

Minutes of a special meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, February 23, 2022. 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, LOUIS DE STEFANO, AND CHRNMN MARK ZECCHINO.

ABSENT: COMR ZALMAN GURKOV AND VICE-CHRNMN GERARD SCORZIELLO.

EXCUSED: COMR GEORGE FOUKAS.

Chrmn Zecchino advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

NEW HEARING

1. **CLIFTON IL, LLC, 782, 784, 810 & 818 Valley**
Subdivision; Road, Block 24.01, Lots 11, 14, 15 & 18 – R-A1
Use & Steep Slope – This is an application to construct
Variance; a fifty (50) unit senior citizen apartment project on
Variances proposed and expanded Lot 14 in Block 24.01.
This would replace the proposed 31 unit senior
citizen apartment building previously approved
by the Board of Adjustment to be constructed on
Lot 14. The application would include a
subdivision to divide parts of Lot 15 and 18
from the existing lots and add those two
sections to existing Lot 14. The application
would include a request for the following:
 1. A D1 Use Variance use not permitted in the zone.
 2. A D5 Density Use Variance (7 dwelling units permitted, 13.25 dwelling units proposed).
 3. A D6 Height Variance for a height higher than 10% of the permitted height in the zone (41'5" proposed, 30' permitted).For bulk variances as follows:
 1. Maximum impervious lot coverage as follows:
 - a. in the 15% slope area, 30% permitted, 47.2% proposed;
 - b. in the 15.1% to 25% slope area, 25% permitted, 48.8% proposed;
 - c. in the 25.1% to 30% slope area, 25% permitted, 25.3% proposed;
 - d. in the over 30% slope area 0% permitted, 2.4% proposed.

2. Maximum impervious coverage, 0% permitted, 12.6% proposed.

3. Excavation in slopes in excess of 30%.

4. Uppermost point of a cut slope higher than the top of the nearest downhill structure or building; and

A waiver is required for the number of parking spaces as provided per RSIS (68 spaces proposed, 79 spaces required), but the application far exceeds the number of spaces required by the Zoning Ordinance (17 spaces required, 68 spaces provided).

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Tung-To Lam, P.E. Bohler Engineering, 30 Independence Boulevard, Warren, New Jersey; Douglas J. Coleman, AIA, PP, Architect, of King George Plaza, 266 King George Road, Warren, New Jersey; Michael F. Dwyer, LLA, RLA, of Bohler Engineering, Assistant Project Manager, 30 Independence Boulevard, Warren, New Jersey; Peter Steck, P.P., Planner, 80 Maplewood Avenue, Maplewood, New Jersey; and John Harter, P.E., of Atlantic Traffic & Design, 30 Independence Blvd., Warren, New Jersey. Also present and sworn on behalf of the application was Roger Bernier of 316 South Avenue, Fanwood, New Jersey, the property owner of the premises next door. Also present in objecting to the application were the following: Michael Sica, 2 Pebble Road, Woodland Park, New Jersey; and Alessia Eramo, 35 Merrill Road, Clifton, New Jersey.

Mr. Carlet stated that a 31-unit senior citizens independent living facility was approved by the Board on September 4, 2019, for Lot 14; that Lot 11 presently consists of an assisted living facility approved by the Court; that the applicant proposes to re-subdivide the property; that the new application will eliminate the prior approval; that the applicant proposes a 50-unit building for independent living for age 62 and up with proposed new parking facilities; that the applicant will give a conservation easement to the City of Clifton so that nothing can be built above it up the mountain slope.

Douglas J. Coleman testified as an architect and stated that he prepared the architectural plans submitted to the Board for a three-story 15,841 square foot building; that the proposal calls for 50 residential units totaling 56 beds; that there will be 68 parking spaces, including three ADA parking spaces; that the plans show the ground level floor plan, the second level floor plan, the third level floor plan, and the front/rear elevation and the side elevations; that access to the site will be through a connecting driveway on Lot 11.

Mr. Coleman addressed questions from objectors Michael Sica and Alessia Eramo.

The following were offered into evidence:

“A-1” is an aerial plan;

“A-2” is a Site Plan for the previous approval; and

“A-3” is a Site Plan for the proposal.

Tung-To Lam testified as to “A-1” which is an aerial plan prepared by Bohler Engineering dated July 13, 2021, and stated that the applicant requests approval to subdivide a portion of the property owned by St. George Greek Orthodox Church and merge the subdivision portion with the existing Lot 14; that as to “A-2,” Lot 14 was previously approved for a 31-unit senior citizen apartment development by the Board;

that Lot 11 assisted living facility is unchanged and the driveway is unchanged; that the new Lot 14 will contain the independent living facility.

Mr. Lam continued to testify as to "A-3" the site plan of the proposal; that there is proposed a cross connection between the existing assisted living facility and independent living facility by way of a dedicated easement; that there is proposed a cross connection between the Church and the independent senior living facility; that this application requires a height variance for the proposed independent living facility; that permitted is 30 feet and 2 stories, and proposed is 41.42 feet and 3 stories; that variances were eliminated from the previous approval; that a use variance is required for the senior living facility since the property is in a RA1 zone; that there is a density variance required for 50 units; that 68 parking spaces are proposed; that there were many challenges to the design due to the topography, and he testified as to elevations, landscaping and plantings, lighting with LED proposed, and a new storm water design compliant with new DEP standards with catch basins and porous pavement.

Mr. Lam addressed questions from objectors Michael Sica and Alessia Eramo.

Michael Dwyer testified as the Assistant Project Manager; he referred to the landscape plan and testified with respect to the present trees, plantings, and existing conditions at the site and the proposed landscaping; the types and sizes of the proposed tree plantings; deciduous tree plantings; deciduous and evergreen shrub plantings; ground cover and grasses; and tree and landscape placement in relation to the slope, wall, and canopy.

Mr. Dwyer addressed questions from objectors Michael Sica and Alessia Eramo.

John Harter testified as a traffic expert; that he did not prepare a traffic study because of the low number of trip generations and the consolidation of access; he provided a narrative as requested by Neglia Engineering with respect to anticipated vehicle trip generation and vehicle and pedestrian access as well as vehicle maneuvering; that the trip generations are very low for senior adult housing as per the Institute of Transportation Engineers standards; that the peak hours would be on a Sunday; that the demand for parking is acceptable at the site.

Mr. Harter addressed questions from objectors Michael Sica and Alessia Eramo.

Offered into evidence "A-4" which is as follows:

Page No. 1 are locations of the subject properties and characteristics of the RA1 zone;
Page No. 2 which are three photographs viewing Lot 18, Lot 15, and Lot 11;
Page No. 3 which are three photographs viewing Lot 14 and Lot 15;
Page No. 4 which shows the City of Clifton 2003 Master Plan showing existing land uses and the land use plan.

Mr. Steck testified as a planner and stated that he was familiar with the zoning ordinance, master plan, application, and prior applications on this property; that the fronts of the lots are already developed; that this is an integrated project in several ways, to wit: staff, driveway access, parking, physical and linkage of independent living to assisted living; he testified as to the photographs and illustration in Exhibit "A-4."

Mr. Steck continued to testify regarding the master plan and subsequent re-examinations by the City; that senior citizen housing has always been encouraged and is a goal of the master plan; that the property is in an RA1 zone which is intended for single-family dwellings, even though there are not many single-family dwellings in this zone; that the applicant requires relief from the single-family zone and steep slope ordinance requirements since a multi-family use is not permitted; that the proposal is a specialized

multi-family dwelling; that with respect to density, the people per acre as opposed to dwelling units per acre density is minimal for this use; that the height variance is for residential site improvement standards.

In conclusion, Mr. Steck testified that the purposes of the Municipal Land Use Law are advanced; that the application encourages the most appropriate use for the public welfare, sufficient space for development, and encouraging senior citizen housing; that particular site suitability can be demonstrated; that site suitability is established for this concentrated development on a largely disturbed lot; that the site is sharing the same campus as the next door site; that this building stays away from the crest of the mountain; that with respect to negative criteria, the application can be approved without substantial detriment to the public good and no substantial detriment to the zone plan or zoning ordinance; that in consideration to the single-family zone district, this district is not single-family in character; that the applicant is preserving the steep slope because of the contiguous areas and protection by easement; that it is a specialized type of use, measured in people per acre and not use; that the property is on a collection street, not a side street; that the Master Plan supports this type of housing at the site; that the application satisfies the positive and negative criteria and is an inherently beneficial use; that the Board previously approved a building of similar height in the past; that the height variance is required for reasonable services for senior citizens such as elevators, ambulatory issues, combined services within the building for its residents; that the height is well below the ridgeline and is comparable with the other uses in the area.

Mr. Steck addressed questions by objector Alessia Eramo.

At this point in the hearing, the Board continued the matter to the March 2, 2022, regular meeting of the Board.

There being no further business before the Board, Comr Scott Sochon 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