

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, October 17, 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, DANIEL TRENK, LOUIS DE STEFANO, KEITH LA FORGIA, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR MICHAEL MOLNER.

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 26, 2018, special meeting were adopted with the unanimous approval of the entire Board.

Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the October 3, 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;	seeks preliminary and final site plan

Variances

approval and a (D)(3) conditional use variance for a private elementary school in the B-A Zone District. The following conditions of the conditional use are not being met and require variances as follows:

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

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

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

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

The Applicant will also request such other variances, waivers, and interpretations as may be required which may arise during the course of the public hearing or at the request of the Board of Adjustment. The Application, Plans and papers in connection with the Application are available for public inspection

at the Zoning Division of the City of Clifton,
Clifton, New Jersey, between the hours of
9 A.M. and 3 P.M. Any interested party may
appear at said hearing and participate
therein in accordance with the rules of the
Board of Adjustment.

This matter was previously continued by the Board to the November 7, 2018,
meeting.

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| 2. | Z TRANSPORTATION INC., 53 Clifton |
| Use | Boulevard, Block 31.06, Lot 20 – M-2 – |
| Variance | A use variance for the indoor inspection
of tractor trailers and the making of
minor mechanical repairs and site plan
approval. |

This matter was previously continued by the Board to the November 7, 2018,
meeting.

NEW HEARINGS

- | | |
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| 1. | DAVID & JOHANNA RICCA, 8 Vale Avenue, |
| Variances | Block 14.18, Lot 3 – RB2 – Variances required
for an above ground swimming pool already
installed:
1) Pool is 1’ from right side lot line where 3’ is
required.
2) Rear yard lot coverage proposed at 32% where
30% is permitted. |

Present and sworn were the applicant, David Ricca; David J. Ricca, and Lindsey
Cali, all residing at 8 Vale Avenue, Clifton, New Jersey. There were no objectors.

David J. Ricca testified that he is the son of the applicant; that variances are
required for an above ground swimming pool already installed; that the pool is 1

foot from the right side lot line where 3 feet is required; that the rear yard lot coverage proposed is 32 percent where 30 percent is permitted; that he and his brothers gifted the above ground pool to their parents in 2014 to alleviate the pain from their mother’s chronic knee condition; that the pool served as a remedy—that being aquatic therapy for their mother to use the pool for rehabilitation.

Lindsey Cali testified as a licensed therapist to the benefits of aquatic therapy.

After a review of the testimony, Comr George Foukas 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 Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

2. ABEL ALICEA – EMPANADA SPANISH GRILL,
- Use 8 & 12 Market Street, Block 68.03, Lot 22 and 23
- Variance; -- B-C – The following are required:
- Variances
 1. Conditional use variance required for expansion of existing restaurant to provide additional seating.
 2. Use variance required for mixed use.
 3. Pre-existing non-conforming building setbacks.
 4. Pre-existing non-conforming parking area.
 5. Parking variance required – 18 spaces required and 17 spaces provided for Lot 22. 13 additional spaces required for Lot 23, none provided.

6. Any other relief deemed necessary by the Board.

Joseph Wenzel, Esq., with offices at 1000 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Abel Alicea, the owner of the Empanada Spanish Grill. There were no objectors.

The applicant testified that conditional use variance is required for expansion of the existing restaurant to provide additional seating; that a use variance is required for mixed use; that there are pre-existing non-conforming building setbacks, pre-existing non-conforming parking area; that a parking variance is required where 18 spaces are required and 17 spaces are provided for Lot 22; that an additional 13 spaces are required for Lot 23 and none are provided; that in essence the applicant expressed desire to expand his restaurant operations into the rental unit next door; that he has been in business since 2009; that he basically caters to a lunch-based clientele.

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. The motion was seconded by Comr Daniel Trenk. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

3.
- TAHIR KHAN, 640 Grove Street, Block 52.05,
- Variances
- Lot 14 – RA1 – Variances required to allow an existing structure to remain as built. The

following variances are required:

1) Front yard setback is 18.22' where 20' was granted.

2) Left side yard is 9.32' where 10' is required.

Application for a front yard setback was heard

01/04/2017 and granted.

Matthew J. Trella, Esq., with offices at 1135 Broad Street, Clifton, New Jersey, appeared on behalf of the applicant. Also present and sworn were neighbors in favor of the application Tahir Khan of 640 Grove Street; Gahnshyam Mirani of 14 Independence Court; John Foukas of 20 Independence Court; Steve Mokis of 66 Independence Court, and Mary Sadrakula of 340 Dwasline Road, all of the City of Clifton, New Jersey. Also present and sworn was the builder, Medi Salmon of 144 Shepards Lane, Totowa, New Jersey.

Mr. Khan testified that he requires variances to allow an existing structure to remain as built; that he requires a front yard setback variance of 18.22 feet where 20 feet was granted; that he requires a left side yard setback variance of 9.32 feet where 10 feet is required; that the applicant was granted a front yard setback variance before this Board on January 4, 2017; that this application is the result of mismeasurements in setbacks and front property line to the house; that it was a mistake on the part of his builder and that it will be a hardship for him to correct the discrepancy.

The neighbors spoke in favor of the application.

Mr. Salmon apologized for the error; that he mistakenly took measurements starting from the curb rather than computing from the survey.

The Board members expressed concern that granting such a variance would set a dangerous precedent for other applicants to come before the Board with building errors in measurements and then requesting variances and approvals.

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. the motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

4.

ALI EKINCI/SEMERKEND CULTURAL CENTER,
- Use

421 Clifton Avenue, Block 12.09, Lot 11 – BA1 –
- Variance;

Applicant proposes to use property as a Cultural
- Variances

Center and existing second floor apartment.
- First floor was previously approved as an apartment and a reading room. Existing garage will also be use as a meeting area and storage. Variances required:
- 1) D-1 use variance required for the mixed use, and for the Cultural Center.
- 2) Lot area is 5700 sq.ft. and 6000 sq.ft. required.
- 3) 25’ front yard setback required and 12.1’ provided.
- 4) 10’ (right) side yard required and 7.8’ provided.
- 5) 30% lot coverage permitted and 50% coverage existing.
- 6) 28 parking spaces required and 2 provided.

A. William Sala, Jr., Esq., with offices at 179 Randolph Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Ali Ekinci of 421 Clifton Avenue, Clifton, New Jersey; and Frank D. Mileto, planner, of 14 Beaver Brook Road, Long Valley, New Jersey. Present and sworn was one objector, Michael Marks of 415 Clifton Avenue, Clifton, New Jersey.

Mr. Sala had marked into evidence as "A-1" the Affidavit of Publication from the North Jersey Media Group.

Mr. Ekinci testified that he proposes to use the property as a Cultural Center and existing second floor apartment; that the first floor was previously approved as an apartment and a reading room; that the existing garage will also be used as a meeting area and storage; that variances are required for D-1 use variance for the mixed use, and for the Cultural Center; that a variance is required for lot area where 5700 square feet is proposed and 6000 square feet is required; that a variance is required for a 12.1 foot front yard setback proposed where 25 feet is required; variance is required for a 7.8 foot right side yard setback proposed where 10 feet is required; variance is required for 50 percent lot coverage existing and 30 percent lot coverage permitted; and variance for two parking spaces provided where 28 parking spaces are required.

Mr. Ekinci continued to testify that he wanted to conduct a Turkish Cultural Center on the first floor and the garage at the premises; the second floor would remain as living quarters; that Cultural Center would operate all day on Saturday; that Saturday morning consists of Turkish language sessions, and the remainder of the day would be Turkish cultural heritage appreciation.

Mr. Mileto testified that the use is inherently beneficial in nature; there were no additions being proposed to the premises; although the applicant is only providing for two parking spaces, on Saturday parking is more accessible than on the weekdays; that the granting of the variance would not present a substantial detriment to the zone plan and zoning ordinance nor the public good; that if a use that was permitted in the zone was conducted on the premises, that would create more traffic than the proposed use.

Mr. Marks testified in objecting to the application that he owns buildings in the area where the property in question is located; he stated that there should be a study performed on the traffic, congestion, and parking in the area before action is taken by the Board.

At this point in the hearing, the Board requested reports from the Board's experts and Clifton Police Report. The matter was continued to the November 14, 2018, meeting of the Board.

5. FETTE REALTY, INC., 41 Conklin Drive,
Use 1137 Route 46, Block 45.06, Lot 8 and 1 –
Variance; RA2/B-D – Applicant proposes to demolish
Variances the existing dwelling and utilize the site
for parking of automobiles. The following
variances are requested:
- 1) Use variance required for the principal
use of a parking lot in a residential zone.
 - 2) Parking proposed in the required front
yard.
 - 3) Parking proposed with a 1' front, rear and
side yard setback where 5' is required in the
front, left side and rear and 10' on the street
side.
 - 4) 6' high solid fence proposed around the
property.
 - 5) Such other relief as deemed necessary by
the Board.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Suite 105, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Thomas E. Donohue, P.E. with offices at 19

Spear Road, Ramsey, New Jersey; Charles Heydt, P.P. with offices at 1 Evertrust Plaza, Jersey City, New Jersey; and John Fette, President of the applicant, with offices at 1137 Route 46 East, Clifton, New Jersey.

