

Minutes of a special 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, July 25, 2018. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, KEITH LA FORGIA, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR DANIEL TRENK.

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.

NEW HEARING

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| 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.

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

Present on behalf of the applicants were the following: Joseph R. Golden, PE, PP, CME formerly of 22 Angola Drive, Sparta, New Jersey; and Joseph Staiger of Dynamic Traffic, 245 Main Street, Chester, New Jersey.

This is a continued hearing from the meeting of May 9, 2018.

The following were in attendance in favor of the application: Isaac Kagan, 557 Passaic Ave., Clifton; Mike Capo, 12 Brookhill Ter., Clifton; Yakov Okshtein, 428 Brook Ave., Passaic; Mordechai Koval, 159 Marietta Av., Passaic; Yechezkel Stern, 136 Boulevard #1, Passaic, NJ 07055; Rena & Hudi Stern, 58 Patricia Pl., Clifton, NJ 07012; Adam Klein, 314 Terhune Ave., Passaic, NJ; Amy Klein, 314 Terhune Ave., Passaic, NJ; Melissa Levit, 549 Broadway, Passaic, NJ; Bina Zarklein, 61 The Circle, Passaic; Melissa Zegerman, 36 Belmont Ave., Clifton, NJ; Leah Zimmerman, 101 Westervelt Pl., Passaic, NJ; Yosef Mittel, 76 Mineral Spring Ave.; Menachem Compart, 111 Palmer St., Passaic, NJ 07055; Lisa Compart, 111 Palmer St., Passaic, NJ; Menachem Wiederman, 195 Elmwood Ave., Passaic, NJ; Meir Zarkhin, 61 The Cir., Passaic, NJ; Benyamin Zarkhin, 61 The Cir., Passaic, NJ; Ariel Zarkhin, 61 The Cir., Passaic, NJ; Mark Zarkhin, 61 The Cir., Passaic; Richard Cohen, 57 Howard Avenue, Passaic, NJ; Binyamin Cohen, 57 Howard Avenue, Passaic, NJ; Yael Kreslavskiy, 19 Bradford Pl, Passaic, NJ; Eda Kreslavskiy, 19 Bradford Pl, Passaic, NJ; Efrat Kreslavskiy, 19 Bradford Pl, Passaic, NJ; Anna Kreslavskiy, 19 Bradford Pl., Passaic, NJ; Judy Frenkel, P.O. Box 5247, Passaic; Binyamin Gonsher, 150 Elmwood Ave., Passaic, NJ; Carol Gonsher, 150 Elmwood Ave., Passaic, NJ; Yosef Seldowitz, 115 Lafayette Ave., Passaic, NJ; Yankov Plitman, 374 Brook Ave., Passaic, NJ; Yonatan Vinnik, 17 Dawson Ave., Passaic, NJ; Ronen Vinnik, 17 Dawson Ave., Passaic, NJ; Shimon Vinnik, 17 Dawson Ave., Passaic, NJ; Karen Goldman, 185 High Street, Passaic, NJ; Joshua Goldman, 185 High Street, Passaic, NJ; Tali Goldfarb, 333 Aycrigg Ave., Passaic, NJ; Aryeh Goldfarb, 333 Aycrigg Ave., Passaic, NJ; Shira

Goldfarb, 333 Aycrigg Ave., Passaic, NJ; Joseph Baruch, 25 Amsterdam Ave., Passaic, NJ; Penina Baruch, 25 Amsterdam Ave., Passaic, NJ; Saimon Winnig, 17 Dawson Ave.; Jennifer Lowy, 18 Conover Court, Clifton, NJ; Joshua Lowy, 18 Conover Court, Clifton, NJ; Bina Kreslavskiy, 19 Bradford Place, Passaic, NJ; Tuvia G. Liberman, 483 S. Parkway, Clifton, NJ; Leah Liberman, 483 S. Parkway, Clifton, NJ; Dina Liberman, 483 S. Parkway, Clifton, NJ; Chana Guelfguat, 75 Lorrie Ln., Clifton, NJ 07012; Esther Guelfguat, 75 Lorrie Ln., Clifton, NJ 07012; Ethel Sara Grinberg, 148 Albion Street, Passaic, NJ; Alexzandra Friedman, 128 Blvd. #15, Passaic; Miriam Orent, 176 Patricia Place, Clifton, NJ; Yeshaya Orent, 176 Patricia Pl., Clifton, NJ; Elchanon Gelb, 126 Van Houten Ave., Passaic, NJ; Naomi Schwartz, 135 Patricia Pl., Clifton; Moshe Krupniek, 99 Palmer St. 07055; Devorah Schwadron, 99 Palmer St. 07055; and Aliza Bloom, 6 Conover Ct., Clifton. (names are typed as appear from hand-written sign-in sheet).

