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, December 18, 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 Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, the Minutes of the December 4, 2019, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

1.	**LOUIS REYNOLDS**, 32 Fordham Road,
Variances	Block 26.05, Lot 24 – RA3 – Applicant proposes to install a fireplace within the house and the chimney would be 5.2' from the right side lot line where 6' is required. A new detached garage is proposed on an existing concrete slab. Garage will be 2.9' from the left side lot line where 5' is required.

This matter was previously carried to the January 9, 2020, meeting of the Board.

NEW HEARING

1. **MARTIN AND DANA GOTTESMAN,**

Variance — 48 Cresthill Avenue, Block 58.13, Lot 58 – RA3 – Applicant proposes a small (32 sq. ft.) rear addition. A variance is requested for combined side yard setback proposed at 13.71' where 16' is required. A variance was granted for right side yard setback for a rear addition on 11/17/2010.

The applicant, Dana Gottesman, residing at 48 Cresthill Avenue, Clifton, New Jersey, was present and affirmed. There were no objectors.

Mrs. Gottesman stated that she proposes to erect a 32-square-foot rear addition; that she requires a variance for combined side yard setback where 16 feet is required and she is proposing 13.71 feet; that the Board previously granted a right side yard setback variance for a rear addition on November 17, 2010.

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 for approval. 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.

RESOLUTIONS

Chrmn Zecchino announced that the Board would act upon the Resolutions set forth on the Agenda:

1. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and

Chrmn Mark Zecchino, the Resolution GRANTING the application of STEVEN YALKAB for front yard setback variance to construct an open front porch and second floor addition at 83 Runyon Road, Block 41.07, Lot 10, was adopted.

2. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of MEADOWLANDS ATHLETIC CENTER d/b/a MEADOWLANDS STARZ to use an industrial space for manufacturing of floor equipment, DJ rentals for cheer competitions, and 1 on 1 and group/team instruction of tumbling/ cheerleading at 316 Colfax Avenue, Unit C, Block 28.02, Lot 17, was adopted.

3. Upon motion made by Comr Louis DeStefano, seconded by Comr Roy Noonburg, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING JOHN D. POGORELEC, ESQ., as Counsel Secretary to the Clifton Zoning Board of Adjustment for the calendar year 2020, was adopted.

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Roy Noonburg, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING GREGORY ASSOCIATES, LLC, KATHRYN M. GREGORY, PP, AICP, as Principal Planner to the Clifton Zoning Board of Adjustment for the calendar year 2020, was adopted.

5. Upon motion made by Comr Roy Noonburg, seconded by Comr George Foukas, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Engineer to the Clifton Zoning Board of Adjustment for the calendar year 2020, was adopted.

6. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Landscape Architect to the Clifton Zoning Board of Adjustment for the calendar year 2020, was adopted.

7. Upon motion made by Comr Scott Sochon, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as

its Traffic Consultant to the Clifton Zoning Board of Adjustment for the calendar year 2020, was adopted.

8. Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING DR. BRUCE A. EISENSTEIN as its Cell Tower/Telecommunications Expert to the Clifton Zoning Board of Adjustment for the calendar year 2020, was adopted.

9. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Roy Noonburg, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING LAURA A. CARUCCI, C.S.R., R.P.R., LLC as its Certified Shorthand Reporter to the Clifton Zoning Board of Adjustment for the calendar year 2020, was adopted.

There being no further business before the Board, Comr Louis DeStefano moved to adjourn. The motion was seconded by Vice-Chrmn Gerard Scorziello with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF DECEMBER 18, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MARTIN AND DANA GOTTESMAN
for premises known as: 48 Cresthill Avenue, Block 58.13, Lot 58
be and the same is hereby: GRANTED a combined side yard setback variance for a rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 18, 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 as aforesaid for a combined side yard setback to erect a rear addition at premises located at 48 Cresthill Avenue, Block 58.13, Lot 58, which premises are located in a RA3 zone; and

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

a. The applicant received variance approval for a rear addition on November 17, 2010, and said testimony and Resolution is incorporated herein by reference and made a part hereof;
b. The applicant proposes a 32-square-foot rear addition;
c. A side yard setback variance is requested where 16 feet is required, and the applicant is proposing 13.71 feet;
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 32-square foot rear addition at premises located at 48 Cresthill Avenue, Block 58.13, Lot 58, be and the same is hereby approved and the combined side 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; 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 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.