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 19, 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, LOUIS DE STEFANO, KEITH LA FORGIA, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS MICHAEL MOLNER, DANIEL TRENK, AND GEORGE FOUKAS.

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 Scott Sochon, the Minutes of the September 5, 2018, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. **CLIFTON CHEDER**, 1333 Broad Street,

Use Block 76.01, Lot 5 – B-A – The Applicant

Variance; Variances	seeks preliminary and final site plan 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 on September 26, 2018.

NEW HEARINGS

1. Variance — **ARTURO CROCE**, 33 Summit Avenue, Block 14.21, Lot 8 – RB2 – Homeowner proposes to add a driveway on the right side of the house. ~Driveway is proposed 1' from the right side lot line where 5' is required.

The applicant, residing at 33 Summit Avenue, testified that he requests variance approval to add a driveway on the right side of the subject premises; that the driveway will be 1 foot from the right side lot line where 5 feet is required; that the purpose of the driveway is to provide for off-street parking; that there are other similar-type driveway extensions in the neighborhood.

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 of the side yard setback variance. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six 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.	**MUSIC EXPRESS EAST, INC.,**
Use	674 Clifton Avenue, Block 20.07, Lot 19
Variance;	-- RB2 – Use variance and Site Plan Approval required for use of the existing building as the corporate headquarters of the Applicant and Bulk Variances for parking in the front and rear yards and one stacked parking space.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were: Richard Badalamenti of 475 Boulevard, Elmwood Park, New Jersey; and Louis Brandt of 1035 Route 46, Clifton, New Jersey. There were no objectors.

Mr. Carlet stated that the applicant requests use variance and site plan approval for use of the existing building at the site in question as the corporate headquarters of the applicant and bulk variances for parking in the front and rear yards and one stacked parking space.

Mr. Badalamenti testified as Vice-President and General Manager of the applicant and stated that the principal use at the site is service and repair of limousines and for the dispatching of same; that most of the vehicles are not kept on site but are taken home by the limousine drivers who are dispatched from their homes; that over 90% of the limousine business is in New York City; that the limousine drivers have their vehicles licensed in New Jersey, and it is this licensing that has created the zoning problem because the property is not serving as a corporate headquarters. Therefore, the applicant is required to obtain a use variance. In addition, bulk variances for parking in the front and rear yard and one stacked parking space also require variances; that the front yard is where the handicap parking space is located in the front entrance and the stacked parking of one space makes it more useable.

Mr. Carlet offered into evidence which was marked “A-1” a copy of N.J.S.A. 14A:4-1 et. seq. which requires the registered office and registered agent annual report to be filed with the State.

Mr. Brandt testified as an architect and stated that he prepared the site layout and the parking layout; that the applicant has approximately 51 vehicles and 24 of them may be parked at any one time; that the plan also shows the summary of the zoning ordinance as well as the parking areas; that shrubbery is added for aesthetic purposes.

After a review of the testimony Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Scott Sochon. . Voting in the affirmative were Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six 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. **GHOST HAWK BREWING COMPANY,**

Use 321 River Road, Block 73.03, Lot 54

Variance -- B-C – A use variance was previously granted to the applicant by Resolution of April 4, 2018 to operate a micro brewery at this site and also conduct more than one principal use on the premises. Applicant seeks to continue the use granted by the Resolution but to expand its area and square footage for additional storage. All other terms and conditions of the previous approval will continue. This is an expansion of a previous approved use.

Thomas P. DeVita, Esq., with offices at 452 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Tom Rachelski of PO Box 572, Lodi, New Jersey. There were no objectors.

Mr. DeVita stated that the applicant previously was granted a use variance by Resolution of April 4, 2018, by the Board to operate a micro brewery at the site and also conduct more than one principal use on the premises; that the applicant now seeks to continue the use granted by the Resolution and expand its area and square footage for additional storage; that the proposal is for an expansion of the previously-approved use.

Mr. Rachelski testified that he previously appeared before the Board on April 4, 2018, and gave testimony concerning the micro brewery; that the purpose of the within application is to add additional square footage for additional storage at the site.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Keith LaForgia. . Voting in the affirmative were Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six 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.	**LAKEVIEW CAPITAL INVESTMENTS, LLC,**
Use	371 Lakeview Avenue, Block 1.27, Lot 13
Variance	-- B-C – Applicant proposes to reimagine the property as mixed use, with commercial office space on the first floor and 8 residential units on the 2nd floor. This newly constructed building will revitalize the area with a new presence with a variety of service.

Mohamed H. Amin, Esq., with offices at 131 Main Street, Hackensack, New Jersey, appeared on behalf of the applicant. Present and sworn was Raymond Vergona, planner, with offices at 115 River Road, Edgewater, New Jersey; Mark Martins, a civil engineer, with offices at 55 Walnut Street Norwood, New Jersey; and Joseph J. Staiger, traffic engineer, with offices at 245 Main Street, Chester, New Jersey. There were no objectors.

Mr. Amin stated that the applicant proposes to demolish the existing two-story masonry building which is utilized as a church and construct a two-story building that will contain retail or office space on the ground floor and 8 one-bedroom apartments on the second floor; that there will be site improvements consisting of asphalt parking areas for 27 cars, concrete curbing, concrete sidewalks, 4-foot-high chain link fence atop a keystone retaining wall, a refuse enclosure, drainage, utilities, landscaping, and lighting.

Mr. Vergona testified as an architect and stated that he prepared the plans for the retail or office space on the ground floor and the 8 one-bedrooms on the second floor; that the applicant proposes a mixed use at the site; that the site is rectangular in shape with frontage along both East Sixth Street and Lakeview Avenue with a total lot area of 16,584 square feet; that the surrounding area contains a mix of uses, including commercial uses as well as residential uses; that the proposal calls for a demolition of the existing building and the construction of a two-story building with 2,968 square feet of commercial space and 8 one-bedroom residential units with a total parking area of 27 parking spaces.

Mr. Martins testified as a civil engineer and stated that he has reviewed the report of Neglia Engineering dated September 13, 2018, and that the applicant will comply with all the recommendations set forth under General Engineering Comments; Grading, Drainage & Utility Comments; and Landscape and Lighting Comments; that Passaic County Planning Board approval is required as well as approval from the Hudson Essex Passaic Soil Conservation District, the Clifton Police Department, and the Clifton Fire Department.

Mr. Staiger testified as a traffic expert; in his report showing the impact for the proposed mixed use development dated May 9, 2018, Mr. Staiger documented the existing roadway conditions, volumes of traffic, future traffic volumes, site access circulation, and parking; that in his professional opinion, the construction of the project will not have a significant impact on the adjacent street system; that the site driveways are located to provide safe and efficient access to the adjacent roadway system; that there is good circulation throughout the site and there is adequate parking; that 15 parking spaces will be utilized for the commercial use and 16 parking spaces for the residential use; that the size of the parking spaces will be 9-by 18-feet.

Mr. Vergona testified as a planning expert and reviewed the report of David Spatz, Principal Planner, dated May 14, 2018. He testified as to the existing conditions, neighborhood conditions, variances requested, the special reasons for the grant of the use variance since the site is particularly suited for the proposed mixed use and that there are several other mixed use buildings in close proximity; that the proposed development of the site is consistent with the purposes of zoning as set forth in N.J.S.A. 40:55D-2 with regard to Purpose (e) for the establishment of appropriate population densities and concentrations that will contribute to the well-being of the neighborhood and Purpose (i) for the promotion of a desirable visual environment; that with respect to the negative criteria, the proposal is in character with the surrounding land uses and compatible with the existing neighborhood development; that there will be no detrimental impact on the adjacent properties or the master plan and the zone plan of the City of Clifton.

