

Minutes of a regular virtual ZOOM meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, April 21, 2021. 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 GEORGE SILVA, ZALMAN GURKOV, SCOTT SOCHON, DANIEL TRENK, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, 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 Scott Sochon, seconded by Comr Louis DeStefano, the Minutes of the April 7, 2021 regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

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| 1.
Use
Variance;
Variances | LEXINGTON PARTNERS, LLC,
340 Lexington Avenue, Block 8.22,
Lots 37 and 39 – RB3 – Applicant
requests the following:
1) A D.6 (Height Use Variance 3
stories and 35' Permitted, 4 stories
and <u>48'</u> Proposed) is required.
2) Bulk variance for minimum lot area
per dwelling unit (2178 square feet
required, <u>558'</u> proposed).
3) Minimum lot width (100' required,
69.97' proposed).
4) Minimum front yard setback (25'
required, 1.34' proposed).
5) Minimum rear yard setback (48.5'
required, 5.01' proposed).
6) Minimum side yard setback (10'
required, 5.56' proposed).
7) Minimum side yard setback for
both side yards (22' required, 11.12'
proposed).
8) Minimum street side yard setback
(15' required, 5.56' proposed).
9) Lot coverage (25% permitted, 82.86%
proposed).
10) Parking spaces (<u>56</u> spaces required,
<u>42</u> spaces proposed). |
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11) Off-street parking and loading spaces, parking aisles and maneuvering areas not to be located in any required front yard and within ten feet of a required corner side lot line within 10' of a rear lot line permitted but encroachments into each of said setbacks is proposed, high pressure sodium site lighting fixtures required but no longer manufactured. Therefore, the Applicant proposes fluorescent fixtures similar in size, shape and lighting quality to that which is required and all off street parking areas having 10,000 or more square feet of paved area shall provide landscaping for the interior parking lot areas at a minimum of 20 square feet of interior lot landscaping for each parking space with a minimum landscape dimension of 5'x5' which the applicant does not provide and for which it seeks a variance.
NOTE: AMENDED NOTICE-CHANGES UNDERLINED.

This matter was previously continued by the Board until the May 19, 2021, meeting of the Board.

2.
Use
Variance;
Variance
- MICHAEL PONCE**, 347 Piaget Avenue, Block 18.02, Lot 6 – RB2 – Applicant proposes raze the existing house and construct a 4 unit residential building. A use variance is required for multi-family within an RB-2 zone. The driveway is proposed within the required right side yard setback. Such other relief as may be required by the Board.

This matter was previously continued by the Board until the May 5, 2021, meeting of the Board.

NEW HEARINGS

1.
Use
Variance;
Variances
- PALESTINIAN AMERICAN COMMUNITY CENTER**, 386 & 390 Lakeview Avenue, Block 5.24, Lots 12 & 15 – B-C – For conditional use variances and preliminary and final major site plan approval. The existing building at 386 Lakeview Avenue will be utilized for a social organization. The existing building on 390 Lakeview Avenue will be demolished and the site will be utilized for a new art gallery associated with the social organization as well as off-street parking. The applicant requests the following variances from Section 469-29C the Zoning Ordinance of the City of Clifton:

1. Minimum lot area of one acre is required and less than one acre is proposed;
2. Minimum lot width of 200 feet is required and less than 200 feet is proposed;
3. Minimum lot depth of 200 feet is required and less than 200 feet is proposed;
4. Minimum front yard of 25 feet is required and less than 25 feet is proposed;
5. Minimum rear yard of 50 feet is required and less than 50 feet is proposed;
6. Minimum side yard of 20 feet is required and less than 20 feet is proposed;
7. Minimum combined side yard of 55 feet is required and less than 55 feet is proposed;
8. Minimum street side setback of 25 feet is required and less than 25 feet is proposed;
9. Maximum lot coverage of 25% is required and more than 25% is proposed;
10. Minimum off-street parking of one space for each 50 square feet of assembly room area is required and less than one space for each 50 square feet is proposed.

In addition, the applicant requests any other variance, waiver, or exception as may be deemed necessary by the Zoning Board of Adjustment of the City of Clifton in order to secure approval of all plans, plats, and applications submitted. Please note that the applicant may request additional, or different relief than is listed herein. This application is subject to modification without further notice.

Dominic Iannarella, Esq., with offices at 139 Lakeview Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Anwar Alkhatib, an architect, with offices at 151 West Passaic Street, Rochelle Park, New Jersey; Nicholas Graviano, planner, with offices at 101 Crawfords Corner Road, Holmdel, New Jersey; and Tareq Elsamna, 9 Oak Hill Drive, Wayne, New Jersey, a member of the Board of the Palestinian America Community Center.

Mr. Iannarella stated that the applicant requests use variance approval for an art gallery and a conditional use variance for a community center and site plan approval for the existing building at 386 Lakeview Avenue to be utilized as a social and cultural organization, and the existing building on 390 Lakeview Avenue to be demolished and the site utilized for new art gallery associated with the social organization; that the applicant is seeking variances for bulk variances on Lot 15 which is the community center for number of parking spaces and bulk variances on Lot 12 for street side yard, side yard setback, number of parking spaces, parking in the front yard, and parking side lot line; that Lot 15 which is the community center requires 61 parking spaces and 0 spaces are provided; that Lot 12 which is the art gallery requires 34 parking spaces and 13 spaces will be provided; that the applicant has used the site for the past seven years as a community center.

Tareq Elsamna testified as a member of the Palestinian America Community Center Board and stated that the community center has been in existence for the past seven years; he testified as to the goals and activities of the center; that there is a main reading room, and various activities are conducted at the site; that the hours of operation are

generally from 2 P.M. to 8 P.M.; that the events occur two to three times a week; that approximately 20 or 30 people attend these events; staff is two people a day; that there has never been a parking problem over the seven years; that the applicant proposes to demolish the building at 390 Lakeview Avenue and construct a two-story museum and art gallery on Lot 12; that they own a two-family house on East Fifth Street directly to the rear of the property; a typical event serves food from outside; there are two dumpsters outside with pickup once a week during the day; that the art gallery will be open space, displaying art work, one story for picture and art gallery and second floor for movie projector with seating for approximately 10 people, showing same movie for approximately 10 minutes.

Anwar Alkhatib gave testimony as an architect, stating that he prepared the proposed plans for the art gallery and explained the first and second floors of the existing and proposed structures, showing lobby, offices and a multi-purpose room; that the community center exists on Lot 15 with no parking; that the art gallery is proposed for Lot 12; he described the site and the project description; he testified with respect to the building articulation, the façade material, color, traditional design elements, visual access, and entrance and lighting; that the applicant will comply with all requirements from the Neglia Engineering report.

Nicholas Graviano testified as a planner and described the site and project description; he gave testimony concerning the variances requested on Lot 15, a parking variance where 61 spaces are required and none proposed; on Lot 12 street side yard 5 feet required 0 feet provided; side yard 13 feet 2 inches required and 0 feet proposed; number of parking spaces 34 required and 13 provided; parking located in the front yard and parking located within 10 feet of a side lot line; he testified as to the positive and negative criteria; that the application satisfies the positive criteria and promotes the purposes of zoning set forth in N.J.S.A. 40:55D-2; that the proposal promotes the goals of the Master Plan for redevelopment of older areas; that there will be no detriment to the area.

There were discussions regarding 386 Lakeview has no parking and 390 Lakeview ancillary use has the parking; that there are separate owners of each of the lots; that perhaps an easement should be granted for parking; that there is presently a written lease for 20 years, with an option to renew for 20 years; that there are 33 years left on the lease; the Board requested proof of the lease for parking tying the two lots together.

Kathryn Gregory, the Board's Planner, stated that the applicant is treating the art gallery as an accessory use and the community center as the primary use; that on the plans, the bulk table for 390 Lakeview contains bulk regulations for the B-C zone and not for a community center which is a conditional use with specific requirements, and therefore, this is incorrect; that if the applicant is advocating this is an accessory use to the community center, then there are different bulk requirements; that each use is separate and apart; that the two lots are adjacent and are not under common ownership and cannot be merged; that the criteria required for each use may be different, and the variances required may be different from what has been noticed in the within application.

At this point in the hearing, Chrmn Zecchino suggested that the matter be continued and that the application be amended in accordance with the opinion of the Board's Planner. Thereupon, the matter was continued by the Board to May 19, 2021.

2.	UKRAINIAN CULTURAL CENTER OF
Re-	CLIFTON, INC. , 110 Vincent Drive,
Subdivision;	Block 63.01, Lots 24.01 & 24.02 and Lots 23
Use	& 26 – RA-1 – Re-Subdivision of the property
Variances;	into one single lot, use variances for the
Variances	proposed use as a cultural, educational and
	social center and for having more than one
	principal use on the same lot (the two existing
	houses will remain as residential homes) and
	bulk variances for building height (30' permitted
	32.89' proposed), and size of parking spaces
	(9' by 19' permitted, 8' by 18' proposed).
	The proposed primary access will be through
	the easement held by the Owner on the Holy
	Face Monastery property (Lots 23 & 26).

Chrmn Zecchino read into the record a communication received from Frank Carlet, Esq., attorney for the applicant, requesting that the matter be continued since the applicant failed to include a parking variance in its notice to all interested parties.

Since the notice was defective, the Board has no jurisdiction, and Comr George Foukas moved to dismiss the matter without prejudice. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was dismissed without prejudice 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 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 Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ANDREW ZURAWSKI for front yard setback, right and left side yard setbacks, combined side yard setbacks, and lot coverage variances for a second floor addition at 91 Ridgewood Road, Block 55.07, Lot 6, was adopted. RA3

2. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of STEVEN YOUSSEF for a 5 foot setback variance from the existing deck where 10 feet is required to install an above-ground pool in the rear yard at 26 Rosedale Avenue, Block 40.15, Lot 19, was adopted. RA3

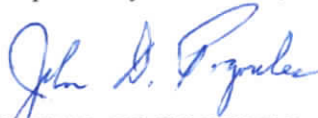
3. Upon motion made by Comr Michael Molner, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of NILESH RAGHA for a rear yard setback variance for a rear sunroom at 80 Luisser Street, Block 65.05, Lot 30.03, was adopted. RA2

4. Upon motion made by Comr Scott Sochon, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of B.I.J.I. HOLDINGS, LLC for left side yard setback and front yard setback variances to erect a second floor addition to the existing dwelling at 473 Highland Avenue, Block 21.04, Lot 05, was adopted. RB2

5. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution ADOPTING the 2020 Annual Report, Clifton Zoning Board of Adjustment, Clifton, New Jersey, prepared by Gregory Associates, LLC, was adopted.

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

MEETING OF APRIL 21, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: UKRAINIAN CULTURAL CENTER OF CLIFTON, INC. for premises known as: 110 Vincent Drive, Block 63.01, Lots 24.01 & 24.02 and Lots 23 and 26

be and the same is hereby: DISMISSED WITHOUT PREJUDICE for defective notice.

Comr George Foukas moved to dismiss the application without prejudice on the basis of the following Resolution:

WHEREAS, the applicant requests re-subdivision, use variances, and bulk variances for a cultural, educational, and social center at premises located at 110 Vincent Drive, Block 63.01, Lots 24.01 & 24.02 and Lots 23 & 26, which premises are located in an RA-1 zone; and

WHEREAS, this matter came on for hearing before the Board; and

WHEREAS, through its attorney, has by written communication indicated that there is a defect in the notice which did not include a parking variance; and

WHEREAS, the Board has heard the opinion of Counsel who stated that the failure to give proper notice divests the Board from its jurisdiction and that the defective notice requires the applicant to re-notice and to start the public hearing from the very beginning; and

WHEREAS, Comr George Foukas made a motion to dismiss the matter without prejudice, which motion was seconded by Comr Scott Sochon and affirmed unanimously by the entire Board;

NOW THEREFORE, BE IT RESOLVED that the application to re-subdivide the property into one single lot and use variance for the proposed use as a cultural, educational, and social center at premises located at 110 Vincent Drive, Block 63.01, Lots 24.01 & 24.02 and Lots 23 and 26, be and the same is hereby dismissed without prejudice for defective notice.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr SCOTT SOCHON.

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