

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 14, 2018. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS SCOTT SOCHON, MICHAEL MOLNER, DANIEL TRENK, LOUIS DE STEFANO, 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 Comr George Foukas, the Minutes of the November 7, 2018, regular meeting was 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 to the February 6, 2019, meeting of the Board.

2.
Use
Variance;
Variances

ALI EKINCI/SEMERKEND CULTURAL CENTER,
421 Clifton Avenue, Block 12.09, Lot 11 – BA1 –
Applicant proposes to use property as a Cultural Center and existing second floor apartment. First floor was previously approved as an apartment and a reading room. Existing garage will also be used 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.

At the request of the attorney for the applicant, this matter was continued to the January 2, 2019, meeting of the Board.

3.
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.
Use
Variance | RICOBA USA, INC. t/a RECYCLE CITY,
41 Broad Street, Block 15.02, Lot 1 – M-2 –
Use variance and site plan approval required for expansion of a nonconforming use to permit the construction of a canopy over the area of the property on which waste newspaper is stored. |
|-----------------------|--|

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Suite 104, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were Louis Brandt, AIA, Architect, with offices at 1035 Route 46, Suite 106, Clifton, New Jersey; and Joseph Fanara, Executive Vice-President of the applicant. There were no objectors.

Mr. Carlet entered into evidence "A-1," the site rendering of conveyor belt and canopy.

Mr. Carlet testified that a use variance is required to expand an existing non-conforming use. It is proposed to erect a canopy over the area in which waste newspaper is stored and it is an inherently beneficial use and one that meets the purposes of the Municipal Land Use Act, in particular, N.J.S.A. 40:55D-2o which states "To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs."

Mr. Brandt testified that the canopy is 50 feet wide by 80 feet long; that the canopy is entirely open, no walls are being enclosed; that the canopy was proposed to be erected to protect vehicles and recycled materials during inclement weather, and the canopy will be built with ripped sheet metal.

Mr. Brandt concluded that there were no changes to the exterior of the building, nor any additions being proposed in connection with this application. He addressed the November 6, 2018, report of Neglia Engineering Associates and stated that the applicant would comply with all requirements. All of the Neglia comments were incorporated in the revised plans marked into evidence as "A-2."

After a review of the testimony, Comr Roy Noonburg 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 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. **LANDSCAPE TECHNIQUES INC.,**
Use 33 Kingsland Avenue, Block 84.05,
Variance; Lot 10 – M-2 – Applicant seeks to store
Variance landscaping equipment, materials and
 trucks and erect a maintenance garage
 and office space. A conditional use
 variance is required for this use. Principal
 access to the use is not located on a
 collector or anterior street. A parking variance
 is required as nine (9) spaces are provided
 and twenty-nine (29) are required. A D-3
 variance is required. Site plan approval
 required.

Chrmn Zecchino announced that this matter would be carried to the December 5, 2018, hearing due to defective notice.

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 Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of Z TRANSPORTATION INC. for use variance and site plan approval for the indoor inspection of tractor trailers and the making of minor mechanical repairs at 53 Clifton Boulevard, Block 31.06, Lot 20, was adopted. M-2
2. Upon motion made by Comr Louis DeStefano, seconded by Comr Daniel Trenk, and affirmed by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of WILLIAM CHAMPIGNON for variance approval for a new driveway on the side of the property with a 0 foot setback at 190 Trenton Avenue, Block 5.17, Lot 8, was adopted. RB1
3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Daniel Trenk, and approved by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of PIOTR KAPUSNIK for use and bulk variances for a second floor addition and a two-story addition to the rear of the structure at 18-20 Mt. Washington Avenue, Block 32.09, Lot 1, was adopted. RA3
4. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JOANNA KUBIK & BRANDON MARCINKIEWICZ for approval to widen the existing driveway 0 feet from the lot line and 23 feet wide at 11 Mandeville Avenue, Block 32.03, Lot 5, was adopted. RA3

5. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPROVING the 2017 Annual Report of the Zoning Board of Adjustment of the City of Clifton prepared by Gregory Associates, LLC, Kathryn M. Gregory, AICP, PP, NJ Professional Planner, be and the same is hereby adopted.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF NOVEMBER 14, 2018.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RICOBA USA, INC. t/a RECYCLE CITY for premises known as: 41 Broad Street, Block 15.02, Lot 1 be and the same is hereby: GRANTED use variance and site plan approval for expansion of a non-conforming use to permit the construction of a canopy over the area of the property on which waste newspaper and equipment is stored.

Testimony concerning the aforesaid application was taken by the Board at its meetings on November 14, 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 requests use variance and site plan approval for expansion of a nonconforming use to permit the construction of a canopy over the area of the property on which waste newspaper is stored at premises located at 41 Broad Street, Block 15.02, Lot 1, which premises are located in an M-2 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 to expand an existing non-conforming use;
- b. The applicant proposes to construct a new canopy with new support columns and lighting over the area in which waste newspaper is stored;
- c. The applicant has satisfied the positive criteria in that the use is an inherently beneficial use and meets the purposes of the Municipal Land Use Act for recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs.
- d. The applicant has satisfied the negative criteria in that the proposed use is presently existing at the site and there will be no detriment to the neighborhood;
- 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 presently exists at the site and the site is uniquely suited for the proposed use; and

WHEREAS, the Board further finds from the testimony presented that the proposed canopy will not be detrimental to the health, safety, and general welfare of the area and the applicant has agreed to comply with all recommendations contained in the report of the Board's engineer, Neglia Engineering Associates, in its report dated November 6, 2018;

NOW THEREFORE, BE IT RESOLVED that the application to permit the construction of a canopy over the area of the property on which waste newspaper is stored at premises located at 41 Broad Street, Block 15.02, Lot 1, be and the same is hereby approved and the use variance and site plan approval for expansion of a non-conforming use be and the same are hereby granted **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL; and SUBJECT TO COMPLIANCE WITH ALL REQUIREMENTS CONTAINED IN THE REPORT OF NEGLIA ENGINEERING ASSOCIATES DATED NOVEMBER 6, 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 ROY NOONBURG.

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.