

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, May 1, 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, DANIEL TRENK, LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG, 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 Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the April 17, 2019, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

1. **ELAZAR & HADASSAH GUTTMAN,**
Variance 41 Woodward Avenue, Block 50.11,
Lot 25 – RA2 – Applicant proposes a
rear one-story addition. A variance
is requested for the rear yard setback;
proposed at 30' where 35' is required.

The applicant, residing at 41 Woodward Avenue, Clifton, New Jersey, were present and affirmed to give testimony. There were no objectors.

The applicant proposes a rear one-story addition at the subject premises; that the rear yard setback requirement is 35 feet, and the applicant is proposing 30 feet; that the premises are located on a corner lot; that the applicant has five children and requires additional living space.

After a review of the testimony, Comr Michael Molnar moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the rear yard setback variance. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Michael Molnar, Daniel Trenk, 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.

NEW HEARINGS

1. **ARTUR MIECZYSLAW OLSZANSKI,**
Variances 36 Gould Terrace, Block 51.06, Lot 37
-- RA1 – Applicant proposes an addition
and alteration to the existing home.
The following variances are requested:
1) Left side yard proposed at 8.44'

where 10' is required;
2) Combined side yards are 22.6' where
24' is required.

The applicant, residing at 36 Gould Terrace, Clifton, New Jersey, was present and sworn. There were a number of objectors: William Mullins, 42 Gould Terrace, Clifton; Sandra Mullins, 42 Gould Terrace, Clifton; Gary Palamone as P.O.A. for Lore Palamone; and Mr. and Mrs. Gary Armstrong, 66 Craig Place (names are typed as handwritten on sign-in sheet).

Chrmn Zecchino acknowledged receipt of a communication from the attorneys for the Passaic Valley Water Commission dated May 1, 2018, indicating no objection to the proposed house addition.

The applicant testified that he requires variance approval for an addition and alteration to the existing home for a two-car garage; that he is deficient on the left side yard setback where 10 feet is required, and he is proposing 8.44 feet and there is also a deficiency on the combined side yard setback where 24 feet is required and 22.6 feet is proposed; that the shape of his property is irregular, which constitutes a hardship; that he is seeking a variance for approximately 1½ feet.

In objecting to the application, William Mullins stated that there is not enough room for a two-car garage.

In objecting to the application, Sandra Mullins testified that she has lived at the premises with her husband for approximately 25 years; that the proposed garage is too close to her house; that there is no problem with parking in the area.

In objecting to the application, Gary Armstrong testified that he is concerned about the negative impact of water coming from the subject property onto his property.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution, citing the fact that the applicant has shown sufficient hardship due to the irregular shape of the property for the two variances requested; and further that deficiency is approximately 1½ feet which is *de minimis*. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting in the negative was Comr Roy Noonburg. By a six to one 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.

2. **674 ALLWOOD ROAD REALTY, LLC/
Use DOMINIC IANNARELLA, 678 Allwood Road,
Variance Block 67.03, Lot 8 – RB1 – Applicant has an
existing three-unit apartment building and
proposes to split the first floor apartment into
two smaller units. Currently, the first floor
apartment is 1700 square feet and four
bedrooms. Property is located in an R-B1
Zone which permits one- and two-family
structures. A use variance is requested for
a four-unit building in an R-B1 zone.**

Dominic Iannarella, Esq., with offices at 139 Lakeview Avenue, Clifton, New Jersey, an attorney and owner of the premises, was present and sworn. There were no objectors.

The applicant testified that there exists at the subject premises a three-unit apartment building, and he proposes to split the first floor apartment into two

smaller units; that the first floor apartment is approximately 1,700 square feet with four bedrooms; that the property will be split into two smaller units, 850 square feet with two bedrooms; that the premises are located in an RB1 zone which permits one- and two-family structures; that a use variance is required for the four-unit building in the R-B1 zone; that there is sufficient parking to accommodate the motor vehicles of the occupants; that there will be no change in what is presently at the building.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution, citing the fact that the applicant has sustained the burden of proof to justify the grant of the use variance. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, 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.

3. The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.
- PLJ PROPERTY MANAGEMENT LLC,**
3 Yorkshire Road, Block 52.02, Lot 5
-- RA1 – Applicant proposes a rear yard addition and a second floor addition. The following variances are requested:
1) Rear yard proposed at 16.25' where 35' is required.
2) Existing non-conforming lot area.

