurant and nightclub use at
955 Allwood Road and use the existing
building as an office building.
Preliminary and final site plan approval
is requested. Clifton Zoning Ordinance
461-60L requires a permanent easement
or common ownership for parking spaces
on an adjacent property. Parking spaces
utilized at 925 Allwood Road are under
an easement agreement which ends in
2064, conditional use variance required.
All parking and access driveways are
existing conditions, no changes proposed.
Some existing parking spaces do not
conform, as such, a parking variance is
requested. Existing nonconforming
building and parking lot bulk requirements.
A D-3 Use Variance is required.

Thomas P. DeVita, Esq., with offices at 452 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were: Louis Brandt, architect, 1035 Route 46, Clifton, New Jersey; D. Thomas Stearns, 12 Seabrook Road, Stockton, New Jersey, traffic engineer; Frank D. Mileto, planner, 14 Beaver Brook Road, Long Valley, New Jersey; and Robert C. Papa, Jr., Esq., 935 Allwood Road, Clifton, New Jersey, representing the applicant's tenant. There were no objectors.

Comr Molner sat in the place and stead of Vice-Chrmn Scorziello. Comr Foukas recused himself from participating, and Comr Sochon sat in his place and stead.

Mr. Brandt testified that the applicant is proposing to eliminate the nightclub and restaurant uses on the property and renovate the building to become a law office. Mr. Brandt described the layout of the office, the space for offices vs. the space for work stations. He stated that the occupancy for Bliss was previously 540 and Buco's was 120; however, with this proposed office use, the occupancy is 120; that there will be no change in the footprint of the building, and the use will be less intensive as an office use as opposed to a restaurant and nightclub.

Mr. Stearns reviewed the site with consideration to the parking on the subject property associated with office redevelopment. He called the board's attention to the parking requirement in the ordinance; that for the prior restaurant/nightclub use, there was 160 spaces, but the parking for office use is only 60 spaces; therefore, the demand is being reduced from 160 to 60. Mr. Stearns noted that the 293 parking spaces at the site is currently laid out; that he observed the parking occupancy of the subject premises on June 12, 2018, at 9 A.M., 12 Noon, and 4 P.M.; that the peak occupancy was at 12 Noon with 164 out of 293 parking spaces. Therefore, he concluded that the availability of parking on the subject premises and the availability in proximity to the building where the work is being performed is more than sufficient to accommodate the anticipated demand; that there will be no negative effects on parking or traffic; there will only be positive effects in that the site accommodates the amount of parking associated for the proposed use.

Mr. Mileto testified regarding the positive and negative criteria; that the proposed use is a much less intensive and less invasive use as opposed to a restaurant and nightclub. He called the Board's attention to the fact that a D-3 conditional use variance is necessary since all of the parking is not located on the property at issue. Mr. Mileto addressed the Extension of Easement Agreement dated May 10, 2018, between Allwood Investment Co., a Partnership, and Allwood Investment Co., A Partnership.

R.C. Papa testified on behalf of the tenant proposed to occupy the development; he basically explained that the office hours are from 9 A.M. to 6 P.M., Monday through Friday, with nine attorneys on staff as well as secretaries/paralegals.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval. The motion was seconded by Comr Roy Noonburg. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, 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. **CLIFTON SAFE STORAGE, LLC,**
Use 1204 Broad Street (County Road 509)
Variances; Block 64.03, Lot 2 – B-D – Application
Variances for a use variance under N.J.S.A.
 50:55D-70(d)(1), a height variance
 under N.J.S.A. 40:55D-70(d)(6),
 preliminary and final major site plan
 approval along with related bulk variances
 and design waiver/exception relief:
 Applicant seeks approval to construct a
 self-storage facility of approximately
 174,655 sq.ft. along with related site
 improvements, including, but not
 limited to, landscaping, lighting, parking
 and signage. A self-storage facility is not
 a permitted use in the B-D zone, therefore,
 Applicant seeks a use variance under
 N.J.S.A. 40:55D-70(d)(1). The Application
 also requires a height variance under
 N.J.S.A. 40:55D-70(d)(6) as the proposed
 building height is greater than permitted
 (40 ft. permitted, 53.3 ft. proposed).
 In addition Applicant seeks certain bulk

variances and design waivers/exceptions,
including:

- (1) Number of stories greater than permitted
(3 stories permitted, 5 stories proposed);
- (2) Loading space width less than required
(12 ft. required, 10 ft. proposed);
- (3) Loading space length less than required
(25 ft. required, 24 ft. proposed);
- (4) Parking Spaces, parking aisles, and
vehicular maneuvering area within 10 ft.
of a corner side lot line where such is not
permitted (3.2 ft. proposed);
- (5) Parking Spaces, parking aisles, and
vehicular maneuvering area within 5 ft.
of any other lot line where such is not
permitted (3.2 ft. proposed);
- (6) Number of parking spaces less than
required (88 required, 11 proposed);
- (7) Number of loading spaces less than
required (19 required, 8 proposed);
- (8) Area of building signs greater than
permitted (586.05 sq.ft. permitted,
1,198 sq.ft. proposed);
- (9) Parking proposed in the front yard
where such is not permitted.

Applicant also seeks any additional
deviations, exceptions, design waivers,
submission waivers, variances,
interpretations, continuations of any
pre-existing non-conforming conditions,
modifications of prior imposed conditions
and other approvals reflected on the
filed plans (as same may be determined

to be necessary during the review and processing of the Application.

Jason R. Tuvel, Esq., of Rubin & Dombeck, LLC, with offices at 141 Ayers Court, Suite 1B, Teaneck, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were: Jeffrey Martell, engineer, of Stonefield Engineering & Design, LLC, 15 Spring Street, Princeton, New Jersey; Matthew J. Seckler, traffic engineer, of Stonefield Engineering & Design, LLC; Keenan Hughes, planning & real estate, of Phillips Preiss, 33-41 Newark Street, Hoboken, New Jersey. Also present and sworn was interested party, Vincent S.W. Dymek, 111 Huemmer Terrace, Clifton, New Jersey.

Mr. Martell explained the project description; that the property in question is located at 1204 Broad Street, Block 64.03, Lot 2; that the property consists of an area of 80,474 square feet (1.85 acres) and is located within the B-D (Intensive Business) Zone; that the subject property has frontage along Broad Street; that the property is bound by commercial properties to the east, by New Jersey Route 3 to the west, the Garden State Parkway Ramp G to the north, and by Broad Street to the south.

Mr. Martell stated that the applicant will comply with all requirements contained in the report of Neglia Engineering Associates dated June 1, 2018.

Entered into evidence were the following:

“A-1” an aerial exhibit prepared by Stonefield Engineering dated June 4, 2018. Mr. Martell described the site from a topographic standpoint and with regards to Route 3 and the Garden State Parkway.

“A-2” Site plan rendering. Mr. Martell described the 5-story self-storage facility with first floor and second floors having 33,670 square feet each and the third, fourth, and fifth floors having 35,771 square feet each, and the floor area total 174,655 square feet; that there will be 11 traditional parking spaces and two sets of 4 loading spaces each, for a total of 19 vehicle spaces on the site.

“A-3” proposed self-storage facility rendering dated June 26, 2018.

Various Board Commissioners questioned why the applicant was seeking five stories; what would be the hardship; and whether there would be outdoor storage of motor vehicles. Interested party Vincent Dymek also questioned the five-story height. Mr. Martell stated that the height limit in this zone is more geared toward retail and restaurant use permitted in the zoning; that based on the intensity of the use, since the self-storage is a less intensive use, then the typical issues associated with height, whether it be traffic or parking, are negated by the fact that it is a low- intensity use; that there would be no boat or vehicle storage on the property; and that all other questions and comments concerning why this building has to be five levels was deferred to the planner for his testimony regarding planning proofs on the question of height.

The Board members also questioned that the back of the building was more aesthetically pleasing with landscaping, and the front of the building was stark in contrast with just pavement and parking. Mr. Martell stated that it can be adjusted so that there is more landscaping in the front.

Mr. Seckler explained the entrance and exit with a right-turn in, entrance-only driveway and a right-turn out, exit-only driveway. He testified that the proposed development for a self-storage building is the least intense per square foot use in retail establishments (very low intensity use); that on the busiest Saturday, the trip generation is about 40 to 60 trips during the busiest hour.

The Board members questioned if his analysis factored the traffic from Stop & Shop and the medical building. Mr. Seckler responded that the traffic with the proposed development pales in comparison to the current situation with Ploch's.

The Board members questioned how the travelers from Route 3 West and Route 3 East would be able to enter the proposed development. Mr. Seckler responded that a person traveling on Route 3 East can get off at Grove Street, turn right at Van Houten Avenue, then turn right on Broad Street. Mr. Seckler also testified that most customers are from the local community-at-large and would not be traveling on Route 3 to look for a self-storage facility.

The Board members questioned the additional traffic associated with having 4- or 5-stories. Mr. Seckler testified that overall, this is a use that is on the extreme lower end of intensity compared to other permitted uses in the zone; that the access management plan that was conditionally approved by the City with right-turn in and right-turn out is about as convenient as an access point that one could get for a site like this, and it's an improved condition over the existing site from a traffic point of view.

Mr. Secker concluded that the impacts from a traffic point of view for this development would not be significant and likely improve the situation over the current condition today.

At this point in the meeting, the matter was continued to the July 18, 2018, meeting of the Board.

SPECIAL MEETING – JULY 25, 2018

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| 1. | CLIFTON CHEDER, 1333 Broad Street, |
| Use | Block 76.01, Lot 5 – B-A – The Applicant |
| Variance; | seeks preliminary and final site plan |
| Variances | approval and a (D)(3) conditional use |
| | variance for a private elementary school |
| | in the B-A Zone District. The following |
| | conditions of the conditional use are not |
| | being met and require variances as |
| | follows: |

With respect to the lot width, pursuant to Section 461-27, a lot width of 150 ft. is required and 133 ft. is existing and proposed.

With respect to the maximum lot coverage, pursuant to Section 461-27, 20% is the maximum permitted and 24.74% existing and proposed.

With respect to the minimum side yard,
20 ft. for one (1) and 40 ft. for both,
pursuant to Section 461-27 is required,
and 18.87 ft. for one (1) and 42.74 ft.
for both is existing and proposed.

This application to the Board of Adjustment
is being made for a (D)(3) conditional use
variance for a private elementary school
and noticed to the public pursuant to
N.J.S.A.40:55(D)(3).

The Applicant will also request such other
variances, waivers, and interpretations as
may be required which may arise during the
course of the public hearing or at the request
of the Board of Adjustment. The Application,
Plans and papers in connection with the
Application are available for public inspection
at the Zoning Division of the City of Clifton,
Clifton, New Jersey, between the hours of
9 A.M. and 3 P.M. Any interested party may
appear at said hearing and participate
therein in accordance with the rules of the
Board of Adjustment.

This matter was previously continued by the Board to a special meeting to be
held July 25, 2018.

RESOLUTIONS

Chrmn Mark Zecchino announced that the next order of business would be the
adoption of the Resolutions set forth on the Agenda:

1. Upon motion made by Comr Roy Noonburg, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of TRUCARE ADULT MEDICAL DAY CARE LLC for a use variance to permit an adult medical day care center and bulk variances for parking at 1111 Paulison Avenue, Block 19.03, Lot 1, was adopted. M-1

2. Upon motion made by Comr Louis DeStefano, seconded by Comr Keith LaForgia, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of FRANCISCO AGUILAR for variances for rear yard setback, lot coverage, distance between deck and garage, and existing, non-conforming lot width and area for a two-story rear deck at 61 Knapp Avenue, Block 3.09, Lot 4, was adopted. RB2

3. Upon motion made by Comr Keith LaForgia, seconded by Comr Daniel Trenk, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SHAH PANKAJ for front yard setback variance to enclose existing front stoop that currently has a roof over it at 154 Elmwood Drive, Block 22.24, Lot 25, was adopted. RA3

4. Upon motion made by Comr George Foukas, seconded by Comr Keith LaForgia, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JOSEPH & AILEEN LAIHEE for street side yard setback variance for an in-ground pool at 4 View Place, Block 27.03, Lot 32, was adopted. RA2

There being no further business before the Board, Comr Keith LaForgia 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 JUNE 27, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SOHEL KHAN
for premises known as: 712 Grove Street, Block 62.06, Lot 12
be and the same is hereby: GRANTED rear yard setback variance and right side yard setback variance to build a second floor addition over the existing garage and a roof over the existing deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 27, 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 Keith LaForgia moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests bulk variances as aforesaid to build a second floor addition over the existing garage and a roof over the existing deck at premises located at 712 Grove Street, Block 62.06, Lot 12, which premises are located in a RA1 zone; and

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

- a. Applicant proposes to build a second floor addition over the existing garage and a roof over the existing deck;
- b. The applicant is requesting a rear yard setback variance where 35 feet is required and 14.9 feet is proposed;
- c. The applicant is requesting a right side yard setback variance where 10 feet is required and 8.5 feet is proposed;
- 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 to build a second floor addition over the existing garage and a roof over the existing deck at premises located at 712 Grove Street, Block 62.06, Lot 12, be and the same is hereby approved and the rear yard setback and right side yard setback variances 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.

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 KEITH LA FORGIA.

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 JUNE 27, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ALLWOOD INVESTMENT COMPANY, A PARTNERSHIP for premises known as: 925-955 ALLWOOD ROAD, BLOCK 66.01, LOT 1 & 5 be and the same is hereby: GRANTED use variance and bulk variances to eliminate the restaurant and nightclub use at 955 Allwood Road and renovate the existing building to an office building

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 27, 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 Keith LaForgia moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance and bulk variance approval as aforesaid to eliminate the restaurant and nightclub at 955 Allwood Road and renovate to an office building at premises located at 925-955 Allwood Road, Block 66.01, Lot 1 and 5, which premises are located in a B-D zone; and

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

- a. The applicant proposes to eliminate the existing restaurant and nightclub at 955 Allwood Road and renovate the space to an office building;
- b. Applicant's expert Brandt testified that the occupancy for the restaurant was 120 and for the nightclub 540, and the occupancy of the proposed office renovation is 120; that there will be no change in the footprint of the building; that the use will be less intensive as an office as opposed to a restaurant and nightclub;
- c. Applicant's traffic expert Stearns testified that for the prior use, 160 parking spaces were provided, and for the proposed office use, the demand is for 60 parking spaces; that there will be no negative effects on parking or traffic but only positive effects since the site accommodates the amount of parking associated for the proposed use;

d. Applicant's planning expert testified regarding positive and negative criteria; that the proposed use is a much less intensive and less invasive use as opposed to a restaurant and nightclub, and the use variance is necessary since not all of the parking is located on the property at issue which is addressed in the Extension of Easement Agreement dated May 10, 2018;

e. Based upon the testimony presented, the applicant has satisfied the positive and negative criteria required for a use variance;

f. The proposed tenant is a law office with hours from 9 A.M. to 6 P.M. Monday through Friday;

g. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested for existing, nonconforming building and parking lot bulk requirements;

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 there will be no change in the footprint of the building and the use is less intense with sufficient parking to accommodate the use; and

(CONTINUED)

(CONTINUED)

WHEREAS, the Board further finds that based upon the testimony presented, there will be no detriment to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to eliminate the nightclub and restaurant uses on the property and renovate the building to become a law office at premises located at 925-955 Allwood Road, Block 66.01, Lot 1 and 5, be and the same is hereby approved and the use variance and bulk variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and further subject to Passaic County Planning Board approval.

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 KEITH LA FORGIA.

Seconded by: Comr DANIEL TRENK.

Affirmed by: Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino.