

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, May 9, 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, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS DANIEL TRENK AND KEITH LA FORGIA.

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

- |           |                                           |
|-----------|-------------------------------------------|
| 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 and sworn on behalf of the applicants were the following: Rabbi Isaac Kagan of 123 Industrial Street East, Clifton, New Jersey; Louis Brandt, AIA, of 1035 Route 46 East, Clifton, New Jersey; Donna Holmquist, AICP, PP of 234 North Main Street, New City, New York; Joseph R. Golden, PE, PP, CME formerly of 21 Main Street, Newton, New Jersey; and Joseph Staiger of Dynamic Traffic, 245 Main Street, Chester, New Jersey.

The following were in attendance in favor of the application: Aliza Bloom, 6 Conover Ct., Clifton; Debra Goldberg, 18 Edgemont Rd.; Ricky Over, 107 Edgewood, Clifton; Alexander, Shiman, and Jonathan Vinnik, 17 Dawson Ave., Clifton; Tali Goldfarb, 333 Aycrigg Ave., Passaic; Alexz Friedman, 128 Blvd.#15, Passaic; Jordana and Abraham Baruchov, 30 Allwood Pl, Clifton; Yechezkel Stern (& YI), 136 Boulevard #1, Passaic, NJ 07055; Chananian Orent, 176 Patricia Place, Clifton, NJ 07012; Yosef Seldowitz, 115 Lafayette Ave., Passaic, NJ 07055; Franklin Katina, 155 Pennington Ave., Passaic, NJ 07055; Bina Zarkhin, 61 The Circle, Passaic; Jonah Lazar, 8 Solond Rd., Monsey, NY 10952; Yehudah Selenguk, 44 Barry Place, Passaic, NJ; Adam Klein, 314 Terhune Ave., Passaic, NJ 07055; Eliyahu & Hannah Dworetsky, 35 Idaho St., Passaic, NJ 07055; Tamar Schock, 221 Howard Ave., Passaic, NJ 07055; Iris Kaplan, 1145 Pennington Ave., Passaic, 07055; Brian Brager, 11 Bradford Ave., Passaic, NJ 07055; Avigayil, Moshe, and Jeff Bloom, 6 Conover Court, Clifton, NJ 07012; Emile Wiesenfeld, 19 Ball Ave., Passaic, NJ 07055; Len Nasser, 263 Passaic Ave. #K, Passaic, NJ 07055; Rachael & Jonathan Gudema, 12 Bradford Pl., Passaic, NJ 07055; Judy Frenkel, P.O. Box 5247, Passaic, NJ 07055; Louise Hartstein, 98 Virginia Ave., Clifton 07012; Chaya Aspir, 241 Brook Ave., Passaic 07055; Navah Aspir, 44 Orth Ave., Passaic 07055; Alicia Friedman, 4 Ravona St., Clifton 07012; Mendy Kirsh, 1 Pearl Dr., Monsey; Meredith Benscher, 39 Ravona St., Clifton, NJ; Aliza Zidell, 1380 North Ave. #422, Elizabeth, NJ; Batsheva Wolbe, 262 Park Ave., Passaic, NJ; Elchanan and Morris Cohn, 30

Annabelle Ave., Clifton; Zipura Blaives, 111 The Circle, Passaic, NJ; Malkne Silver, 103 Virginia Ave., Clifton, NJ; Devora Binder, 76 Reid Ave., Passaic, NJ; Baruch Lehrfeld, 538 Route 306, Suffern, NY; Yitzchak Rubin, 238 Aycrigg Ave. B, Passaic, NJ; Menachem Wiedermann, 195 Elmwood Ave., Passaic, NJ; Zev Wolbe, 262 Park Ave., Passaic, NJ; Mode Koval, 159 Marietta Ave., Passaic, NJ; Carol Gousher, 150 Elmwood Ave., Passaic, NJ; Melissa Levit, 549 Broadway, Passaic, NJ; Esther, Shira, and Adina Semeh Pomraut, 11

Garfield Ave., Clifton; Debbie Henigson, 75 Park Ave., Passaic; Gary Klotzkin, 43 Hampton Rd., Clifton, NJ; Yakov Okshtein, 428 Brook Ave., Passaic, NJ; Adam Buckstein, 56 Amsterdam Avenue, Passaic, NJ; Ken Compart, 111 Palmer St., Passaic, NJ; Moshe and Shari Lieberman, 94 Virginia Ave., Clifton; Avroham Weitzman, 11 Leitch Pl., Passaic; Joshua Eisenberg, 35 Pleasant Ave., Passaic (H)/1401 Broad St., Clifton (W); Tania Wolf & Yair, 9 Garfield Avenue, Clifton, NJ; Yosef and Menachem Mittel, 76 Mineral Spring, Passaic, NJ; Malka Adler, 14 Gourley St., Passaic, NJ; Yitzchuk Cohen, 144 Allwood Place, Clifton, NJ; Mark Zarkin, 61 The Circle, Passaic, NJ; Chani Kegan, 557 Passaic Ave., Clifton, NJ 07014; Shira and Devora Pomrantz, 11 Garfield Ave., Clifton, NJ 07012; Oran Levin, 41 Garfield Ave., Clifton, NJ 07012; Ronen Vinnui, 17 Dewey Ave., Clifton; Marh Shapiro, 7 Forest Court, Passaic, NJ 07055; Scott Rolshenberg, 16 Annabelle Ave., Clifton, NJ 07012; Tamar Bacon, 139 Terhune Ave., Passaic, NJ 07055; Miriam Sukenik, 77 Amsterdam Ave., Passaic; Vadim and Naftali Shulman, 318 Van Houten Ave., Passaic; Nosson Silbermintz, 358 Brook Ave., Passaic, NJ; Ari Schonfeld, 20 Loumar Place, Clifton, NJ; Richard Cohen, 57 Howard Ave., Passaic, NJ; Ari Silberg, 35 Ravona St., Clifton, NJ; Elchanon Gelb, 40 Lafayette Ave., Passaic; Devorah and Moshe Krupnick, 99 Palmer Street, Passaic, NJ 07055; Tuvia Liberman, 483 S. Parkway, Clifton, NJ 07014; Chana King, 110 Park Avenue, Passaic; Chaya Lorel, 228 Brook Ave., Passaic, NJ; Judee Cooper, 323 Pennington Ave., Passaic, NJ 07055; Kenneth Rosen, 540 Fenlon Blvd., Clifton; David Feldman, 171 Spring St., Passaic 07055; Deborah Rothenberg, 70 Patricia Place, Clifton, NJ 07012; Malke Slatuo, 25 Westminster Pl, Passaic, NJ 07055; Yaacov Shalom, 37 Orchard St., Passaic, NJ 07055; Alan and Yardeni Mazaud, 88 Reid Ave., Passaic; Joe Baruch, 25 Amsterdam Ave., Passaic, NJ 07055; Miriam Orat, 176 Patricia Place, Clifton, NJ

07012; Ron Shachan, 50 Ridge, Passaic, NJ; Isaac Layu, 557 Passaic Ave., Clifton, NJ. (names are typed as hand-written on sign-in sheet)

The following were in attendance opposed to the application: Carol Pruzansky, 47 Vincent Drive, Clifton; Beverly Carey, 142 Chittenden Rd.; Ray Robertello, 66 Woodlawn Ave., Clifton; Aaron Liechenstein, 14 Bogert Pl., Clifton; Mike Leach, 185 Chittenden Rd., Clifton; Cathie Murtha, 32 Bogert Pl., Clifton; Cheryl Janson, 63 Holster Rd., Clifton; Josephine Sardina, 1368 Broad St., Clifton; Kelly Eckert, 203 Edgewood Ave., Clifton; Vivian McDermott, 203 Edgewood Ave., Clifton; Henry Cholewczynski, 37 Phyllis Pl., Clifton; Jeff and Jean Labriola, 200 Chittenden Rd.; Josephine and Joseph Sardina, 1368 Broad Street; John Labriola, 200 Chittenden; Carol Pruzansky, 47 Vincent Dr., Joseph Addubbo, 45 St. James Pl.; George Hariton, 32 Rolling Hills Rd.; Vivian McDermott, 203 Edgewood Ave.; Cathie Murtha, 32 Bogert Pl., Clifton; Cheryl Janson, 63 Holster Rd., Clifton; Caitlin White, 88 Vincent Dr., Clifton. (names are typed as hand-written on sign-in sheet)

Chrmn Zecchino advised the interested parties and objectors of the procedure to be followed in conducting the hearing; that the procedure is that the applicant will present its expert and the Board members will first complete questioning of the expert and then the public will have an opportunity to cross-examine said expert. At the end of the case, the applicant, through its attorney, and the objector, through its attorney, and the public will have an opportunity to state their objections to the application. No outbursts by the audience will be permitted.