Chrmn Zecchino called the matter for hearing, and no one appeared. Thereupon, as a courtesy to the applicant, the matter was continued to the May 15, 2019, meeting of the Board.

RESOLUTIONS

Chrmn Zecchino stated that the Board would act upon the Resolutions set forth on the Agenda.

1. Upon motion made by Comr George Foukas, seconded by Comr Roy Noonburg, 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 AMERICAN ANALYTICAL ASSOCIATION for use variance for residential use in the PD-1 zone and mixed use at 237 Dayton Avenue, Block 4.23, Lot 1.01, was adopted.

2. Upon motion made by Comr Roy Noonburg, 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 PUBLIC SERVICE ELECTRIC & GAS COMPANY for a conditional use variance for a utility installation and bulk variances for building height and side yard setback at 260 Kuller Road, Block 16.01, Lot 40, was adopted.

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

MEETING OF MAY 1, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ELAZAR & HADASSAH GUTTMAN for premises known as: 41 Woodward Avenue, Block 50.11, Lot 25 be and the same is hereby: GRANTED a rear yard setback variance for a rear one-story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 1, 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 a rear yard setback variance for a rear one-story addition at premises located at 41 Woodward Avenue, Block 50.11, Lot 25, which premises are located in a RA2 zone; and

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

- a. The applicant requests approval for a rear, one-story addition at the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 30 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. 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 from the testimony presented that there will be no detriment to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a rear one-story addition at premises located at 41 Woodward Avenue, Block 50.11, Lot 25, be and the same is hereby approved and the rear yard setback variance be and the same is hereby granted subject to such further governmental approvals as may be required by law 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, or as amended.

Resolution moved by: Comr MICHAEL MOLNER.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF MAY 1, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ARTUR MIECZYSLAW OLSZANSKI for premises known as: 36 Gould Terrace, Block 51.06, Lot 37 be and the same is hereby: GRANTED left side yard setback and combined side yard setback variances for an addition and alteration to the existing home for a two-car garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 1, 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 grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for an addition and alterations for a two-car garage at premises located at 36 Gould Terrace, Block 51.06, Lot 37, which premises are located in an RA1 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 proposes an addition and an alteration to the existing home for a two-car garage;
- b. The left side yard setback requirement is 10 feet, and the applicant is proposing 8.4 feet;
- c. The combined side yard setback requirement is 24 feet, and the applicant is proposing 22.6 feet;
- d. The shape of the applicant's property is irregular which constitutes a hardship;
- e. The deficiency of 1 ½ feet is *de minimis*;
- 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 from the testimony presented that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood despite the objections raised by the objectors;

NOW THEREFORE, BE IT RESOLVED that the application for an addition and alterations to existing home for a two-car garage at premises located at 36 Gould Terrace, Block 51.06, Lot 37, be and the same is hereby approved and the variances for left side yard setback and combined side yard setback be and the same are hereby granted subject to such further governmental approvals as may be required by law 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, or as amended.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr LOUIS DE STEFANO.

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

MEETING OF MAY 1, 2019.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: 674 ALLWOOD ROAD REALTY, LLC/
DOMINIC IANNARELLA
for premises known as: 678 Allwood Road, Block 67.03, Lot 8
be and the same is hereby: GRANTED a use variance to convert a three-unit
apartment building to a four-unit apartment building.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 1, 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 an existing three-unit apartment building to a four-unit apartment building by splitting the first floor into two smaller units at premises located at 678 Allwood Road, Block 67.03, Lot 8, 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 subject premises currently is a three-unit apartment building;
- b. The applicant proposes to split the first floor apartment which consists of 1,700 square feet and four bedrooms into two apartments consisting of 850 square feet and two-bedrooms;
- c. A use variance is required for the proposed use in the RB1 zone;
- d. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- 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 since the structure currently exists, and there will be no change in the exterior of the building; and

WHEREAS, the Board further finds from the testimony presented that there is adequate parking to accommodate the occupants of the building which will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to convert a three-unit apartment building into a four-unit apartment building at premises located at 678 Allwood Road, Block 67.03, Lot 8, be and the same is hereby approved and the use variance be and the same is hereby granted subject to such further governmental approvals as may be required by law 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, or as amended.

Resolution moved by: Comr GEORGE FOUKAS.
Seconded by: Comr MICHAEL MOLNER.
Affirmed by: Comrs Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Michael Molner, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.