

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, November 7, 2018. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS SCOTT SOCHON, MICHAEL MOLNER, DANIEL TRENK
ARRIVING AT 7:50 P.M., LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG,
VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

Chrmn Zecchino advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the October 17, 2018, regular meeting were adopted with the unanimous approval of the entire Board.

Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the October 24, 2018, special 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.

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, with offices at 25 Main Street,
Hackensack, New Jersey, appeared on behalf of objector 1355 Broad Associates
LLC, Banker's Financial Corp.

Present on behalf of the applicants were the following: Donna Holmqvist, AICP,
PP, of Preferred Planning Group, LLC, with offices at 234 North Main Street, New
City, New York; and Louis Brandt, AIA, with offices at 1035 Route 46 East, Suite 106,
Clifton, New Jersey, architect.

This is a continued hearing from the meetings of May 9, 2018, July 25, 2018,
September 5, 2018, and September 26, 2018.

The following individuals were present in favor of the application, some of
whom were sworn to give testimony: Isaac Kagan, 557 Passaic Ave., Clifton;
Kenneth Rosen, 540 Fenlon Blvd.; Gary Klotzkin, 43 Hampton Rd., Clifton, NJ; Yosef
Klotzkin, 73 Hampton Rd., Clifton, NJ; Goldie Kramer, 74 Reid Ave., Passaic; Carol
Gonsher, 150 Elmwood Ave., Passaic; Binyamin Gonsher, 150 Elmwood Ave.,
Passaic; Chagit Lasowsky, 1 Idaho St., Passaic, NJ; Eliyahu Dworetsky, 35 Idaho St.,
Passaic; Alexz Friedman, 128 Blvd #15, Passaic; Mark Zarkin, 61 The Circle, Passaic;
Yakov Okshtein, 428 Brook Ave., Passaic; Mendy Schechter, 12 Miller Court, Clifton,
NJ 07012; Yosef Seldowitz, 115 Lafayette Ave., Passaic, NJ; Brandon Lord, 228
Brook Avenue, Passaic, NJ; Melissa Levit, 549 Broadway, Passaic, NJ. (names are
typed as appears from hand-written sign in sheet.)

The following individuals were present in opposition to the application, some of whom were sworn to give testimony: Emilia Soltis, 224 Haddenfield Rd.; Carol Pruzansky, 47 Vincent Dr.; Bev/Bill Carey, 142 Chittenden Rd.; Ray Robertello, 66 Woodlawn Ave.; Dawn Miller, 49 Haddenfield Rd.; Terry McMahon, 64 Clifton Blvd.; Steven D'Anthony, 27 Wester Place; and Debbie D'Anthony, 27 Wester Place. (names are typed as appears from hand-written sign in sheet.)

Present and sworn was Donna Holmqvist of Preferred Planning Group who testified at the prior hearing as a planning expert on behalf of the applicant.

On cross-examination by Mr. Abrahams who had marked into evidence as "O-1" the Zoning Ordinance Section 461 concerning Article 6 Conditional Uses. In response to questions raised by Mr. Abrahams, Ms. Holmqvist reviewed the definition of school, private which is defined as an elementary or intermediate school other than a parochial school and stated that she does not know what a parochial school is; that she does not know whether it pertains to a religious definition; that if a parochial school applies to a religious group which includes the applicant, than a "D-1" use variance is required; that she responded to questions raised concerning Section C of 461-25 which are the general standards for the review of all conditional uses; that in her report dated September 13, 2018, she gave an opinion concerning no negative impacts to the site; that on Page 11, she stated that the office building converted to a school satisfies Goal 6 of the Master Plan, however, she did not know when the building became vacant; that on Page 12 of her report, she did not know if the building was vacant at the time of the purchase and how long the office building was vacant; that the building was not used during the Summer months.

In response to questions raised by Caitlin White of 35 Vincent Drive, Aaron Liechenstein of 14 Bogert Place, Carol Pruzansky of 47 Vincent Drive, and Beverly Carey of 142 Chittenden Road, Ms. Holmqvist stated that any child can go to the proposed school, but the emphasis is on the Jewish; that she gave her definition of community; that she is aware that the school will draw from areas throughout the state and also as far as Rockland County in New York; that she does not know if the building will be taken off the tax roll if it is approved for a school; that she is aware of the close proximity of the location of the New Jersey Parkway located to the rear of the facility, and she is aware of the speed of vehicles at 60 miles an hour.

Brendon Lord of 228 Brook Avenue, Passaic, New Jersey, testified that he googled the word "parochial" and all references are made to the Catholic faith.