The Board was also in receipt of a report from its planner, Gregory Associates, dated September 17, 2018.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the mixed use building at the subject premises with the stipulation that the applicant comply with all recommendations set forth in the report of Neglia Engineering Associates dated September 13, 2018; subject to a satisfactory report from the Clifton Fire Department; and subject to a visual view of the sewer system along with Passaic County Planning Board approval. The motion was seconded by Comr Keith LaForgia. Voting in the affirmative were Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six 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 Roy Noonburg, and affirmed by Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of YESHIVA KTANA OF PASSAIC, INC. to demolish five homes and construct and utilize a parking area consisting of 73 spaces accessory to applicant's adjacent school facility at 288, 292, 296, 300 and 304 South Parkway, Block 59.01, Lots 8, 11, 13, 15, and 17, was adopted. RB2

2. Upon motion made by Comr Louis DeStefano, seconded by Comr Keith LaForgia, and affirmed by Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SHAWN ERICKSON for right side yard setback variance to erect a 5-foot-high solid fence on the lot line at 44 Hutton Road, Block 47.05, Lot 35, was adopted. RA2

3. Upon motion made by Comrs Keith LaForgia, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JUAN CASTILLO for rear yard setback variance to build an open pergola over the existing wood patio at 18 Burlington Road, Block 68.09, Lot 8, was adopted. RA3

4. Upon motion made by Comr Keith LaForgia, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of RAMON & BERNADETTE ORTIZ for left side yard and combined side yard setback variances to reconstruct and enclose the front porch and add a second floor addition at 7 Hamil Court, Block 32.02, Lot 85, was adopted. RA3

5. Upon motion made by Comr Keith LaForgia, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DEJAN PANDZA & JACQUELINE PANDZA for driveway and curb cut expansion to the left side lot line and build a rear yard deck at 167 Abbe Lane, Block 33.09, Lot 17, was adopted. RA3

6. Upon motion made by Comr Scott Sochon, seconded by Comr Keith LaForgia, and affirmed by Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of

RACHEL BESSER for rear yard and combined side yard setback variances to construct a two-story addition at 126 Allwood Place, Block 50.09, Lot 38, was adopted. RA2

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Chrmn Zecchino stated that the HOFFMAN-LAROCHE REDEVELOPMENT AREA is requesting a special meeting to hear a proposal for a parking garage at Block 80.02, Lot 1.01, which is not a permitted use in the M-3 zone and requires a use variance. After discussion, it was unanimously agreed that a special meeting will be scheduled for October 24, 2018, to hear the matter.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF SEPTEMBER 19, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ARTURO CROCE
for premises known as: 33 Summit Avenue, Block 14.21, Lot 8
be and the same is hereby: GRANTED right side yard setback variance to add a driveway on the right side of the house proposed 1 foot from the lot line.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 19, 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 add a driveway on the right side of the house at premises located at 33 Summit Avenue, Block 14.21, Lot 8, which premises are located in an RB2 zone; and

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

a. The applicant requests right side yard setback variance approval to add a driveway to the right side of the house 1 foot from the lot line where 5 feet is required;
b. The applicant is proposing the driveway to provide off-street parking;
c. The applicant testified that there are other similar-type driveways in the neighborhood;
d. The applicant has shown sufficient hardship to justify the grant of the variance 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 add a driveway to the right side of the house 1 foot from the lot line at premises located at 33 Summit Avenue, Block 14.21, Lot 8, be and the same is hereby approved and the right side yard setback variance 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, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 19, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MUSIC EXPRESS EAST, INC.
for premises known as: 674 Clifton Avenue, Block 20.07, Lot 19
be and the same is hereby: GRANTED use variance and site plan approval for use of the existing building as the corporate headquarters and bulk variances for parking in the front and rear yards and one stacked parking space.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 19, 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 use variance and site plan approval for use of the existing building at the subject premises as corporate headquarters of the applicant and bulk variances for parking in the front and rear yards and one stacked parking space at premises located at 674 Clifton Avenue, Block 20.07, Lot 19, which premises are located in an RB2 zone; and

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

a. The subject premises have been used for many years for the service and repair of motor vehicles;

b. Over 90% of the limousine business is in New York, but the vehicles are licensed in New Jersey which requires a New Jersey corporate headquarters;

c. A use variance is required as well as bulk variances for parking in the front and rear yards and one stacked parking space;

d. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;

e. The applicant has shown sufficient hardship to justify the parking variance;

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

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a use variance for use of the existing building as the corporate headquarters of the applicant at premises located at 674 Clifton Avenue, Block 20.07, Lot 19, be and the same is hereby approved and the bulk variances along with the use variance and site plan be and the same are hereby granted subject to such further governmental approvals as may be required by law **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 ROY NOONBURG.
Seconded by: Comr SCOTT SOCHON.
Affirmed by: Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 19, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: GHOST HAWK BREWING COMPANY
for premises known as: 321 River Road, Block 73.03, Lot 54
be and the same is hereby: GRANTED use variance to expand its area and square footage for additional storage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 19, 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 use variance approval to continue the micro brewery at the site and expand its area and square footage for additional storage at premises located at 321 River Road, Block 73.03, Lot 54, which premises are located in a B-C zone; and

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

a. The applicant operates a micro brewery as a principal use at the site in question.

b. The applicant was granted a use variance by the Zoning Board on April 4, 2018, to operate said micro brewery;

c. The applicant now requests approval to continue the previously granted use and expand its area and square footage for additional storage;

d. The applicant has stipulated that it will comply with all recommendations and stipulations set forth in said Resolution dated April 4, 2018;

e. All the aforesaid findings set forth in said Resolution are incorporated herein by reference and made a part hereof;

f. All stipulations set forth in said Resolution are incorporated in the within approval;

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; 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 since there will be no odors, noise, noxious fumes, smoke, or dust created by said use nor will there by any traffic issued based upon the testimony of the applicant's planner;

NOW THEREFORE, BE IT RESOLVED that the application for expansion of the area in square footage for additional storage for the previously granted micro brewery at premises located at 321 River Road, Block 73.03, Lot 54, be and the same is hereby approved and the use variance be and the same is hereby granted subject to such further governmental approvals as may be required by law **FURTHER SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL**; **and SUBJECT TO THE STIPULATIONS PREVIOUSLY SET FORTH IN THE RESOLUTION DATED APRIL 4, 2018.**

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, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 19, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LAKEVIEW CAPITAL INVESTMENTS, LLC
for premises known as: 371 Lakeview Avenue, Block 1.27, Lot 13
be and the same is hereby: GRANTED a use variance for commercial office space on the first floor and 8 one-bedroom residential units on the second floor.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 19, 2018. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval as aforesaid for a commercial office space on the first floor and 8 one-bedroom residential units on the second floor at premises located at 371 Lakeview Avenue, Block 1.27, Lot 13, which premises are located in a B-C zone; and

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

a. The site in question is occupied by a two-story masonry building which is utilized as a Church;
b. The applicant proposes to demolish the existing two-story building and construct a two-story building that will contain retail or office space on the ground floor and 8 one-bedroom residential apartments on the second floor;
c. The applicant proposes associated site improvements and a parking area for 27 cars;
d. Based upon the testimony of its planner, the applicant has proved that special reasons exist for the grant of the use variance and support Purpose (e) and (i) of N.J.S.A. 40:55D-2, the purposes of zoning;
e. Based upon the testimony of the applicant's traffic expert, the applicant's proposal will not have a detrimental impact at the site, that there is safe and efficient access to the roadway system; that there is good circulation throughout the site; and that there is adequate parking to satisfy the negative criteria;
f. The site is particularly suited for the proposed mixed use since there are other similar-type buildings in close proximity to the subject site;
g. The benefits of the application outweigh the detriments and will provide much-needed housing for the area; 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 project meets and satisfies several purposes of the Municipal Land Use Law; and

WHEREAS, the Board further finds that the proposal will help promote the health, safety, and general welfare of the neighborhood in that it will preserve the character of the neighborhood and is in support of neighborhood values;

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to demolish the existing building on the site and construct a mixed use building consisting of retail or office space on the ground floor and 8 one-bedroom apartments on the second floor at premises located at 371 Lakeview Avenue, Block 1.27, Lot 13, be and the same is hereby approved and the use variance be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING:**

1. **PASSAIC COUNTY PLANNING BOARD APPROVAL.**
2. **COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF NEGLIA ENGINEERING ASSOCIATES DATED SEPTEMBER 13, 2018.**
3. **SUBJECT TO SATISFACTORY REPORT FROM THE CLIFTON FIRE DEPARTMENT.**
4. **SUBJECT TO A VISUAL VIEW OF THE SEWER TO BE APPROVED BY NEGLIA ENGINEERING.**

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

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

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

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.
Seconded by: Comr KEITH LA FORGIA.
Affirmed by: Comrs Scott Sochon, Louis DeStefano, Keith LaForgia, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.