

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, September 5, 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, KEITH LA FORGIA, GEORGE FOUKAS, ROY NOONBURG, AND CHRMN MARK ZECCHINO.

ABSENT: COMR DANIEL TRENK AND 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 Louis DeStefano, seconded by Comr Scott Sochon, the Minutes of the September 5, 2018, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. 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 read into the record a communication from the attorney for the applicant dated August 28, 2018, requesting that the matter be dismissed without prejudice. Thereupon, Comr Keith LaForgia moved to dismiss the matter without prejudice. The motion was seconded by Comr Roy Noonburg with the unanimous approval of the entire Board.

The Minutes as stated is the complete testimony presented to the Board and

upon which this decision is based.

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.

Stephen A. Geffner, Esq., of Schenck Price Smith & King, LLP, with offices at 220 Park Avenue, Florham Park, New Jersey, appeared on behalf of the applicant. Mitchell W. Abrahams, Esq., of Cole Schotz, 25 Main Street, Hackensack, New Jersey, appeared on behalf of objector 1355 Broad Associates LLC.

Present were the following objectors: Carol Pruzansky, 47 Vincent Dr., Clifton; Aaron Liechenstein, 14 Bogert Pl., Clifton; Beverly Carey, 142 Chittenden Rd.; William Carey, 142 Chittenden Rd.; Raymond Robertello, 66 Woodlawn Ave.; Emilia Soltis, 224 Haddenfield Rd.; Emily Diamond, 14 Walsh Ct.; Fran and Don Warren, 15 Walsh Ct.; Catherine Murtha, 332 Bogert Pl., George Hariton, 32 Rolling Hills Rd.; Livia Pepper, 831 Grove St.; Michael Leach, 185 Chittenden Rd.; Alexander Fattell, 39 Lester Place; Jeffrey Labriola, 200 Chittenden Rd.; Jean Labriola, 200 Chittenden Rd.; Jeannie Labriola, 200 Chittenden Rd.; Steven D'Anthony, 27 Wester Pl.; Ann Wry, 16 Earnshaw Place; and Sharon Lebitseh, 837 Grove St. (names are typed as appear from hand-written sign-in sheet).

This is a continued hearing from the meetings of May 9, 2018, and July 25, 2018.

Chrmn Zecchino requested that the attorney for the applicant address the issue of the violations on the property and the Summonses that were issued; that there

were three Summonses for violating the Clifton Zone Ordinance by illegally storing vehicles on the property.

Counsel Pogorelec requested that Mr. Geffner reconcile the fact that on the one hand, his client is coming before this Board seeking use variance relief from the Zone Ordinance for a school which is a conditional use; and on the other hand, notwithstanding this application, his client knowingly and willfully continues to violate the Zone Ordinance with unauthorized uses; when will the impermissible acts be remediated? That these acts are counter to the basic principles of zoning practice and procedure and discretionary function of the Board.

Mr. Geffner stated that he was in the process of having his client remove the vehicles; that the trial for the Summonses was on September 10, 2018, and he would be requesting an adjournment due to the Jewish holiday.

Chrmn Zecchino polled the Board to see if they wanted to hear the matter at the present time. The Board was polled and unanimously determined that the matter should be heard after the Summonses were heard in Municipal Court and the property is all cleaned up.

Thereupon, the matter was continued to a special meeting to be held on September 26, 2018, without further notice. On behalf of the applicant, Mr. Geffner extended the time within which the Board is required to make a decision to September 26, 2018.

NEW HEARINGS

1. SHAWN ERICKSON, 44 Hutton Road,
Variance Block 47.05, Lot 35 – RA2 – Applicant
proposes to install a 5’ high solid fence
on the right side yard lot line where a
4’ high 50% open fence is permitted.

The applicant, residing at 44 Hutton Road, Clifton, New Jersey, was present and sworn. Present were the following objectors: Adam Berenson, 10 East 40th Street 1310, NY, NY 10016 who was sworn to give testimony; and Elissa Toder, 39 Ridgewood Ave., Glen Ridge, NJ 07028.

Mr. Erickson testified that he requests variance approval for a single-family residence for a 5-foot-high solid fence on the right side yard lot line where a 4-foot-high, 50% open fence is permitted; that the home exists on a reverse corner lot and therefore, there are two "front" yards; that what he would consider his "rear" yard is actually a "side" yard; that the purpose of the fence is because they have a small child for safety reasons and privacy away from the street; that they have discussed the fence with their abutting neighbor who agrees with the fence instead of them planting abundant landscaping which may cause an undue burden on the neighbor regarding upkeep and maintenance; that there are similar-type corner lot situations in the area; that the fence will be aesthetically pleasing.

Mr. Berenson testified that he objects to the fence because it blocked his view in his driveway when pulling out into the street.

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

2. **JUAN CASTILLO**, 18 Burlington Road,
Variance Block 68.09, Lot 8 – RA3 – Homeowner
proposes to build an open pergola over
the existing wood patio. A variance is
required for the rear yard setback proposed
at 33’ where 35’ is required.

The applicant, residing at 18 Burlington Road, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Castillo testified that he requests variance approval to build an open pergola over the existing wood patio; that a variance is required for the rear yard setback proposed at 33 feet where 35 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 for approval. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

3. **RAMON & BERNADETTE ORTIZ**,
Variances 7 Hamil Court, Block 32.02, Lot 85
-- RA3 – Applicant proposes to enclose
and reconstruct the front porch and
add a second floor addition. The
existing porch is 4” from the left side
yard and 10” is proposed where 6’ is
required. Combined side yards

proposed at 12'8" where 16' is required.

The applicant, Ramon Ortiz, residing at 7 Hamil Court, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Ortiz testified that he proposes to reconstruct and enclose the front porch and add a second floor addition to the dwelling; that the existing porch is 4 inches from the left side yard and 10 inches is proposed where 6 feet is required; that the combined side yards are proposed at 12 feet 8 inches where 16 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. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

4.

DEJAN PANDZA & JACQUELINE
- Variances

PANDZA, 167 Abbe Lane, Block 33.09,
Lot 17 – RA3 – Applicant proposes to expand driveway to the left side lot line and build a rear yard deck. Driveway proposed at 0' from left side where 5' is required. Rear yard deck is proposed 11' from the rear lot line where 26' is required, and 5' from the right side yard where 6' is required.

The applicant, Dejan Pandza, residing at 167 Abbe Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Pandza testified that he is requesting variance approval to widen the driveway to the left side lot line, curb cut, and build a rear yard deck; that the driveway is proposed 0 feet from the left side where 5 feet is required; that the curb cut is proposed for the 20-foot-wide driveway; that the rear yard deck is proposed 11 feet from the rear lot line where 26 feet is required and 5 feet from the right side yard where 6 feet is required; that the size of the rear deck is 16- by 20-feet; that many existing homes on the street have the same variances as those being requested by him.

After a review of the testimony, Comr Keith LaForgia moved to grant the application and further instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

5. **RACHEL BESSER**, 126 Allwood Place,
Variances Block 50.09, Lot 38 – RA2 – Applicant
proposes to construct a rear addition,
and the following variances are
requested: 1) Rear yard proposed at
32.4' where 35' is required. 2) Combined
side yards proposed at 15.6' where 16'
is required.

The applicant, residing at 126 Allwood Place, Clifton, New Jersey, was present

and sworn. There were no objectors.

The applicant testified that she requests variance approval to construct a two-story rear addition; that the rear yard is proposed at 32.4 feet where 35 feet is required; that the combined side yards are proposed at 15.6 feet where 16 feet is required; that the existing dwelling is located in the same position as the proposed and the proposal will only encroach into the setbacks on the second floor in the rear of the dwelling.

After a review of the testimony, Comr Scott Sochon moved to grant the bulk variances requested and instructed the Counsel Secretary to prepare the proper Resolution for approval. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

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 Keith LaForgia, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MT. PROSPECT PARK, LLC for use variance to demolish existing building on the site and construct one 2-story building with 36 residential units and 68 parking spaces at 62-66 Mt. Prospect Avenue, Block 36.01, Lots 10.01 and 11.01, was adopted. B-A

2. Upon motion made by Comr Roy Noonburg, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Louis DeStefano, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MIRIAM/ONE LLC for variances for lot coverage, street side yard, left side yard, combined side yards, and minimum lot area for a two-family dwelling at 94 Highland Avenue, Block 4.21, Lot 12, was adopted. RB3

3. Upon motion made by Comr Louis DeStefano, seconded by Comr Keith LaForgia, and affirmed by Comrs Michael Molner, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution DENYING the application of CESAR AND PATRICIA SALMONE for approval to convert a single-family dwelling with eight bedrooms for use by Montclair State students as a rooming house at 1299 Valley Road, Block 74.09, Lot 18, was adopted. RA1

4. Upon motion made by Comr George Foukas, seconded by Comr Keith LaForgia, and affirmed by Comrs Michael Molner, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of YITZCHAK I. LAX for variances to expand the existing house with a second floor add-a-level at 141 South Parkway, Block 60.09, Lot 11, was adopted. RA3

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF SEPTEMBER 5, 2018.

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

for premises known as: 288, 292, 296, 300 & 304 South Parkway,
Block 59.01, Lots 8, 11, 13, 15 & 17

be and the same is hereby: DISMISSED WITHOUT PREJUDICE the application to demolish five homes and construct and utilize a parking area consisting of 73 spaces accessory to applicant's adjacent school facility.

At the request of the attorney for the applicant, Comr Keith LaForgia moved to dismiss the application without prejudice on the basis of the following Resolution:

WHEREAS, the applicant requests use variance and bulk variance approval to demolish five homes and construct and utilize a parking area consisting of 73 spaces accessory to applicant's adjacent school facility at premises located at 288, 292, 296, 300, and 304 South Parkway, Block 59.01, Lots 8, 11, 13, 15, and 17, which premises are located in an RB2 zone, all as more fully set forth in the plans filed and the application and reports submitted to the Zoning Board; and

WHEREAS, the applicant's attorney has requested that the matter be dismissed without prejudice by a written communication dated August 28, 2018;

NOW THEREFORE, BE IT RESOLVED that the application to demolish five homes and construct and utilize a parking area consisting of 73 spaces accessory to applicant's adjacent school facility at premises located at 288, 292, 296, 300, and 304 South Parkway, Block 59.01, Lots 8, 11, 13, 15, and 17, be and the same is hereby dismissed without prejudice.

Resolution moved by: Comr KEITH LA FORGIA.

Seconded by: Comr ROY NOONBURG.

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

MEETING OF SEPTEMBER 5, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SHAWN ERICKSON
for premises known as: 44 Hutton Road, Block 47.05, Lot 35
be and the same is hereby: GRANTED right side yard setback variance to erect a 5-foot-high solid fence on the lot line.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 5, 2018. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests bulk variance approval to erect a 5-foot-high solid fence on the right side yard lot line at premises located at 44 Hutton Road, Block 47.05, Lot 35, which premises are located in a RA2 zone; and

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

- a. The applicant requests approval to erect a 5-foot-high solid fence on the right side yard lot line where a 4-foot-high 50% open fence is permitted;
- b. The home exists on a reverse corner lot, and what the applicant would consider his "rear" yard is actually a "side" yard;
- c. The purpose of the fence is for safety and privacy and will be aesthetically pleasing;
- d. There are similar-type corner lot situations in the area;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that the proposal will not be detrimental to the

health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a 5-foot-high solid fence on the right side yard lot line at premises located at 44 Hutton Road, Block 47.05, Lot 35, 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.

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

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

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

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr KEITH LA FORGIA.

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

MEETING OF SEPTEMBER 5, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JUAN CASTILLO
for premises known as: 18 Burlington Road, Block 68.09, Lot 8
be and the same is hereby: GRANTED rear yard setback variance to build an open pergola over the existing wood patio.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 5, 2018. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to build an open pergola over the existing wood patio at premises located at 18 Burlington Road, Block 68.09, Lot 8, 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 rear yard setback variance to build an open pergola over the existing wood patio with rear yard setback proposed at 33 feet where 35 feet is required;
- b. The size of the wood patio is 12- by 18-feet at present;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the 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 an open pergola over the existing wood patio at premises located at 18 Burlington Road, Block 68.09, Lot 8, be and the same is hereby approved and the rear yard setback variance be and the same is hereby granted subject to such further governmental approvals as may be required by law.

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

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

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

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF SEPTEMBER 5, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: **RAMON & BERNADETTE ORTIZ**
for premises known as: **7 Hamil Court, Block 32.02, Lot 85**
be and the same is hereby: **GRANTED** left side yard and combined side yard setback variances to reconstruct and enclose the front porch and add a second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 5, 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 variance approval as aforesaid to reconstruct and enclose the front porch and add a second level at premises located at 7 Hamil Court, Block 32.02, Lot 85, which premises are located in a RA3 zone; and

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

- a. The applicant proposes to reconstruct and enclose the front porch;
- b. The applicant proposes to add a second floor addition to the dwelling;
- c. The existing porch is 4 inches from the left side yard and 10 inches is proposed where a 6-foot setback is required;
- d. The combined side yards are proposed at 12'8" where 16 feet is required;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to reconstruct and enclose the front porch and add a second floor addition to the dwelling at premises located at 7 Hamil Court, Block 32.02, Lot 85, be and the same is hereby approved and the left side yard and combined side yard setback variances be and the same are hereby granted subject to such further governmental approvals as may be required by law.

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

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

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

Resolution moved by: Comr KEITH LA FORGIA.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF SEPTEMBER 5, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DEJAN PANDZA & JACQUELINE PANDZA
for premises known as: 167 Abbe Lane, Block 33.09, Lot 17
be and the same is hereby: GRANTED driveway and curb cut expansion to the left side lot line and build a rear yard deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 5, 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 variance approval as aforesaid for driveway and curb cut expansion to the left side lot line and build a rear yard deck at premises located at 167 Abbe Lane, Block 33.09, Lot 17, 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 variance approval to expand the driveway and curb cut to 0 feet from the left side yard where 5 feet is required;
- b. The rear yard deck is proposed 11 feet from the rear lot line where 26 feet is required, and 5 feet from the right side yard where 6 feet is required;
- c. The size of the rear deck is 16- by 20-feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance since the applicant testified that there are several similar-type variances on the same street; 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 expand the driveway and curb cut to the left side lot line and build a rear yard deck at premises located at 167 Abbe Lane, Block 33.09, Lot 17, be and the same are hereby approved and the left side yard setback variance, curb cut variance, and rear 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.

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 SCOTT SOCHON.

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

MEETING OF SEPTEMBER 5, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RACHEL BESSER
for premises known as: 126 Allwood Place, Block 50.09, Lot 38
be and the same is hereby: GRANTED rear yard and combined side yard setback variances to construct a two-story rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 5, 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 Scott Sochon moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to construct a two-story rear addition at premises located at 126 Allwood Place, Block 50.09, Lot 38, which premises are located in an RA2 zone; and

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

- a. The applicant requests approval to construct a two-story rear addition;
- b. The rear yard is proposed at 32.4 feet where 35 feet is required;
- c. The combined side yards are proposed at 15.6 feet where 16 feet is required;
- d. The existing dwelling is located in the same position as the proposed and the proposal will only encroach into the setbacks on the second floor in the rear of the dwelling;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the two-story rear addition be in accord with the intent and purpose of the master plan and the zone ordinance since the applicant testified that many of the existing homes on the street have the same variances as those being requested by him; 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 construct a two-story rear addition at premises located at 126 Allwood Place, Block 50.09, Lot 38, be and the same is hereby approved and the variances for rear yard setback and combined side yard setbacks be and the same are hereby granted subject to such further governmental approvals as may be required by law.

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

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

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

Resolution moved by: Comr SCOTT SOCHON.

Seconded by: Comr KEITH LA FORGIA.

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