Chrmn Zecchino requested an opinion from Counsel Pogorelec concerning whether the applicant has satisfied all notice requirements. Counsel Pogorelec stated that he has reviewed the affidavit of mailing, the public notice, and notice upon all interested parties within 200 feet with Zoning Officer Daniel Howell, and the applicant has satisfied all the necessary requirements, and the Board may proceed to take testimony this evening.

In his opening statement, Mr. Geffner stated that the applicant is seeking conditional use variance approval and bulk variances for premises located at 1333 Broad Street; that the premises in question is located in a B-A business and professional office zone and the applicant proposes to convert the existing building and the site to a religious school.

Offered into evidence as "A-1" was a visual aid presented showing the current facility, students in attendance, classrooms, and activities which occur at the present time at the premises conducted at the Clifton Cheder School at 123 Industrial Street East, Clifton, New Jersey.

Rabbi Isaac Kagan testified as the administrator of the school and stated that he has been the administrator for the past seven years; that the school consists of classrooms which teach from preschool to 8<sup>th</sup> grade; that there are 15 employees at the site; that there are 184 students with no more than 305 anticipated at the new site; that there are 50 instructors; that the school operates daily, Monday through Thursday, from 7:40 A.M. to 5 P.M.; that Friday there are classes from 7:40 A.M. to 2 P.M.; that Sundays, school is conducted from 8 A.M. to 12:30 P.M.; that the applicant currently has a lease at the Industrial Street site which has approximately 2 ½ to 3 years to run; that in addition to operating the proposed facility, the applicant may continue to operate the present facility and where girls may attend and boys will attend at the proposed location; that classes begin at 8:50 A.M. where approximately 154 students arrive; that dismissal occurs at 3 P.M. for the low grades, approximately 55 students are dismissed; at 4 P.M. where approximately 70 students are dismissed; and at 5 P.M. approximately 50 students from the upper grades are dismissed; that the proposed facility will provide a playground, ample recreation area, library and other facilities; that the school year runs from September to June; that lunch is served generally as pizza; that the building will be closed on Saturdays; that the applicant experiences a good relationship with the existing neighborhood at the Industrial Street site; that in order to control traffic, the administrators use walkie talkies; that the applicant has been seeking a new site for several years and found Broad Street to be a potential; that they have considered mini bus to transport students or car pooling; that students will arrive at various times according to the schedule; that tuition is

charged and financial aid is available; that access to the site is from Broad Street and students are picked up on-site in the rear of the building.

On cross-examination, Rabbi Kagan responded to Mr. Abrams and the following: Aaron Liechenstein, Beverly Carey, Ray Robertello, Josephine Sardinia, Joseph Addubbo, Caitlin White, Jeff Labriola, Jeff Calovitti, and Henry Cholewczynski concerning the safety of children at the school; the increasing enrollment, the Summer program, parking for the staff of teachers, procedures for drop-off and pick-up of students; use of the premises for Summer camp; traffic concerns, payment of property taxes, the amount of tuition received to maintain and support the school, access to the site from students who reside in Passaic and access to the site will not cause traffic problems.

Louis Brandt testified as the architect and stated that he prepared the plans dated October 18, 2017. Marked into evidence as "A-2" is the proposed lower level floor plan and "A-3" which is the upper first floor plan of the existing building. Mr. Brandt continued to testify that the lower level will consist of 6,650 square feet and contain an elementary area 612 square feet, resource room area 340 square feet, art room area 356 square feet, science lab area 405 square feet, multi-purpose/lunch area 2,418 square feet, and office area 1,120 square feet; that the first floor will consist of 16,260 square feet which includes an elementary area 4,475 square feet, pre-school area 2,475 square feet, resource room area 171 square feet, computer lab area 257 square feet, prayer room area 961 square feet, lunch area 800 square feet, teacher lounge area 577 square feet, and office area 1,234 square feet; that there will be no exterior expansion of the building; that the building will be entirely sprinkled and conform to ordinance regulations of the City of Clifton as well as the State of New Jersey.

On cross-examination by Mr. Abrams who referred to certain sections of the New Jersey Administrative Code concerning bathrooms provided for preschool students. Mr. Geffner stated that the plans will be amended accordingly to satisfy any

requirements of the State Administrative Code concerning bathrooms for the classroom. Mr. Abrams reserved the right to further cross-examine once the amended plans have been submitted to the Board, which shall be at least 10 days prior to the date of the continued hearing of this matter.

At this point in the hearing, Chrmn Zecchino stated that the Board would continue the matter to allow the applicant to amend its plan accordingly, and the matter was reset for hearing on July 25, 2018, with no further notice. Mr. Geffner, on behalf of the applicant, did for the record, extend the time within which the Board is required to render a decision.

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

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY