

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, January 2, 2019. 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 ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, 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.

Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, the Minutes of the December 19, 2018, regular meeting was adopted with the unanimous approval of the entire Board.

#### **REORGANIZATION MEETING**

At the reorganization meeting conducted by the Board, Comr Gerard Scorziello nominated Comr Mark Zecchino for the position of Chairman. The motion was seconded by Comr Scott Sochon. There were no other nominations. Chrmn Zecchino accepted the nomination, and he was unanimously elected as Chairman of the Zoning Board of Adjustment for the calendar year 2019 for a one-year term.

For the position of Vice-Chairman, Comr George Foukas nominated Comr Gerard Scorziello. The motion was seconded by Comr Louis DeStefano. There were no other nominations for the position. Vice-Chrmn Scorziello accepted the nomination, and he was unanimously elected as Vice-Chairman of the Zoning Board of Adjustment for the calendar year 2019 for a one-year term.

#### **CONTINUED HEARINGS**

1. **CLIFTON CHEDER**, 1333 Broad Street, Block 76.01, Lot 5 – B-A – The Applicant  
Use seeks preliminary and final site plan  
Variance; approval and a (D)(3) conditional use  
Variances 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 by the Board to the February 6, 2019, meeting of the Board.

2. **ALI EKINCI/SEMERKEND CULTURAL CENTER,**  
Use 421 Clifton Avenue, Block 12.09, Lot 11 – BA1 –  
Variance; Applicant proposes to use property as a  
Variances 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.

A. William Sala, Jr., Esq., with offices at Country Club Towers, Hepburn Road, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was the applicant, Ali Ekinci of 421 Clifton Avenue, Clifton, New Jersey; and Frank D. Mileto, Planner, of 14 Beaver Brook Drive, Long Valley, New Jersey. There were two objectors, Jim and Kathy Daley of 170 Beverly Hill Road, Clifton, New Jersey.

This is a continued hearing from the meeting of October 17, 2018.

The Board was in receipt of a Police Report dated December 31, 2018, showing 29 crashes over a three year period between Third Street and Second Street.

Mr. Sala reviewed the previous testimony presented to the Board on October 17, 2018; that there are no traffic or parking problems; that the uses of buildings located at 408 and 415 Clifton Avenue are consistent with what the applicant is requesting; that the subject premises will be used on Saturdays for 15 families.

Frank Mileto testified as a planner and stated that a use variance is required for the mixed residential use and cultural center use; that the first floor of the subject premises will be utilized for men; that ladies and children will be in the garage; that the proposed cultural use is almost an inherently beneficial use; that the meetings are on Saturday; that in his opinion, it is not detrimental to the zone plan and zone ordinance.

James Daley, the objector, stated that the proposal represents an overuse of the premises; that he is concerned with traffic congestion; that the applicant will not provide sufficient parking; that he and his wife previously lived at 425 Clifton Avenue for several years and are familiar with the neighborhood.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution, stating that a use variance is required, that the applicant has failed to sustain the burden of proof, that the proposal represents an overuse of the premises. The motion was seconded by Comr Scott Sochon. Voting for denial were Comrs Scott Sochon, Michael Molner, 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 denied 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.

#### **NEW HEARINGS**

1. **JAMES & DAWN ENZE**, 10 Sperling Road, Block 38.02, Lot 5 – RA3 – Applicant proposes to install a 5’ high, solid fence along the rear lot line where a 4’ high, 50% open fence is permitted.

James Enze of 10 Sperling Road, Clifton, New Jersey, was present and sworn. There were no objectors.

Chrmn Zecchino stated that the issue of *res judicata* must be resolved since the applicant previously was denied a 6-foot-high solid fence. Mr. Enze stated that there is a substantial change since the applicant has reduced the size of the fence to a 5-foot-high solid fence. Thereupon, Comr Louis DeStefano moved to hear the matter since there has been a substantial change. The motion was seconded by Comr George Foukas with the unanimous approval of the entire Board. Thereupon, the applicant was instructed to proceed to present his case.

Mr. Enze stated that he proposes a 5-foot-high solid fence along the rear lot line; that a 4-foot-high 50% open fence is permitted; that the purpose of the fence is for privacy and noise reduction from traffic on Valley Road.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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

2. **NAOMI & MICHAEL MOCTON,**  
Variance 6 Annabelle Avenue/13 Patricia Place,  
Block 71.02, Lot 3 – RA3 – Proposed  
second floor addition on a split level  
home requires the following variance:  
1) Front yard (Patricia Place side) setback  
proposed at 16' (existing condition),  
where 25' is required.

The applicants, residing at 6 Annabelle Avenue, Clifton, New Jersey, were present and affirmed to give testimony. There were no objectors.

