

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, August 15, 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, AND CHRMN MARK ZECCHINO.

ABSENT: VICE-CHRMN GERARD SCORZIELLO.

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 George Foukas, the Minutes of the July 18, 2018, regular meeting were adopted with the unanimous approval of the entire Board.

Upon motion made by Comr Louis DeStefano, seconded by Comr Keith LaForgia, the Minutes of the July 25, 2018, special meeting were adopted with the unanimous approval of the entire Board.

REMANDED HEARING

1. Use Variance; Variances	MT. PROSPECT PARK, LLC, 62-66 Mt. Prospect Avenue, Block 36.01, Lots 10.01 and 11.01 – B-A – To demolish an existing one-story building and construct in its place a two-story building for multi- family residential use to include 36 total residential dwelling units (28 one-bedroom units and 8 two-bedroom units). Proposed multi-family residential use is not permitted in the zone. In order to develop and use the subject property as proposed, the applicant is seeking preliminary and final major site plan approval, a use variance to permit the multi-family residential use, bulk variances for minimum required parking spaces and minimum parking stall size and a de minimus exception from the New Jersey Residential Site Plan Improvement Standards for minimum number of visitor parking spaces in addition to any and all other variances or waivers the Board deems necessary for approval of this application.
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Robert A. Gaccione, Esq., with offices at 524 Union Avenue, Belleville, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Steven M. Lydon, PP, AICP, of Burgis Associates, 25 Westwood Avenue, Westwood, New Jersey; Perry E. Frenzel, PE, PP of Michels & Waldron, 645 Westwood Avenue, River Vale, New Jersey; and Keith A. Michala, AIA, of 645 Westwood Avenue, River Vale, New Jersey.

Also present in objection to the application were the following, some of whom were sworn to give testimony: Lynn Franke, 95 Cloverdale Road; Krystyna Cisowski, 92 Cloverdale Road; Paul Cisowski, 88 Cloverdale Road; Angela Swan,

62 Cloverdale Road, 50 Mt. Prospect Ave.; Mr. and Mrs. Nenadich, 61 M. Prospect Ave.; Mr. and Mrs. Vincent Blauda, 49 Mt. Prospect Avenue; Mr. and Mrs. William Swan Sr., 62 Cloverdale Road; Alhambra Plaza, 50 Mt. Prospect Ave.; Arnaldo and Karen Rodriguez, 73 Cloverdale Road; Dariusz and Boguslaw Swieca, 66 Cloverdale Road; and Phil Piccione, 98 Mt. Prospect Ave., all of the City of Clifton, New Jersey.

Chrmn Zecchino requested Counsel Pogorelec to bring the Board up-to-date. Counsel Pogorelec stated that the applicant previously appeared before the Board and attended meetings on April 5, 2017; June 21, 2017; and August 16, 2017; that at the conclusion of the hearing on August 16, 2017, the Board did rule that there were four affirmative votes and three negative votes, resulting in a failure of the motion to receive the number of votes required to approve the application, and thereupon the matter was denied by Resolution adopted by the Board on September 6, 2017. Subsequently, the applicant did take an appeal to the Superior Court, arguing that the decision was arbitrary, capricious, and unreasonable. During the pre-trial stages, the applicant did indicate that it would make several substantial changes to the plans which included the height of the structure which was previously a three-story structure to a two-story structure; and that the number of units which was initially 42 was now being reduced to 36.

At that point, Counsel Pogorelec indicated to the applicant that the action pending before the Superior Court must be dismissed with prejudice and that the applicant would be permitted to present its case with the amended plans. With the above history, Chrmn Zecchino indicated that the applicant should present its application.

Mr. Frenzel, the professional engineer, gave testimony concerning changes made by the applicant to the application which included the following: that a two-story structure is now being proposed instead of a three-story structure; that the number of units was now reduced from 42 units to 36 units; that the applicant is seeking a use variance; that 68 parking spaces are provided as approved by the RSI standards; that the applicant will comply with all requirements set forth in the report of Neglia Engineering dated August 8, 2018.

Mr. Michala testified as an architect and stated that the site would include increased landscaping, increased parking, ingress and egress, elevator to the building to be added, provision for handicap and setback of 128 square feet; he further testified that the building was reduced in height by 3½ feet.

Mr. Lydon testified that a school impact statement was prepared on July 30, 2018; he further testified to trip generation studies to the site during the peak hours; that he reviewed the Master Plan which satisfies several goals proposed by the applicant; that the applicant has satisfied the positive and negative criteria required for the grant of a use variance; that the office building is a more intense use than the residential use; that there are approximately 17 trips to the site resulting from the residential use, whereas there would be 151 trips to the site for an office building.

The objectors did offer testimony that the proposal will increase traffic; that an office use is more preferable than the residential use; that there will be a parking problem in the neighborhood.

Mr. Gaccione, in summation, stated that the proposed application is less intense than a permitted use; that the use is appropriate for the site; that an office use does not fit at the site; that there is a 25-foot setback from Mt. Prospect Avenue.

Mitchell Adelstein, the applicant representing Mt. Prospect Park, LLC, gave testimony as to the type of residents that would be renting at the site.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution, citing the fact that the proposal made by the applicant contained substantial changes and that the proposal would be beneficial to the neighborhood. The motion was seconded by Comr Louis DeStefano with the stipulation that there be no garbage pick-up before 7 A.M. at the site. Voting for the motion were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, 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.

CONTINUED HEARINGS

1.
- Variances
- YESHIVA KTANA OF PASSAIC, INC.
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 to the October 17, 2018, meeting of the Board.

2. 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 until the September 5, 2018, meeting of the Board.

3.
Variances

MIRIAM/ONE LLC, 94 Highland Avenue, Block 4.21, Lot 12 – RB3 – Applicant owns a vacant lot that is 4998 square feet. Applicant proposes a two-family dwelling with four off street parking spaces. The following variances are required:

 - 1) Lot coverage proposed at 35% where 25% is permitted.
 - 2) Street side yard proposed at 6’ where 10’ is required.
 - 3) Left side yard proposed at 10’ where 12’ is required.
 - 4) Combined side yards proposed at 16’ where 24’ is required.
 - 5) Minimum lot area for a two-family is 7500 sq. ft. and 4998 sq.ft. provided.
 - 6) Such other variances as may be required by law.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Vicente Varela, Jr., of Arquitectura Varela and Christopher Quezada. There were no objectors.

Mr. Sala stated that the applicant owns a vacant lot that has 4,998 square feet; that the applicant proposes a two-family dwelling with four off-street parking spaces, and the applicant is seeking the following variances:

1. Lot coverage proposed at 35 percent where 25 percent is permitted;
2. Street side yard proposed at 6 feet where 10 feet is required;
3. Left side yard proposed at 10 feet where 12 feet is required;
4. Combined side yards proposed at 16' where 24 feet is required;
5. Minimum lot area for a two-family is 7,500 square feet, and the applicant is proposing 4,998 square feet.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution, stating the fact that the proposal will provide much-needed two-family use at the site instead of a vacant lot. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino. Voting in the negative was Comr George Foukas. By a six to one 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. | CESAR AND PATRICIA SALMONE, |
| Use | 1299 Valley Road, Block 74.09, Lot 18 |
| Variance | -- RA1 -- Applicant's home was until |

recently an approved rooming house utilized primarily by Montclair State University students. The prior owner passed away leaving a building that had numerous violations. The heir sold the house as a single family which considering that the house has ~~nine~~ eight bedrooms is unusual. Applicant requests a use variance to return the premises to a rooming house for use of Montclair State students. Two parking spaces provided and nine are required. Any and all violations of any kind will be taken care of. Such other variances as may be required by law.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the applicants; and Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey. There were two objectors, Jennifer Calwell of 50 East Normal Avenue; and Sarah Buchala of 56 East Normal Avenue, Clifton, New Jersey.

Mr. Sala stated that the applicant is seeking use variance approval for a single-family dwelling which has eight bedrooms; that the site in question was previously utilized as a rooming house for use of Montclair State students; that subsequently, the prior owner passed away, leaving a building which had numerous violations; that the heir sold the property as a single-family dwelling to the applicant, who is now seeking approval to have the property restored to an 8-room rooming house for use of Montclair State students.

Mr. Sala offered into evidence which was marked "A-1" an application for a rooming house permit dated 1971 showing that the property was used as a rooming house.

Mr. Mileto testified that the structure in question has two bedrooms on the first

floor and four bedrooms and a bath on the second floor and two bedrooms and a bath on the third floor; that there has been no change in the structure of the building; that the applicant will correct all violations and upgrade the premises.

In objecting to the application, Sarah Buchala stated that she is concerned with parking by the students from Montclair State; that she is also concerning about the garbage that is introduced to the site.

In objecting to the application, Jennifer Calwell also testified that she is concerned that the students will park from and prevent her from enjoying the premises which she owns.

Cesar Salmone testified that he intends to bring the property up to code; that there is substantial work to be done.

The members of the Board did indicate their displeasure with the condition of the premises and expressed concern as to where the proposed Montclair State students would park their vehicles since there is only two parking spaces provided and nine are required.

There were substantial discussions; however, Comr Louis DeStefano moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution, citing the fact that the applicant has shown no special reasons to satisfy the positive and negative criteria required for the grant of a use variance. Additionally, the proposed parking at the site will be detrimental to the neighborhood. The motion was seconded by Comr Keith LaForgia. Voting for denial were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, 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.

2. YITZCHAK I. LAX, 141 South Parkway,
Variances Block 60.09, Lot 11 – RA3 – Applicant is
proposing to expand the existing house
with a second floor add-a-level.
-Variances are required for front yard
setback 24.1' existing and proposed
where 25' is required.
-Right side yard setback 4.6' existing and
proposed where 6' is required.
-Left side yard setback 4.8' existing and
proposed where 6' is required.
-Combined side yard setback is 9.4' existing
and proposed where 16' is required.
-Roof over front stoop proposed at 20.1'
where 21' is required.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was the applicant, residing at 141 South Parkway, was present and affirmed to give testimony.

Mr. Lax testified that he is proposing to expand the existing house with a second floor add-a-level; that the applicant is seeking the following variances: front yard setback 24.1 feet existing and proposed where 25 feet is required; the right side yard setback 4.6 feet existing and proposed where 6 feet is required; left side yard setback 4.8 feet existing and proposed where 6 feet is required; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 9.4 feet which is existing; that there is a roof over the front stoop proposed at 20.1 feet where 21 feet is required.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution, citing the fact that many of the variances requested are pre-existing. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, 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.

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 Keith LaForgia, and affirmed by Comrs Michael Molner, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution DENYING the application of CLIFTON CHICKEN LLC d/b/a POPEYE'S LOUISIANA KITCHEN for use variance and bulk variances for a dine-in restaurant facility at 6 Main Avenue, Block 82.06, Lot 15, was adopted. P-MU

2. 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, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CLIFTON SAFE STORAGE, LLC, for use variance and bulk variances for a self-storage facility at 1204 Broad Street (County Route 509), Block 64.03, Lot 2, was adopted. B-D

3. Upon motion made by Comr Louis DeStefano, seconded by Comr George Foukas, and affirmed by Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CUENCA CORONEL REALTY, LLC, for conditional use and use variance and bulk variances for a storage and maintenance facility for a construction trucking business at 87-109 Wabash Avenue, Block 5.07, Lot 9 and 11, was adopted. M-2

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, and Chrmn Mark Zecchino, the Resolution GRANTING the application of IVO & KANIA RODRIGUEZ for use variance approval for an auto body shop with merger of Lot 11 into Lot 5 and demolition of existing structure on Lot 11 at 214 Trimble Avenue, Block 6.16, Lot 5, was adopted. B-C

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 AUGUST 15, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MT. PROSPECT PARK, LLC
for premises known as: 62-66 Mt. Prospect Avenue, Block 36.01,
Lots 10.01 and 11.01
be and the same is hereby: GRANTED use variance to demolish existing building on the site and construct one 2-story building with 36 residential units and 68 parking spaces.

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 15, 2018, upon remand from the Superior Court. 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 approval to demolish an existing one-story building and construct in its place a two-story building for multi-family residential use to include 36 total residential dwellings, 28 one-bedroom and 8 two-bedroom units at premises located at 62-66 Mt. Prospect Avenue, Block 36.01, Lots 10.01 and 11.01, which premises are located in a B-A zone; and

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

- a. The proposed multi-family dwelling is not a permitted use in the B-A zone which permits business and professional offices uses;
- b. The applicant presented the testimony of an architect, professional engineer, and planner in support of its application;
- c. There were numerous objectors who are the owners of properties that border immediately adjacent to the rear of the subject premises;
- d. The applicant, through its experts, was able to testify that the height of the structure which was previously 3-stories is now 2-stories and that the number of units

which was previously 42-units has now been reduced to 36-units;

e. Based upon the testimony of the applicant's planner, the site is a suitable site for the proposed use and will be less intense than a permitted office use at the site;

f. The applicant has shown sufficient reasons to satisfy the positive and negative criteria required for the grant of a use variance;

g. There are no bulk variances required;

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

i. That the proposal will provide much needed rental space for those individuals who will utilize the benefits of the train station which is located in the immediate vicinity; and

WHEREAS, the Board finds from the testimony presented by the applicant's experts and the objectors that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance since the proposal is less intense than a permitted office use; and

WHEREAS, the Board further finds that the grant of the use variance will not impair the intent and purpose of the zone plan and the zone ordinance; and

(CONTINUED)

(CONTINUED)

WHEREAS, the Board further finds that the reductions in the height of the building as well as the reductions in the density of the building will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to construct a two-story building with 36-units at premises located at 62-66 Mt. Prospect Avenue, Block 36.01, Lots 10.01 and 11.01, be and the same is hereby approved and the use variance and site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following stipulations:

1. That there be garbage pick-up before 7 A.M. at the site;
2. Subject to Passaic County Planning Board approval and whatever State, County, and Municipal approvals which are required for the application.

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 LOUIS DE STEFANO.

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

MEETING OF AUGUST 15, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MIRIAM/ONE LLC
for premises known as: 94 Highland Avenue, Block 4.21, Lot 12
be and the same is hereby: GRANTED variances for lot coverage, street side yard, left side yard, combined side yards, and minimum lot area for a two-family dwelling.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, August 15, 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 Roy Noonburg moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for a two-family dwelling at premises located at 94 Highland Avenue, Block 4.21, Lot 12, which premises are located in a RB3 zone; and

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

- a. The applicant owns a vacant lot that is 4,998 square feet;
- b. The applicant proposes a two-family dwelling which requires 7,500 square feet, and the applicant is proposing 4,998 square feet;
- c. The applicant is seeking variances for lot coverage where 35 percent is requested and 25 percent is permitted;
- d. That the street side yard setback requirement is 10 feet, and the applicant is proposing 6 feet;
- e. That the left side yard setback requirement is 12 feet, and the applicant is

proposing 10 feet;

f. That the combined side yard setback requirement is 24 feet, and the applicant is proposing 16 feet;

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

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; 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;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application to erect a two-family dwelling with four parking spaces at premises located at 94 Highland Avenue, Block 4.21, Lot 12, be and the same is hereby approved and the bulk variances be and the same are hereby granted subject to such further governmental approvals as may be required by law 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 ROY NOONBURG.

Seconded by: Comr MICHAEL MOLNER.

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

MEETING OF AUGUST 15, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CESAR AND PATRICIA SALMONE for premises known as: 1299 Valley Road, Block 74.09, Lot 18 be and the same is hereby: DENIED approval to convert a single-family dwelling with eight bedrooms for use by Montclair State students as a rooming house.

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 15, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval to convert a single-family home to an 8-bedroom rooming house for use by Montclair State students at premises located at 1299 Valley Road, Block 74.09, Lot 18, which premises are located in an RA1 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 site in question was previously utilized as a rooming house for Montclair State students;
- b. Subsequently, the site was sold as a one-family dwelling;
- c. The applicant now requests that the site be returned to a rooming house;
- d. Based upon the testimony of the objectors, the applicant is proposing two parking spaces which is inadequate for the site;
- e. The objectors have testified that the parking and the litter from the occupants of the site is a detriment to the neighborhood;

f. The applicant is providing two parking spaces, and nine are required;

g. The applicant has not satisfied the positive and negative criteria required for the grant of a use variance;

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

WHEREAS, the Board finds from the applicant purchased the property as a single-family dwelling, and the property cannot be returned to a rooming house unless there is sufficient parking to accommodate the 8 rooms;

WHEREAS, 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

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WHEREAS, the Board further finds that the proposal will bring more traffic to the area, in adequate parking, garbage, noise, and exacerbation of traffic problems in the area; and

WHEREAS, the Board 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 convert a single-family dwelling into a rooming house at premises located at 1299 Valley Road, Block 74.09, Lot 18, be and the same is hereby disapproved and the use variance be and the same is hereby denied.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr KEITH LA FORGIA.

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

MEETING OF AUGUST 15, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: YITZCHAK I. LAX
for premises known as: 141 South Parkway, Block 60.09, Lot 11
be and the same is hereby: GRANTED variances to expand the existing house with a second floor add-a-level.

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 15, 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 bulk variance approval to expand the existing house with a second floor add-a-level at premises located at 141 South Parkway, Block 60.09, Lot 11, which premises are located in an RA3 zone; and

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

- a. The applicant requests front yard setback variance approval where 25 feet is required, and the applicant is proposing 24.1 feet which is existing;
- b. The applicant requests right side yard setback approval where 6 feet is required, and the applicant is proposing 4.6 feet which is existing;
- c. The applicant requests left side yard setback approval where 6 feet is required, and the applicant is proposing 4.8 feet which is existing;
- d. The applicant requests combined side yard setback variance approval where 16 feet is required, and the applicant is proposing 9.4 feet which is existing;
- e. The applicant requests a variance for a roof over the front stoop where 21 feet

is required, and the applicant is requesting 20.1 feet;

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

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 most of the variances requested are existing; 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;

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(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application to expand the existing house with a second floor add-a-level at premises located at 141 South Parkway, Block 60.09, Lot 11, be and the same is hereby approved and the variance be and the same

is hereby granted subject to such further governmental approvals as may be required by law.

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

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

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

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

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