Present and sworn was Louis Brandt AIA with offices at 1035 Route 46 East, Suite 106, Clifton, New Jersey, the architect who described the changes to the interior of the premises made on the plans.

At this point in the hearing, Chrmn Zecchino stated that the matter would be continued to February 6, 2019, meeting of the Board. Mr. Geffner, on behalf of his client, did extend the time within which the Board is required to render a decision.

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| 2. | ZTRANSPORTATION 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.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant was Allende Matos, AIA, 545 Lexington Avenue, Clifton, New Jersey. The following objectors were present and sworn: Vito and Carolyn DeRobertis of 61 Clifton Boulevard, Clifton, New Jersey; and Terry McMahon of 164 Clifton Boulevard, Clifton, New Jersey.

This is a continued hearing from the meeting of October 3, 2018.

Mr. Carlet stated that the parties have agreed upon conditions regarding the easement which are incorporated in a communication dated October 19, 2018, on the letterhead of Vito's Towing, Inc. and addressed to Frank A. Carlet, Esq., Peter Zielonka of Zielonka Properties Inc. and Marvin Stockel of Benmar Conditionaire Corp. The communication states in part that the applicant has agreed to use and contribute to the maintenance of the easement going forward; that the solution is to divide the costs of the maintenance four ways; that all the parties have agreed except for Marvin Stockel of Benmar Conditionaire Corp. and in the event he does not agree to share the expenses, then the applicant will pick-up his share. The communication of Vito's Towing, Inc. was marked into evidence as "A-2."

Mr. Carlet, on behalf of the applicant, stated that the applicant will comply with all the requirements of the report of Neglia Engineering dated September 26, 2017, and revised November 1, 2018.

Mr. Matos stated that he agrees and complies with all the requirements as testified to by Brian Intindola of Neglia Engineering, and the applicant will comply with the same.

Offered into evidence were the following exhibits:

- "A-3" three axle ladder truck sight distance triangle;
- "A-4" turning vehicle template;
- "A-5" photo of the front of the site from Clifton Boulevard;
- "A-6" photo showing a vehicle accessing the site from Clifton Boulevard.

Mr. McMahon, one of the objectors, submitted to the Board a Dutch Hill Residents Association Comments letter with eight stipulations, and requested that the Board make the eight stipulations part of any Resolution of approval. The eight stipulations are as follows:

1. Hours of operation from 8:00 am to 5:00 pm M-F, 8:00 am to 12:00 pm Saturday.
2. 3 bay truck inspection and service, for Z transportation owned vehicles only.
3. No off site staging, parking, or idling of trucks.
4. No use of 4 ton limit streets.
5. No backing of trucks down driveway or easement.
6. Employee parking to be on site.

7. Chapter 327 Table 1 and Table 2 maximum permissible sound levels apply, with the more restrictive levels (quiet time) from 10:00 pm to 7:00 am.

8. No spillover from pole mounted lighting (provide semi or full cutoff); lighting not to be directed toward residential areas.

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 subject to the stipulations as proposed by objector Terry McMahon and further subject to the erection of a fence if the applicant decides to erect the same and further that the applicant will agree to cover the share of Benmar Conditionaire Corp. in the event they refuse to contribute to the maintenance of the easement and further subject to all requirements and comments of Neglia Engineering as aforesaid. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, 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.
Use
Variance;
Variances

ABEL ALICEA – EMPANADA SPANISH GRILL,
8 & 12 Market Street, Block 68.03, Lot 22 and 23
-- B-C – The following are required:
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.

This matter was previously continued by the Board to the November 14, 2018, meeting of the Board.

4.
Use
Variance;
Variances

FETTE REALTY, INC., 41 Conklin Drive,
1137 Route 46, Block 45.06, Lot 8 and 1 –
RA2/B-D – Applicant proposes to demolish 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.

This matter was previously continued by the Board to the December 5, 2018, meeting of the Board.

NEW HEARINGS

- 1. **WILLIAM CHAMPIGNON**, 190 Trenton Avenue, Block 5.17, Lot 8 – RB1 – Applicant proposes a new driveway on the right side of the property. A variance is requested for a driveway located zero (0') feet from the right side lot line where 5' is required.

The applicant and his spouse, residing at 190 Trenton Avenue, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant testified that he proposes a new driveway which is set forth on the Agenda as the right side of the property but in fact looking at the property, the driveway is on the left; that the proposed driveway will be located 0 feet from the right side lot line where 5 feet is required; that there is not enough parking on the street; that the proposal will take vehicles off the street; that the proposal will not be detrimental to the neighborhood.

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 of the variance requested. The motion was seconded by Comr Daniel Trenk. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, 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. **PIOTR KAPUSNIK**, 18-20 Mt. Washington Avenue, Block 32.09, Lot 1 – RA3 – Applicant proposes a second floor addition and a two-story addition to the rear of the structure. The following variances are requested:
 - 1) Use variance for the expansion of a nonconforming use (two-family in a single-family zone);
 - 2) Front yard proposed at 20.75' where 25' is required;
 - 3) Rear yard proposed at 13.4' where 35' is required;
 - 4) Street side yard proposed at 7.95' where 10' is required;
 - 5) Lot coverage proposed at 35% where 27% is permitted.

The applicant, residing at 18-20 Mt. Washington Avenue, Clifton, New Jersey, was present and sworn. Also present and sworn was Tomasz Bona of 25 Fourth Street, Wood-Ridge, New Jersey, an architect. There were no objectors.

Mr. Bona, on behalf of the applicant, stated that a second floor addition and a two-story addition to the rear of the structure is proposed; that the applicant is requesting approval for the following variances: a use variance for the expansion of a non-conforming use which is a two-family dwelling in a single-family zone; the front yard setback proposed at 20.75 feet where 25 feet is required; the rear yard setback is proposed at 13.4 feet where 35 feet is required, the street side yard proposed is 7.95 feet where 10 feet is required, and the lot coverage is proposed at 35 percent where 27 percent is permitted; that a garage will be added to the back end of the house; that the structure is located on a corner lot which is irregular in shape; that the current two-family ranch has about 800 square feet of living space on each side; that the second level will increase the living space.

Offered into evidence were the following exhibits:

"A-4" is a photo of the premises from the front view; and
"A-5" is a photo of the premises from the side view.

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 use variance and the dimensional variances as requested. The motion was seconded by Comr Daniel Trenk. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, 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. **JOANNA KUBIK & BRANDON MARCINKIEWICZ,**
Variance 11 Mandeville Avenue, Block 32.03, Lot 5
-- RA3 – Applicant proposes to widen the existing driveway. The following variances are required:
1) Parking proposed in front of the house not serving a garage.
2) Driveway proposed 0' from the left side lot line where 5' is required.
3) Driveway proposed at 23' wide where 20' is permitted.

Brandon Marcinkiewicz of 11 Mandeville Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to widen the existing driveway at the subject premises; that he requests variance approval for proposed parking in front of the house not serving a garage; that the driveway proposed is 0 feet from the left side lot line where 5 feet is required; that the driveway proposed is 23 feet wide where 20 feet is permitted.

The applicant further testified that almost every home on the street has this

similar-type of configuration.

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 of the variances requested. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, 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.

RESOLUTIONS

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

1. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed by Comrs. Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DAVID & JOHANNA RICCA for variances for right side lot line and rear yard lot coverage for an above-ground swimming pool already installed at 8 Vale Avenue, Block 14.18, Lot 3, was adopted. RB2

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Daniel Trenk, and affirmed by Comrs Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ABEL ALICEA – EMPANADA SPANISH GRILL for conditional use variance, use variance, and parking variance to expand existing restaurant to next door area at 8 and 12 Market Street, Block 68.03, Lot 22 and 23, was adopted. B-C

3. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of TAHIR KHAN for front yard setback and left side yard setback variances to allow an existing structure to remain as built at 640 Grove Street, Block 52.05, Lot 14, was adopted. RA1

4. Upon motion made by Comr Roy Noonburg, seconded by Comr Louis DeStefano, and affirmed by Comrs Scott Sochon, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of PB NUTCLIF MASTER, LLC for preliminary and final major subdivision approval on former Hoffman La-Roche campus to subdivide Lot 80.02, Lot 1.01 into three tax lots and preliminary and final site plan approval to construct a portion of a 7-level parking garage on Lot B, construct screening walls on Lot C, and various site improvements to the subdivided properties as follows: D(1) use variance for parking structure (Lot B) and existing office building (Lot D); existing cooling towers and support utility building (Lot C); C variances on Lot B for lot size, lot depth, lot width, front yard setback, side yard setback, rear yard setback, lot (building) coverage, number of parking spaces, parking structure located within front yard, parking

structure located within 10' of side and rear lot lines and within 5' of front lot line, LED exterior lighting, and parking space size; C variances on Lot C for lot size, lot coverage, lot width, lot depth, front yard setback, side yard setback, rear yard setback, screen wall height, LED exterior lighting; C variances on Lot D for lot size, lot coverage, lot width, lot depth, front yard setback, side yard setback, rear yard setback, and LED exterior lighting at 116 Acres, "ON3", 340 Kingsland Street, Block 80.02, Lot 1.01, was adopted. M-3

ADOPTION OF 2017 ANNUAL REPORT

1. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed with the unanimous approval of the entire Board, the 2017 Annual Report for Clifton Zoning Board of Adjustment prepared by Gregory Associates, LLC., was adopted, and the Counsel Secretary was instructed to prepare the proper Resolution and forward said report to the Governing Body of the City of Clifton and the Planning Board of the City of Clifton in accordance with N.J.S.A. 40:55D-70.1.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF NOVEMBER 7, 2018.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of: Z TRANSPORTATION INC.
for premises known as: 53 Clifton Boulevard, Block 31.06, Lot 20
be and the same is hereby: GRANTED use variance and site plan approval for the
indoor inspection of tractor trailers and the making of minor mechanical repairs.**

Testimony concerning the aforesaid application was taken by the Board at its meetings on October 3, 2018, and November 7, 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 and site plan approval for the indoor inspection of tractor trailers and the making of minor mechanical repairs at premises located at 53 Clifton Boulevard, Block 31.06, Lot 20, which premises are located in an M-2 zone; and

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

- a. The applicant proposes to utilize the premises for the indoor inspection of tractor trailers and the making of minor mechanical repairs which requires a use variance;
- b. The property in question has long been used as a motor vehicle body repair shop;
- c. The site in question is uniquely well-suited for the proposed use which is a similar-type of use;
- d. The applicant has satisfied the positive criteria in that the use is substantially less in volume than the current use, the site will be cleaned up, new windows are proposed, a new roll-up garage door, and renovations to the first and second floor offices which will make the premises aesthetically pleasing;
- e. The applicant has satisfied the negative criteria in that the proposed use will be integrated into the neighborhood and less intense than the current use and there will be no detriment to the neighborhood;
- f. The benefits of the application outweigh the detriments; 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 property is surrounded on all sides by industrial buildings and the site is uniquely suited for the proposed use; and

WHEREAS, the Board further finds that the applicant has agreed to stipulations and improvements to the building which will be substantial and be a benefit to the neighborhood and will not cause substantial detriment to the zone plan;

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(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid for the indoor inspection of tractor trailers and the making of minor mechanical repairs at premises located at 53 Clifton Boulevard, Block 31.06, Lot 10, be and the same is hereby approved and the use variance and site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING STIPULATIONS:**

1. Hours of operation from 8:00 am to 5:00 pm M-F, 8:00 am to 12:00 pm Saturday.
2. 3 bay truck inspection and service, for Z transportation owned vehicles only.
3. No off site staging, parking, or idling of trucks.
4. No use of 4 ton limit streets.
5. No backing of trucks down driveway or easement.
6. Employee parking to be on site.
7. Chapter 327 Table 1 and Table 2 maximum permissible sound levels apply, with the more restrictive levels (quiet time) from 10:00 pm to 7:00 am.
8. No spillover from pole mounted lighting (provide semi or full cutoff); lighting not to be directed toward residential areas.
9. Compliance with all comments and recommendations set forth in the report of Neglia Engineering Associates dated September 26, 2017, revised November 1, 2018;
10. That the applicant has the option of erecting a fence at the site;
12. If Benmar Conditionaire Corp. does not agree to contribute to the maintenance of the easement in question ("Exhibit A-2") then the applicant will absorb that share of the cost of maintenance along with its own share;
13. The proposed maintenance of the easement agreement ("Exhibit A-2") supersedes the current easement agreement in effect.

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 LOUIS DE STEFANO.

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

MEETING OF NOVEMBER 7, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: WILLIAM CHAMPIGNON for premises known as: 190 TRENTON AVENUE, BLOCK 5.17, LOT 8 be and the same is hereby: GRANTED approval for a new driveway on the side of the property with a 0 foot setback.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 7, 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 variance approval as aforesaid for a new driveway at premises located at 190 Trenton Avenue, Block 5.17, Lot 8, which premises are located in an RB1 zone; and

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

- a. The applicant requests approval for a new driveway on the side of the property;
- b. The side yard setback requirement is 5 feet, and the applicant is proposing 0 feet;
- c. The purpose of the driveway is to take vehicles off the street since the area is congested;
- d. The applicant has shown sufficient hardship to justify the grant of the bulk 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 for a new driveway on the side of the property 0 feet from the property line at premises located at 190 Trenton Avenue, Block 5.17, Lot 8, be and the same is hereby approved and the 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 LOUIS DE STEFANO.

Seconded by: Comr DANIEL TRENK.

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

MEETING OF NOVEMBER 7, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: PIOTR KAPUSNIK for premises known as: 18-20 Mt. Washington Avenue, Block 32.09, Lot 1 be and the same is hereby: GRANTED use and bulk variances for a second floor addition and a two-story addition to the rear of the structure.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 7, 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 and bulk variance approval for a second floor addition and a two-story addition to the rear of the structure at premises located at 18-20 Mt. Washington Avenue, Block 32.09, Lot 1, which premises are located in an RA3 zone; and

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

- a. A use variance is required for the expansion of a non-conforming use since the premises in question is a two-family dwelling in a single-family zone;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 20.75 feet;
- c. The rear yard setback requirement is 35 feet, and the applicant is proposing 13.4 feet;
- d. The street side requirement is 10 feet, and the applicant is proposing 7.95 feet;
- e. The lot coverage proposed is 35 percent where 27 percent is permitted;
- f. The applicant seeks to expand the living space at the site;
- g. The premises are located on a corner lot, and the location of the garage is suitable based upon the plans submitted;
- h. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- i. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- j. The benefits of the application outweigh the detriments, if any; and

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

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

(CONTINUED)

(CONTINUED)

NOW THEREFORE, BE IT RESOLVED that the application for use variance and bulk variances for a second floor addition and a two-story addition to the rear of the structure at premises located at 18-20 Mt. Washington Avenue, Block 32.09, Lot 1, be and the same is hereby approved and the use and bulk variances for front yard, rear yard, street side, and lot coverage 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 Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF NOVEMBER 7, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOANNA KUBIK & BRANDON MARCINKIEWICZ for premises known as: 11 Mandeville Avenue, Block 32.03, Lot 5 be and the same is hereby: GRANTED approval to widen the existing driveway 0 feet from the lot line and 23 feet wide.

Testimony concerning the aforesaid application was taken by the Board at its meeting on Wednesday, November 7, 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 approval to widen the existing driveway at premises located at 11 Mandeville Avenue, Block 32.03, Lot 5, 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 proposes a driveway in front of the house not serving a garage;
- b. The proposal is for a widening of the driveway from 20 feet to 23 feet;
- c. The driveway is located 0 feet off the side lot line where 5 feet is required;
- d. The driveway is proposed in front of the house not serving a garage;
- e. The applicant has shown sufficient hardship to justify the grant of the bulk 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 driveway 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 widen the driveway at premises located at 11 Mandeville Avenue, Block 32.03, Lot 5, be and the same is hereby approved and the variances for parking in front of the house not serving a garage, driveway 0 feet from the side lot line where 5 feet is required, and driveway width proposed at 23 feet where 20 feet is permitted 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 MICHAEL MOLNER.

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

RESOLUTION
OF
BOARD OF ADJUSTMENT

WHEREAS, the Board of Adjustment of the City of Clifton is required by law to conduct an Annual Report which reviews its decisions on applications heard during the past year; and

WHEREAS, the Board of Adjustment did authorize Gregory Associates, LLC, Kathryn M. Gregory, AICP, PP, NJ Professional Planner, to prepare such report; and

WHEREAS, Kathryn M. Gregory, AICP, PP, did make her recommendations on Page Nos. 5 and 6 of the report (not dated) for the calendar year 2017, which is attached hereto and made a part hereof; and

WHEREAS, the Board of Adjustment of the City of Clifton did review the 2017 Annual Report, and said Board of Adjustment concurs with the recommendations of Kathryn M. Gregory, AICP, PP, NJ Professional Planner, for zoning, ordinances, amendments or revisions; and

NOW THEREFORE, BE IT RESOLVED that the Annual Report prepared by Kathryn M. Gregory, AICP, PP, NJ Professional Planner, be and the same is hereby adopted and that same shall be forwarded to the Governing Body of the City of Clifton and Planning Board of the City of Clifton in accordance with N.J.S.A. 40:55D-70.1.

MEETING OF NOVEMBER 7, 2018.

MOVED BY: COMR GEORGE FOUKAS.

SECONDED BY: COMR LOUIS DE STEFANO.

AFFIRMED BY: COMRS MICHAEL MOLNER, DANIEL TRENK, LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.