Mr. Mocton testified that the applicants request a second floor addition on a split level home; that the front yard which is on the Patricia Place side setback is 16 feet and is a pre-existing condition; that the setback requirement is 25 feet; that the proposed setback is consistent with the neighboring properties along Patricia Place.

After a review of the testimony, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

3. **JHONNY A BALTAZAR,** 97 Clinton Avenue,  
Variances Block 12.22, Lot 2 – RB1 – Applicant proposes  
to build a small addition on the right side of  
the home for a separate entrance to the  
second floor apartment. The following  
variances are required:  
1) Right side yard proposed at 3' where  
12' is required.  
2) Existing nonconforming lot width and  
area.  
3) Combined side yards are 16.3' where  
24' is required.

Jhonny A. Baltazar and Natalie Baltazar, residing at 97 Clinton Avenue, Clifton, New Jersey, were present and sworn. There were no objectors.

Mr. Baltazar testified that he requests variance approval to build a small addition on the right side of the home for a separate entrance to the second floor apartment; that the variances requested are the right side yard requirement is 12 feet, and the applicant is proposing 3 feet; that the combined side yard requirement

is 24 feet, and the applicant is proposing 16.3 feet; that the premises in question has an existing, non-conforming lot width and area.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

4. **ANTONIO D'AMATO, 395 Lakeview Avenue, Block 1.22, Lot 14 – B-C – Conversion of the first floor of a two-family home to a Doctor's office requires the following variances:**
- 1) Use variance required for more than one use on the property.
  - 2) Eight parking spaces required and five spaces provided.
  - 3) Proposed parking area does not meet the required 5' setback to the side and rear lot lines, 2'0 and 2'6" proposed.

Luciano D'Amato, residing at 395 Lakeview Avenue, Clifton, New Jersey, was present and sworn. Mr. D'Amato indicated that the applicant, Antonio D'Amato passed away and he, the son, is presenting the application.

Mr. D'Amato stated that the premises in question is currently a two-family dwelling; that the applicant proposes to convert the first floor of the structure to a doctor's office; that a use variance is required for more than one use on the property; that eight parking spaces are required and five parking spaces are provided; that the proposed parking area requires a 5 foot setback for the side and rear lot lines; that the applicant will provide a setback of 2 feet in the rear and a setback of 2.6 feet on the side yard; that there are similar-type conversions in the neighborhood.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

**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, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of KORY M. MALONE for variance to install a 5-foot-high fence, 4 feet solid with 1 foot lattice on top, on the right and left side of the house at 45 Belgrade Avenue, Block 14.15, Lot 6, was adopted. RA3

2. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JAMES & ROBERT EVANS for left side yard and combined side yard variances to erect a second story addition over the existing first floor at 29 Emma Place, Block 43.11, Lot 6, was adopted. RB1

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

**MEETING OF JANUARY 2, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ALI EKINCI/SEMERKEND CULTURAL CENTER for premises known as: 421 Clifton Avenue, Block 12.09, Lot 11 be and the same is hereby: DENIED use variance and bulk variances to use the premises as a cultural center and existing second floor apartment.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 17, 2018, and January 2, 2019. 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, Vice-Chrmn Gerard Scorziello moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant has requested approval to use the premises in question as a cultural center and existing second floor apartment at premises located at 421 Clifton Avenue, Block 12.09, Lot 11, which premises are located in a BA1 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant and the objectors, has made the following factual findings:

- a. The applicant previously received approval from the Board for the first floor of the premises to be utilized as a reading room and the second floor for a residential apartment;
- b. The applicant now requests an expansion to utilize the first floor for a cultural center and the garage as a meeting area;
- c. The applicant is deficient in lot area, front yard setback, side yard setback, and lot coverage;
- d. The proposal requires 28 parking spaces, and the applicant will be providing 2 parking spaces;
- e. The applicant has failed to sustain the burden of proof required for the grant of a use variance;
- f. The applicant has shown no special reasons to justify the grant of a use variance;
- g. The proposal represents a gross overuse of the premises;
- h. The applicant has failed to show hardship concerning the bulk variances required;
- i. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that based upon the testimony of the objectors, the proposal will be detrimental to the health, safety, and general welfare of the neighborhood since there is inadequate parking and the proposal may create traffic congestion;

NOW THEREFORE, BE IT RESOLVED that the application to utilize the premises as a cultural center and an existing second floor apartment at premises located at 421 Clifton Avenue, Block 12.09, Lot 11, be and the same is hereby disapproved and the use variance and bulk variances be and the same are hereby denied.

**Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.**

**Seconded by: Comr SCOTT SOCHON.**

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

**MEETING OF JANUARY 2, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JAMES & DAWN ENZE for premises known as: 10 Sperling Road, Block 38.02, Lot 5 be and the same is hereby: GRANTED variance for a 5-foot-high solid fence along the rear lot line.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 2, 2019. 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 George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to install a 5-foot-high solid fence along the rear lot line at premises located at 10 Sperling Road, Block 38.02, Lot 5, which premises are located in an RA3 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant proposes a 5-foot-high solid fence along the rear lot line;
- b. A 4-foot-high 50% open fence is permitted;
- c. The purpose of the fence is for privacy and noise reduction from Valley Road;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- 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; and

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a 5-foot-high solid fence along the rear lot line at premises located at 10 Sperling Road, Block 38.02, Lot 5, be and the same is hereby approved and the variance be and the same is hereby granted subject to such further governmental approvals as may be required by law.

**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 GEORGE FOUKAS.**

**Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.**

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

**MEETING OF JANUARY 2, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,  
that the application of: NAOMI & MICHAEL MOCTON  
for premises known as: 6 Annabelle Avenue/13 Patricia Place,  
Block 71.02, Lot 3  
be and the same is hereby: GRANTED a front yard setback for a second floor  
addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 2, 2019. 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 Michael Molner moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests front yard setback variance approval for a second floor addition on a split level home at premises located at 6 Annabelle Avenue/13 Patricia Place, Block 71.02, Lot 3, which premises are located in an RA3 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant requests a second floor addition on a split level home;
- b. The front yard setback on Patricia Place is 16 feet;
- c. A 25 foot setback is required;
- d. The proposed setback is consistent with the neighboring properties along Patricia Place;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- 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

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a second floor addition at premises located at 6 Annabelle Avenue/13 Patricia Place, Block 71.02, Lot 3, be and the same is hereby approved and the front yard setback variance be and the same is hereby granted subject to such further governmental approvals as may be required by law.

**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 MICHAEL MOLNER.  
Seconded by: Comr SCOTT SOCHON.  
Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF JANUARY 2, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JHONNY A. BALTAZAR for premises known as: 97 Clinton Avenue, Block 12.22, Lot 2 be and the same is hereby: GRANTED bulk variances for a small addition on the right side of the premises for a separate entrance to the second floor apartment.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 2, 2019. 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 Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for a small addition on the right side of the premises for a separate entrance to the second floor apartment at premises located at 97 Clinton Avenue, Block 12.22, Lot 2, which premises are located in an RB1 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The premises in question is a two-family dwelling;
- b. The applicant proposes an entrance to the second floor apartment by building a small addition on the right side of the home;
- c. The right side yard setback requirement is 12 feet, and the applicant is proposing 3 feet;
- d. The combined side yard setback requirement is 24 feet, and the applicant is proposing 16.3 feet;
- e. The subject premises has an existing, non-conforming lot width and lot area;
- f. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- g. 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

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a small addition to the right side of the premises for a separate entrance to the second floor apartment at premises located at 97 Clinton Avenue, Block 12.22, Lot 2, be and the same is hereby approved and the variance be and the same is hereby granted subject to such further governmental approvals as may be required by law.

**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 LOUIS DE STEFANO.**

**Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.**

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

**MEETING OF JANUARY 2, 2019.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,**  
**that the application of: ANTONIO D'AMATO**  
**for premises known as: 395 Lakeview Avenue, Block 1.22, Lot 14**  
**be and the same is hereby: GRANTED use variance to convert the first floor of a**  
**two-family dwelling to a doctor's office.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 2, 2019. 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 George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval to convert the first floor of a two-family home to a doctor's office at premises located at 395 Lakeview Avenue, Block 1.22, Lot 14, which premises are located in a B-C zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The subject premises is a two-family dwelling;
- b. The applicant proposes to convert the first floor of a two-family dwelling to a doctor's office;
- c. A use variance is required for two uses at the premises;
- d. The applicant has satisfied the positive and negative criteria required for the grant of the use variance;
- e. The applicant provides 5 parking spaces where 8 are required;
- f. There is a 5-foot setback required for side and rear lot lines;
- g. The applicant provides a 2 foot setback in the rear and a 2.6 foot setback on the side;
- h. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- i. There are similar-type conversions in the neighborhood;
- j. 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

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

**NOW THEREFORE, BE IT RESOLVED** that the application to convert the first floor of a two-family dwelling to a doctor's office at premises located at 395 Lakeview Avenue, Block 1.22, Lot 14, be and the same is hereby approved and the use variance and bulk variances be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED.**

**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 GEORGE FOUKAS.**

**Seconded by: Comr MICHAEL MOLNER.**

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