The following objectors were present, some of whom were sworn to give testimony: Barbara Den Herder; Susan Boscia; Mary Sadrakula; Bob Culcyn, 3 Conklin Dr.; Tom Trommelen, 27 Donnalín Pl.; Danielle Zakrzewski, 19 Donnalín Pl., Mary Ellen Ballantyne; Thomas J. Patti, 7 Potter Rd.; Barbara Muller, 24 Donnalín Place; William Homza; Mildred Belli, 14 Donnalín Pl., Chrissy Andrascik; Terri McCachicue, 9 Donnalín Place; Mae Bazo, 31 Conklin Dr.; George Bazo, 31 Conklin Dr.; Carol Calcagno, 3 Conklin Dr.; Joseph Belli, 14 Donnalín Pl.; Sioly Nisaye, 34 Donnalín Place; Cosmo Pepe, 28 Donnalín Pl.; Victoria S. Komarek, 42 Donnalín Place; Macil Homza, 40 Conklin Drive; Joann Trommln, 27 Donnalín Pl.; Cynthia Pregun, 53 Jones Ct.; Caitlin White, Vincent Dr.; Gail Hitchuk; Michael DeVries; Doreen Liebhauser, 32 Tamboer Ave., Clifton; Barbara Davella, 25 Conklin Drive, Clifton; Thomas A. Killman; Linda Killman; and Judith Den Herder. (All names are typed from handwritten list.)

Objector Mary Sadrakula questioned whether it was proper to hear the application since there may be violations of prior Resolutions Fette was granted by the Board. Counsel Pogorelec opined that since there were no Summonses or outstanding violations issued by the Zoning Officer, then it would be proper for the Board to hear the application.

The Board acknowledged receipt of reports from Gregory Associates dated October 16, 2018, and Neglia Engineering Associates dated October 12, 2018.

Mr. Fette testified that the applicant requests use variance and site plan approval for the property located at 41 Conklin Drive; that the property is located in the RA2 zone, almost rectangular in shape with frontage along both Conklin Drive and Donnalín Place; that the applicant proposes to demolish the existing single-family dwelling and improvements on the property and construct a parking lot for the parking of cars associated with the Fette Dealership; that a use variance is required for the principal use of a parking lot in a residential zone; that variances are required for parking in the front yard; parking with a 1 foot front, rear, and side

yard setback where 5 feet is required in the front, left side, and rear and 10 feet on the street side; 6 foot high solid fence proposed around the property.

Mr. Fette continued to testify that he sells about 300 to 400 cars a month; that he has three franchises, Ford, Kia, and Infinity; that he would like to demolish the home on the property in question and use the lot for parking spaces for approximately 35 cars; that he oversees many automobile lease transactions, about 150 per month and is required to keep automobiles returned on the lease for a period of 30 to 45 days.

Mr. Fette also alerted the Board to the fact that he will forego/lose approximately 120 parking spaces as a result of the State's condemnation of the property by highway expansion; and that the seller of the property in question approached him and offered to sell to him.

The objectors complained of a wide range of issues pertaining to traffic, congestion, and parking.

The Board members were concerned about whether the applicant had outgrown his space in light of the parking deficits.

Mr. Fette testified that there will be no repairs on the property; that he had previously purchased two homes on Donnalín Place in the past for parking purposes.

At this point in the hearing, the board requested reports from the Clifton Police Department regarding pedestrian and vehicle accidents on Grove Street and East Gate and the number of calls for service at the Clifton Police Department regarding issues at the site. The matter was continued to the December 5, 2018, meeting of the Board.

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 Vice-Chrmn Gerard Scorziello, seconded by Comr Keith LaForgia, and affirmed by Comrs Daniel Trenk, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AHUVA & YEHUNDA WILLIG for variance for a driveway that does not serve a garage and to convert the garage to living space at 128 Edgewood Avenue, Block 57.07, Lot 24, was adopted. RA3

2. Upon motion made by Comr George Foukas, seconded by Comr Keith LaForgia, and affirmed by Comrs Daniel Trenk, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of THE PASSAIC COUNTY ELKS SPECIAL CHILDREN'S COMMITTEE for use variance and bulk variances to convert residence to physical therapy room to annex to elementary school at 1481 Main Avenue at premises located at 7 Vreeland Avenue, Block 10.03, Lot 8 and 13, was adopted. B-C

3. Upon motion made by Comr Roy Noonburg, seconded by Comr Keith LaForgia, and affirmed by Comrs Daniel Trenk, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of YAKOV MORSEL for bulk variances for rear yard, right side yard, combined side yards, and lot coverage variances for a second floor add-a-level at 39 Annabelle Avenue, Block 71.03, Lot 33, was adopted. RA3

4. Upon motion made by Comr Roy Noonburg, seconded by Comr Keith LaForgia, and affirmed by Comrs Daniel Trenk, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of POLISH DELICACY HOUSE, INC. for use variance to open a wall and expand the existing deli into the adjacent vacant space at 9 & 10 Village Square East, Block 4.24, Lot 9 and 10, was adopted. PD1

There being no further business before the Board, Comr Louis DeStefano 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 OCTOBER 17, 2018.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: DAVID & JOHANNA RICCA
for premises known as: 8 Vale Avenue, Block 14.18, Lot 3
be and the same is hereby: GRANTED bulk variances for above-ground swimming
pool already installed.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 17, 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 for an above-ground swimming pool already installed at premises located at 8 Vale Avenue, Block 14.18, Lot 3, 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 presently has an above-ground swimming pool which has already been installed at the subject premises;
- b. The right side yard lot line requirement is 3 feet, and the applicant is providing 1 foot;
- c. The rear yard lot coverage permitted is 30 percent, and the applicant is proposing 32 percent;
- d. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for an above-ground swimming pool already installed at premises located at 8 Vale Avenue, Block 14.18, Lot 3, be and the same is hereby approved and the right side yard lot line variance and the rear yard lot coverage 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 GEORGE FOUKAS.

Seconded by: Comr KEITH LA FORGIA.

Affirmed by: Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 17, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ABEL ALICEA – EMPANADA SPANISH GRILL for premises known as: 8 & 12 Market Street, Block 68.03, Lot 22 and 23 be and the same is hereby: GRANTED conditional use variance, use variance, and parking variance for expansion of an existing restaurant to provide additional seating.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, October 17, 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 conditional use variance, use variance, and parking variance approval as aforesaid to expand an existing restaurant to provide additional seating at premises located at 8 and 12 Market Street, Block 68.03, Lot 22 and 23, 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. At the site in question, there is a restaurant which provides for limited seating;
- b. A use variance and conditional use variance are required because the premises consists of a mixed use;
- c. The applicant has satisfied the positive criteria in that it will provide additional seating to accommodate patrons at the site;
- d. The applicant has satisfied the negative criteria since there are 17 parking spaces provided, and there is additional off-street parking which can accommodate the existing restaurant use;
- 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 use already exists at the site and the expansion is necessary to accommodate patrons coming to the restaurant; 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 existing restaurant into the rental unit next door to provide for additional seating at premises located at 8 and 12 Market Street, Block 68.03, Lot 22 and 23, be and the same is hereby approved and the conditional use variance, use variance, and parking 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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr DANIEL TRENK.

Affirmed by: Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 17, 2018.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: TAHIR KHAN
for premises known as: 640 Grove Street, Block 52.05, Lot 14
be and the same is hereby: GRANTED front yard and left side yard variances to
allow an existing structure to remain as built.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 17, 2018. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant built an existing structure at premises located at 640 Grove Street, Block 52.05, Lot 14, which premises are located in a RA1 zone; and

WHEREAS, the applicant is seeking a front yard setback variance where 20 feet was previously granted by the Board and the setback is 18.22 feet; and

WHEREAS, the applicant is also seeking a left side yard setback variance where 10 feet is required and 9.32 feet exists; and

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

- a. The applicant previously built a structure and did receive a grant of a front yard setback variance by the Board on January 4, 2017;
- b. Subsequently, the structure built provided for a setback of 18.22 feet where 20 feet was granted by the Board and a left side yard of 9.32 feet was built where 10 feet is required;
- c. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- d. The relief requested is *de minimis*;
- e. The benefits of the application will outweigh any 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 structure is a one-family dwelling with minimal variances requested; 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 allow an existing structure to remain as built at premises located at 640 Grove Street, Block 52.05, Lot 14, be and the same is hereby approved and the front yard setback and left side yard setback variances be and the same are hereby granted subject to such further governmental approvals as may be required by law **AND FURTHER SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL.**

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

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

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

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

Affirmed by: Comrs Daniel Trenk, Louis DeStefano, Keith LaForgia, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.