The following were in attendance opposed to the application: Emilia Soltis, 224 Haddenfield Rd.; Helen Hawran, 89 Haddenfield Rd.; Faruk Apayoin, 1302 Broad St.; Aliyas Aboughanam, 83 Haddenfield Rd.; Dawn Miller, 49 Haddenfield Rd.; Aaron Liechenstein, 14 Bogert Pl.; Beverly Carey, 142 Chittenden Rd.; Ray Robertello, 66 Woodlawn Ave., Clifton, NJ; Leo Viviano, 50 Rolling Hills Rd.; Arlene Bayeux, 69 Marlboro Rd.; Nancy Swaluk, 20 Chanda Ct.; Catherine Murtha, 32 Bogert Pl.; Thomas Davey, 5 Janice Terrace; John Labriola, 200 Chittenden Rd.; Alexander Fattell, 39 Lester Place; Jean E. Labriola, 200 Chittenden Rd.; Jeffrey J. Labriola, 200 Chittenden Rd.; Neel Patel, 95 Haddenfield Rd.; Gangaram Rastog, 29 Haddenfield Rd.; Randall Miller, 60 Bogert Place; Larry Zahn, 73 Bogert Place; Linda Zahn, 73 Bogert Pl.; Jeannie Labriola, 200 Chittenden Road; Ann Wry, 16 Earnshaw Pl.; Emma Omohundiro, 16 Earnshaw Pl.; Joseph Addabbo, 45 St. James Pl.; Livia Pepper, 831 Grove St.; Jerry Santucci, 16 Earnshaw Pl.; Sharron Lebitsch, 837 Grove St.; Caitlin White, Vincent Dr.; Darren Kaster, Vincent Dr.; Emily Diamond, 14 Walsh Ct.; Don Warren, 15 Walsh Ct.; Fran Warren, 15 Walsh Ct.; Debbie D'Anthony, 27 Wester Pl.; Steve D'Anthony, 27 Wester Pl.; Vivian Semeraro, 6 Walsh Ct.; Joan Sanford, 47 Hudson St.; Matt Warren, 104 Rolling Hills Rd.; Anne Neczehir, 52 Anderson Dr.; Dan Neczehir, 56 Anderson Dr.; Steve Goldberg, 124 Charles Street; Kelly Eckert, 203 Edgewood Ave.; Henry Cholewczynski, 37 Phyllis Place; Melanie Shefchik, 53 Daniels Drive; Gail Smita-McCarthy, 172 Chittenden Rd.; Michael J.

McCarthy, 172 Chittenden Rd.; Bertan Goybulak, 7 Anderson Drive. (names are typed as appear from hand-written sign-in sheet).

On direct-examination by Mr. Geffner, Mr. Golden had marked into evidence as "A-4" the site plan of the premises. Mr. Golden testified as to an overview of the project and site operations; that the applicant intends to convert the existing building on site to a religious school; that the driveways to the west and south of the building are widened to 20 feet each; that there is a dumpster 10- by 20-feet proposed in the rear of the parking area; that in accordance with the recommendations of the Passaic County Planning Department, the applicant will provide a raised sidewalk apron across both driveways; that the applicant will comply with the concrete curbing as required by the County; that the "no stopping or standing" signs will be placed closer to the driveways; that with respect to the circulation exhibits, the gated portion of the site utilized for drop-off and pick-up of students will be opened and closed by staff at the appropriate times; that the applicant will comply with all recommendations of the County as set forth in a memorandum dated July 11, 2018, which is incorporated herein by reference and made a part hereof.

Mr. Golden described the site circulation; that there will be right turns out of the site; that the circulation plan illustrates adequate turning space. Mr. Golden continued to testify and comment on the Neglia report dated December 7, 2011, which was revised July 23, 2018, concerning general engineering comments, grading, drainage, utilities, landscaping, lighting, and traffic; that with respect to sewer discharge, the line will be televised and a cd shall be submitted to Neglia for review; that based upon the discharge flow from the pump, the pump has the capacity for the proposed use; that there will be three handicap parking spaces; that with respect to sidewalk access, there will be a 4-foot-wide concrete sidewalk from Broad Street to the front entrance of the school.

On cross-examination, Mr. Golden responded to Mr. Abrahams and the following: Arlene Bayeux, Joseph Addabbo , Steven Goldberg, Beverly Carey, and Robert Robertello concerning activity in the playground area, ADA parking ramp, children pick-up and drop-off, lighting, parking, utilities, and the parking of an 18-wheeler gasoline truck underneath the building.

Present and sworn was Joseph Staiger of Dynamic Traffic who stated that he prepared traffic reports dated April 27, 2017, which were updated October 30, 2017, which include traffic counts, traffic analysis, impact of the site to Broad Street and Allwood Road, conduct of traffic on Sunday, and queuing of vehicles from the site onto Broad Street. Mr. Staiger testified that there will be less than 100 trips per hour for the proposed use than the prior use; that he took traffic counts at the existing school at 123 Industrial Street East in Clifton to determine activity that will take place at the site in question; that he projects that the drop off time of students will be 124 seconds; that with respect to queuing, in the A.M. peak hour, there will be 10 cars and in the PM peak hour, there will be 9 vehicles; that the exit from the school consists of three periods, one at 3 P.M., one at 4 P.M., and one at 5 P.M.; that 24 vehicles may be stacked within the parking lot and another 10 vehicles in a single row along the parking lot; that there is no conflict of vehicles circulating on the site; that with respect to gaps of traffic on Broad Street, from Chittenden Road, it takes approximately 7.1 seconds to make a left turn onto Broad Street; that there is a level service of A on left-hand turns into the site from Broad Street which takes approximately 9 seconds; that coming out of the site to make a left turn takes approximately 26 seconds; that there are 68 parking spaces provided, more than sufficient to accommodate a staff of 65; however, at any one time, there will be 35 staff individuals at the site; that there is sufficient maneuverable space for fire trucks at the site; that the drop-off and pick-up of students is monitored by a trained staff.

On cross-examination, Mr. Staiger responded to questions raised by Joseph Addabbo, Henry Cholewczynski, and Caitlin White concerning drop-off and pick-up of students, traffic on Broad Street, volume of traffic, left turn into and from site; and left turn from Chittenden Road, Anderson Drive, and Haddenfield Road onto Broad Street. Mr. Staiger further testified that the applicant would be willing to accept as a condition of approval that police officers be at the site at peak hours to control traffic, entering and exiting from the site onto Broad Street.

At this point in the hearing, Chrmn Zecchino stated that the Board would continue the matter which was re-set for hearing at a regular meeting on September 5, 2018, with no further notice.

There being no further business before the Board, Comr George Foukas 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