

Minutes of a special meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, December 8, 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 URI JASKIEL, GEORGE SILVA, SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS ZALMAN GURKOV, LOUIS DE STEFANO AND VICE-CHRMN GERARD SCORZIELLO.

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. | A & A LINE WIRE CORP. d/b/a SEABOARD |
| Use | TWINE COMPANY , 195 Allwood Road, |
| Variance; | Block 81.01, Lot 12 – PD-HC – Applicant |
| Variances | seeks site plan approval, bulk variances and a use variance to occupy approximately 12,000 square feet of vacant space in the existing building, which is approximately 22,000 square feet, as a warehouse for the applicant's existing rope and twine wholesale business. Approximately 10,000 square feet of the existing building is currently occupied by a printing business. The applicant further requests and seeks approval of any and all other variances and/or waivers that the Board may deem applicable. |

Alfred V. Acquaviva, Esq., with offices at 1114 Goffle Road, Hawthorne, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Jacob Lach of 29 Liberty Street, Passaic, New Jersey, Principal of the applicant; Michael J. Romanik of 291 Crooks Avenue, Paterson, New Jersey, an architect and planner; and Thomas G. Stearns of GB Engineering, LL, 144 Jewell Street, Garfield, New Jersey, engineer and surveyor. There was one interested party: Harry Maitland, 828 Passaic Avenue, Clifton, New Jersey.

Mr. Acquaviva stated that the applicant requests site plan approval, bulk variances, and a use variance to occupy approximately 12,000 square feet of vacant space in the existing building located at 195 Allwood Road; that the entire building has approximately 22,554 square feet; that the applicant intends to utilize 12,000 square feet as a warehouse for a rope and twine wholesale business with no retail; that approximately 10,000 square feet of the existing building currently is occupied by a printing business.

Jacob Lach testified as a principal of the applicant and stated that his business is the wholesale of rope and twine products; that he lost his lease at 29 Liberty Street in Passaic due to eminent domain by PSE & G and must vacate the premises; that his business is wholesale and no retail; that he requests a drive-thru door with a roll-up gate in the rear of the building that would connect the building's parking lot to the warehouse.

Thomas Stearns testified as an engineer and surveyor and stated that he prepared the site plan and survey of the premises; that he reviewed the requirements set forth on the plan in the PD-HC zone; that there is presently a non-conforming use at the site, and the applicant is intending to utilize 12,000 square feet of vacant space for a rope and twine wholesale business; that he has reviewed the report of Neglia Engineering dated December 1, 2021, and, on behalf of the applicant, agrees to comply with all recommendations set forth therein.

Michael Romanik testified as an architect and planner and stated that he prepared the plans of the building; that improvements include fencing along the southwestern property line, concrete wheel stops, and 10-foot loading door in the rear of the existing building; that the proposed use fits with the nature and character of the surrounding area; that the use variance and bulk variances can be granted without causing a substantial detriment to the public good, and the variances will not substantially impair the intent and purpose of the municipal zoning plan and ordinance; that the site is zoned PD-HC, a planned development highway commercial zone surrounded by a mix of uses, including a hotel to the west, residential to the south, a gas station to the east, and cemetery to the north; that the applicant will comply with the recommendations set forth in the report of the Fire Department dated December 7, 2021.

Mr. Romanik stated that the applicant is seeking a D(2) variance for expansion of a non-conforming use and "C" variances for minimum lot width which is pre-existing, maximum building coverage which is pre-existing, and a parking variance where 21 spaces are required and 9 are proposed and existing; that the applicant has three employees, and there is availability of parking on an adjacent lot as well as street parking; that the site is suitable for the proposed use.

Offered into evidence which was marked "A-1" is an exhibit of four photographs showing aerial view of premises, front of premises, loading dock, and parking.

Harry Maitland, an interested party, stated that he is a neighbor to the rear of the subject premises and is concerned with parking at the site.

After a review of the testimony, Comr Scott Sochon moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution subject to compliance with all recommendations set forth in the Neglia report dated December 1, 2021; and further subject to compliance with all requirements of the City of Clifton Fire Department dated December 7, 2021; and Passaic County Planning Board approval, if required. The motion was seconded by Comr George Silva. Voting in the affirmative were Comrs Uri Jaskiel, George Silva, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino. By a six 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.

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

Respectfully submitted,


JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF DECEMBER 8, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that
the application of:**

A & A LINE WIRE CORP.

d/b/a SEABOARD TWINE COMPANY

for premises known as: **195 Allwood Road, Block 81.01, Lot 12**

**be and the same is hereby: GRANTED site plan approval, bulk variances, and use
variance to occupy approximately 12,000 square feet of vacant space in the existing
building as a warehouse for the applicant's existing rope and twine wholesale
business.**

Testimony concerning the aforesaid application was taken by the Board at a special meeting on December 8, 2021. 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 Scott Sochon moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests site plan, bulk variances, and use variance to occupy approximately 12,000 square feet of space in the existing building at premises located at 195 Allwood Road, Block 81.01, Lot 12, which premises are located in an PD-HC zone; and

WHEREAS, the Board is in receipt of reports from its experts, Gregory Associates, LLC dated November 30, 2021; Neglia Engineering dated December 1, 2021; and the City of Clifton Fire Department dated December 7, 2021; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, the interested party, and the applicant's experts, has made the following factual findings:

a. The applicant requests site plan approval, bulk variances, and use variance to occupy approximately 12,000 square feet of vacant space in the existing building at the aforesaid premises as a warehouse for the applicant's existing rope and twine wholesale business;

b. The existing building has approximately 22,554 square feet, and approximately 10,000 square feet of the existing building is currently occupied as a printing business;

c. Based upon the testimony presented by the applicant's planner and engineer, the applicant has satisfied the positive criteria required for the grant of a use variance since the site is suitable for the proposed use and fits in with the nature and character of the surrounding area;

d. The applicant has satisfied the negative criteria by providing sufficient testimony from the applicant's engineer to indicate that there is parking at the site as well as at an adjacent lot and there is also street parking;

e. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested since they are pre-existing;

f. 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 will occupy a partially vacant building at the site; and

WHEREAS, the Board further finds from the testimony of the applicant's experts that there is sufficient parking at the site which will promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to conduct a rope and twine wholesale business in approximately 12,000 square feet as a warehouse for the

wholesale business at premises located at 195 Allwood Road, Block 81.01, Lot 12, be and the same is hereby approved and the site plan, use variance for expansion of a non-conforming use, and bulk variances for minimum lot width, maximum building coverage, and parking variance be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING:**

A. SUBJECT TO COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF NEGLIA ENGINEERING DATED DECEMBER 1, 2021;

B. SUBJECT TO COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE CITY OF CLIFTON, FIRE DEPARTMENT, REPORT DATED DECEMBER 7, 2021;

C. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED; and

and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. 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.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr SCOTT SOCHON.

Seconded by: Comr GEORGE SILVA.

Affirmed by: Comrs Uri Jaskiel, George Silva, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino.